

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL****No. 13**Session of  
2001

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INTRODUCED BY HOLL, WAUGH, EARLL, COSTA, MUSTO, ROBBINS,  
GREENLEAF, RHOADES, O'PAKE, THOMPSON, LOGAN AND LEMMOND,  
JANUARY 22, 2001

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SENATOR LEMMOND, STATE GOVERNMENT, AS AMENDED, JUNE 5, 2001

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## AN ACT

1 Amending the act of August 21, 1953 (P.L.1323, No.373), entitled  
2 "An act concerning notaries public; and amending, revising,  
3 consolidating and changing the law relating thereto,"  
4 authorizing the Secretary of the Commonwealth to waive  
5 certain eligibility requirements relating to residency; and  
6 further providing for limitations on powers and for fees.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 3 of the act of August 21, 1953  
10 (P.L.1323, No.373), known as The Notary Public Law, amended June  
11 9, 1978 (P.L.462, No.61), is amended to read:

12 Section 3. Eligibility.--Any citizen of Pennsylvania, being  
13 eighteen (18) years of age or over, of known character,  
14 integrity and ability, shall be eligible to the office of notary  
15 public, if he shall have resided within this Commonwealth for at  
16 least one (1) year immediately preceding the date of his  
17 appointment, and if he shall be a registered elector in the  
18 Commonwealth. The one (1) year residency requirement may be  
19 waived by the Secretary of the Commonwealth if the applicant is

1 a notary in good standing in another state and the Secretary of  
2 the Commonwealth determines that the qualifications of notaries  
3 in that state are equal to or more stringent than the  
4 Commonwealth's requirements for eligibility to become a notary.

5 Section 2. Section 19 of the act is amended to read:

6 Section 19. Limitation on Powers; Fees.--[(a) No director  
7 or officer in any bank, banking institution or trust company,  
8 holding at the same time the office of notary public, shall do  
9 or perform any act or duty as notary public for any bank,  
10 banking institution or trust company in which he is a director  
11 or officer. Any act or duty performed by any such notary public  
12 for any such bank, banking institution or trust company is  
13 hereby declared invalid.

14 (b) No clerk in any bank, banking institution or trust  
15 company, holding at the same time the office of notary public,  
16 shall be authorized to protest checks, notes, drafts, bill of  
17 exchange, or any commercial paper, for any bank, banking  
18 institution or trust company in which he is employed.

19 (c) The fees of any such notary for other services rendered  
20 shall be the property of such notary and in no case belong to or  
21 be received by the corporation of which he is a director or  
22 clerk.

23 (d)] (a) No justice of the peace, magistrate or alderman,  
24 holding at the same time the office of notary public, shall have  
25 jurisdiction in cases arising on papers or documents containing  
26 acts by him done in the office of notary public.

27 [(e)] (b) No notary public may act as such in any  
28 transaction in which he is a party directly or pecuniarily  
29 interested. For purposes of this section, none of the following  
30 shall constitute a direct or pecuniary interest:

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

3     (2) being a director, officer or employe of a company that  
4     is a party to the notarized transaction, unless the director,  
5     officer or employe personally benefits from the transaction

6     OTHER THAN AS PROVIDED IN PARAGRAPH (3); OR

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7     (3) receiving a fee that is not contingent upon the  
8     completion of the notarized transaction.

9     Section 3. This act shall take effect in 60 days.