

Notary Association of Pennsylvania Co.

“Tradition of Trust & Integrity Empowering
America’s Notaries Since 1940”.



Mandatory 3-Hour Interactive
Online Basic Notary Education Course

Provided by Notary Association of Pennsylvania Co.

Online Course Lesson Plan
Materials & References

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Notary Education

Chapter 1



Notary Public General Material

❖ **Part 1 - Notaries Public**

The Division of Commissions, Legislation and Notaries of the Bureau of Commissions, Elections and Legislation administers the duties imposed on the Secretary of the Commonwealth by Pennsylvania's Revised Uniform Law on Notarial Acts (Act 67 of 2013) ("RULONA"). The Division works on behalf of the Secretary to appoint, commission and regulate all notaries public in the Commonwealth of Pennsylvania.

For over 200 years, notaries public have been officially recognized by the Commonwealth for administering oaths and affirmations, certifying copies and taking depositions, affidavits, verifications and acknowledgements.

Notaries public in Pennsylvania certify, verify and acknowledge hundreds of thousands of important documents each year. More than 84,000 men and women hold notary public commissions in Pennsylvania.

❖ **Part 2 - Qualifications for Appointment as a Notary Public**

Eligibility Requirements

1. Be 18 years of age or older.
2. Be able to read and write English.
3. Be a resident of or be employed within the Commonwealth.
4. Be a citizen or permanent legal resident of the United States.
5. Complete an approved notary basic education three-hour course.
6. Pass an examination (new notaries and notaries whose commission have expired at the time their application is received by the Department of State).
7. Submit the proof of completion certificate with your notary public application.
8. Not have been convicted of or pled guilty or nolo contendere to a felony or a lesser offense incompatible with the duties of a notary public.
9. Not have had a notary public commission revoked by the Commonwealth or any other state.

Ineligibility

The following persons shall be ineligible to hold the office of notary public:

1. Any person holding any judicial office in this Commonwealth, except the office of justice of the peace, magistrate, or alderman.
2. Every member of Congress, and any person, whether an officer, a subordinate officer, or agent, holding any office or appointment of profit or trust under the legislative, executive, or judiciary departments of the government of the United States, to which a salary, fees or perquisites are attached.
3. Any member of the General Assembly of Pennsylvania.

Steps for Initial Appointment as a Notary Public

Below are eight steps required for individuals looking to obtain a notary public commission:

1. You must complete a three-hour notary education course from an approved vendor. Submitting an application without proof of completion of a course will result in a rejection of the application. The course must be completed within six months of submitting your application.
2. You must submit an application to the state and include a nonrefundable filing fee \$42.00 and proof of completion of the educational course. The online application is available at: www.notarybonding.com or www.notaries.pa.gov. Once you complete this course, you will receive a proof of course completion certificate.
3. You must complete and pass a state exam. The state exam result is valid for one year and the test may be retaken as often as needed within a six-month period.

4. Once you pass the state exam, the Department will issue you an appointment letter and a blank bond. The Department sends the commission certificate to the recorder of deeds office in the county where the notary is employed and notifies the applicant that the certificate has been issued and sent.
5. You must obtain a notary bond within 45 days after appointment in the amount of \$10,000. The bond must be on the form provided by the Department of State and issued by an insurance company authorized to operate in Pennsylvania and cover notarial acts performed during the notary's commission period.
6. You must provide identification and take the oath of office before the Recorder of Deeds (within 45 days of the date of the appointment letter), record the completed bond, oath and commission with the Recorder and then receive the commission certificate from the Recorder of Deeds.
7. Provide identification and register one's official signature in the Prothonotary's Office where your office is located within 45 days of the date of the appointment.
8. The Department will issue a commission to the individual and is good for four years, allowing the individual to perform notarial acts.

Requirements for Renewal of an Appointment

1. An initial notary appointment is valid for four years.
2. Individuals whose commission will be expiring should re-apply within 60 days of their commission expiration date.
3. All of the same steps are required for renewing an appointment as for becoming a notary public (including a basic or continuing education notary course), except no examination is required as long as the notary's commission has not lapsed.

Education

An applicant for a commission as a notary public who does not hold a commission in this Commonwealth must pass an examination administered by the department or an entity approved by the department. An applicant must, within the six-month period immediately preceding application, complete a course of at least 3 hours of notary public basic education approved by the department.

RULONA requires that ALL notaries must take a notary education course to be appointed or reappointed. RULONA requires all applicants for both initial appointment and reappointment as a notary public to complete at least three hours of approved notary education, and that this education must take place within the six months preceding the application for appointment or reappointment. A copy of the course completion certificate must be submitted with the application for appointment/reappointment. All basic and continuing education courses of study must be pre-approved by the department.

Under RULONA, the exemption previously available for notaries whose commission was in effect on July 1, 2003 is abolished. All notaries public are required to complete an approved notary education course in order to be appointed or reappointed, including those notaries previously "grandfathered" by the Trit v. Cortes court ruling.

Examination

Under 57 Pa. C.S. §322(a) of RULONA, all applicants for a commission as a notary public who do not hold a commission in the Commonwealth of Pennsylvania must pass an examination as a condition of appointment. An applicant who does not hold a current commission as a notary public includes an applicant who never held a commission as a notary public and an applicant who previously held a commission as a notary public but whose commission has since expired even by one day.

The written examination determines the fitness of an applicant to exercise the functions of the office of notary public. This examination courses are administered by professional testing organizations approved by the Department of State under 57 Pa. C.S. § 322(b) of the RULONA. The Department will update the list as it approves new courses.

Examination results are valid for a period of one (1) year from the date of the examination. An applicant must attain a scaled score of 75% or better to pass the examination.

Applicants may retake the examination within a six-month period as many times as necessary to pass. The maximum frequency with which the examination may be repeated is one time per 24-hour period.

More information about the examination is available through the Department's website at www.dos.pa.gov/OtherServices/Notaries.

Notification of Change in Personal Information

A notary must notify the Department within 30 days of any change in information on file with the Department including his/her:

1. Legal name
2. Office address (Includes place of employment or practice in Pennsylvania, if not a resident of the Commonwealth).
3. Home address
4. Name of electronic notarization vendor
5. Voluntarily resignation (The notice must be in writing or may be submitted to the Department of State online at www.notaries.pa.gov and should include the date the change occurred).

Sample of Notary Public Resignation form:

Commonwealth of Pennsylvania – Department of State Bureau of Commissions, Elections and Legislation Division of Legislation and Notaries 210 North Office Building Harrisburg, PA 17120 Tel: (717) 787-3260 Web: dos.pa.gov/notaries			NOTARY PUBLIC RESIGNATION (Revised 10/25/2017)	 800
<p>If a notary public neither resides nor works in the Commonwealth, that notary public shall be deemed to have resigned from the office of notary public as of the date the residency ceases or employment within the Commonwealth terminates. A notary may also voluntarily resign from the duties of office at any time during the course of the notary commission. A notary public who resigns his or her commission shall notify the Department of State within 30 days of the effective date of the resignation. This form may be completed and printed at dos.pa.gov/OtherServices/Notaries/NotaryServices (link to "Update Information") PRINT OR TYPE CLEARLY. FILL OUT FORM COMPLETELY. Do not leave any blanks. Use "none" or "N/A" if applicable. There is no fee for this filing.</p>				
Notary commission expiration date		Date of Birth (mm/dd/yyyy)		
Notary commission ID number		Telephone number (including area code)		
				Email address where you can be contacted about this form: _____
PART I: Full name as it appears on your current commission:				
First Name	Middle Name or Initial (if used)	Last Name	Suffix (if applicable)	
Effective date of resignation: _____ Month / Day / Year				
Reason for resignation (check and complete one):				
<input type="checkbox"/> I no longer live or work in the Commonwealth of Pennsylvania.				
<input type="checkbox"/> Other (please specify): _____ _____				
NOTE: Pursuant to 57 Pa. C.S. § 319(e)(2), notaries public must deliver their register to the office of the recorder of deeds in the county where the notary public last maintained an office within 30 days of resignation. Pursuant to 57 Pa. C.S. § 319(e)(2), on resignation of a notary public commission or on the expiration of the date set forth on the notary stamp itself, the notary public shall disable the stamping device by destroying, defacing, damaging, erasing or securing it against use in a manner which renders it unusable. Do not send your notary stamping device to the Department of State if you are resigning or when your commission expires.				
APPLICANT AFFIDAVIT: I shall furnish additional evidence of these statements, if requested, which shall be satisfactory to the Department of State. To the best of my knowledge and belief, this filing contains no misrepresentations or falsifications, omission or concealments of material fact and the information given by me is true and complete. I understand that any false statement made is subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation, or denial of my notary commission.				
Notary Signature (must match name on commission)		Notary Printed Name (must match name on commission)		Date
This form is for submission to the Department of State only.				

A legal name change must be filed with the Department on a form prescribed by the Department and accompanied by evidence of name change, such as a marriage certificate, court order, or divorce decree and a notice of name change should also be filed with the county recorder of deeds in the county where the notary maintains an office.

When a notary's name is legally changed, he/she may continue to perform official acts in the name in which he/she was commissioned until the expiration of his/her term, but application for re-appointment should be made using the new name.

If a notary stops residing or working in Pennsylvania, he/she must resign from being a notary public in Pennsylvania and must notify the Department of State in writing or may be submitted to the Department of State online at www.notaries.pa.gov within 30 days of the resignation.

❖ **Part 3 - Notary Appointment & Commission Information**

Application

- Approved commissions will be sent to the recorder of deeds in the county where you maintain your office.

Notary Public Commission

- Lasts for 4 years from date indicated on commission certificate
- You can reapply for as many 4-year terms as you desire, with no limits
- Permits you to notarize anywhere in the Commonwealth of Pennsylvania, but not outside of the Commonwealth of Pennsylvania

Mandatory requirements: When a new appointment is issued, the appointed notary public has 45 days to do the following:

1. Take, subscribe, and file the constitutional oath of office
2. Execute a \$10,000 surety bond
3. Register your signature with the prothonotary in the county where your office is located
4. Record your bond, commission, and oath of office with the recorder of deeds

If you fail to meet all of these requirements within this 45 day time frame, your commission becomes invalid. You will have to reapply for a notary commission. Be advised that there are no exceptions.

❖ **Part 4 - Notary Bonds & Errors & Omissions (E&O) Insurance**

Notary Bonds

Pennsylvania law requires every notary to execute a \$10,000 surety bond within 45 days of appointment. The bond is a fund for paying out claims against the notary. Notary bonds are NOT insurance protection for you the notary. If a claim is made against your notary bond, you're obligated by law to pay it back.

You may also be held personally accountable for any extra costs above the amount of your notary bond, which may consist of legal fees, court costs, and other miscellaneous expenditures.

If the notary is found to be at fault in a claim, he/she is liable for damages up to the limit of the bond. He/she may need to reimburse the surety company for the sums paid out for a claim.

Errors & Omissions (E&O) Insurance

A notary public may also purchase Errors and Omissions (E&O) Insurance which is optional in the State of Pennsylvania. Errors & Omissions insurance policies protect you, as a notary public, should you make an inadvertent error or omission, or an individual files a false claim against you. Do not assume that you have coverage by your employer. You and only you are accountable for each and every notarization that you execute.

If you make an inadvertent error or omission, or an individual files a false claim against you, it could cost you thousands and thousands of dollars to defend yourself in a lawsuit simply to prove you acted responsibly. Furthermore, if a claim is made against your notary bond, you're obligated by law to pay it back. You may also be held personally accountable for any extra costs above the amount of your notary bond, which may consist of legal fees, court costs, and other miscellaneous expenditures.

E&O insurance coverage benefits include:

- No deductible
- Covers defense costs
- Protects against errors & omissions
- Additional notaries covered automatically under blanket policy
- Employers covered under blanket policy at no additional charge
- Protection against liability the entire term of your notary commission

❖ Part 5 - Prothonotary and Recorder of Deeds Registration

After executing the surety bond, you must record your bond, commission, and oath with the recorder of deeds in the county where you maintain your office within 45 days of your appointment.

In the State of Pennsylvania, the prothonotary is the officer who acts as the principal clerk of some courts. Each county has a prothonotary, or an appointed official who performs the functions of a prothonotary. Every notary must register his/her signature with the prothonotary within 45 days of his/her appointment.

Counties in which notaries do not go to the Prothonotary's office to register their signatures, but go to the Recorder's or an equivalent office:

- Allegheny
- Cameron
- Forest
- Lancaster
- Westmoreland

Notary Education

Chapter 2



Notarial Duties & Responsibilities

❖ **Part 1 - Notarial Certificates**

The “Commonwealth of Pennsylvania” may be used in lieu of “State of Pennsylvania” on certificates of notarial acts.

A certificate must contain the information which is required by law on each notarial act. The official stamp should, according to law, " ... be stamped or affixed to the notarial certificate near the notary's signature or attached to or logically associated with an electronic record containing the notary's signature. A notary public shall not place an imprint of the notary's official stamp over any signature in a record to be notarized or over any writing in a notarial certificate." A certificate may contain such other information as may be required to satisfy any legal requirements, or to satisfy ethical or legal concerns, or the business needs of the parties to the transaction.

Securely attaching a notarial certificate to a tangible record means stapled, grommated or otherwise bound to the tangible record. Securely attached does not include tape, paperclips or binder clips.

