

TITLE 4: ECONOMIC RESOURCES
DIVISION 3: BUSINESSES AND PROFESSIONS

§ 3311. Appointment; Term; Removal; Reporting Change of Status.

(a) The Attorney General may appoint and commission such numbers of notaries public for the Commonwealth as the Attorney General deems necessary for the public good and convenience.

(b) The term of office of a notary public is two years from the date of commission, unless sooner removed by the Attorney General made on findings of cause after due hearing; provided, that after due hearing, the commission may be revoked by the Attorney General in any case where any change occurs in the notary's office, occupation or employment which in the judgment of the Attorney General renders the holding of such commission no longer necessary for the public good and convenience.

(c) Upon any change in office, occupation or employment, a notary shall forthwith report the change to the Attorney General.

Source: 31 TTC § 201; repealed and reenacted by PL 14-52, § 2 (3311).

Commission Comment: PL 14-52 was enacted on January 17, 2005 and contained the following findings, in addition to severability and savings provisions:

Section 1. Findings. The Notaries Public Act (the "Act") was originally enacted during the Trust Territory period and it has not been revised since. As a result, many of the provisions are outdated with the current needs of the Commonwealth. For instance, the Act sets the fees notaries may charge for their services. These fees have never been increased and now are insufficient to cover the cost of performing notarial services and complying with the Act.

The changes will also provide greater protection to consumers. Currently, there exists inconsistency between the responsibilities of the Attorney General and the Commonwealth Superior Court and insufficient mechanisms to enforce the Act. For example, the notaries must file information regarding their activities with the Superior Court and not with the Attorney General, yet the Attorney General is charged with enforcing the Act. Under the revised Act, information will be filed with the Attorney General's Office.

In addition, the Attorney General's ability to enforce the Act without expending valuable resources from its criminal division has been limited and unclear. The changes will allow the Attorney General greater opportunity to enforce the Act through administrative hearings, which can only impose civil penalties, instead of having to bring criminal charges. These changes are likely to bring increased enforcement and greater protection to consumers.

Finally, the United States District Court for the Northern Mariana Islands has ruled that the current Section 3313(a) is unconstitutional and unenforceable. This section addresses the qualifications to be a notary. The changes to this section are made so that it conforms to the court's ruling and the requirements of the N.M.I. and United States Constitutions.