



**STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
Notary Public Office
425 Queen Street
Honolulu, Hawaii 96813**

APPLICATION FOR NOTARY PUBLIC COMMISSION

Attached is the information and instruction sheets for an online application for a notary public commission. Two letters, one justification, and one character must accompany the application. The letter of justification should state in detail the reasons for applying for a commission with the estimated number of notarial acts, the type of documents being notarize, and that the notary public will serve the general public. The letter of justification should be prepared by an officer of the corporation or a partner of the organization of which the applicant is an employee. An applicant who is self-employed may prepare a letter of justification for one's self. The letter of character should be written by a reputable resident of Hawaii, other than an employer or relative, who from past association can vouch for the integrity and moral character of the applicant as well as a contact number and/or email address.

However, in order for us to process your application, you must submit an application online with **\$20.00 application fee payment as required by § 5-11-46, Hawaii Administrative Rules, amended March 12, 2015.** There is **no-fee** for "**Government**" notaries public.

The issuance of a commission depends upon the approval of the application by the Attorney General and the successful passing of a written examination by the applicant. You will be notified by email after your application has been approved. You must login to your notary account to schedule an exam with the Notary Exam Scheduler. An exam notification letter will be emailed of your examination date, time and location. The examination will be held at designated locations in the county in which the applicant resides.

A Notary Public Manual is available at our State of Hawaii website at **<http://ag.hawaii.gov/notaries-public/notaries-public-documents/>**.

Please read the information and instruction sheet carefully as it contains information on the functions, and responsibilities of a notary public. If there are any questions regarding the online application process, feel free to call our office at **(808) 586-1216. Thank you.**



STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
Notary Public Office
425 Queen Street
Honolulu, Hawaii 96813

**INFORMATION AND INTRUCTIONS ON APPLYING
FOR A NOTARY PUBLIC COMMISSION**

(Please read carefully before proceeding to complete the application)

1. According to Section 456-2, Hawaii Revised Statues, every person appointed as a notary public shall, at the time of one's appointment, be a resident of the State of Hawaii, possess the other qualifications required of public officers, and be at least eighteen years of age. Public Officers in the State are required to be Unites States citizens.
2. A person desiring to be commissioned as a notary public shall submit an on line application along with application fee, and supporting documents.
3. If an application is approved by the Attorney General, the applicant must pass a written, closed-book examination covering such statutory laws and rules that specifically apply to notaries pubic in Hawaii, as well as practical aspects of a notary's practice, and a notary's duties and responsibilities. An applicant should, for example, have a thorough understanding and knowledge of the following sections of the Hawaii Revised Statues, as amended: 456-1 to 456-18, 502-46, 502-48 to 502-84, 603-1, 621-112, and 621-13.
4. Upon being notified of passing the examination, the applicant shall pay to the Attorney General, for the Issuance of the original commission, a fee o \$100.00 as well as \$10.00 administration fee. The applicant shall also arrange to have a seal of office made, on which shall be engraved the notary's name, commission number, and the words, "Notary Public" and "State of Hawaii".
5. Before entering upon the duties of office, a notary must execute at the notary's own expense, an official surety bond meeting the requirements of Section 456-5, Hawaii Revised Statues. The bond must be approved by a judge of the circuit court. Upon approval, the bond shall deposited and kept on file in the office of the clerk of the circuit court of the judicial circuit for and which the notary resides.
6. Each person appointed and commissioned as a notary public must forthwith file a literal of photostatic copy of one's commission, an impression of one's seal, and a specimen of one's official signature with the clerk of the circuit court in which the notary resides. The clerk of the circuit court charges a fee for the filing of the copy of a commission.
7. A Notary Public Manual, published by the Department of the Attorney General, is available on the notary website and is strongly recommended as reading material for all potential notaries.

GENERAL INFORMATION ABOUT THE DUTIES OF A NOTARY PUBLIC

In addition to the statutes mentioned above, potential notaries should be familiar with the following information, as the notary examination may cover the same:

1. **Definition.** A notary is defined as a “public officer whose function is to attest and certify, by his/her hand and official seal, certain classes of documents. In order to give them credit and authenticity in foreign Jurisdictions, to take acknowledgements of and certify deeds and other conveyances, and to perform certain official acts, chiefly in commercial matter.” 66 C.J.S. Notaries § I.
2. **Why documents are notarized.** A document is notarized in order to protect persons signing an important document. It assures the parties to an agreement that this particular document and no other is the authentic document which is intended to be given full force and effect. Because of the recent improvements in photocopying machines, it is important that certain documents be notarized and notarized properly – otherwise any imposter could forge a signature and substitute an authentic document with an illegally altered and fraudulent document.
3. **Duties.** “A notary must perform his/her official duties with integrity, diligence, and skill. His/Her duty is not confined to the one to whom he/she directly renders service, but it extends to all persons who may be affected by his/her act.” 66 C.J.S. Notaries § IO. The powers and duties vested in the notary are personal to the notary and should never be delegated; i.e., notary should not allow a clerk or deputy to perform a notarial act for the money.

