

THE THIRTIETH LEGISLATURE OF AMERICAN SAMOA

Fourth Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the fourteenth day of July
two thousand and eight

AN ACT AMENDING THE NOTARY ACT OF 2007, PUBLIC LAW NO. 30-18, TO CLARIFY ITS PROVISIONS; AMENDING SECTION 31.0337 A.S.C.A.; AND REPEALING SECTION 31.0366 A.S.C.A.; AND PROVIDING FOR AN EARLY EFFECTIVE DATE.

Preamble:

WHEREAS, the Notary Act of 2007, Public Law No. 30-18, was passed by the Legislature and signed by the Governor on May 2, 2008, and is to take effect 180 days thereafter; and

WHEREAS, this Act proposes to amend the Notary Act of 2007 in order to clarify its provisions; and

WHEREAS, it is intended for this Act to have an early effective date of October 29, 2008, so that it may coincide with that of the Notary Act of 2007.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 31.0337 is amended to read:

“31.0337 Inspection, copying, and disposal.

(a) In the notary’s presence, any person may inspect an entry in the official journal of notarial acts during regular business hours, but only if:

(1) the person's identity is personally known to the notary or proven through satisfactory evidence;

(2) the person affixes a signature in the journal in a separate, dated entry;

(3) the person specifies the month, year, type of document, and name of the principal for the notarial act or acts sought; and

(4) the person is shown only the entry or entries specified.

(b) If the notary has a reasonable and explainable belief that a person bears a criminal or harmful intent in requesting information from the notary's journal, the notary may deny access to any entry or entries.

(c) The journal may be examined without restriction by a law enforcement officer in the course of an official investigation, subpoenaed by court order, or surrendered at the direction of the Secretary.

(d) Upon complying with a request under subsection (a), the notary shall provide a copy of a specified entry or entries in the journal at a cost of not more than \$2.00 per copy; other entries on the same page shall be masked. If a certified copy of an entry in a bound book is requested, the additional cost is as specified in section 31.0330.

(e) A notary shall safeguard the journal and all other notarial records and surrender or destroy them only by rule of law, by court order, or at the direction of the Secretary.

(f) When not in use, the journal shall be kept in a secure area under the exclusive control of the notary, and shall not be used by any other notary nor surrendered to an employer upon termination of employment.

(g) Within 10 days after the journal is stolen, lost, destroyed, damaged, or otherwise rendered unusable or unreadable as a record of notarial acts, the notary, after informing the appropriate law enforcement agency in the case of theft or vandalism, shall notify the Secretary by any means providing a tangible receipt or acknowledgment, including certified mail and electronic transmission, and also provide a copy or number of any pertinent police report.

(h) Upon resignation, revocation, or expiration of a notary commission, or death of the notary, the journal and notarial records shall be delivered to the Office of the Secretary of American Samoa in accordance with ~~chapter 10~~ sections 31.0351 to 31.0355."

Sec 2. Repealer.

"Section 31.0366 is hereby repealed."

Sec 3. Effective date.

In order for the effective date of this Act to coincide with that of the Notary Act of 2007, Public Law No. 30-18, this Act shall become effective on October 29, 2008.

Lolo M. Moliga

LOLO M. MOLIGA
President of the Senate

Savali Talavou Ale

SAVALI TALAVOU ALE
Speaker, House of Representatives

Hereby Approved this 12th day of September 20 08
[Signature]
Governor Of American Samoa

NOFOA'IGA TOLUSEFULU FONOFAITULAFONO A AMERIKA SAMOA

Fono Tele Lona Fa

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefulufa o Iulai
lua afe ma le valu

O SE TULAFONO E SUIA AI LE TULAFONO E FAATATAU I LE FAAMAONIAINA O NI FAAMATALAGA, TUSITUSIGA MA NI MOLIMAU TAUTOINA (NOTERI) O LE 2007, TULAFONO LAUTELE NU. 30-18, INA IA FAAMANINO AI ONA AIAIGA; SUIA AI MAGA 31.0337 T.T.A.S.; MA SOLOIA AI LE MAGA 31.0366; MA AIAIA AI SE VAVE E TAUALOA AI.

Faatomuaga:

TALUAI, o le Tulafono-tau Noteri o le 2007, Tulafono Lautele Nu. 30-18, na pasia e le Fonofaitulafono ma sainia e le Kovana ia Me 2, 2008 ma e tataua ona amata aloa'ia pe a atoa aso e 180 talu ona uma ona faamaonia; ma

TALUAI, o lenei Tulafono o loo saili ai ina ia suia le Tulafono Noteri o le 2007 ina ia faamanino lelei ai ona aiaiga; ma

TALUAI, o loo faamoemoe le Tulafono lenei ina ia vave ona taualoaina ia Oketopa 29, 2008 ina ia ogatasi ai ma le Tulafono o le 2007.