When signing a paper certificate, the notary public shall use a legible, recognizable handwritten signature, which can be attributed to the notary performing the notarial act by anyone examining or authenticating the signature. If a notary’s preferred signature is not legible and recognizable, the notary must also legibly print his or her name immediately adjacent to his or her preferred signature. A signature is legible and recognizable if it is easily readable, understandable, and the notary’s full name may be evidently distinguished by viewing the signature.

❖ **Part 2 - Acknowledgement**

An acknowledgment is a declaration attached to a document made in the notary's presence by an individual who signed the document for the purposes stated therein. The individual appears in person to declare that he/she did sign or is about to sign the document and knew what he/she was doing at the time. A notary may not charge more than \$5.00 for taking an acknowledgment and \$2.00 for each additional name. For a notary to complete an acknowledgment the person making the acknowledgment should be physically present in front of the notary and the notarial officer should have personal knowledge of or satisfactory evidence substantiating the person's identity.

Documents may be signed while the signer is in the presence of the notary or if the signer signed the document beforehand, the individual making the acknowledgment should attest to the fact that the signature is his/her own, and he/she signed voluntarily. Then the notary will need to compare the signature of the individual present with the signature on the document.

Acknowledgements

- When a client brings you an executable document to notarize, the resulting notarial act is an acknowledgment.
- Are a formal declaration by the signer indicating that the document is his or her act signed for the purposes stated therein.
- Performed in front of an authorized official such as a notary.
- Most common act you will perform as a notary.

Executable Documents

- Executable document records a transaction or something that needs to be carried through.
- Executable documents cause something to happen once they are signed.
- Examples of Executable Documents are contracts, power of attorney, health care directives, mortgage agreements and deeds.

Examples of Acknowledgement forms:

The certificate form for an acknowledgment in an individual capacity is:

State of County of
This record was acknowledged before me on _____ (date) By _____ (name(s) of individual(s))
Signature of notarial officer STAMP
Title of office My commission expires:

The certificate form for an acknowledgment in a representative capacity is:

State of County of
This record was acknowledged before me on _____ (date) By _____ (name(s) of individual(s)) as _____ (type of authority, such as officer or trustee) who represent that (he, she or they) are authorized to act on behalf of _____ (name of party on behalf of whom record was executed)
Signature of notarial officer STAMP
Title of office My commission expires:

The certificate form for an acknowledgment by an attorney at law is:

State of County of
This record was acknowledged before me on _____ (date) by _____ (name of attorney) Supreme Court identification number _____ as a member of the bar of the Pennsylvania Supreme Court certified that he/she was personally present when _____ (name(s) of individual(s)) executed the record and that _____ (name(s) of individual(s)) executed the record for the purposes contained therein.)
Signature of notarial officer STAMP
Title of office My commission expires:

❖ Part 3 - Oath or Affirmation

An oath or affirmation is any form of attestation or pledge by which a person signifies that he or she is bound in conscience and out of a sense of responsibility to a Supreme Being to the truthfulness for some statement. Willfully swearing to untrue statements constitutes perjury.

- The individual making the oath or affirmation shall appear personally before the notarial officer.
- The notarial officer shall have personal knowledge or satisfactory evidence of the identity of the individual making the on oath or affirmation.
- A record containing a written oath or affirmation must be signed in the notarial officer's presence. A record containing a written oath or affirmation may not be signed subsequent to the oath or affirmation.
- An oath or affirmation may also be verbal.

A duty of a notary is to administer an oath or affirmation:

Oath

- A formal declaration of truth or promise to perform an act faithfully and truthfully
- Often calls upon a supreme being or sacred object as a witness

Affirmation

- A solemn declaration given in place of an oath

Given for three purposes

- That a statement is the truth
- That the testimony he or she will give is the truth
- That he or she will faithfully perform the duties of a public office

Acceptable oath or affirmation

- "Do you solemnly swear or affirm that the statements in this oath are true to the best of your knowledge and belief?"
- "Do you solemnly swear or affirm that the statements contained in this affidavit are true to the best of your knowledge and belief?"
- "Do you solemnly swear or affirm that the testimony that you are about to give will be the truth, the whole truth, and nothing but the truth?"
- "Do you solemnly swear or affirm that you will perform (the act or duty) faithfully and truthfully?"

Once your oath or affirmation (either verbal or written) has been administered, you must record the transaction in your official notary public journal. A notary may charge up to \$5.00 for each oath/affirmation administered.

When you are asked to administer an oath or affirmation, the individual must appear personally before you. You must establish the identity of the individual, by personal knowledge or satisfactory evidence. An oath or affirmation can be either verbal or written. If it is written, the oath or affirmation needs to be signed in your presence. You must fill out a certificate using the following sample as a guide:

Sample Written Oath of Office:

Commonwealth of Pennsylvania)
)SS:
County of)
I, _____, do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.	
Signature _____	
Subscribed and sworn to before me this _____ day of _____, 20__.	
Notary Public _____	

❖ **Part 4 - Taking a Verification on Oath or Affirmation**

A common notary act you will perform is taking a verification of a statement on oath or affirmation. This is a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a document or record is true. This is also known as an affidavit.

An example of an affidavit that you might be asked to notarize is a statement by a witness, who may not be available to testify in person before a court of law. Another example is a private school affidavit. Any document that reads "I hereby certify under penalty of perjury that I am acting on my own behalf and that the forgoing statement(s) is/are true and correct to the best of my knowledge and belief," or a similar statement, is an affidavit.

There are steps you must follow when presented with an affidavit to notarize. The individual making the verification on oath or affirmation needs to appear in person before you. You must conclude, from personal knowledge or satisfactory evidence of the identity of the individual, all of the following:

- The individual appearing before the notarial officer and making the verification is who he/she claims to be
- The signature on the statement verified is the signature of the individual.

Filling out this certificate is similar to filling out the acknowledgment. You begin by completing the venue heading. Enter the county that you are in when the notarial act takes place. Enter the name(s) of the document signer(s) who have taken the oath or affirmation. Enter the date on the appropriate line, and finally, in ink, sign and stamp it in a prominent place near your signature. Make sure that the affidavit is filled out completely at the time of notarization.

Taking a verification of a statement on oath or affirmation

- A declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a document or record is true.
- A common type of document that will require this type of notarization is an affidavit.

Affidavit (examples include)

- Witness statements for witness who cannot testify in person before a court of law
- Private school affidavit, which parents of home-schooled children must file to claim that their school complies with the Pennsylvania Education Code
- Affidavits of income, domestic partnership or biographical affidavits
- Any document that says "I hereby certify under penalty of perjury that I am acting on my own behalf and that the forgoing statement(s) is/are true and correct to the best of my knowledge and belief," or a similar statement

Steps for Notarizing an Affidavit

1. The individual making the verification on oath or affirmation needs to appear in person before you.
2. Determine from personal knowledge or satisfactory evidence of the individual's identity, all of the following:
 - The individual appearing before the notarial officer and making the verification is who he/she claims to be
 - The signature on the statement verified is the individual's signature
 - The affidavit must be signed in your presence
 - The signer's signature must match the signature on the identification presented.
 - Administer oath or affirmation to the signer
 - Fill out the certificate to complete the verification
 - Complete notary journal entry

The Certificate for Taking the Verification

- You must include the wording set forth by the Commonwealth
- Affidavits must include a statement showing when, where, and before whom the document was sworn
- If needed, attach your own certificate or stamp the document with one
- Complete a notary journal entry for the notarial act
- To fill out the certificate: Complete the venue heading, enter the county you are in when the notarial act takes place, enter the name(s) of the document signer(s) who has/have taken the oath or affirmation, enter the date and sign in ink and stamp near your signature

Example of Affidavit Certificate:

State of _____ County of _____ }
Signed and sworn to (or affirmed) before me on _____ (date)
by _____ (name(s) of individual(s)) making statement

Signature of notarial officer Stamp
Title of office My commission expires:

❖ **Part 5 - Witnessing or Attestation of Signatures**

Notaries may execute the simple acts of witnessing or attesting to an individual signing his/her name on a document. The notary must conclude from personal knowledge or satisfactory evidence that the individual signing the document has the identity claimed and the signature on the record is the signature of the individual.

The record must be signed in the notary's presence. The signer simply signs the record and does not need to swear that the contents of the record are true. A notary public can charge up to \$5.00 per signature he/she has witnessed/attested to.

Certificate for witnessing/attesting a signature:

State of _____ County of _____
Signed (or attested) before me on _____ (date)
by _____ (name(s) of individual(s))
Dated: _____
Signature of notarial officer STAMP
Title of office My commission expires:

❖ **Part 6 - Certified or attested copies and depositions**

Notaries may also certify a copy of a record. This is basically attesting to the fact that a copy of an item or record is a complete and accurate transcription or reproduction of the record or item. The notary must be presented with the item or record (or already have the item/record in his/her archive) and the notary must compare the original item to the copy (made either by the requestor or the notary) to determine that it is a complete and accurate copy of the original item or record. The notary should also examine the original record to ensure that it hasn't been tampered with and that it is not a photocopy itself. (However, in issuing a certified or attested copy, the notary does NOT guarantee the authenticity of the original item or record.)

There are certain documents which notaries are NOT allowed to issue certified copies which include:

1. Birth and death certificates
2. U.S. Naturalization certificates
3. Any government-issued record stating "do not copy," "illegal to copy" or including similar wording
4. Any other record which is illegal to copy or certify.

Notaries may issue certified copies which include:

1. Public records (records filed in or issued by a domestic or international federal, state or local government agency)
2. Passports
3. Driver's licenses
4. Transcripts
5. Diplomas
6. Contracts
7. Leases
8. Bills of sale
9. Medical records, consents or waivers
10. Powers of attorney

If the record is intended to be sent overseas and will require an apostille or certification from the U.S. Department of State or Pennsylvania Department of State, the record must be certified by the office where the original or official copy of the record is maintained or by the public official who issued the record.

Examples include deeds, marriage records, court orders and corporate documents filed with a state office or state repository as the official record. A notary public can charge up to \$5.00 for each certification of a copy of record.

A short form certificate for certifying a copy of a record is:

State of _____ County of _____
I certify that this is a true and correct copy of a _____ in the possession of _____.
Dated: _____
Signature of notarial officer STAMP
Title of office My commission expires: _____

Notaries may also certify copies made of deposition transcripts. A short form certificate for this is:

State of _____ County of _____
I certify that this is a true and correct copy of the transcript of the deposition of _____.
Dated: _____
Signature of notarial officer STAMP
Title of office My commission expires: _____

❖ **Part 7 - Protests of negotiable instrument**

A protest is a certificate of dishonor made by a United States consul or vice consul, or a notary public or other person authorized to administer oaths by the law of the place where dishonor occurs. It may be made upon information satisfactory to that person.

The protest must:

- Identify the negotiable instrument
- Certify either that presentment has been made or, if not made, the reason why it was not made
- State that the instrument has been dishonored by non-acceptance or nonpayment
- The protest may also certify that notice of dishonor has been given to some or all parties
- The individual requesting the protest shall appear personally before the notarial officer and be identified in the protest as the holder of the dishonored negotiable instrument
- The notarial officer shall have personal knowledge or satisfactory evidence of the identity of the individual requesting the protest

A notary can charge up to \$3.00 per page for noting a protest of a negotiable instrument.

Notary Education

Chapter 3



Notarial Practices & Procedures

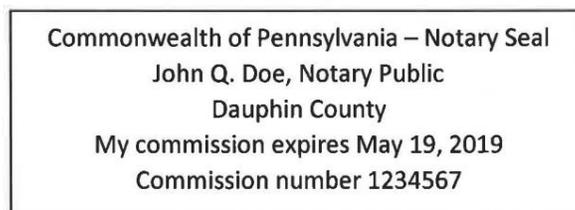
❖ **Part 1 - Official Notary Stamp**

All Pennsylvania notaries must have record each notarial act performed. This includes affixing a stamp or seal to the document or record. The seal must be a rubber stamp and show the following:

- The words: "Commonwealth of Pennsylvania".
- The words: "Notary Seal".
- The notary's name as it appears on the notary's commission and the words "Notary Public".
- The name of the county in which the notary maintains an office.
- The date the notary's commission expires.
- The seven digit commission identification number assigned by the Department.

The seal must have a maximum height of 1 inch and a maximum width of 3-1/2 inches with a plain border. The seal must be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated. No words or terms can be abbreviated on the stamp.

Here is an example of a Pennsylvania notary official stamp:



When using your stamp, you must:

- Place it in a prominent place on the certificate near your signature
- Have it be photographically reproducible
- Have it be legible
- Not cover print, text, or signatures
- Makes a clear impression.

The Revised Uniform Law on Notarial Acts states that your official stamp is your exclusive property:

- Must be kept in a secure locked location where only you can access it
- Must be kept under your control
- Cannot be used by another person
- Using a notary public's seal is considered impersonation and can incur criminal penalties
- Used only for notarial acts
- Do not deface or alter the stamp in any way whatsoever

Lost or stolen Seal:

If a notary loses his/her stamping device or if it's stolen you must notify the Department electronically or in writing, within 10 days after discovery. This notification must include the following information:

- Statement of whether the stamping device is lost, misplaced, stolen or is otherwise unavailable
- Date of discovery
- Statement that you do not possess the stamping device and do not know who possesses it or where it is located
- Statement that if you regain possession of the stamping device, you will file a statement with the Department within 10 days after reacquisition

Seal disposal or destruction:

- If you have a suspended or revoked notary commission you would need to deliver the stamping device to the Department of State within 10 days of the suspension or revocation.

