

GENERAL NOTARY QUESTIONS

1. **Q. How do I become a notary in Hawaii?**
A. You must: 1) fill out an application (make sure to have it properly notarized before submitting); 2) have your application approved; 3) pass a written examination; 4) provide a \$1,000 surety bond to the satisfaction of the State; and 5) pay all applicable fees.

2. **Q. Where can I obtain an application and a notary public manual?**
A. By calling the Notary Public Program (“NPP”) at the Department of the Attorney General at (808) 586-1216 or printing the application and manual from the NPP’s website <http://www.hawaii.gov/ag/notary>.

3. **Q. Where can I get a surety bond?**
A. From an insurance company or surety bond company licensed in the State of Hawaii.

4. **Q. Where is the NPP and when is the NPP open?**
A. Department of the Attorney General
Notary Public Program
425 Queen Street
Honolulu, Hawaii 96813

Monday through Friday, 7:45 a.m. to 12 noon. However, occasionally our office may be closed for the day or closed earlier than the time specified, so please call ahead at (808) 586-1216. (If you are dropping off a notarial seal, notarial book(s), resignation forms, or application or renewal forms, you may simply leave them with the receptionist before 4:00 p.m.)

5. **Q. When and where is the written examination administered?**
A. For Oahu applicants:
The notary examination is given at least once a month. After your application is processed and approved, you will receive a notice two to three weeks prior to the examination date, with the place, date, and time the examination will be administered.

For Maui and Kauai applicants:
The examination is given at least once a quarter. After your application is processed and approved, you will receive a notice two to three weeks prior to the examination date, with the place, date, and time the examination will be administered.

For Big Island applicants:
The examination is scheduled and given periodically by the following offices. When we notify you that your application has been approved, we will provide a name and phone number for you to call to schedule the examination.

Hilo applicants:

Department of the Attorney General
Family Law Division
101 Aupuni Street, Suite 320
Hilo, Hawaii 96720-4246

Kailua-Kona applicants:

Department of the Attorney General
Family Law Division
77-6399 Nalani Street, #101
Kailua-Kona, Hawaii 96740

6. **Q. On Oahu, where do I park and do you validate?**
A. Unfortunately, we do not provide parking and we do not validate parking. Parking is available at the Makai Garage (530 Halekauwila Street, \$1.00 per hour, first 2 hours, \$2.00 per hour after 2 hours) across from the State of Hawaii First Circuit Court, Kaahumanu Building, at Restaurant Row located at Waterfront Plaza (500 Ala Moana Boulevard, \$3.00 per half-hour). There is also metered parking along Punchbowl Street.
7. **Q. I took the written examination last week and did not hear anything from the NPP yet, and I am interested in knowing whether I passed or failed. Should I call for my results?**
A. Please do not call the NPP for examination results. You will receive a written notice in the mail within 30 calendar days of the examination informing you of your test results and instructions on what to do next.
8. **Q. How long is the term of a Hawaii notary public commission?**
A. Four years.
9. **Q. Do I need to file anything at the Circuit Court?**
A. You must file:
1. a photocopy of your commission;
 2. an impression of your notary seal and specimen of your official signature; and
 3. the original bond which has to be approved by a Judge of the Circuit Court in the circuit in which you reside before you can begin notarizing documents.
10. **Q. I have documents that are going overseas. Can I get them certified or authenticated at the NPP?**
A. No. Only the Office of the Lieutenant Governor may do so. You may call that office at (808) 586-0255 for more information or view its website at <http://hawaii.gov/lsgov/office/apostilles>.
11. **Q. Can I notarize in another state or country?**
A. No. You are ONLY commissioned to notarize in the State of Hawaii; therefore, you can only perform duties in the State of Hawaii, which includes the first circuit (Oahu), second circuit (Maui), third circuit (Hawaii), and fifth circuit (Kauai).

12. **Q. Can I notarize documents from another state or country?**
A. Yes, if you ensure the signer is present and properly identified. Please see the next question regarding documents in foreign languages.
13. **Q. Should I notarize a document in a foreign language?**
A. Only if you have a thorough understanding of the foreign language in which the document is written. Also, you should not notarize a document written in English if the parties to the document who appear before you do not appear to speak, read, or understand English. You should refer the parties to a notary who speaks the foreign language, or to the foreign consulate, or to an attorney. (You may call the NPP for a listing of bilingual notaries.)
14. **Q. Should I notarize a document that has corrections or erasures?**
A. If there are changes to the document, you should call them to the attention of the person whose signature on the document is being acknowledged. If the person approves the changes, you should place your initials in the margin of the document next to each erasure or change. It is advisable to have the person to whom the document pertains place the person's initials by each change also.
15. **Q. What type of identification (ID) is required in order to notarize a document, and does the ID have to be valid?**
A. The ID must be a current ID card or document issued by the United States, this State, or any other state, or a national government that contains the bearer's photograph and signature (e.g., a driver's license, state ID, military ID, or a passport).
16. **Q. The person presenting the document looks like the picture on the person's ID, but the name on the document does not match the name on the person's ID. What should I do?**
A. You should not notarize the document. You must satisfy yourself that the person appearing before you is the person identified in the document.
17. **Q. A couple appeared before me (both of whom were required to sign a document) and only the husband presented me with a valid ID. His wife did not have an ID with her, but the husband vouched for her. Can I notarize the document?**
A. You may notarize for the husband only if there are two separate acknowledgments. If there is only one acknowledgment, then you may ask them to come back another time with both their IDs. A notary must be satisfied of the identity of each person appearing before the notary. Please refer to question #15 for acceptable forms of identification.
18. **Q. Five years ago, a notary notarized a document with my parents' signature, but my parents swear they don't recall signing any such document and have never met this particular notary. Wouldn't my parents have to sign the notary's notarial record book, if indeed my parents appeared before the notary?**

