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FREQUENTLY ASKED QUESTIONS ABOUT THE NEW NOTARY RULES

QUESTION 1: Why wasn't I individually notified before the new rules went into effect?

ANSWER: The new rules were adopted in accordance with the Hawaii Administrative Procedure Act, Haw. Rev. Stat. Ch. 91. Notices of the public hearing describing the new rules were published in five newspapers of general circulation on June 24, 2021 in the Honolulu Star-Advertiser, The Garden Isle, Hawaii Tribune Herald, West Hawaii Today, and The Maui News, as well as on our website before Chapter 5-11, Hawaii Administrative Rules (HAR), went into effect. The Notary Office also emailed all notaries and prospective notaries on June 23, 2021. The duly noticed public hearing concerning the rules was held via Zoom on July 29, 2021, at the Department of the Attorney General, 425 Queen Street, Honolulu, HI 96813.

QUESTION 2: What is the effective date of the new rules? Is there also a new notary statute?

ANSWER: The new rules became effective on February 27, 2022. Act 54, Session Laws Hawaii 2020, which also concerns notaries, became effective on January 1, 2021. We encourage you to read a complete copy of Act 54 and HAR Chapter 5-11, both of which are available at our notary website: <http://ag.hawaii.gov/notaries-public/>

QUESTION 3: I notarized documents using the old notary certificate. Are the documents I notarized valid and validly notarized?

ANSWER: The documents are valid and validly notarized, as long as the required information is present in the certificate. You may always include more information but not less. Please be aware that the Bureau of Conveyances requires that you use the old certificate including number of pages.

QUESTION 4: The new notary rules require that my seal or stamp be a rubber stamp notary seal. Can I still use my current engraved or embossed seal or stamp until I get my new one?

ANSWER: HAR § 5-11-5 requires that you “obtain and keep” rubber stamp notary seal official seal or stamp. You should order a new seal or stamp with your commission number immediately, but we understand it may take some time before you actually obtain your new seal or stamp, and you may use your old seal or stamp until you obtain your new one.

QUESTION 5: What should I do with my old seal or stamp?

ANSWER: You must turn in the old stamp to the Notary Public Office. Notaries can only have one stamp at a time. If you wish, however, you may mail or hand-deliver your old seal or stamp to the Department of the Attorney General Notary Public Office, 425 Queen Street, Honolulu, HI 96813.

QUESTION 6: Do I need to submit an impression of my new seal or stamp to the Circuit Court where I reside?

ANSWER: Yes. Haw. Rev. Stat. § 456-4 requires that each notary file an impression of the notary's seal/stamp with the Circuit Court where the notary resides. You will need to file an impression of your new seal or stamp with the Circuit Court to replace the impression of your old seal or stamp that you now have on file with the Circuit Court. You should also mail or hand-deliver an impression of your new seal or stamp to the Department of the Attorney General Notary Public Office at 425 Queen Street, Honolulu, HI 96813, for our files.

QUESTION 7: What information should be in the certificate?

ANSWER: HAR § 5-11-8 states that the notary's "acknowledgment or jurat shall be evidenced by a certificate signed and dated by the notary." The information in the certificate includes the certificate shall include the printed name of the notary public, the expiration date, the notary seal of the notary public, and identification of the jurisdiction in which the notarial act is performed. The information can be included within the jurat/acknowledgment itself (for example, one form of a particular type of notarization could be: "This document dated___, was subscribed and sworn to before me this___day of_, 2022, in the First Circuit of the State of Hawaii, by John H. Doe.") The information could also be in a separate certificate. Examples of a separate certificates are included on our "Important Information" page, which accompanies these questions and answers. There is not, however, only one acceptable form or format for the certificate, as long as the information specified in the rule is provided.

QUESTION 8: Do I need to apply my seal or stamp to the certificate?

ANSWER: If the certificate is separate from the jurat or acknowledgment itself, it needs to be separately sealed or stamped, as in the example on our "Important Information" page. However, as noted above, the certificate does not need to be separate from the jurat or acknowledgment, as long as the information specified in HAR § 5-11-8 is provided.

QUESTION 9: What if there is no room for the notary certificate on the page with the jurat/acknowledgment?

ANSWER: HAR § 5-11-8 states that the description of the document being notarized be "in close proximity to the acknowledgment or jurat." It is best to include the description of the document on the same page and in "close proximity" to or included in the acknowledgment or jurat. If you use a separate certificate, and there is no room for that certificate on the page on which the acknowledgment or jurat is contained, indicate on that page that there is a notary certificate on the next page, such as by typing: "Notary Certificate on next page."

QUESTION 10: Can I charge for the notary certificate, above and beyond allowed fees?

ANSWER: No, such an additional charge is not permitted.

QUESTION 11: What should I write on the certificate for the date of a document that is undated?

ANSWER: You should write "undated at time of notarization."

QUESTION 12: Does HAR Chapter 5-11 or Act 54 have other new provisions relating to notaries in addition to those discussed in these FAQs?

ANSWER: Yes. We suggest that you read HAR Chapter 5-11 and Act 54 in full.

QUESTION 13: Whom can I contact if I have more questions?

ANSWER: You may call the Notary Office at (808) 586-1100, or you may e-mail them at ATG.notary@hawaii.gov.

QUESTION 14: if I change my employment after I become a notary, may I take my notary (including the seal or stamp, and notary record book) with me to my new employer?

ANSWER: Yes. Although your former employer may have paid for your bond or commission fees, the notary commission is personal to you not your employer. You are personally responsible for the safekeeping of your seal or stamp, and notary book. You may not "pass it on" or transfer your record book to anyone, including your former employer. The only time you should give up possession of your stamp or seal, and record books is when you surrender them to us upon resignation or the end of your commission period.

SAMPLE ACKNOWLEDGMENT

STATE OF HAWAII)
) SS
_____ COUNTY OF _____)

On this ____ day of _____, 20____, before me personally appeared _____ and _____, to me known to be the person(s) described herein, and who, being duly sworn, did say that he/she/they is/are the said _____ named in the foregoing instrument, and that he/she/they executed said instrument as his/her/their own free act and deed.

(Notary Stamp or Seal)

(Signature)

(Print Name)

Notary Public, State of Hawaii
My commission expires: _____

NOTARY CERTIFICATION

Notary Name: _____		_____ Circuit
_____ Notary Signature	_____ Date	(Stamp or Seal)
NOTARY CERTIFICATION		

If you are filing with the Bureau of Conveyances, use the following certificate:

Doc. Date: _____	# Pages: _____
Notary Name: _____	_____ Circuit
Doc. Description: _____	(Stamp or Seal)
_____ Notary Signature	_____ Date