



AMERICAN SOCIETY OF NOTARIES

MONTANA

RECORDBOOK—REQUIRED

State-Specific Recordbook Requirements - Revised October 2009

ASN recommends that ALL notaries use a recordbook of notarial acts. Notaries in several states are required to use a recordbook (also called a register or journal). Please review the following statutes as your state either requires the use of a recordbook OR has specific guidelines you must adhere to if you choose to use a recordbook (if not required by state law). You may print this document for your records.

TITLE 1. GENERAL LAWS AND DEFINITIONS

CHAPTER 5. PROOF AND ACKNOWLEDGMENT OF INSTRUMENTS NOTARIES PUBLIC

Part 4. Notaries Public

1-5-416. Powers and duties.

(1) A notary public shall:

(c) whenever requested and upon payment of the required fees, make and give a certified copy of any record kept or that originated in the notary public's place of employment;

(g) keep and maintain an official notary journal recording the details of each notarial act performed, including the date, the type of notarial act, the type of document, the date of the document, the name, address, and signature of the individual for whom the notarization was performed, the type of identification used, and any other information prescribed by the secretary of state.

1-5-419. Transfer of records upon termination of office.

(1) A notary public, upon resignation or removal from office or at the expiration of the notary public's term if the notary public is not reappointed, or, in case of the notary public's death, the notary public's legal representative shall:

(a) transfer in a timely manner all the journals kept by the notary public to the office of the county clerk and recorder of the county in which the notary public was a resident; and

(b) destroy the notary's official stamp and seal.

(2) A knowing failure to take the actions prescribed in subsection (1) makes the offending person liable for damages to any person injured by the failure.