- If you resign your commission or if the stamp expires, you must disable the stamping device by destroying and rendering it unusable.
- In the case of your death or adjudication of incompetency, a person representative would need to disable the stamping device, rendering it unusable.

❖ **Part 2 - Embossing Seal**

If you choose to use an embossing seal, it should contain the following:

- Your name EXACTLY as it appears on your commission
- The words "Commonwealth of Pennsylvania"
- The words "Notary Public"

An embossing seal may only be used in conjunction with the use of an official stamp. If you change your name, you can still use the same embossing seal for as long as you are a notary in the State of Pennsylvania.

When using the embossing seal do not overlap any signatures, your official stamp or any text in the document. Do not use another notary's embossing seal and do not let another notary use your personal embossing seal.

❖ **Part 3 - Notarial Journal**

A notary must keep a notary journal to maintain a chronological record of all notarial acts. A notary journal may be tangible or electronic, and you may choose to keep a tangible notary journal for tangible records and a separate electronic notary journal for electronic records.

A tangible notary journal should be a bound register with numbered pages. Proper binding can include glue, staples, or grommets. An electronic notary journal should be in a tamper-evident electronic format complying with the regulations of the Department.

Your notary journal must contain the following information:

- Your name as it appears on your notary commission
- Your notary commission number
- Your commission expiration date
- Your office address on record with the Department
- A statement that, in the event of your death, the journal needs to be delivered or mailed to the office of the recorder of deeds in county where you last maintained your office
- The meaning of any not commonly abbreviated word or symbol you use when recording notary acts in the journal
- Your signature
- Any changes to this information need to be made while still using this journal, you can just add the new information to the old information, as well as the date that the information changed.

Each notary journal entry needs to include:

- Date and time of the notarial act;
- Description of the document, if any;
- Type of notarial act performed;
- Full name and address (city & state only) of each individual for whom the notarial act is performed.
- If the identity of the individual is based on personal knowledge, the journal must also contain a statement to that effect.
- Each notary act must be a separate entry in the journal.
- If the identity of the individual is based on satisfactory evidence, you must write a brief description of the method of identification, including the date of issuance and expiration

- You must also record the fee you charged, or a notation that you waived the fee, such as "n/c" or "0".
- Clerical, administrative or travel fees, if charged must be separately itemized.

Prohibited Information:

There is some information that is prohibited for you to record in your journal. You may not record personal financial or identification information about your clients, such as: complete Social Security numbers, complete driver's license numbers or complete account numbers.

Surrendering your notary journal:

Never give your notary journal to anybody under any circumstances except for the following: Resignation, Disqualification, Death, Removal from office or the expiration of your commission.

A notarial journal is the exclusive property of the notary and may NOT be used by any other individual or given to the notary's employer. A notary must give a certified copy of any pages of the journal to a customer who asks for it, within 10 days of the request. (This includes providing copies in response to subpoenas and investigations.) The notary may charge a reasonable fee for copying and mailing the journal and should let the requestor know in advance what those fees will be. The notary may offer to allow the requestor to view the journal in person before deciding on what pages the customer would like copied.

If a notary journal is lost, stolen, or damaged, the notary public should inform the department either in writing or electronically within 10 days of it being lost, stolen, or damaged. The statement should include:

1. Statement of whether the journal was lost or stolen
2. Explanation of how the journal became lost or stolen
3. Date the notary discovered the journal was lost or stole
4. Statement that the notary does not possess the journal and does not know who possesses it or where it is located
5. Statement that if the notary subsequently re-acquires the journal, the notary agrees to notify the department within 10 days of reacquisition that he/she has the journal once again

If the notary's commission expires, the notary resigns, or the notary's commission is revoked, he/she must deliver the journal (within 30 days) to the office of the recorder of deeds in the county where the notary maintains an office. Within 30 days of a notary's death, a trustworthy individual should deliver the notary journal to the office recorder.

Sample notary journal entry section:

DATE AND TIME OF NOTARIZATION	TYPE OF NOTARY ACT	DOCUMENT DATE	TYPE OF DOCUMENT	1
PRINT NAME OF SIGNER				
SIGNER'S ADDRESS				
SIGNER IDENTIFICATION		<input type="checkbox"/> CREDIBLE WITNESS		
<input type="checkbox"/> PERSONALLY KNOWN		<input type="checkbox"/> OTHER I.D. -- DESCRIBE BELOW		
		X		
OTHER PERTINENT INFORMATION (OR IF LAND IS CONVEYED INDICATE NAME OF GRANTEE AND COUNTY WHERE LAND IS LOCATED)		NOTARY FEE (IF APPLICABLE)		

❖ **Part 4 - Notary Public Application**

How to complete your notary public application:

At the top of the notary public application be sure to check or mark the box if you are a “New Appointment” or “Reappointment (have been a notary in Pennsylvania before)”.

Part 1 - Under the applicant information you must enter your full name as you would like it to appear on your commission. Be advised that nicknames are not acceptable.

You can use the following:

- Your full first name and last name;
- Your full first name, middle initial and last name;
- Your full first name, full middle name and last name; or
- Your first name initial, full middle name and last name.

Be sure to enter the following:

- Enter your (DOB) date of birth
- Enter your (SSN) Social Security number
- Enter your E-mail address

Your office of record is an address (home or place of work) that the Department of State can use to mail you information and know you will receive it.

- Enter the name and address of your employer /business if you want to use your work address as your office of record.
- Enter your home address (required). If you are a Pennsylvania resident, you may use your home address as your office of record; but if you do, it will become public information.

Pennsylvania residents may use their business address or their home address for their office of record. Out-of-state residents must use their Pennsylvania business address.

Part II: Education; Criminal, Disciplinary and Legal History - Place a check or mark in the appropriate boxes under "YES" or "NO."

- Concerning your notary education, check "YES" if you have completed the mandatory education. Be sure to attach a copy of your course completion certificate and retain your original copy. If a copy is not attached it will result in rejection of your notary public application.
- Concerning your criminal history, if "YES," attach full details (name of court, plea/conviction/ARD, sentence and length of probation and appropriate supporting documents with a signed and dated personal explanation.
- If you have ever resigned a notary commission or had a notary commission suspended, revoked or otherwise been disciplined by the Commonwealth of Pennsylvania or any other state / jurisdiction, you must attach the full details and appropriate supporting documents with a signed and dated personal explanation.
- Concerning any other professional or occupational license that was subject to disciplinary actions, check "YES" or "NO," and if applicable, provide specific details on a separate sheet of paper.
- Check "YES" or "NO" if you ever had a judgment levied against you or admitted liability in a legal proceeding for actions as a notary public, provide full details on a separate sheet of paper.

Note: Your signature in Part II of the notary public application MUST match the full name printed in Part I of the notary public application. The individual re-applying must legibly type or write on his/her re-application and the signature on the re-application must match the applicant's name provided on the re-application. The signature should be legible and recognizable as the applicant's true name.

Sample Notary Public Application: Application form available online at www.notaries.pa.gov or paper form application available at www.dos.pa.gov/notaries.

Commonwealth of Pennsylvania – Department of State
 Bureau of Commissions, Elections and Legislation
 Division of Commissions, Legislation and Notaries
 210 North Office Building
 Harrisburg, PA 17120
 Tel: (717) 787-5280 Web: dos.pa.gov/notaries



NOTARY PUBLIC APPLICATION
 (Revised 10/4/2016 and effective 10/26/2017)
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This form may be submitted online at www.notaries.pa.gov

PRINT OR TYPE CLEARLY. FILL OUT APPLICATION COMPLETELY. Do not leave any blanks.
 Use "none" or "N/A" if applicable. **An incomplete application will delay your appointment.**
FEE: \$42 – make check or money order payable to: COMMONWEALTH OF PENNSYLVANIA

CHECK ONE: New Appointment
 Reappointment (have been a notary in Pennsylvania before)

If you have ever been a notary in Pennsylvania before or used a different name:
 Notary commission expiration date: _____ Full name on previous commission: _____
 Notary commission number: _____ Other name used on previous commission or other former names) you have used: _____

PART I: Applicant Information (NOTE: Employer/Business contact information will be public record)

First Name	Middle Name or Initial (if used)	Last Name	Suffix (if applicable)
Date of Birth (mm/dd/yyyy)	Social Security Number (xxx-xx-xxxx)	Email Address	
Name of Employer/Business where Notary Commission will be used (do not leave blank; if not applicable, please indicate)			
Employer/Business Street Address (P.O. Box alone is insufficient)	City	State	Zip Code
Employer/Business Telephone (include area code)	County		
Home Street Address (P.O. Box alone is insufficient)	City	State	Zip Code
Home Telephone (include area code)	County		

Part II: Education, Criminal, Disciplinary and Legal History (Check or mark appropriate boxes)

	YES (✓)	NO (✓)
I am a notary applicant for initial appointment or reappointment and I have completed a three-hour notary public education course, pre-approved by the Department, within the six-month period immediately preceding this application. I have attached a copy of my course completion certificate and retained my original. Lack of proof of education will result in application rejection.		
Have you ever been convicted or accepted Accelerated Rehabilitative Disposition in resolution of a felony or misdemeanor preceding the date of this application? Conviction includes a finding of guilt by a court or jury, a plea of guilty or nolo contendere or a finding of not guilty due to insanity or of guilty but mentally ill. If yes, attach full details (name of court, plea/conviction/ARJD, sentence and length of probation) and appropriate supporting documents with a signed and dated personal explanation.		
Have you ever resigned a notary commission or had a notary commission suspended, revoked or otherwise disciplined by the Commonwealth of Pennsylvania or any other state/jurisdiction preceding the date of this application? If yes, attach full details and appropriate supporting documents with a signed and dated personal explanation.		
Have you ever had any other professional or occupational license suspended, revoked or otherwise disciplined? If yes, attach full details and appropriate supporting documents with a signed and dated personal explanation.		
Have you ever had a judgment levied against you or admitted liability in a legal proceeding for your actions as a notary public? If yes, attach full details and appropriate supporting documents with a signed and dated personal explanation.		

Note that disclosing your social security number on this application is mandatory for the Department of State to comply with the requirements of the federal Social Security Act pertaining to child support enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa. C.S. § 4304-118. To enforce domestic child support orders, the Commonwealth's hearing boards must provide to the Department of Human Services (DHS) information prescribed by DHS about the licensee, including the social security number.

APPLICANT AFFIDAVIT: I am at least 18 years of age; a citizen or permanent legal resident of the United States; a resident of or have a place of employment in Pennsylvania, able to read and write English. I meet all the qualifications for appointment and commission as prescribed by law and have the honesty, integrity, competence and reliability to act as a notary public. I shall furnish additional evidence of these statements, if requested, which shall be satisfactory to the Department of State. To the best of my knowledge and belief, this application contains no misrepresentations or falsifications, omission or concealments of material fact and the information given by me is true and complete. I understand that any false statement made is subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation, or denial of my notary commission.

Applicant Signature (must match name in Part I) _____ Applicant Printed Name (must match name in Part I) _____ Date _____

❖ Part 5 - Notary Fees & Notary Fee Schedule

Notary Fees

Notary fees are determined by the Department of State and are the fees you are allowed to charge for each type of notarial act. You can charge fees or provide your services for free, but you are NOT permitted to charge more than the set fee for a specific notarial act.

If you charge notary fees, you are required to display a schedule of your fees where your customer(s) can view. You may also provide your customer(s) with a printed list of your fees. If you do not charge fees, you are not obligated to display the fees.

A notary public may charge clerical and administrative fees (fee must be reasonable) for copying, postage, travel and telephone calls. If these fees are charged the notary must inform the customer of the amount of each fee prior to performing the service. A notary public must provide an itemized receipt for all fees charged.

These clerical and administrative fees are listed separately in your notary journal. Clerical and administrative fees are not regulated by the Department of State. Do not leave these spaces blank.

If you did not charge notary or clerical and administrative fees, then write the letters N/C for "no charge", N/A for "not applicable" or a number zero with a line through it in your notary journal.

Notary Fee Schedule - The Secretary of the Commonwealth Revised Notary Fees:

Taking acknowledgment	\$5.00
Taking acknowledgment (each additional name)	\$2.00
Administering oath or affirmation (per individual)	\$5.00
Taking verification on oath or affirmation (no matter how many signatures)	\$5.00
Witnessing or attesting a signature (per signature)	\$5.00
Certifying or attesting a copy or deposition (per certified copy)	\$5.00
Noting a protest of a negotiable instrument (per page)	\$3.00

Fees

In addition to the above course materials covering Fees, be sure to review page 48, §329.1 Fees of notaries public for the exact RULONA requirements.

❖ **Part 6 - Pennsylvania Electronic Notarizations**

When you become a commissioned Pennsylvania notary public, you can apply for approval to electronically notarize. The Electronic Notarial Act Initiative allows qualified notaries to perform notarial acts electronically as part of electronic documents.

Examples of electronic documents are word processing documents, E-mail messages; portable documents format (PDF) files, documents scanned into an image format such as the software known as Adobe, and Web pages.

Instead of a paper document and an official notary stamp, the notary digitally places his/her identifying information to a document which exists as electronic data in a computer-readable form. All steps for an electronic notarization, including personal appearance and proper identification, must still take place.

A notary who desires to perform notarial acts with respect to electronic records must hold an active and current notary commission and should be authorized by the Department to act as an "electronic notary" (or "e-notary"). To become an authorized e-notary, one must be a notary and one must provide all of the following to the Department prior to performing any electronic notarial acts: His/her name, notary commission number, office address, email address and the name and contact information for his/her electronic notarization solution provider (including the provider's website).