IA FAATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. Ua suia nei le 31.0337 e faitauina faapea:

“31.0337 Asiasia, kopi, ma le lafoa'ia.

(a) I luma o le tagata lea e ta'ua o le noteri, e mafai e soo se tagata ona ia vaai i se mea ua tusia i totonu o talafaamaumau aloa'ia o tulafono tau noteri i totonu o taimi faigaluega, pe afai lea e i ai mea nei:

(1) Ia iloa e le noteri le tagata lea pe faamaonia foi e ala i ni molimau ua faamalieina ai;

(2) ia tuu le saina a le tagata lea i totonu o talafaamaumau i se tusitusiga e ese mai ai lava ma mea ua tusia ma ia tuu ai ma le aso na sainia ai;

(3) ia ta'utino lava e le tagata lea le masina, le tausaga, le ituaiga o faamaumauga, ma le suafa o le tagata lea e mafua ai ona faia o le gaioiga lea faanoteri; ma

(4) ia faaalua lava i le tagata lea na o tusitusiga o loo ta'u faapito e ia.

(e) Afai e masalomia pe tau fesiligia foi e le noteri le tagata lea i sona agaga e faia ai se solitulafono poo se isi foi lava gaioiga le talafeagai e ala ai ona ia fia maua ni faamatalaga mai totonu o talafaamaumau faanoteri, e mafai ona teena e le noteri lea talosaga.

(i) E mafai lava ona vaaia talafaamaumau ia e se tagata faamalosi tulafono e aunoa ma se faalavelave pe tau faasāsā foi pe afai o faia se suesuega aloa'ia, o se faatonuga mai le faamasinoga, pe tuuina mai foi e ala i se faatonuga a le Failautusi.

(o) I le usita'ia o se talosaga i lalo o le soamaga (a), o le a tuuina mai e le noteri se kopi o se faamaumauga o loo mana'omia faapitoa i se tau e le silia le \$2.00 i le kopi; o isi faamaumauga uma o i totonu o le itulau lea ia tapunia e le vaaia.

(u) E malupuipua e le noteri le talafaamaumau ma isi faamaumauga uma faanoteri ma ia tuuina atu pe faatama'ia foi e ala i se tulafono, o se faatonuga a le faamasinoga poo se faatonuga foi mai-le Failautusi.

(f) Afai e le o faaaogaina, ia teuina le talafaamaumau i se nofoaga malupuipua ia na o le noteri lava e oo i ai, ma e le mafai ona faaaogaina e se isi lava noteri pe tuuina atu foi i se pulegaluega i le taimi e faamuta ai galuega a le noteri.

(g) I totonu o le 10 aso talu ona gaioia se talafaamaumau, leiloa, faaleaga, faatama'ia, poo ua le toe mafai foi ona faaaoga pe ua le mafai ona toe faitauina e avea ma faamaumauga o tulafono tau noteri, a mae'a ona faailoa atu e le noteri i vaega faamalosi tulafono le tulaga ua oo i ai le talafaamaumau, ona ia logoina lea o le Failautusi i soo se auala lava e mafai ai ma ia tuuina mai se faamaoniga e pei o se lisiti poo se auala foi e faailoa mai ai ua faapea ona fai, e aofia ai foi se meli faamaoniaina poo se faaaliga foi e faailoa atu i se komipiuta, ma ia tuuina mai foi se kopi poo le numera o soo se lipoti a leoleo e faatatau i le mea ua tupu.

(l) A faamavae, faaleaogaina, poo ua uma foi le taimi o le komisi a le noteri, poo ua maliu foi, ona avatu lea o talafaamaumau ma isi faamaumauga uma faanoteri i le Ofisa o le Failautusi o Amerika Samoa e tusa ai ma le mataupu 10 maga 31.0351 e oo i le 31.0355."

Maga 2. Soloia.

"Ua soloia nei le Maga 31.0366."

Maga 3. Aso e taualoa ai.

Ina ia ogatasi le aso e taualoa ai le Tulafono lenei ma le Tulafono Noteri o le 2007, Tulafono Nu. 30-18, o lea o le a taualoa ai lenei Tulafono ia Oketopa 29, 2008.

Lolo M. Moliga
LOLO M. MOLIGA
Peresetene, Maota Maualuga

Savali Talavou Ale
SAVALI TALAVOU ALE
Fofoga Fetalai, Maota o Sui

Hereby Approved this 12th day of September, 2008
Savali Talavou Ale
Governor Of American Samoa