

**TITLE 4: ECONOMIC RESOURCES**  
**DIVISION 3: BUSINESSES AND PROFESSIONS**

**§ 3317. Compliance With Chapter Required; Penalties.**

(a) No person may act as a notary public or enter upon any duties of that office, or offer or assume to perform any such duties until he or she has fully complied with the requirements of this chapter.

(b) Any person willfully violating any provision of this chapter is guilty of a misdemeanor and, upon conviction, may be punished by a fine of not more than \$500, or by imprisonment for not more than one year, or both. Nothing in this section shall be construed to restrict or to do away with any liability for civil damages.

(c) All remedies, penalties and authority granted to the Attorney General by the Consumer Protection Act, 4 CMC §§ 5101-5123, as now or hereafter amended, shall be available to them for the enforcement of this Act and for any violation of it. In any action brought by the Attorney General to enforce this Act, the court may order that persons who incurred actual damages be awarded the amount of actual damages assessed. In addition, for violations of Section 3325, the Attorney General may, on findings of guilt based on a preponderance of the evidence and after a hearing, impose a fine not to exceed \$500, plus the amount of the overcharge.

(d) For violations of this chapter, in lieu of filing an action in court, the Attorney General may impose penalties under subsection (c) after making findings of guilt based on a preponderance of the evidence at a hearing.

(e) Moneys paid under subsections (c) or (d) or collected by the Office of the Attorney General under this chapter shall be deposited into the Attorney General Notary Compliance Payment Projects Fund (the "Fund"), which is created as a special fund administered by the Department of Finance. The Attorney General is the expenditure authority of the Fund. Moneys in the Fund, plus all interest and earnings accrued, shall be used for the performance of any function pertaining to the exercise of the duties of the Attorney General, including but not limited to enforcement of any law of the Commonwealth and conducting public education programs; however, any moneys in the Fund that are required to refund individuals overcharged for notary services shall be used for that purpose unless individuals cannot be located to pay such refunds within a year of the money being deposited in the Fund. In such circumstances, the moneys can be used for the enforcement or education purposes authorized by this section. This fund shall not be commingled in any manner with other funds of the Commonwealth or any of its other departments, agencies, or instrumentalities and will not revert to the General Fund.

**Source:** 31 TTC § 207; repealed and reenacted by PL 14-52, § 2 (3317).