Sample Electronic Notary Public Application:

Commonwealth of Pennsylvania – Department of State
 Bureau of Commissions, Elections and Legislation
 Division of Commissions, Legislation and Notaries
 212 North Office Building
 Harrisburg, PA 17120
 Tel: (717) 787-5280 Web: dls.pa.gov/notaries

ELECTRONIC
 NOTARY PUBLIC APPLICATION
 (Revised 10/26/2017)
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PRINT OR TYPE CLEARLY. FILL OUT APPLICATION COMPLETELY. Do not leave any blanks.
 Use "none" or "N/A" if applicable. An incomplete application will delay your approval.
 FEE: NONE

CHECK ONE: New Approval
 Renewal of Approval (have been an approved e-notary in Pennsylvania before)

Current notary commission information		YES (v)	NO (v)
Are you currently a commissioned notary public in Pennsylvania? If YES and you wish to apply for electronic notary in notary's states, please continue and complete the remainder of this application. If NO, then STOP. You <u>must</u> hold a current commission as a notary public prior to applying for electronic notary status.			
Notary commission expiration date	Notary commission ID number	Full name on current commission	

All information provided on this application must match the information on your current notary record.
 If any of the information does not match, please provide the correct information on this application with an attached explanation regarding the change(s).

PART I Applicant Information (NOTE: Employer/Business contact information will be public record)

First Name	Middle Name or Initial (if used)	Last Name	Suffix (if applicable)
Date of Birth (mm/dd/yyyy)	Gender (Check One): <input type="checkbox"/> Male <input type="checkbox"/> Female	Social Security Number (xxx-xx-xxxx)	Email Address (Required)
Name of Employer/Business where Notary Commission is used (Do not leave blank, if not applicable, please indicate.)			
Employer/Business Street Address (P.O. Box alone is insufficient)	City	State	Zip Code
Employer/Business Telephone (include area code)	County		
Home Street Address (P.O. Box alone is insufficient)	City	State	Zip Code
Home Telephone (include area code)	County		

Part II Criminal, Disciplinary and Legal History (Check or mark appropriate boxes)

	YES (v)	NO (v)
Have you ever been convicted or accepted Accelerated Rehabilitative Disposition in resolution of a felony or misdemeanor preceding the date of this application? Conviction includes a finding of guilty by a court or jury, a plea of guilty or nolo contendere or a finding of not guilty due to insanity or of guilty but mentally ill. If yes, attach full details (name of court, plea/conviction/ACRD, sentence and length of probation) and appropriate supporting documents with a signed and dated personal explanation.		
Have you ever resigned a notary commission or had a notary commission suspended, revoked or otherwise disciplined by the Commonwealth of Pennsylvania or any other state/province preceding the date of this application? If yes, attach full details and appropriate supporting documents with a signed and dated personal explanation.		
Have you ever had any other professional or occupational license suspended, revoked or otherwise disciplined? If yes, attach full details and appropriate supporting documents with a signed and dated personal explanation.		
Have you ever had a judgment entered against you or admitted liability in a legal proceeding for your actions as a notary public? If yes, attach full details and appropriate supporting documents with a signed and dated personal explanation.		

Note that disclosing your social security number on this application is optional for the Department of State to comply with the requirements of the latest Social Security Act pertaining to child support enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa. C.S. § 4304.1(a). To ensure domestic child support orders, the Commonwealth's licensing boards must provide to the Department of Human Services (DHS) information prescribed by DHS about the licensee, including the social security number.

APPLICATION AFFIDAVIT: To the best of my knowledge and belief, this application contains no misrepresentations or omissions, omission or misstatements of material fact and the information given by me is true and complete. I understand that any false statement made is subject to the penalties of 18 Pa. C.S. § 4904 (penalty to unknown notification to authorities) and may result in the suspension, revocation, or denial of my approval to act as an electronic notary.

Applicant Signature (must exactly match name in Part I) _____ Applicant Printed Name (must match name in Part I) _____ Date _____

❖ Part 7 - Notary Public Change of Name & Notary Public Change of Address

Notary Public Change of Name:

A notary public must notify the Department within 30 days of any change in the information on file with the Department, including the notary public's legal name.

Notice of a change in name must be on a form prescribed by the Department and accompanied by evidence of the name change (such as a marriage certificate, court order or divorce decree). Name changes may also be submitted online at www.notaries.pa.gov (link to Update Notary Info).

Following notification to the Department, the notary may use the new name or continue to perform notarial acts in the name in which the notary was commissioned until the expiration of the notary's term. However, before using the new name on notarial work, the notary public must register the new signature with the prothonotary's office of the county where the notary's office address is located and purchase a new rubber stamp seal. Application for reappointment must be made in the new name.

Sample of Notary Public Change of Name form:

Commonwealth of Pennsylvania – Department of State
 Bureau of Commissions, Elections and Legislation
 Division of Commissions, Legislation and Notaries
 210 North Office Building
 Harrisburg, PA 17120
 Tel: (717) 787-5280 Web: dss.pa.gov/notaries



**NOTARY PUBLIC
 CHANGE OF NAME**
 (Revised 8/17/2019)


400

A notary public must notify the Department of State within 30 days of any change in the information on file with the Department, including the notary's legal name. Such notice must be on a form prescribed by the Department and accompanied by evidence of the name change (such as marriage certificate, court order or divorce decree).

This form may be submitted online at www.notaries.pa.gov (link to "Update Notary Info").

Following notification to the Department, the notary may use the new name or continue to perform notarial acts in the name in which the notary was commissioned until the expiration of the notary's term. However, before using the new name on notarial work, the notary public must register the new signature with the prothonotary's office of the county where the notary's office address is located and purchase a new rubber stamp seal. Application for reappointment must be made in the new name.

PRINT OR TYPE CLEARLY. FILL OUT FORM COMPLETELY. Do not leave any blanks.
 Use "none" or "N/A" if applicable. There is no fee for filing this form.

Notary commission expiration date	Date of Birth (mm/dd/yyyy)
Notary commission ID number	Email address where you can be contacted about this form

For Official Use Only

PART I: Full name as it appears on your current commission:			
First Name	Middle Name or Initial (if used)	Last Name	Suffix (if any)

PART II: Name has changed to:			
First Name	Middle Name or Initial (if used)	Last Name	Suffix (if any)

Effective date of name change (mm/dd/yyyy): ____/____/____

Reason for change of name (circle one): Marriage / Divorce / Court Order / Other

Please attach proof of name change (e.g. marriage certificate, court order, divorce decree)

APPLICANT DECLARATION: I shall furnish additional evidence of these statements, if requested, which shall be satisfactory to the Department of State. To the best of my knowledge and belief, this filing contains no misrepresentations or falsifications, omission or concealments of material fact and the information given by me is true and complete. I understand that any false statement made is subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation, or denial of my notary commission.

 Notary Signature (must exactly match new name in Part II) Notary Printed Name (must match new name in Part II) Date

Notary Public Change of Address:

1. A notary public must notify the Department within 30 days of any change in the information on file with the Department, including the notary public's office address or home address.

2. Notice of a change in address must be made in writing or by email and must state the effective date of the change. The Department has developed a Change of Address form to assist notaries to comply. Address changes may also be submitted online at www.notaries.pa.gov (link to Update Notary Info).

Note: RULONA requires that the notary register his or her official signature in the prothonotary's office of the county where the notary public maintains an office. Where a notary public moves the notary's office address to a different county, the notary must register the notary's official signature in the prothonotary's office of the new county within 30 days of moving into the new county.

Sample Notary Public Change of Address form:

Commonwealth of Pennsylvania – Department of State Bureau of Commissions, Elections and Legislation Division of Commissions, Legislation and Notaries 210 North Office Building Harrisburg, PA 17120 Tel: (717) 787-5280 Web: sos.pa.gov/notaries				NOTARY PUBLIC CHANGE OF ADDRESS (Revised 9/1/2019)			
<p>A notary public must notify the Department of State within 30 days of any change in the information on file with the Department, including the notary's office address or home address. Such notice may be made in writing or by email and shall state the effective date of such change. This form may be submitted online at www.notaries.pa.gov (link to "Update Notary Info").</p> <p>Where a notary public moves the notary's office address to a different county, the notary must register the notary's official signature in the prothonotary's office of the new county within 30 days.</p> <p>PRINT OR TYPE CLEARLY. FILL OUT FORM COMPLETELY. Do not leave any blanks. Use "none" or "N/A" if applicable. There is no fee for filing this form.</p>						<div style="border: 1px solid black; width: 100%; height: 100%; text-align: center; vertical-align: middle;">For Official Use Only</div>	
Notary commission expiration date		Notary commission ID number		Email address where you can be contacted about this form			
Full name as commissioned		Date of birth (mm/dd/yyyy)		Effective date of address change (mm/dd/yyyy)			
Office Address (place of employment or practice) currently on file with Department							
Employer/Business Name							
Employer/Business Street Address (P.O. Box alone is insufficient)			City	State	Zip Code		
Employer/Business Telephone (include area code)				County			
New Office Address (NOTE: Office address information is a public record)							
Employer/Business Name							
Employer/Business Street Address (P.O. Box alone is insufficient)			City	State	Zip Code		
Employer/Business Telephone (include area code)				County			
Home Address currently on file with Department							
Home Street Address (P.O. Box alone is insufficient)			City	State	Zip Code		
Home Telephone (include area code)				County			
New Home Address							
Home Street Address (P.O. Box alone is insufficient)			City	State	Zip Code		
Home Telephone (include area code)				County			
<small>APPLICANT DECLARATION: I shall furnish additional evidence of these statements, if requested, which shall be satisfactory to the Department of State. To the best of my knowledge and belief, this filing contains no misrepresentations or falsifications, omission or concealments of material fact and the information given by me is true and complete. I understand that any false statement made is subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation, or denial of my notary commission.</small>							
Notary Signature (must match name on commission)		Notary Printed Name (must match name on commission)		Date			

❖ **Part 8 - If moving outside of Pennsylvania**

If moving outside the State of Pennsylvania but retain a work address in the State of Pennsylvania, you can still keep your notary commission.

If you do not live or work in the State of Pennsylvania, you **MUST** resign your notary commission. You must submit a Notary Public Resignation Form or letter of resignation, your commission to the Secretary of the Commonwealth along with your notary journal that must be sent to the recorder of deeds in the county where your office of record is located within 30 days of the resignation. Your official stamp must be destroyed so it is unusable.

❖ **Part 9 - Conflict of Interest**

A notarial officer may not perform a notarial act with respect to a record in which the notarial officer or the notarial officer's spouse has a direct or pecuniary interest. In addition to the course materials covering Conflict of Interest, be sure to review page 56, Conflict of Interests.

❖ **Part 10 - Sanctions and Penalties**

For the details and specifics involving complaints, discipline/penalties, notice and opportunity for hearing, civil penalties, criminal penalties, prohibited acts: legal advice/notario public & advertising requirements please be sure to review pages 44, 45, 46, 55 & 56.

Notary Education

Chapter 4



Recognizing Your Customer

❖ **Part 1 - Personal appearance required**

If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

One of the most important aspects of notary work is accurately identifying your customer. When properly identifying your customer, you as a notary, help defend against deception. Personal appearance is required with no exceptions.

What is NOT considered personal appearance?

- Video conference calls
- Use of audio technologies
- Receiving a fax(ed) document(s) to be notarized
- Telephone calls from an individual or customer
- Sending another individual to have a document/form notarized

1. Personal Knowledge

A notarial officer has personal information of the identity of an individual (friend, neighbor, co-worker or family relative) appearing before the notarial officer if the individual is personally known to the notarial officer through dealings adequate to offer reasonable certainty that the individual has the identity claimed.

2. Satisfactory Evidence

A notarial officer has satisfactory evidence of the identity of an individual appearing before the notarial officer if the notarial officer can identify the individual using certain identification documentation.

Examples of acceptable identification include:

- U.S. Passport which is current and unexpired
- State driver's license which is current and unexpired
- Government issued non-driver identification card which is current and unexpired
- Another form of government identification issued to an individual, which is current and contains the signature or a photograph of the individual and is satisfactory to the notarial officer.
- Verification on oath or affirmation of a credible witness personally appearing before the notarial officer and personally known to the notarial officer.
- A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the notarial officer of the identity of the individual.

3. Credible Witness

By a verification on oath or affirmation of a credible witness personally appearing before the officer and personally known to the officer.

Authority to Refuse to Perform Notarial Act

A notary may refuse to perform a notarial act if the notary is not satisfied that: Individual executing the record is competent or has the capacity to execute the record; Individual's signature is knowingly and voluntarily made; Individual's signature on the record or statement substantially conforms to the signature on a form of identification used to determine the identity of the individual; or Physical appearance of the individual signing the record or statement substantially conforms to the photograph on a form of identification used to determine the identity of the individual.

Notary References

Chapter 5



Notaries Public (57 PA.C.S.)

Chapter 3

Revised Uniform Law on

Notarial Acts

NOTARIES PUBLIC (57 PA.C.S.)
CHAPTER 3
REVISED UNIFORM LAW ON NOTARIAL ACTS

Section

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§ 301. Short title of chapter.

This chapter shall be known and may be cited as the Revised Uniform Law on Notarial Acts.

§ 302. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Acknowledgment." A declaration by an individual before a notarial officer that:

- (1) the individual has signed a record for the purpose stated in the record; and
- (2) if the record is signed in a representative capacity, the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

"Bureau." The Bureau of Commissions, Elections and Legislation.

