

NOTICE OF PROPOSED RULEMAKING

The Office of the New Mexico Secretary of State (“Office”) hereby gives notice that the Office will conduct a public hearing on the described rules below.

The purpose of this hearing is to obtain public input on amendments to the existing Notarial Procedures rule to be codified as Part 12.9.3 NMAC.

A public hearing will be held on May 12, 2023, from 9:00 am to 11:00 am, at the State Land Office, 310 Old Santa Fe Trail, Santa Fe NM 87504. The public hearing allows members of the public an opportunity to submit data, testimony, and arguments in person on the proposed rule changes detailed below. All comments will be recorded by a court reporter.

Authority: Section 14-14A-26 NMSA 1978

12.9.3 NMAC Notarial Procedures

Purpose: This rule establishes standards, guidelines, procedures, fees and to define the duties and responsibilities for notarial officers under the Revised Uniform Law on Notarial Acts. The proposed amendments to the rule address statutory amendments made during the first session of New Mexico’s 56th Legislature to the Revised Uniform Law on Notarial Acts (Chapter 14, Article 14A NMSA 1978) and Section 14-13-3 NMSA 1978. The legislature also repealed Section 14-14A-29 NMSA 1978 in its 2022 regular session with the passage of HB 180. An additional amendment to the rule conforms with that change.

Summary of Full Text: The rule will be amended to align with new provisions in the Revised Uniform Law on Notarial Acts related to notarial officer's compliance with Sections 14-14A-1 to 14-14A-32 NMSA 1978. In Section 12.9.3.7, the definition of “notary seal” will be removed. Section 12.9.3.8 will be amended to clarify noncompliance for notaries public. Section 12.9.3.10 will be amended to align with new education requirements for automatic notarial officers. Section 12.9.3.14 will be amended to conform with the new definition of “official notary seal.” Section 12.9.3.15 will be amended to remove section “C” as it now refers to statutes that have been repealed. Section 12.9.3.16 will be amended to require automatic notarial officers complete an approved training prior to performing their first notarial act, and this section will include changes to provide for a transition period for existing automatic notarial officers to complete an approved training.

Details for Obtaining a Copy of Rule and Submitting Oral or Written Comments: Copies of the proposed rule are available on the Office’s website at www.sos.nm.gov or can be obtained from the Business Services Division by calling (505) 827-3600 or emailing lindsey.bachman@sos.nm.gov. The proposed rule is also available on the New Mexico Sunshine Portal. Interested individuals may provide comments at the public hearing. Before the public hearing, written comments may be sent to Lindsey Bachman, Director of Legislative and Executive Affairs, via email at lindsey.bachman@sos.nm.gov, fax 505-827-3611, or by regular mail at Attn: Lindsey Bachman – proposed rule, The Office of the New Mexico Secretary of State, 325 Don Gaspar, Suite 300, Santa Fe, NM 87501. The deadline to receive written comment is May 11, 2023. All written public comments will be posted on the website throughout the written comment period at: www.sos.nm.gov.

Any person with a disability who needs a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact (505) 827-3600 or email lindsey.bachman@sos.nm.gov (5) business days prior to the hearing.