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CHAPTER 3
REVISED UNIFORM LAW ON NOTARIAL ACTS

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Enactment. Unless otherwise noted, Chapter 3 was added October 9, 2013, P.L.609, No.73, effective 180 days after publication of the notice under section 4 of Act 73. The notice was published April 29, 2017, at 47 Pa.B. 2518.

Cross References. Chapter 3 is referred to in section 327 of Title 42 (Judiciary and Judicial Procedure).

§ 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.

(c) Certification of tangible copies.--A notarial officer may certify that a tangible copy of an electronic record is a true and correct copy of the electronic record.

(Oct. 29, 2020, P.L.1030, No.97, eff. imd.)

2020 Amendment. Act 97 added subsec. (c).

Cross References. Section 304 is referred to in sections 315, 326 of this title.

§ 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).

Cross References. Section 305 is referred to in section 315 of this title.

§ 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.

Cross References. Section 306 is referred to in sections 306.1, 315 of this title.

§ 306.1. Notarial act performed for remotely located individual.

(a) General rule.--A remotely located individual may comply with section 306 (relating to personal appearance required) by appearing before a notary public by means of communication technology.

(b) Use of communication technology.--A notary public located in this Commonwealth may perform a notarial act facilitated by communication technology for a remotely located individual if all of the following apply:

(1) The notary public:

(i) has personal knowledge under section 307(a) (relating to identification of individual) of the identity of the individual;

(ii) has satisfactory evidence of the identity of the remotely located individual by oath or affirmation from a credible witness appearing before the notary public under section 307(b)(2) or under this section; or

(iii) is able to reasonably identify the individual by at least two different types of identity proofing processes or services.

(2) The notary public is able to reasonably identify a record before the notary public as the same record:

(i) in which the remotely located individual made the statement; or

(ii) on which the remotely located individual executed the signature.

(3) The notary public, or a person acting on behalf of the notary public, creates an audio-visual recording of the performance of the notarial act, including all interactions between the notary public and the remotely located individual.

(4) If the remotely located individual is located outside the United States, all of the following apply:

(i) The record:

(A) is to be filed with or relates to a matter before a court, governmental entity, public official or other entity under the jurisdiction of the United States; or

(B) involves:

(I) property located in the territorial jurisdiction of the United States; or

(II) a transaction substantially connected with the United States.

(ii) The act of making the statement or signing the record is not prohibited by the foreign state where the remotely located individual is located.

(c) Notarial certificate.--If a notarial act is subject to this section, the certificate of notarial act required by section 315 (relating to certificate of notarial act) and the short form certificate under section 316 (relating to short form certificates) must indicate that the notarial act was performed by means of communication technology.

(d) Sufficiency.--A short form certificate under section 316 for a notarial act subject to this section is sufficient if either of the following apply:

(1) The short form certificate is in the form provided by section 316 and contains a statement substantially as follows:

"This notarial act involved the use of communication technology."

(2) The certificate complies with the regulations promulgated under subsection (g)(1).

(e) Audio-visual recording.--The following apply:

(1) This subsection applies to:

(i) a notary public;

(ii) a guardian, a conservator or an agent of a notary public; or

(iii) a personal representative of a deceased notary public.

(2) A person under paragraph (1) shall retain the audio-visual recording created under subsection (b)(3) or cause the recording to be retained by a repository designated by or on behalf of the notary public. The person shall retain the recording:

(i) for at least 10 years after the recording is created; or

(ii) as otherwise required by the regulations promulgated under subsection (g)(4).

(f) Notification.--The following apply:

(1) Before a notary public performs the notary public's initial notarial act under this section, the notary public must notify the department that the notary public will be performing notarial acts facilitated by communication technology and identify the technology.

(2) If the department has established standards for approval of communication technology or identity proofing under subsection (g) and section 327 (relating to regulations), the communication technology and identity proofing must conform to the standards.

(g) Regulations.--In addition to matters listed in section 327, the department shall promulgate regulations regarding performance of a notarial act performed under this section. The regulations shall do all of the following:

(1) Prescribe the means of performing a notarial act involving communication technology to communicate with a remotely located individual.

(2) Establish standards for communication technology and identity proofing. This paragraph includes the use of credential analysis, dynamic knowledge-based authentication, biometrics and other means of identification.

(3) Establish requirements or procedures to approve providers of communication technology and the process of identity proofing.

(4) Establish standards and periods for the retention of an audio-visual recording created under subsection (b)(3) of the performance of a notarial act.

(h) Promotion of uniformity.--Before promulgating, amending or repealing regulations about the performance of a notarial act with respect to a remotely located individual, the department shall consider, if consistent with this chapter, all of the following:

(1) The most recent standards regarding the performance of a notarial act with respect to remotely located individuals promulgated by a national standard-setting organization. This paragraph includes the National Association of Secretaries of State.

(2) Standards, practices and customs of other jurisdictions that enact a statutory provision substantially similar to this section.

(3) The views of governmental officials and entities and other interested persons.

(i) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Communication technology." An electronic device or process that:

(1) allows a notary public located in this Commonwealth and a remotely located individual to communicate with each other simultaneously by sight and sound; and

(2) makes reasonable accommodations for an individual with a vision, hearing or speech impairment in accordance with law.

"Foreign state." A jurisdiction other than the United States, a state or a federally recognized Indian tribe.

"Identity proofing." A process or service by which a third person provides a notary public with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.

"Outside the United States." A location outside the geographic boundaries of:

(1) the United States;

(2) Puerto Rico;

(3) the Virgin Islands; and

(4) any territory, insular possession or other location subject to the jurisdiction of the United States.

"Remotely located individual." An individual who is not in the physical presence of the notary public performing a notarial act under subsection (b).