"Conviction." Whether or not judgment of sentence has been imposed, any of the following:

- (1) An entry of a plea of guilty or nolo contendere.
- (2) A guilty verdict, whether after trial by judge or by jury.
- (3) A finding of not guilty due to insanity or of guilty but mentally ill.

"Department." The Department of State of the Commonwealth.

"Electronic." Relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

"Electronic signature." An electronic symbol, sound or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

"In a representative capacity." Acting as:

- (1) an authorized officer, agent, partner, trustee or other representative for a person other than an individual;
- (2) a public officer, personal representative, guardian or other representative, in the capacity stated in a record; .
- (3) an agent or attorney-in-fact for a principal; or
- (4) an authorized representative of another in any other capacity.

Notarial act." An act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the laws of this Commonwealth. The term includes:

- (1) taking an acknowledgment;
- (2) administering an oath or affirmation;
- (3) taking a verification on oath or affirmation;
- (4) witnessing or attesting a signature;
- (5) certifying or attesting a copy or deposition; and
- (6) noting a protest of a negotiable instrument.

"Notarial officer." A notary public or other individual authorized to perform a notarial act.

"Notary public." An individual commissioned to perform a notarial act by the department.

"Official stamp." A physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record. The term includes a notary seal.

"Person." Any of the following:

- (1) Any individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture or public corporation.
- (2) A government or governmental subdivision, agency or instrumentality.
- (3) Any other legal or commercial entity.

"Record." Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Recorder of deeds." A county recorder of deeds or an official with similar duties and responsibilities. The term includes the commissioner of records of a county of the first class and the manager of the department of real estate of a county of the second class.

"Secretary." The Secretary of the Commonwealth.

"Sign." With present intent to authenticate or adopt a record:

- (1) to execute or adopt a tangible symbol; or
- (2) to attach to or logically associate with the record an electronic symbol, sound or process.

"Signature." A tangible symbol or an electronic signature which evidences the signing of a record.

"Stamping device." Any of the following:

- (1) A physical device capable of affixing to or embossing on a tangible record an official stamp.
- (2) An electronic device or process capable of attaching to or logically associating with an electronic record an official stamp.

"State." A state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

"Verification on oath or affirmation." A declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true. The term includes an affidavit.

§ 303. Applicability.

This chapter applies to a notarial act performed on or after the effective date of this chapter.

§ 304. Authority to perform notarial act.

(a) Permitted.--A notarial officer may perform a notarial act authorized by this chapter or by statutory provision other than this chapter.

(b) Prohibited.--

(1) A notarial officer may not perform a notarial act with respect to a record in which the notarial officer or the notarial officer's spouse has a direct or pecuniary interest.

(2) For the purpose of this subsection, none of the following shall constitute a direct or pecuniary interest:

(i) being a shareholder in a publicly traded company that is a party to the notarized transaction;

(ii) being an officer, director or employee of a company that is a party to the notarized transaction, unless the director, officer or employee personally benefits from the transaction other than as provided under subparagraph

(iii); or (iii) receiving a fee that is not contingent upon the completion of the notarized transaction.

(3) A notarial act performed in violation of this subsection is voidable.

§ 305. Requirements for certain notarial acts.

(a) Acknowledgments.--A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, all of the following:

(1) The individual appearing before the notarial officer and making the acknowledgment has the identity claimed.

(2) The signature on the record is the signature of the individual.

(b) Verifications.--A notarial officer who takes a verification of a statement on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, all of the following:

(1) The individual appearing before the notarial officer and making the verification has the identity claimed.

(2) The signature on the statement verified is the signature of the individual.

(c) Signatures.--A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, all of the following:

(1) The individual appearing before the notarial officer and signing the record has

the identity claimed.

(2) The signature on the record is the signature of the individual.

(d) Copies.--A notarial officer who certifies or attests a copy of a record or an item which was copied shall determine that the copy is a complete and accurate transcription or reproduction of the record or item.

(e) Negotiable instruments.--A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in 13 Pa.C.S. § 3505(b) (relating to evidence of dishonor).

§ 306. Personal appearance required.

If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

§ 307. Identification of individual.

(a) Personal knowledge.--A notarial officer has personal knowledge of the identity of an individual appearing before the notarial officer if the individual is personally known to the notarial officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

(b) Satisfactory evidence.--A notarial officer has satisfactory evidence of the identity of an individual appearing before the notarial officer if the notarial officer can identify the individual as set forth in any of the following paragraphs:

(1) By means set forth in any of the following subparagraphs:

(i) A passport, driver's license or government-issued non-driver identification card, which is current and unexpired.

(ii) Another form of government identification issued to an individual, which:

(A) is current;

(B) contains the signature or a photograph of the individual; and

(C) is satisfactory to the notarial officer.

(2) By a verification on oath or affirmation of a credible witness personally appearing before the notarial officer and personally known to the notarial officer.

(c) Discretion.--A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the notarial officer of the identity of the individual.

§ 308. Authority to refuse to perform notarial act.

(a) Specific refusal.--A notarial officer may refuse to perform a notarial act if the notarial officer is not satisfied that:

(1) the individual executing the record is competent or has the capacity to execute the record;

(2) the individual's signature is knowingly and voluntarily made;

(3) the individual's signature on the record or statement substantially conforms to the signature on a form of identification used to determine the identity of the individual;
or

(4) the physical appearance of the individual signing the record or statement substantially conforms to the photograph on a form of identification used to determine the identity of the individual.

(b) General refusal.--A notarial officer may refuse to perform a notarial act unless refusal is prohibited by law other than this chapter.

§ 309. Signature if individual unable to sign (Reserved).

§ 310. Notarial act in this

(a) Eligible individuals.--A notarial act may be performed in this Commonwealth by any of the following:

(1) A judge of a court of record.

- (2) A clerk, prothonotary or deputy prothonotary or deputy clerk of a court having a seal.
 - (3) Any of the following:
 - (i) A recorder of deeds.
 - (ii) A deputy recorder of deeds.
 - (iii) A clerk of a recorder of deeds to the extent authorized by:
 - (A) section 1 of the act of May 17, 1949 (P.L.1397, No.414), entitled "An act authorizing the recorder of deeds in counties of the first class to appoint and empower clerks employed in his office to administer oaths and affirmations";
 - (B) section 1312 of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code; or
 - (C) section 1313 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code.
 - (4) A notary public.
 - (5) A member of the minor judiciary. As used in this paragraph, the term "minor judiciary" has the meaning given in 42 Pa.C.S. § 102 (relating to definitions).
 - (6) An individual authorized by law to perform a specific notarial act.
- (b) Prima facie evidence.--The signature and title of an individual performing a notarial act in this Commonwealth are prima facie evidence that:
- (1) the signature is genuine; and
 - (2) the individual holds the designated title.
- (c) Conclusive determination.--The signature and title of a notarial officer described in subsection (a)(1), (2), (3), (4) or (5) conclusively establish the authority of the notarial officer to perform the notarial act.

§ 311. Notarial act in another state.

- (a) Effect.--A notarial act performed in another state has the same effect under the law of this Commonwealth as if performed by a notarial officer of this Commonwealth if the act performed in that state is performed by any of the following:
- (1) A notary public of that state.
 - (2) A judge, clerk or deputy clerk of a court of that state.
 - (3) An individual authorized by the law of that state to perform the notarial act.
- (b) Prima facie evidence.--The signature and title of an individual performing a notarial act in another state are prima facie evidence that:
- (1) the signature is genuine; and
 - (2) the individual holds the designated title.
- (c) Conclusive determination.--The signature and title of a notarial officer described in subsection (a)(1) or (2) conclusively establish the authority of the notarial officer to perform the notarial act.

§ 312. Notarial act under authority of federally recognized Indian tribe.

- (a) Effect.--A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notarial officer of this Commonwealth if the act performed in the jurisdiction of the tribe is performed by any of the following:
- (1) A notary public of the tribe.
 - (2) A judge, clerk or deputy clerk of a court of the tribe.
 - (3) An individual authorized by the law of the tribe to perform the notarial act.
- (b) Prima facie evidence.--The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that:
- (1) the signature is genuine; and
 - (2) the individual holds the designated title.

(c) Conclusive determination.--The signature and title of a notarial officer described in subsection (a)(1) or (2) conclusively establish the authority of the notarial officer to perform the notarial act.

§ 313. Notarial act under Federal authority.

(a) Effect.--A notarial act performed under Federal law has the same effect under the law of this Commonwealth as if performed by a notarial officer of this Commonwealth if the act performed under Federal law is performed by any of the following:

- (1) A judge, clerk or deputy clerk of a court.
- (2) An individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under Federal law.
- (3) An individual designated a notarizing officer by the United States Department of State for performing notarial acts overseas.
- (4) An individual authorized by Federal law to perform the notarial act.

(b) Prima facie evidence.--The signature and title of an individual acting under Federal authority and performing a notarial act are prima facie evidence that:

- (1) the signature is genuine; and
- (2) the individual holds the designated title.

(c) Conclusive determination.--The signature and title of a notarial officer described in subsection (a)(1), (2) or (3) conclusively establish the authority of the notarial officer to perform the notarial act.

§ 314. Foreign notarial act.

(a) (Reserved).

(b) Effect.--

- (1) This subsection applies to a notarial act:
 - (i) performed under authority and in the jurisdiction of a foreign state or constituent unit of the foreign state; or
 - (ii) performed under the authority of a multinational or international governmental organization.

(2) A notarial act under paragraph (1) has the same effect under the law of this Commonwealth as if performed by a notarial officer of this Commonwealth.

(c) Conclusive establishment.--If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

(d) Prima facie evidence.--The signature and official stamp of an individual holding an office described in subsection (c) are prima facie evidence that:

- (1) the signature is genuine; and
- (2) the individual holds the designated title.

(e) Hague Convention.--

- (1) This subsection applies to an apostille which is:
 - (i) in the form prescribed by the Hague Convention of October 5, 1961; and
 - (ii) issued by a foreign state party to the Hague Convention.
- (2) An apostille under paragraph (1) conclusively establishes that:
 - (i) the signature of the notarial officer is genuine; and
 - (ii) the notarial officer holds the indicated office.

(f) Consular authentications.--

- (1) This subsection applies to a consular authentication:
 - (i) issued by an individual designated by the United States Department of State as a notarizing officer for performing notarial acts overseas; and
 - (ii) attached to the record with respect to which the notarial act is performed.
- (2) A consular authentication under paragraph (1) conclusively establishes that:

- (i) the signature of the notarial officer is genuine; and
- (ii) the notarial officer holds the indicated office.

(g) Definition.--As used in this section, the term "foreign state" means a government other than the United States, a state or a federally recognized Indian tribe.

§ 315. Certificate of notarial act.

(a) Requirements.--

- (1) A notarial act shall be evidenced by a certificate.
- (2) Regardless of whether the notarial officer is a notary public, the certificate must:
 - (i) be executed contemporaneously with the performance of the notarial act;
 - (ii) be signed and dated by the notarial officer;
 - (iii) identify the county and State in which the notarial act is performed; and
 - (iv) contain the title of office of the notarial officer.
- (3) If the notarial officer is a notary public, all of the following subparagraphs apply:
 - (i) The notary public must:
 - (A) sign 'the notary public's name exactly and only as it appears on the commission; or
 - (B) execute the notary public's electronic signature in a manner which attributes the signature to the notary public identified in the commission.
 - (ii) The certificate must indicate the date of expiration of the notarial officer's commission.

(b) Official stamp.--

- (1) If a notarial act regarding a tangible record is performed by a notary public, an official stamp shall be affixed to the certificate near the notary public's signature in a form capable of photographic reproduction.
- (2) If a notarial act is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in subsection (a)(2)(ii), (iii) and (iv), an official stamp may be affixed to the certificate.
- (3) If a notarial act regarding an electronic record is performed by a notary public and the certificate contains the information specified in subsection (a)(2)(ii), (iii) and (iv) and (3), an official stamp may be attached to or logically associated with the certificate.
- (4) If a notarial act regarding an electronic record is performed by a notarial officer other than a notary public and the certificate contains the information specified in subsection (a)(2)(ii), (iii) and (iv), an official stamp may be attached to or logically associated with the certificate.

(c) Sufficiency.--A certificate of a notarial act is sufficient if it meets the requirements of subsections (a) and (b) and:

- (1) is in a short form set forth in section 316 (relating to short form certificates);
- (2) is in a form otherwise permitted by a statutory provision;
- (3) is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or
- (4) sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in:
 - (i) sections 305 (relating to requirements for certain notarial acts), 306 (relating to personal appearance required) and 307 (relating to identification of individual); or
 - (ii) a statutory provision other than this chapter.

(d) Effect.--By executing a certificate of a notarial act, a notarial officer certifies that the notarial officer has complied with the requirements and made the determinations specified in sections 304 (relating to authority to perform notarial act), 305 and 306.

(e) Prohibition.--A notarial officer may not affix the notarial officer's signature to or logically associate it with a certificate until the notarial act has been performed.

(f) Process.--

(1) If a notarial act is performed regarding a tangible record, a certificate shall be part of or securely attached to the record.

(2) If a notarial act is performed regarding an electronic record, the certificate shall be affixed to or logically associated with the electronic record.

(3) If the department has established standards under section 327 (relating to regulations) for attaching, affixing or logically associating the certificate, the process must conform to the standards.

§ 316. Short form certificates.

