

(S. B. 426)

**(No. 33)**

(Approved July 27, 2005)

**AN ACT**

To amend Section 9 of Act No. 198 of August 8, 1979, as amended, known as the “Mortgage and Property Registry Act,” to establish the requirement of being a notary in order to be a Property Registrar, as well as the validation of this requirement by a Registrar.

**STATEMENT OF MOTIVES**

Section 9 of Act No. 198 of August 8, 1979, as amended, known as the “Mortgage and Property Registry Act,” establishes that in order to be appointed registrar, it is indispensable to have been admitted to the practice of the legal profession by the Supreme Court of Puerto Rico and be a member of the Bar Association of Puerto Rico and have been practicing the legal profession in good standing for seven (7) years.

Prior to September 9, 1983, attorneys in Puerto Rico automatically became notaries after taking the General Bar Examination. Since 1983, attorneys must pass the Notarial Law Examination. For this reason, the “Mortgage and Property Registry Act,” still has the requirement of admission to the practice of the legal profession without incorporating to it the requirement of being a notary.

At present, every person who is interested in practicing notary in Puerto Rico shall take and approve the General Bar Examination and the Notary Law Examination. Likewise, the interested person must have satisfactorily

approved a Notarial Law course in any Law School in Puerto Rico accredited by the American Bar Association or the Court.

Being a notary is a *sine qua non* requirement to perform the arduous labor of a Property Registrar. The academic preparation together with the experience of having practiced as notary, shall allow the designated Property Registrar to have the knowledge of the Notarial Act and its regulations and to efficiently meet his/her ministerial duties.

In compliance with our commitment to guarantee and obtain experienced public officials who can render excellent services, this Legislature deems it necessary to amend the law in effect in order to temper it to the present judicial reality.

***BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:***

Section 1.- Section 9 of Act No. 198 of August 8, 1979, as amended, known as the “Mortgage and Property Registry Act,” is hereby amended, to read as follows:

“... ”

**Section 9.- Qualifications.-**

In order to be appointed Registrar, it is necessary to have the following qualifications:

First: To have been admitted to the bar and the notary practice by the Supreme Court of Puerto Rico and be a member of the Bar Association of Puerto Rico.

Second: To have been a practicing lawyer and notary in good standing for seven (7) years. Previous experience as Property Registrar is hereby validated for the requirements of title and experience as notary.

...”

Section 2.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 33 (S.B. 425) of the 1<sup>st</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Section 9 of Act No. 198 of August 8, 1979, as amended, known as the “Mortgage and Property Registry Act,” to establish the requirement of being a notary in order to be a Property Registrar, as well as the validation of this requirement by a Registrar,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 1st of February of 2006.

Francisco J. Domenech  
Director