- A. Yes. Every notary must record at length in a book of records all acts, protests, depositions, and other things by the notary noted or done in the notary's official capacity. For each official act, the notary must enter in the book:
1. the type, date, and time of day of the notarial act;
 2. the title or type and date of the document or proceeding;
 3. the signature, printed name, and address of each person whose signature is notarized and of each witness;
 4. other parties to the instrument; AND
 5. the manner in which the signer was identified.
19. **Q. Can I look at the notary's record book? What is the procedure?**
A. Yes. You may view the notary's notarial record books by first sending to the NPP a written request with any information you may have, such as the name of the notary public, the type of transaction, the date, and the signer's name. Depending upon the date of the record book, the record book may be in storage or still in the possession of the notary. Once we have all the information, we will check our records for the particular notary public.
20. **Q. A lady came with a photocopy of a Power of Attorney to have a document notarized on behalf of her parents. Can I notarize her documents?**
A. No. She must present you with an original or certified copy of the Power of Attorney. (Make sure the document states on the Power of Attorney that she has the power to exercise on behalf of her parents.)
21. **Q. Can I certify a copy of a birth certificate, marriage certificate, or a passport?**
A. No, you may not.
22. **Q. When do I use a jurat and when do I use an acknowledgment?**
A. For an acknowledgment, the notary certifies that the signer personally appeared before the notary. The signer is positively identified and acknowledges signing the document of the signer's own free act and deed.
- For a jurat, the notary certifies that the signer personally appeared before the notary. The signer is positively identified and, after signing the document in the notary's presence, takes an oath or affirmation that the statements contained in the document are true.
23. **Q. The document I am being asked to notarize has no place on the document to do the notarization. What should I do?**
A. If there is no room on the document to do the notarization, or to evidence the acknowledgment or jurat with a certificate as specified in § 5-11-8, Hawaii Administrative Rules (“HAR”), indicate on the signature page that there is a notarization and a notary certification on the next page, such as by typing: "Notary Certificate on next page."
24. **Q. What should I do if I change my address or employer?**
A. You must notify the NPP in writing of any change in your address or employment within 30 days of the change, along with a change of address/employment form that can be obtained from the NPP website. For change of employment, you must

also include a letter of justification from your new employer stating why your new employer wants you to continue your notary commission, the types of documents and approximate number of transactions expected to be performed each month, and that you are aware that you are a general notary and will have to serve the general public. For change of address, you must state old and new addresses of your residence, if there is a change in your residence address; the old and new addresses of your business, if there is a change in your business address; and the effective date of such address change.

25. **Q. I recently got married/divorced, and my last name has changed. What should I do?**
- A.** You must submit to the NPP a name change form, which you can obtain from the NPP website, along with copies of the legal documentation (e.g., marriage certificate, divorce decree, or name change) reflecting your name change.
26. **Q. My commission will expire soon. How do I renew my commission?**
- A.** A renewal application is mailed out to each Hawaii notary public approximately two months prior to the notary's expiration date. Note: it is important that notaries public keep the NPP updated with any address changes, as we will mail each renewal application to the address we have on record. The commission of a notary public is forfeited if the notary public knowingly fails to submit a completed renewal application, pay the renewal fee, or complete the processing and filing of a commission for renewal by the date of expiration of the notary public's commission. A failure to renew shall be deemed knowingly if notice of renewal is sent to the last address on file for the notary public and the notary public fails to complete all these requirements. Any person seeking to restore the person's forfeited commission more than one year from the date of expiration of the commission shall reapply as a new applicant for a notary public commission.
27. **Q. My commission expires tomorrow, but I haven't turned in my renewal application form. If I turn it in today, will my new commission be ready tomorrow? Can I continue to notarize?**
- A.** No, for both questions. Renewal application forms may take approximately one to two weeks to review and process. Once your renewal application has been approved, the NPP will send you a notice with instructions for the next step, which is to obtain your surety bond. The NPP will then mail you a letter informing you to come and pick up your commission papers (Oahu notaries only; the NPP will mail neighbor island notaries their commission packets). After you pick up or receive your notary commission papers, you must take them to the circuit court to be filed and approved. For your information, there is a waiting period of approximately ten days for approval of the bond by the judge. Because renewal applications are mailed out approximately two months prior to your expiration date, we suggest that once you receive it, you immediately complete the application and return it, along with the \$40.00 renewal fee so that there will not be a lapse of time between your notary commission terms. Any notarial act performed after the termination, revocation, or suspension of a commission subjects the notarial act to questions or contest of validity.