The following short form certificates of notarial acts are sufficient for the purposes indicated if completed with the information required by section 315(a) and (b) (relating to certificate of notarial act):

(1) For an acknowledgment in an individual capacity:

State of
County of

This record was acknowledged before me on _____ (date)

by _____ (name(s) of individual(s))

Signature of notarial officer

Stamp

Title of office

My commission expires:

(2) For an acknowledgment in a representative capacity:

State of
County of

This record was acknowledged before me on _____ (date)

by _____ (name(s) of individual(s))

as _____ (type of authority, such as officer or trustee) who represent that (he, she or they) are authorized to act on behalf of _____ (name of party on behalf of whom record was executed)

Signature of notarial officer

Stamp

Title of office

My commission expires:

(2.1) For an acknowledgment by an attorney at law pursuant to 42 Pa.C.S. § 327 (relating to oaths and acknowledgments):

State of
County of

This record was acknowledged before me on _____ (date)

By _____ (name of attorney) Supreme Court identification number _____ as a member of the bar of the Pennsylvania Supreme Court certified that he / she was personally present when

_____ (name(s) of individual(s)) executed the record and
That _____ (name(s) of individual(s)) executed the record
for the purposes contained therein.

Signature of notarial officer
Stamp

Title of office
My commission expires:

(3) For a verification on oath or affirmation:

State of _____
County of _____
Signed and sworn to (or affirmed) before me on _____ (date)
by _____ (name(s) of individual(s) making statement

Signature of notarial officer
Stamp

Title of office
My commission expires:

(4) For witnessing or attesting a signature:

State of _____
County of _____
Signed (or attested) before me on _____ (date)
by _____ (name(s) of individual)

Signature of notarial officer
Stamp

Title of office
My commission expires:

(5) For certifying a copy of a record:

State of _____
County of _____
I certify that this is a true and correct copy of a _____
in the possession of _____
Dated _____

Signature of notarial officer
Stamp

Title of office
My commission expires:

(6) For certifying the transcript of a deposition:

State of
County of
I certify that this is a true and correct copy of the transcript of the deposition
of _____
Dated

Signature of notarial officer
Stamp

Title of office:
My commission expires:

§ 317. Official stamp.

The following shall apply to the official stamp of a notary public:

- (1) A notary public shall provide and keep an official seal, which shall be used to authenticate all the acts, instruments and attestations of the notary public. The seal must be a rubber stamp and must show clearly in the following order:
 - (i) The words "Commonwealth of Pennsylvania."
 - (ii) The words "Notary Seal."
 - (iii) The name as it appears on the commission of the notary public and the words "Notary Public."
 - (iv) The name of the county in which the notary public maintains an office.
 - (v) The date the notary public's commission expires.
 - (vi) Any other information required by the department.
- (2) The seal must have a maximum height of one inch and width of three and one-half inches, with a plain border.
- (3) The seal must be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.

§ 318. Stamping device.

(a) Security.--

- (1) A notary public is responsible for the security of the stamping device of the notary public. A notary public may not allow another individual to use the device to perform a notarial act.
 - (2) On resignation of a notary public commission or on the expiration of the date set forth in the stamping device, the notary public shall disable the stamping device by destroying, defacing, damaging, erasing or securing it against use in a manner which renders it unusable.
 - (2.1) An individual whose notary public commission has been suspended or revoked shall surrender possession of the stamping device to the department.
 - (3) On the death or adjudication of incompetency of a notary public, the personal representative or guardian of the notary public or any person knowingly in possession of the stamping device shall render it unusable by destroying, defacing, damaging, erasing or securing it against use in a manner which renders it unusable.
- (b) Loss or theft.--If a stamping device is lost or stolen, the notary public or the personal representative or guardian of the notary public shall notify the department promptly upon discovering that the device is lost or stolen.

§ 319 Journal.

- (a) Maintenance.--A notary public shall maintain a journal in which the notary public records in chronological order all notarial acts that the notary public performs.
- (b) Format.--A journal may be created on a tangible medium or in an electronic format. A notary public may maintain a separate journal for tangible records and for electronic

records. If the journal is maintained on a tangible medium, it shall be a bound register with numbered pages. If the journal is maintained in an electronic format, it shall be in a tamper-evident electronic format complying with the regulations of the department.

(c) Entries.--An entry in a journal shall be made contemporaneously with performance of the notarial act and contain all of the following information:

- (1) The date and time of the notarial act.
- (2) A description of the record, if any, and type of notarial act.
- (3) The full name and address of each individual for whom the notarial act is performed.
- (4) If identity of the individual is based on personal knowledge, a statement to that effect.
- (5) If identity of the individual is based on satisfactory evidence, a brief description of the method of identification and any identification credential presented, including the date of issuance and expiration of an identification credential.
- (6) The fee charged by the notary public.

(d) Loss or theft.--If a journal is lost or stolen, the notary public shall promptly notify the department on discovering that the journal is lost or stolen.

(e) Termination of office.--A notary public shall deliver the journal of the notary public to the office of the recorder of deeds in the county where the notary public last maintained an office within 30 days of:

- (1) expiration of the commission of the notary public, unless the notary public applies for a commission within that time period;
- (2) resignation of the commission of the notary public; or
- (3) revocation of the commission of the notary public.

(f) Repository.--(Reserved).

(g) Death or incompetency.--On the death or adjudication of incompetency of a current or former notary public, the personal representative or guardian of the notary public or a person knowingly in possession of the journal of the notary public shall deliver it within 30 days to the office of the recorder of deeds in the county where the notary public last maintained an office.

(g.1) Certified copies.--A notary public shall give a certified copy of the journal to a person that applies for it.

(h) Protection.--

- (1) A journal and each public record of the notary public are exempt from execution.
- (2) A journal is the exclusive property of the notary public.
- (3) A journal may not be:
 - (i) used by any person other than the notary public; or
 - (ii) surrendered to an employer of the notary public upon termination of employment.

§ 320. Notification regarding performance of notarial act on electronic record; selection of technology.

(a) Selection.--A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person may not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

(b) Notice and approval.--

- (1) Before a notary public performs the initial notarial act with respect to an electronic record, a notary public shall notify the department that the notary public will be performing notarial acts with respect to electronic records and identify each technology the notary public intends to use.
- (2) If the department has established standards for approval of technology under section 327 (relating to regulations), the technology must conform to the standards. If the technology conforms to the standards, the department shall approve the use of the technology.

§ 321. Appointment and commission as notary public; qualifications; no immunity or benefit.

(a) Eligibility.--An applicant for appointment and commission as a notary public must meet all of the following:

- (1) Be at least 18 years of age.
- (2) Be a citizen or permanent legal resident of the United States.
- (3) Be a resident of or have a place of employment or practice in this Commonwealth.
- (4) Be able to read and write English.
- (5) Not be disqualified to receive a commission under section 323 (relating to sanctions).
- (6) Have passed the examination required under section 322(a) (relating to examination, basic education and continuing education).
- (7) Comply with other requirements established by the department by regulation as necessary to insure the competence, integrity and qualifications of a notary public and to insure the proper performance of notarial acts.

(b) Application.--An individual qualified under subsection (a) may apply to the department for appointment and commission as a notary public. The application must comply with all of the following:

- (1) Be made to the department on a form prescribed by the department.
- (2) Be accompanied by a nonrefundable fee of \$42, payable to the Commonwealth of Pennsylvania. This amount shall include the application fee for notary public commission and fee for filing of the bond with the department.
- (3) (Deleted by amendment.)

(c) Oath or affirmation.--Upon appointment and before issuance of a commission as a notary public, an applicant must execute an oath or affirmation of office.

(d) Bond.--

- (1) Within 45 days after appointment and before issuance of a commission as a notary public, the applicant must obtain a surety bond in:
 - (i) the amount of \$10,000; or
 - (ii) the amount set by regulation of the department.
- (2) (Reserved).
- (3) The bond must:
 - (i) be executed by an insurance company authorized to do business in this Commonwealth;
 - (ii) cover acts performed during the term of the notary public commission; and
 - (iii) be in the form prescribed by the department.
- (4) If a notary public violates law with respect to notaries public in this Commonwealth, the surety or issuing entity is liable under the bond.
- (5) The surety or issuing entity must give 30 days' notice to the department before canceling the bond.
- (6) The surety or issuing entity shall notify the department not later than 30 days after making a payment to a claimant under the bond.
- (7) A notary public may perform notarial acts in this Commonwealth only during the period in which a valid bond is on file with the department.

(d.1) Official signature.--

- (1) The official signature of each notary public shall be registered, for a fee of 50¢, in the "Notary Register" provided for that purpose in the prothonotary's office of the county where the notary public maintains an office within:
 - (i) 45 days after appointment or reappointment; and
 - (ii) 30 days after moving to a different county.
- (2) In a county of the second class, the official signature of each notary public shall be registered in the office of the clerk of courts within the time periods specified in paragraph (1).

(d.2) Recording and filing.--

(1) Upon appointment and prior to entering into the duties of a notary public, the bond, oath of office and commission must be recorded in the office of the recorder of deeds of the county in which the notary public maintains an office.

(2) Upon reappointment, the bond, oath of office and commission must be recorded in the office of the recorder of deeds of the county in which the notary public maintains an office.

(3) Within 90 days of recording under this subsection, a copy of the bond and oath of office must be filed with the department.

(e) Issuance.--On compliance with this section, the department shall issue to an applicant a commission as a notary public for a term of four years.

(f) Effect.--

(1) A commission to act as a notary public authorizes a notary public to perform notarial acts. If a notary public fails to comply with subsection (d.1) or (d.2), the notary public's commission shall be null and void.

(2) A commission to act as a notary public does not provide a notary public any immunity or benefit conferred by law of this Commonwealth on public officials or employees.

§ 322. Examination, basic education and continuing education.

(a) Examination.--An applicant for a commission as a notary public who does not hold a commission in this Commonwealth must pass an examination administered by the department or an entity approved by the department. The examination must be based on the course of study described in subsection (b).

(b) Basic education.--An applicant under subsection (a) must, within the six-month period immediately preceding application, complete a course of at least three hours of notary public basic education approved by the department. For approval, the following apply:

(1) The course must cover the statutes, regulations, procedures and ethics relevant to notarial acts, with a core curriculum including the duties and responsibilities of the office of notary public and electronic notarization.

(2) The course must either be interactive or classroom instruction.

(c) Continuing education.--An applicant for renewal of appointment and commission as a notary public must, within the six-month period immediately preceding application, complete a course of at least three hours of notary public continuing education approved by the department. For approval, the following apply:

(1) The course must cover topics which ensure maintenance and enhancement of skill, knowledge and competency necessary to perform notarial acts.

(2) The course must either be interactive or classroom instruction.

(d) Preapproval.--All basic and continuing education courses of study must be pre-approved by the department.

§ 323. Sanctions.

(a) Authority.--The department may deny, refuse to renew, revoke, suspend, reprimand or impose a condition on a commission as notary public for an act or omission which demonstrates that the individual lacks the honesty, integrity, competence or reliability to act as a notary public. Such acts or omissions include:

(1) Failure to comply with this chapter.

(2) A fraudulent, dishonest or deceitful misstatement or omission in the application for a commission as a notary public submitted to the department.

(3) Conviction of or acceptance of Accelerated Rehabilitative Disposition by the applicant or notary public for a felony or an offense involving fraud, dishonesty or deceit.

(4) A finding against or admission of liability by the applicant or notary public

in a legal proceeding or disciplinary action based on the fraud, dishonesty or deceit of the applicant or notary public.

(5) Failure by a notary public to discharge a duty required of a notary public, whether by this chapter, by regulation of the department or by Federal or State law.

(6) Use of false or misleading advertising or representation by a notary public representing that the notary public has a duty, right or privilege that the notary public does not have.

(7) Violation by a notary public of a regulation of the department regarding a notary public.

(8) Denial, refusal to renew, revocation, suspension or conditioning of a notary public commission in another state.

(9) Failure of a notary public to maintain a bond under section 321(d) (relating to appointment and commission as notary public; qualifications; no immunity or benefit).

(a.1) Administrative penalty.--The department may impose an administrative penalty of up to \$1,000 on a notary public for each act or omission which constitutes a violation of this chapter or on any person who performs a notarial act without being properly appointed and commissioned under this chapter.

(b) Administrative Agency Law.--Action by the department under subsection (a) or (a.1) is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action).

(c) Other remedies.--The authority of the department under this section does not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.

(d) Investigations and hearings.--

(1) The department may issue a subpoena, upon application of an attorney responsible for representing the Commonwealth in disciplinary matters before the department, for the purpose of investigating alleged violations of the disciplinary provisions administered by the department.

(2) In an investigation or hearing, the department, as it deems necessary, may subpoena witnesses, administer oaths, examine witnesses, take testimony and compel the production of documents.

(3) The department may apply to Commonwealth Court under 42 Pa.C.S. § 761(a)(2) (relating to original jurisdiction) to enforce a subpoena under this subsection.

(e) Other enforcement authority.--The department may initiate civil proceedings at law or in equity to enforce the requirements of this chapter and to enforce regulations or orders issued under this chapter. In addition, the department may request the prosecution of criminal offenses to the extent provided by this chapter or as otherwise provided by law relating to notaries public, notarial officers or notarial acts, in the manner provided by the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(f) Criminal penalties applicable.--The following apply:

(1) Except as provided in this chapter or otherwise provided by law, it is unlawful for a person to hold himself out as a notary public or as a notarial officer or to perform a notarial act.

(2) Falsely pretending to be a notary public or a notarial officer and performing any action in furtherance of such false pretense shall subject the person to the penalties set forth in 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).

