

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 1375
Judiciary II Committee Substitute Adopted 7/11/06

Short Title: Notary Public Corrections.

(Public)

Sponsors:

Referred to:

May 16, 2006

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE NOTARY PUBLIC
ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION,
AND TO MAKE OTHER CORRECTIONS TO SESSION LAW 2006-59.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 10B-20(l) reads as rewritten:

"(l) A notary public required to comply with the provisions of ~~subsection (g)~~
subsection (i) of this section shall prominently post at the notary public's place of
business a schedule of fees established by law, which a notary public may charge. The
fee schedule shall be written in English and in the non-English language in which the
notary services were solicited and shall contain the notice required in subsection (i) of
this section, unless the notice is otherwise prominently posted at the notary public's
place of business."

SECTION 2. G.S. 10B-68, as enacted in Section 24 of S.L. 2006-59, reads
as rewritten:

"§ 10B-68. Technical defects cured.

(a) Technical defects, errors, or omissions in a notarial certificate shall not affect
the sufficiency, validity, or enforceability of the notarial certificate or the related
instrument or document. This subsection applies to notarial certificates made on or after
December 1, 2005.

(b) Defects in the commissioning or recommissioning of a notary that are
approved by the Department are cured. This subsection applies to commissions and
recommissions issued on or after December 1, 2005.

(c) As used in this section, a technical defect includes those cured under
G.S. 10B-37(f) and G.S. 10B-67. Other technical defects include the absence of the
legible appearance of the notary's name exactly as shown on the notary's commission as
required in ~~G.S. 10B-20(b) and defects in the commissioning or recommissioning of the
notary that were approved by the Department under this Chapter.~~ G.S. 10B-20(b). This
subsection applies to notarial certificates made on or after December 1, 2005."

1 **SECTION 3.** G.S. 47-41.2, as enacted in Section 31 of S.L. 2006-59, reads
2 as rewritten:

3 **"§ 47-41.2. Technical defects.**

4 (a) Technical defects, including technical defects under G.S. 10B-68, and errors
5 or omissions in a form of probate or other notarial certificate, shall not affect the
6 sufficiency, validity, or enforceability of the form of probate or the notarial certificate or
7 the related instrument or document. A register of deeds may not refuse to accept an
8 instrument or document for registration because of technical defects, errors, or
9 omissions in a form of probate or other notarial certificate. This subsection applies to
10 notarial certificates and forms of probate made on or after December 1, 2005.

11 (b) This section does not apply to the requirements for registration contained in
12 G.S. 47-14(a) and a register of deeds shall not accept for registration an instrument that
13 does not comply with the requirements of G.S. 47-14(a)."

14 **SECTION 4.** Section 33 of S.L. 2006-59 reads as rewritten:

15 **"SECTION 33.** G.S. 10B-11(b)(3) as amended in Section 5 of this act becomes
16 effective July 1, 2006. G.S. 10B-99, as enacted in Section 24 of this act, is effective
17 when this act becomes law. The remainder of this act becomes effective October 1,
18 2006, and except as otherwise set forth in this act, applies to notarial acts performed on
19 or after that date."

20 **SECTION 5.** G.S. 10B-68(a) and (b), as enacted in Section 24 of S.L.
21 2006-59, and as amended in Section 2 of this act, become effective July 1, 2006.
22 G.S. 47-41.2, as enacted in Section 31 of S.L. 2006-59, and as amended in Section 3 of
23 this act, becomes effective July 1, 2006. Section 1 of this act becomes effective October
24 1, 2006. The remainder of this act is effective when it becomes law.