28. **Q. How do I resign as a notary public?**
A. You officially resign and your notary public commission is considered surrendered after you submit to the NPP: 1) a resignation letter; 2) all of your notarial record books; and 3) your notary seal for defacement.
29. **Q. As a general notary public, I know that I am to be available for the good and convenience of the general public for notarizations. May I ever refuse or decline to notarize a document?**
A. As a notary public, you may refuse or decline to notarize a document or documents if:
1. there are any laws or rules that may be violated;
 2. you have reason to believe that the document contains deceptive or fraudulent information;
 3. the signer does not have a valid ID;
 4. there are blank spaces in the document and the signer tells you that they will be filled out after notarization;
 5. the signer appears to not understand what the signer is signing; or
 6. the signer is being pressured or coerced into signing the document.
30. **Q. Where can I find information and laws regarding notaries public in the State of Hawaii?**
A. Information and laws can be found in the following sources:
1. Chapter 456, Hawaii Revised Statutes ("HRS"), as well as HRS §§ 502-46, 502-48 to 502-84, 603-1, 621-12, and 621-13; HAR Chapter 5-11; and Act 175, 2008 Haw. Sess. Laws. Links to most of these laws are accessible through the NPP website;
 2. the Notary Public Manual, which is also accessible through the NPP website; and
 3. the "Hawaii Law Primer" published by the National Notary Association.
31. **Q. What is "authentication"? What is an "apostille"?**
A. Authentication is the process of proving the "genuineness" of a notary public's official seal and signature.

For documents sent out of the state: When documents that are notarized in the State of Hawaii are then sent to another state or U.S. jurisdiction, proof may be required to show that the notary's seal and signature are genuine and that the notary had authority to act (i.e. the notary had a valid notary commission) at the time of notarization of the document. In Hawaii, one proves the genuineness of a notary's notarization by attaching an "authenticating certificate" obtained from the court to the document certifying that the notary's seal and signature are genuine. Authentication is accomplished by comparing the notary's seal on the document in question with the notary's specimen card that is on file at the circuit court where the notary resides.

For documents sent out of the country: Notarized documents to be sent out of the country may require a "chain of authentication process" whereby certificates need to be obtained from a Circuit Court Clerk and the Office of the Lieutenant Governor. In addition, it may be necessary to obtain separate authenticating certificates from the U.S. Department of State as well as ministries of the foreign nation to which the document(s) is/are being sent.

An apostille is a special authenticating certificate issued by the Office of the Lieutenant Governor, which is necessary to ensure the acceptance of a document's notary seal and signature of the notary notarizing the document. Nations that subscribe to the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents Treaty, require an apostille for notarial acts.

Apostilles may be obtained from the Office of the Lieutenant Governor by specifically requesting one and indicating to which nation the document will be sent. The Office of the Lieutenant Governor requires that a circuit court authenticating certificate be attached to the document prior to requesting an apostille. To request an apostille, contact the:

Office of the Lieutenant Governor
State Capitol, 5th Floor (415 South Beretania Street)
P.O. Box 3226
Honolulu, Hawaii 96801
Telephone: 1-808-586-0255
Websites: <http://hawaii.gov/ltgov/contact>
<http://hawaii.gov/ltgov/office/apostilles>

32. **Q. If I have notarized an original document, and also several copies of that same document, must I make a separate journal entry for each copy I notarized, in addition to the original?**
- A.** This Question is governed by Section 456-15, Hawaii Revised Statutes, entitled **Record; copies as evidence**, which states:

"Every notary public shall record at length in a book of records all acts, protests, depositions, and other things, by the notary noted or done in the notary's official capacity. For each official act, the notary shall enter in the book:

- (1) The type, date, and time of day of the notarial act;*
- (2) The title or type and date of the document or proceeding;*
- (3) The signature, printed name, and address of each person whose signature is notarized and of each witness;*
- (4) Other parties to the instrument; and*
- (5) The manner in which the signer was identified."*

This means that **each** notarial act, **including notarizations of multiple copies of the same document**, must be individually recorded in the notary public's record book, without exception. There is no provision for failing to record the full details of each notarization for the sake of convenience, even if the instruments notarized are copies of an original.

33. **Q. Hawaii Administrative Rules mentions the National Notary Organization's Code of Professional Responsibility. How do I find this Code?**
- A.** The National Notary Organization's Code of Professional Responsibility can be found at the following website:
http://www.nationalnotary.org/reference_material_and_publications/code_of_responsibility/index.html.