(3) The use of an official stamp by a person who is not a notary public named on the stamp shall constitute a violation of 18 Pa.C.S. § 4913.

(4) Except as provided in paragraph (2) or (3), any person violating this chapter

or a regulation of the department commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000.

§ 324. Database of notaries public.

The department shall maintain an electronic database of notaries public:

- (1) through which a person may verify the authority of a notary public to perform notarial acts; and
- (2) which indicates whether a notary public has notified the department that the notary public will be performing notarial acts on electronic records.

§ 325. Prohibited acts.

- (a) No authority.--A commission as a notary public does not authorize the notary public to:
 - (1) assist persons in drafting legal records, give legal advice or otherwise practice law;
 - (2) act as an immigration consultant or an expert on immigration matters;
 - (3) represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship or related matters;or
 - (4) receive compensation for performing any of the activities listed in this subsection.
- (b) False advertising.--A notary public may not engage in false or deceptive advertising.
- (c) Designation.--
 - (1) Except as set forth in paragraph (2), a notary public may not use the term "notario" or "notario publico."
 - (2) Paragraph (1) does not apply to an attorney at law.
- (d) Representations.--
 - (1) Except as set forth in paragraph (2), the following apply:
 - (i) A notary public may not advertise or represent that the notary public may:
 - (A) assist persons in drafting legal records;
 - (B) give legal advice; or
 - (C) otherwise practice law.
 - (ii) If a notary public advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media and the Internet, the notary public shall include the following statement, or an alternate statement authorized or required by the department, in the advertisement or representation, prominently and in each language used in the advertisement or representation:

I am not an attorney licensed to practice law in this Commonwealth.
I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities.
 - (iii) If the form of advertisement or representation is not broadcast media, print media or the Internet and does not permit inclusion of the statement required by this subsection because of size, it shall be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.
 - (2) Paragraph (1) does not apply to an attorney at law.
- (e) Original records.--Except as otherwise allowed by law, a notary public may not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public.
- (f) Crimes Code.--There are provisions in 18 Pa.C.S. (relating to crimes and offenses) which apply to notaries public.

§ 326. Validity of notarial acts.

- (a) Failures.--Except as otherwise provided in section 304(b) (relating to authority to

perform notarial act), the failure of a notarial officer to perform a duty or meet a requirement specified in this chapter does not invalidate a notarial act performed by the notarial officer.

(b) **Invalidation.**--The validity of a notarial act under this chapter does not prevent an aggrieved person from seeking to invalidate the record or transaction which is the subject of the notarial act or from seeking other remedies based on Federal law or the law of this Commonwealth other than this chapter.

(c) **Lack of authority.**--This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

§ 327. Regulations.

(a) **Authority.**--Except as provided in section 329. 1 (a) (relating to fees of notaries public), the department may promulgate regulations to implement this chapter. Regulations regarding the performance of notarial acts with respect to electronic records may not require or accord greater legal status or effect to the implementation or application of a specific technology or technical specification. Regulations may:

- (1) Prescribe the manner of performing notarial acts regarding tangible and electronic records.
- (2) Include provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self-evident.
- (3) Include provisions to ensure integrity in the creation, transmittal, storage or authentication of electronic records or signatures.
- (4) Prescribe the process of granting, renewing, conditioning, denying, suspending or revoking a notary public commission and assuring the trustworthiness of an individual holding a commission as notary public.
- (5) Include provisions to prevent fraud or mistake in the performance of notarial acts.
- (6) Establish the process for approving and accepting surety bonds under section 321(d) (relating to appointment and commission as notary public; qualifications; no immunity or benefit).
- (7) Provide for the administration of the examination under section 322(a) (relating to examination, basic education and continuing education) and the course of study under section 322(b).
- (7.1) Require applicants for appointment and commission as notaries public to submit criminal history record information as provided in 18 Pa.C.S. Ch. 91 (relating to criminal history record information) as a condition of appointment.
- (8) Include any other provision necessary to implement this chapter.

(b) **Considerations.**--In promulgating regulations about notarial acts with respect to electronic records, the department shall consider, so far as is consistent with this chapter:

- (1) the most recent standards regarding electronic records promulgated by national bodies, such as the National Association of Secretaries of State;
- (2) standards, practices and customs of other states which substantially enact the Revised Uniform Law on Notarial Acts; and
- (3) the views of governmental officials and entities and other interested persons.

§ 328. Notary public commission in effect.

A commission as a notary public in effect on the effective date of this chapter continues until its date of expiration. A notary public who applies to renew a commission as a notary public on or after the effective date of this chapter is subject to this chapter. A notary public, in performing notarial acts after the effective date of this chapter, shall comply with this chapter.

§ 329. Savings clause.

This chapter does not affect the validity or effect of a notarial act performed before the effective date of this chapter.

§ 329.1. Fees of notaries public.

- (a) Department.--The fees of notaries public shall be fixed by the department by regulation.
- (b) Prohibition.--A notary public may not charge or receive a notary public fee in excess of the fee fixed by the department.
- (c) Operation.--
 - (1) The fees of the notary public shall be separately stated.
 - (2) A notary public may waive the right to charge a fee.
 - (3) Unless paragraph (2) applies, a notary public shall:
 - (i) display fees in a conspicuous location in the place of business of the notary public; or
 - (ii) provide fees, upon request, to a person utilizing the services of the notary public.
- (d) Presumption.--The fee for a notary public:
 - (1) shall be the property of the notary public; and
 - (2) unless mutually agreed by the notary public and the employer, shall not belong to or be received by the entity that employs the notary public.

§ 330. Uniformity of application and construction.

In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

§ 331. Relation to Electronic Signatures in Global and National Commerce Act.

To the extent permitted by section 102 of the Electronic Signatures in Global and National Commerce Act (Public Law 106-229, 15 U.s.e. § 7002), this chapter may modify or supersede provisions of that act.

2013, Oct. 9, P.L. 609, No. 73, § 2, effective 180 days after published notice of 57 Pa.e.S.A. § 322 course approval. Amended 2014, July 9, P.L. 1035, No. 119, § 1, effective 180 days after published notice of 57 Pa.e.S.A. § 322 course approval.

The remaining sections of Act 73:

Section 3. Repeals are as follows:

- (1) The General Assembly declares that the repeals under paragraph (2) are necessary to effectuate the addition of 57 Pa.e.S. Ch. 3.
- (2) The following acts and parts of acts are repealed:
 - (i) The act of May 24, 1917 (P.L.270, No.147), entitled "An act to validate affidavits, acknowledgments, and other notarial acts, heretofore per-formed by notaries public of this Commonwealth within three months after the expiration of the time for which they have been commissioned to act."
 - (ii) The act of March 14, 1919 (P.L.18, No.9), entitled "An act conferring upon judge advocates of the United States Army the powers of notaries public, declaring the effect thereof; validating notarial acts heretofore performed by judge advocates, and declaring the effect thereof."
 - (iii) Section 618-A(1)(i) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.
 - (iv) The act of June 1, 1933 (P.L.U50, No.286), entitled "A supplement to an act, approved May sixth, one thousand nine hundred and thirty-one (Pamphlet Laws, ninety-nine), entitled 'An act to amend section seven of the act, approved the fifth day of March, one thousand seven hundred and ninety-one (three Smith's Laws, six), entitled "An act to enable the Governor to appoint Notaries Public, and for other purposes therein

mentioned," prescribing the form of notary seal,' by providing that the presence of the arms of this Commonwealth on the seal of a notary public reappointed after the effective date of the act to which this is a supplement, and prior to the effective date of this act, shall not invalidate said seal, or the notarial acts, instruments or attestations authenticated by such seal."

(v) The act of May 25, 1939 (P.L.223, No.125), entitled "An act relating to the administration of oaths, by notaries public, magistrates, alderman and justices of the peace; and validating certain oaths heretofore taken."

(vi) The act of July 24, 1941 (P.L.490, No.188), known as the Uniform Acknowledgment Act.

(vii) The act of July 28,1953 (P.L.676, No.2U), entitled "An act authorizing acknowledgments and affidavits by persons on active duty with the armed forces of the United States before persons authorized by act of Congress to act as notaries public; and validating certain acknowledgments and affidavits."

(viii) The act of August 19,1953 (P.L.1104, No.301), entitled "An act relating to the acknowledgment of instruments, the attestation of documents, the administration of oaths and affirmations, the execution of depositions and affidavits, and other notarial acts, heretofore or hereafter taken before any commissioned officer of the armed forces of the United States, and providing that such instruments and documents executed by any person who is a member of or actually present with the armed forces of the United States or is outside the United States for certain purposes shall be legal, valid and binding, and providing for the form of the instrument or document and what proof shall be sufficient of the authority of such commissioned officer so to act."

(ix) The act of August 21, 1953 (P.L.1323, No.373), known as The Notary Public Law.

(x) The act of December 13, 1955 (P.L.848, No.251), entitled "An act providing for the revocation of commission of notaries public issuing checks without funds on deposit."

Section 3.1. The fee of \$25 for a Notary Public Commission and the \$2 fee for Filing Bond for any Public Office in 4 Pa. Code § 161.1 are abrogated.

Section 4. Upon approval of courses under 57 Pa.C.S. § 322(b) and (c), the Department of State shall transmit notice of the approval to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

Section 5. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) The authority of the Department of State to approve courses under 57 Pa.C.S. § 322(b) and (c).

(ii) The addition of 57 Pa.C.S. §§ 327 and 329.1(a).

(iii) Section 4 of this act.

(iv) This section.

(2) The addition of 42 Pa.C.S. Ch. 62 shall take effect in 60 days.

(3) The remainder of this act shall take effect 180 days after publication of the notice under section 4 of this act.

Notary References

Chapter 6



Revised Uniform Law on
Notarial Acts to take effect on
October 26, 2017

REVISED UNIFORM LAW ON NOTARIAL ACTS TO TAKE EFFECT ON OCTOBER 26, 2017

In accordance with the Notice published by the Pennsylvania Department of State (Department) in the Pennsylvania Bulletin on April 29, 2017, Act 67 of 2013, also known as the Revised Uniform Law on Notarial Acts (RULONA), will take effect on October 26, 2017.

Please find a summary of the major changes instituted by RULONA below.

On October 26, 2017, all provisions of RULONA will be effective, including the following:

- **Education** – All notaries must take a notary education course to be appointed or reappointed. RULONA requires all applicants for both initial appointment and reappointment as a notary public to complete at least three hours of approved notary education within the six months immediately preceding the application for appointment or reappointment. A copy of the course completion certificate must be submitted with the application for appointment/reappointment. Lack of proof of education will result in application rejection. Under RULONA, the exemption previously available for notaries whose commission was in effect on July 1, 2003, is abolished. All notaries public are required to complete an approved notary education course in order to be appointed or reappointed, including those notaries previously “grandfathered” by the Tritt v. Cortés court ruling.
- **Examination** – An applicant who does not hold a current and unexpired notary commission in Pennsylvania must pass an examination administered by the Department’s examination vendor, Pearson VUE. This includes applicants who have never held notary commissions and all applicants who previously held notary commissions but whose commissions have lapsed or expired at the time their application for reappointment is received by the Department, even just for one day. The examination is based on the basic education course of study, which must cover the statutes, regulations, procedures and ethics relevant to notarial acts, with a core curriculum including the duties and responsibilities of the office of notary public and electronic notarization.

After the Department’s review and approval of their notary application, applicants who are required to take the examination will be provided with information via email on Pearson VUE’s testing procedures and sites. The examination will be a computer-based test offered at Pearson VUE test centers in nearly all Pennsylvania counties. The cost of the examination is \$65 per test. Notary applicants have six months from the time they are authorized to sit for the examination to successfully pass the test. They may take it as many times as needed within the six-month period. Examination results will be electronically reported to the Department by Pearson VUE. Applicants successfully completing the examination will be appointed as notaries public by the Department. Applicants who are unable to pass the examination within six months will be required to retake the basic education course and reapply for appointment and commission to the Department.

- **Notarial Acts** – The six enumerated notarial powers authorized by RULONA are:
 - Taking an acknowledgment
 - Administering an oath or affirmation
 - Taking a verification on oath or affirmation (includes an affidavit)
 - Witnessing or attesting a signature – *note that this is a new notarial act*

Certifying or attesting a copy or deposition – *note that “taking a deposition” is no longer an enumerated notarial act*

Noting a protest of a negotiable instrument

• **Notary Stamp** – The official stamp of the notary (formerly called the notary seal) must contain, in the following order:

The words “Commonwealth of Pennsylvania”

The words “Notary Seal”

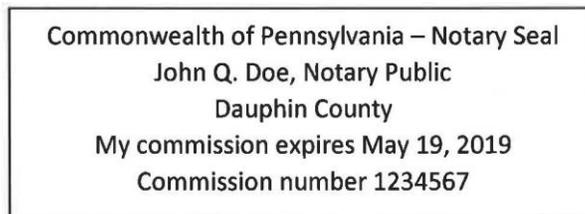
The name as it appears on the commission of the notary public and the words “Notary Public”

The name of the county in which the notary public maintains an office

The date the notary public's commission expires

The notary commission number

The stamp will no longer contain the municipality in which the notary maintains an office. “Commonwealth of Pennsylvania” is added to the stamp. The proposed regulations of the Department require the inclusion of the notary commission number on the stamp. This is an example of a RULONA-compliant stamp:



The size of the stamp remains the same (a maximum height of 1 inch and a width of 3 ½ inches with a plain border). Use of an embosser remains optional.