Under the Hawaii statutes, the duties of a notary public are generally confined to performing the following notarial acts:

Taking an acknowledgment – “An acknowledgment is a public declaration or formal statement of the person executing (signing) an instrument made to the official authorized to take the acknowledgment, that the execution of such instrument was his or her free act and deed. The written evidence of an acknowledgment is the certificate of the officer who takes the acknowledgment, which states in substance that the person named in the acknowledgment was known to and appeared before the officer and acknowledged the instrument to his or her act as deed.” 1 AmJur. Legal Forms 2d Acknowledgments § 7:1.

(b) Administering an oath, affirmation or affidavit – “An oath is a solemn pledge or promise made by a person (often called the affiant) with an appeal to God, or a Supreme Being, to attest to the truth of his words,” Rotham, Customs and Practices of Notaries Public and Digest of Notary Laws in the United States (Rev. 1974) at p.14. An affirmation is “a solemn statement or declaration made as a substitute for a sworn statement by a person whose conscience will not permit him/her to be sworn.” 13 Am.Jur Legal Forms 2d Oath and Affirmation § 189:1. An affidavit is a written or printed statement of facts, made voluntarily, and under oath or affirmation of the party making it, taken before an officer having authority to administer such oath. Black’s Law Dictionary (Rev. 4th Ed.) at p.80.

(c) Taking a deposition – “The term ‘deposition’ is sometimes used in a broad sense to describe any written statement verified by oath; but in its more technical and appropriate sense, the meaning of the word is limited to the written testimony of a witness given in the course of a judicial proceeding, either at law or in equity. In advance of the trial or hearing upon oral examination or in response to written interrogatories and where an opportunity is given for cross-examination.” 23 Am.Jur. 2d Depositions and Discovery § 108.

(d) Noting a protest – A protest is a “formal declaration made by a person interested or concerned. In some act about to be done, or already performed, whereby he/she expresses his/her dissent or disapproval, or affirms the act against his/her will. The object of such a declaration is to preserve some right which would be lost if his/her implied assent could be made or to exonerate himself from some responsibility which would attach to him/her unless he/she expressly negated his/her assent.” Black’s Law Dictionary (Rev. 4th Ed.,) P.1387.

In noting a protest, a notary writes down how and when one performs certain acts the notary was called upon to perform. For example, in noting a protest of negotiable paper, a notary may declare in writing under the notary’s seal of office, that at the request of holder of a bill or note, the notary presented said bill or note

to A for payment, but said payment was refund for certain reasons, whereupon the notary notified certain parties of the refusal.

4. Limitations and Obligations of a Notary

(a) As general rule, a notary public cannot certify to, or act in, a manner in which the notary has a personal interest. 66 C.J.S Notaries § 6.) A notary should never, under any circumstances, notarize one's own signature.

(b) "The most important obligation a Notary has to the public he/she serves to judge what acts constitute the practice of law and what acts constitute the practice of a Notary Public. If the Notary, who is not an attorney, is asked to perform a notarial act that requires the preparation of, or the giving of advise in regard to the preparation of, legal documents or form, the Notary should always obtain the advice of an attorney unless he/she has had special education and training." Rothman, supra, at p.28.

(c) As a general rule, "the notarization of a document that has been written in a foreign language should only be performed by a Notary who has thorough understanding of the foreign in which the document and/or notarial certificate are written."

(d) "The Notary should avoid being placed in the position of having to decide whether a person is sufficiently competent to fully understand the agreement he/she is signing or the oath or affidavit he/she is taking. The notary should either seek counsel from his/her own attorney or advice the party who appears incompetent to go to an attorney himself. If a person is declared to have been incompetent at the time the agreement was signed and notarized, the agreement could be declared null and void. If the party is blind, senile, a minor, or does not seem to understand the importance of the document he/she is signing, the Notary will do him/herself, as well as the party, a service if he/she asks him/her to go to an attorney." Rothman, supra, at P.20