(Oct. 29, 2020, P.L.1030, No.97, eff. imd.)

2020 Amendment. Act 97 added section 306.1. See section 4 of Act 97 in the appendix to this title for special provisions relating to authorization of notarial acts.

§ 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 nondriver 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.

Cross References. Section 307 is referred to in sections 306.1, 315 of this title.

§ 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 Commonwealth.

(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.

Cross References. Section 315 is referred to in sections 306.1, 316 of this title.

§ 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(s)).....
.....
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:.....
(Oct. 4, 2016, P.L.867, No.103, eff. imd.)

2017 Correction. Formatting change made to par. (3).

2016 Amendment. Act 103 amended par. (2.1). Section 3(2) of Act 103 provided that the amendments of par. (2.1) shall apply to a form used for an acknowledgment taken by a member of the bar of the Pennsylvania Supreme Court pursuant to 42 Pa.C.S. § 327(a) retroactively to January 1, 2015.

Cross References. Section 316 is referred to in section 306.1 of this title; section 5601 of Title 20 (Decedents, Estates and Fiduciaries).

§ 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.

(c) Certification of tangible copies.--A recorder of deeds may accept for recording a tangible copy of an electronic record containing a notarial certificate as satisfying any requirement that the record be an original, if the notarial officer executing the notarial certificate certifies that the tangible copy is an accurate copy of the electronic record.
(Oct. 29, 2020, P.L.1030, No.97, eff. imd.)

2020 Amendment. Act 97 added subsec. (c).

§ 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) Upon 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 in the "Notary Register" provided for that purpose in the prothonotary's office or the office of the recorder of deeds 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).

(3) On the same day that an official signature of a notary public is registered under paragraph (1), the office of the recorder of deeds may electronically transfer a copy of the official signature of the notary public to the prothonotary's office of the county where the notary public maintains an office. In lieu of an electronic transfer, a hard copy of the official signature shall be provided to the prothonotary's office.

(d.2) Recording and filing.--

(1) Within 45 days after 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.

(July 9, 2014, P.L.1035, No.119; Nov. 3, 2022, P.L.2151, No.154, eff. 60 days)

2022 Amendment. Act 154 amended subsec. (d.1).

2014 Amendment. Act 119 amended subsecs. (b) and (d.2). Section 4 of Act 119 provided that the amendment of subsecs. (b) and (d.2) shall take effect 180 days after publication of the notice under section 4 of Act 73 of 2013 or immediately, whichever is later.

Cross References. Section 321 is referred to in sections 323, 327 of this title.

§ 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 preapproved by the department.

Effective Date. Section 5(1)(i) of Act 73 of 2013 provided that subsecs. (b) and (c) shall take effect immediately.

Approval of courses. Section 4 of Act 73 of 2013 provided that upon approval of courses under subsecs. (b) and (c), the Department of State shall transmit notice of the approval to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

Cross References. Section 322 is referred to in sections 321, 327 of this title.

§ 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.

Cross References. Section 323 is referred to in section 321 of this title.

§ 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.

(July 9, 2014, P.L.1035, No.119, eff. imd.)

2014 Amendment. Act 119 added subsec. (a)(7.1). See section 3 of Act 119 in the appendix to this title for special provisions relating to application for appointment.

Effective Date. Section 5(1)(ii) of Act 73 of 2013 provided that section 327 shall take effect immediately.

Cross References. Section 327 is referred to in sections 306.1, 315, 320 of this title.

§ 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.

Effective Date. Section 5(1)(ii) of Act 73 of 2013 provided that subsec. (a) shall take effect immediately.

Cross References. Section 329.1 is referred to in section 327 of this title.

§ 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.C. § 7002), this chapter may modify or supersede provisions of that act.

APPENDIX TO TITLE 57
NOTARIES PUBLIC

Supplementary Provisions of Amendatory Statutes

2014, JULY 9, P.L.1035, NO.119

§ 3. Application for appointment.

Notwithstanding section 5(a) of the act of August 21, 1953 (P.L.1323, No.373), known as The Notary Public Law, an application for appointment to the office of notary public shall not be required to bear:

(1) the endorsement of the Senator of the district in which the applicant for appointment to the office of notary public resides; or

(2) if the applicant for appointment to the office of notary public does not reside in this Commonwealth, the endorsement of the Senator of the district in which the applicant is employed.

Explanatory Note. Act 119 amended sections 321 and 327 of Title 57.

2020, OCTOBER 29, P.L.1030, NO.97

§ 4. Authorization of notarial acts.

Upon the effective date of this act, the Department of State shall immediately authorize a notary public to conduct notarial acts in the manner authorized by 57 Pa.C.S. § 306.1 if the notary gives notice to the Department of State as required by

57 Pa.C.S. § 306.1(f)(1) and uses a communication and identity proofing designated in the Department of State's March 25, 2020, notice of limited suspension of the requirements of 57 Pa.C.S. § 306, or that is designated in a list of additional acceptable technologies subsequently adopted by the Department of State. A notary public may use any other technology within 30 days of giving notice as required under 57 Pa.C.S. § 306.1(f)(1), unless the Department of State prohibits the use of the technology for good cause for failure to satisfy the requirements of 57 Pa.C.S. § 306.1 or determines that the use of the technology should be delayed pending an evaluation of the technology. This section shall expire upon the adoption of regulations by the Department of State as required by 57 Pa.C.S. § 306.1(g)(2).

2020 Correction. Section 4 of Act 97 erroneously referenced section 304(c) instead of section 306.1. The Legislative Reference Bureau has corrected this error.

Explanatory Note. Act 97 amended or added sections 304, 306.1 and 320 of Title 57.