



February 4, 2025

Honorable Mike Stevens, Chair
House Judiciary Committee
South Dakota Legislature
500 East Capitol Avenue
Pierre, SD 57501-5070

RE: HOUSE BILL 1133 — ELIMINATING THE NOTARY PUBLIC BOND

Dear Representative Stevens,

On behalf of the National Notary Association, I write to oppose House Bill 1133 which proposes to eliminate the \$5,000 Notary bond requirement for South Dakota Notaries Public.

The Notary surety bond is an important consumer protection should a Notary financially injure an individual by improperly performing or committing a fraudulent notarial act.

Many, if not most, Notaries Public have insufficient financial resources to compensate an individual who is harmed by the Notary's error or fraud. The bond provides a limited source of recovery for parties injured by the Notary.

This is particularly true at the current time. Across the country [seller impersonation deed fraud](#) is causing consumers to lose the titles to their properties at an alarming rate. This has led some states with existing Notary bond requirements to increase their Notary bond amounts. To cite the most recent examples, in Alabama, the bond was recently raised from \$25,000 to \$50,000 and in Montana, from \$10,000 to \$25,000. In Pennsylvania, proposed regulations citing deed fraud as the cause would raise the bond from \$10,000 to \$25,000. In Mississippi, legislation this session would increase the bond from \$5,000 to \$60,000. House Bill 1133 ought to be considering an increase of the penal amount of the South Dakota Notary bond, not eliminating the bond altogether.

The National Notary Association usually advocates for Notaries Public who are our members. In this case, however, we're concerned for the integrity of notarial acts and consumers of notarial services who must have a document notarized to convey property, refinance a mortgage, create an estate plan, finalize an adoption, communicate wishes for medical treatment, name an agent to oversee financial affairs, and for many other reasons. The South Dakota Notary bond protects both.

Accordingly, we respectfully urge the Committee to vote "No" on House Bill 1133.

Sincerely,

A handwritten signature in blue ink that reads "Bill Anderson".

Bill Anderson
Vice President, Government Affairs