Transitional provision: A notary public who holds a commission on the effective date of RULONA may continue to use his or her seal until the expiration of that commission, which may occur after the effective date of both RULONA and the Department’s regulations.

• **Notary Journal** – The notary journal (formerly called a register) must contain all the following information for each notarial act:

The date and time of the notarial act

A description of the record, if any, and type of notarial act

The full name and address [city and state only] of each individual for whom the notarial act is performed

If identity of the individual is based on personal knowledge, a statement to that effect

If identity of the individual is based on satisfactory evidence, a brief description of the method of identification and any identification credential presented, including the date of issuance and expiration of an identification credential

The fee charged by the notary public

Note the new requirements that the journal record the time of day of the notarial act, the customer’s address, whether identification was based on personal knowledge or satisfactory evidence and the type of identification credential presented.

A journal may be created on a tangible medium (paper) or in an electronic format. A notary public may maintain a separate journal for tangible records and for electronic records. If the journal is maintained on a tangible medium, it must be a bound register with numbered pages. If

the journal is maintained in an electronic format, it must be in a tamper-evident electronic format complying with the regulations of the department.

Transitional provision: A notary public who holds a commission on the effective date of RULONA may continue to use his or her journal until the expiration of that commission, which may occur after the effective date of both RULONA and the Department's regulations.

- **Personal appearance** – The rule on personal appearance remains the same under RULONA: If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer. This means the customer must be physically present before the notary when the notarial act is executed. The notary and the customer must be able to see, hear, communicate with, and give identification documents to each other without the use of electronic devices. There are no exceptions, even for electronic notarization.

- **Identification of individual/customer** – The identity of the customer is still ascertained by personal knowledge or satisfactory evidence of identity, as it was under the former law. Satisfactory evidence includes a verification on oath or affirmation of a credible witness personally appearing before the notarial officer and personally known to the notarial officer. However, RULONA specifies the two tiers of government-issued identification documents to be used to establish identity:

- A passport, driver's license or government-issued non-driver identification card, which is current and unexpired.

- Another form of government identification issued to an individual, which:

- (a) is current;

- (b) contains the signature or a photograph of the individual; and

- (c) is satisfactory to the notarial officer.

- **Notarial Certificates** – RULONA provides the short form certificate for each type of notarial act. RULONA replaces the acknowledgement certificates in the Uniform Acknowledgement Act, which is repealed.

- **Eligibility for appointment and commission as a notary public** – An applicant must meet all the following:

- Be at least 18 years of age.

- Be a citizen or permanent legal resident of the United States.

- Be a resident of or have a place of employment or practice in this Commonwealth.

- Be able to read and write English.

- Not be disqualified to receive a commission under section 323 (relating to sanctions).

- Have completed three hours of approved notary education. Have passed an examination, if the applicant does not hold a commission at the time the application is received by the Department, and

- Comply with other requirements established by the Department by regulation as necessary to insure the competence, integrity and qualifications of a notary public and to insure the proper performance of notarial acts.

- **Disqualification to receive a commission** – The rule remains the same under RULONA. Applicants may not be:

- A member of the General Assembly.

- Any person holding any judicial office in this Commonwealth, except the office of magisterial district justice.

- A member of Congress or any elected or appointed federal official.

• **Other disqualifications** – The reasons that the Department may discipline or deny appointment and commission as notary public have been broadened to include an act or omission which demonstrates that the individual lacks the honesty, integrity, competence or reliability to act as a notary public. Such acts or omissions include:

Failure to comply with RULONA

A fraudulent, dishonest or deceitful misstatement or omission in the application for a commission as a notary public submitted to the department

Conviction of or acceptance of Accelerated Rehabilitative Disposition by the applicant or notary public for a felony or an offense involving fraud, dishonesty or deceit

A finding against or admission of liability by the applicant or notary public in a legal proceeding or disciplinary action based on the fraud, dishonesty or deceit of the applicant or notary public Failure by a notary public to discharge a duty required of a notary public, whether by this chapter, by regulation of the department or by Federal or State law

Use of false or misleading advertising or representation by a notary public representing that the notary public has a duty, right or privilege that the notary public does not have

Violation by a notary public of a regulation of the department regarding a notary public

Denial, refusal to renew, revocation, suspension or conditioning of a notary public commission in another state

Failure of a notary public to maintain a bond

• **Penalties** – The Department may impose an administrative penalty of up to \$1,000 on a notary public for each act or omission which constitutes a violation of RULONA or the Department’s regulations. This is an increase from the \$500 per violation in the former law. RULONA also contains new criminal penalties: any person violating RULONA or a regulation of the Department commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000.

• **Notary Bond** – All appointed notaries must still obtain a \$10,000 bond. The bond must be executed by an insurance company authorized to do business in this Commonwealth, cover acts performed during the term of the notary public commission and be in the form prescribed by the Department. This requirement is unchanged except that individual sureties are no longer permitted under RULONA.

• **Obtaining the Notary Commission after Appointment** – The process remains the same under RULONA. Prior to entering into the duties of a notary public, an appointed notary public must take the oath of office and record the completed bond, oath and commission in the office of the Recorder of Deeds in the county where the notary’s employer/business address is located. The notary must also register his/her signature with the Prothonotary’s office in the county where the notary’s employer/business address is located. If the appointee fails to complete these steps within forty-five (45) calendar days of appointment, the notary commission will be automatically null and void, and the individual will be required to reapply to become a notary public.

• **Application fee** – The fee paid to the Department of State with each notary application will increase from \$40 to \$42. However, the \$2 fee charged to notaries by counties and forwarded to the Department for the filing of the notary public bond is eliminated. • **Notary fees** – The maximum fees which notaries public may charge remain unchanged, but a new fee of \$5 (per signature) has been added for the new notarial act of witnessing or attesting a signature. RULONA makes it clear that the fees of the notary are the property of the notary, and, unless mutually agreed by the notary public and the employer, shall not belong to or be received by the employer. RULONA also requires that unless a notary public waives the right to charge a fee, the notary must display fees in a conspicuous location in the place of business of the notary public; or provide fees, upon request, to a person utilizing the services of the notary public.

• **Conflict of Interest** – Under RULONA, a notary public may not perform a notarial act with respect to a record in which the notary public or his/her spouse has a direct or pecuniary (i.e., monetary) interest. A notarial act performed that constitutes a Conflict of Interest is voidable.

None of the following constitutes a direct or pecuniary interest:

- (i) being a shareholder in a publicly traded company that is a party to the notarized transaction; or
- (ii) being an officer, director or employee of a company that is a party to the notarized transaction, unless the director, officer or employee personally benefits from the transaction other than as provided under subparagraph; or
- (iii) receiving a fee that is not contingent upon the completion of the notarized transaction.

• **Advertising** – RULONA contains explicit prohibitions on engaging in false or deceptive advertising. A notary public may not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice or otherwise practice law.

If a notary public who is not a licensed Pennsylvania attorney advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media and the Internet, the notary shall include the following statement in the advertisement or representation, prominently and in each language used in the advertisement or representation:

I am not an attorney licensed to practice law in this Commonwealth.

I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities.

If the form of advertisement or representation is not broadcast media, print media or the Internet and does not permit inclusion of the above statement because of size, the statement shall be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

• **Practice of law/use of the terms “notario” or notario publico** – Under RULONA, a notary public may not use the term “notario” or “notario publico” unless he or she is an attorney at law.

• **Electronic notarization** – RULONA continues the existing authority and procedures for performing notarial acts with respect to electronic records. A notary public must apply for e-notary status and select one or more Department-approved tamper-evident technologies to perform notarial acts with respect to electronic records.

April 29, 2017

Revised May 24, 2017

Notary Education

Chapter 7



Notarial Glossary of Terms

❖ Part 1 – Glossary Terms

- **ACKNOWLEDGMENT** - A formal declaration by an individual before a notarial officer by a person signing an instrument that such execution is his or her free act and deed. The term also refers to the notary's certificate on the document indicating that it was so acknowledged.
- **ADMINISTER** - To discharge the duties of an office; to give (as in the giving of an oath).
- **AFFIDAVIT** - A written statement of facts made voluntarily and confirmed by the oath or affirmation of the party making it before an individual authorized to administer oaths, i.e., a notary public. The term includes an oath or affirmation.
- **AFFIRM** - To make a solemn, formal declaration under the penalty of perjury that certain statements are true. An affirmation is legally equivalent to an oath and may be substituted for an oath when a document requires an oath for its execution, i.e., an affidavit.
- **AFFIX** - To attach or impress the notary seal to a document.
- **APOSTILLE** - A certificate of notarial authority issued by the Secretary of the Commonwealth for notarized documents being sent out of Pennsylvania to those countries who are parties to the international treaty commonly known as the Hague Convention.
- **ATTEST** - To bear witness to or to certify.
- **ATTORNEY IN FACT** - The person authorized to act for another by power of attorney.
- **AUTHENTICATION** - An Apostille or a Certificate of Notarial Authority is attached to the notarized document.

CERTIFIED COPY - A copy of a document or record signed and certified as a true copy by the public official who has custody of the original record. When a notary makes a certified copy, he/she determines that the photocopy is a complete and accurate reproduction of an original document that was presented to him/her. A notary cannot guarantee the authenticity of the original document or its contents.
- **CODICIL** - A supplement or addendum to a will.
- **COERCE** - To force into submission or compliance.
- **COMMISSION** - The term used for the length of time you are appointed as a notary public by the Secretary of the Commonwealth.
- **CUSTODIAN OF THE DOCUMENT** - The person who has charge or custody of the document. In the case of making an attested photocopy, the "document's custodian" is the person presenting the document, who may or may not be the document signer.
- **DEED** - A document by which a person conveys (transfers) real property.
- **QUITCLAIM DEED** - A deed intended to pass any title, interest, or claim which the grantor may have in the real property, but not professing that such title is valid or containing any warranty for title.

- **WARRANTY DEED** - A deed in which the grantor warrants or guarantees good clear title to the real property.
- **DEPONENT** - The person giving testimony in a deposition.
- **DEPOSITION** - The testimony of a witness, under oath or affirmation, taken outside of court in which lawyers ask oral questions of the witness. The testimony is usually reduced to writing and duly authenticated and is intended to be used in a trial of a civil action or a criminal prosecution.
- **DISCRETION** - A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.
- **EXECUTE A DOCUMENT** - To perform all formalities necessary to make a document fully effective; often a matter of signing, but may require delivery or other elements.
- **FREE ACT AND DEED** - To admit one's act and assume the responsibility for it.
- **GRANTEE** - A person who receives the deed of real property from the grantor, i.e., generally the buyer.
- **GRANTOR** - The person who transfers a deed of real property, i.e, generally the seller.
- **INSTRUMENT** - A written document.
- **LEASE** - An agreement between two parties, where one party is the owner of certain property and grants to another party the right to possess, use and enjoy such property for a specified period of time in exchange for periodic payment of a stipulated price, referred to as rent.
- **LESSEE** - One who rents property from another.
- **LESSOR** - One who rents property to another.
- **LIEN** - A legal right or security attached to real estate or personal property until the payment of some debt, obligation, or duty.
- **LITIGATION** - A lawsuit or legal action.
- **MALFEASANCE** - The doing of an act which a person ought not to do at all.
- **MISFEASANCE** - The improper doing of an act which a person might lawfully do.
- **NEGLIGENCE** - The failure to use such care as a reasonably prudent and careful person would use under similar circumstances.
- **NOTARIAL ACT** - Can be performed with respect to a tangible or electronic record, that a notarial officer may perform under the laws of this Commonwealth and includes (1) taking an acknowledgment; (2) administering an oath or affirmation; (3) taking a verification on oath or affirmation; (4) witnessing or attesting a signature; (5) certifying or attesting a copy or deposition; and (6) noting a protest of a negotiable instrument.
- **NOTARIAL CERTIFICATE** - A written statement made by the notary public certifying specific facts of the notarial act performed.

- OATH - Any form of attestation or pledge by which a person signifies that he or she is bound in conscience and out of a sense of responsibility to a Supreme Being to the truthfulness for some statement. Willfully swearing to untrue statements constitutes perjury.
- PENNSYLVANIA NOTARY PUBLIC - A qualified individual appointed by the Secretary of the Commonwealth who is authorized to perform the 6 notarial acts under RULONA.
- PERJURY - Making a false statement under oath or affirmation. Perjury is a felony punishable by a fine and/or prison term.
- PERSONALLY KNOWN - A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.
- POWER OF ATTORNEY - A document authorizing a person to act as another's agent or attorney for a specified purpose.
- PRINCIPAL - The person making the power of attorney.
- REASONABLE CARE - The degree of care which a person of ordinary prudence and intelligence would exercise in the same or similar circumstances. Failure to exercise such care is negligence.
- SATISFACTORY EVIDENCE - A notarial officer has satisfactory evidence of the identity of an individual appearing before him/her if the officer can identify the individual as set forth in any of the followings: (1) by passport, driver's license or government issued non-driver identification card, which is current and unexpired; (2) another form of government identification issued to an individual, which is current, contains the signature or a photograph of the individual; and is satisfactory to the officer; (3) by a verification on oath or affirmation of a credible witness personally appearing before the officer and personally known to the officer.
- SUBSCRIBE - To sign a document.
- SWEAR - To take an oath.
- TESTATOR - The person making a will.
- VENUE - The location of the notarial act, usually stated in the form:

COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF _____

- WILL - An instrument by which a person makes a disposition of his or her property, to take effect after his or her death.

Chapter 8



Notary Education Course Notes

