
THE GENERAL ASSEMBLY OF PENNSYLVANIA

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NOVEMBER 24, 1981

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
NOVEMBER 24, 1981

AN ACT

1 Providing for the appointment of notaries public and the
2 revocation or suspension of their commissions; requiring them
3 to maintain registers; establishing their powers and duties
4 and providing penalties.

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22 Section 1001. Appropriation.
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25 The General Assembly of the Commonwealth of Pennsylvania
26 hereby enacts as follows:
27 CHAPTER 1
28 PRELIMINARY PROVISIONS
29 Section 101. Short title.
30 This act shall be known and may be cited as the "Notary

1 Public Law."

2 Section 102. Purposes; rules of construction.

3 (a) Purposes.--The underlying purposes of this act are to
4 simplify, clarify and modernize the law governing notaries
5 public.

6 (b) Construction.--In this act, unless the context otherwise
7 requires, words in the singular shall include the plural and
8 those in the plural shall include the singular, likewise, words
9 of the masculine gender shall include the feminine.

10 Section 103. Definitions.

11 The following words and phrases when used in this act shall
12 have, unless the context clearly indicates otherwise, the
13 meanings given to them in this section:

14 "Disqualifying interest." Whenever a notary is a party
15 directly or pecuniarily interested in a transaction or document
16 requiring notarization whose rights will be affected by a
17 notarial act. Active support on behalf of a candidate or ballot
18 question shall not disqualify a notary public from notarizing
19 any document submitted by or on behalf of said candidate or
20 ballot question in accordance with the act of June 3, 1937
21 (P.L.1333, No.320), known as the "Pennsylvania Election Code";
22 nor shall it be construed to mean a relationship by blood or
23 marriage.

24 "Notarization." The performance of a notarial act.

25 "Notary public" or "notary." Any public official appointed
26 and commissioned by the Secretary of the Commonwealth to perform
27 notarial acts.

28 "Official misconduct." The wrongful exercise of a power or
29 the wrongful performance of a duty. The term "wrongful" as used
30 in this definition shall mean unauthorized unlawful, abuse,

1 negligent, reckless or injurious.

2 CHAPTER 2

3 APPOINTMENT

4 Section 202. Appointment; jurisdiction; eligibility.

5 (a) Appointment.--The Secretary of the Commonwealth may
6 appoint and commission notaries public in such number as deemed
7 necessary for the public convenience.

8 (b) Jurisdiction.--The jurisdiction of notaries public shall
9 be coextensive with the boundaries of the Commonwealth,
10 irrespective of their place of residence within the
11 Commonwealth.

12 (c) Eligibility.--A person making application for
13 appointment as a notary public shall be a registered elector of
14 the Commonwealth and shall be able to read and write English.

15 Section 203. Disqualification from appointment.

16 (a) Disqualified persons.--The following persons shall be
17 ineligible for appointment to the office of notary public:

18 (1) A person holding any judicial office in this
19 Commonwealth.

20 (2) Members of Congress and all persons whether an
21 officer, subordinate officer or agent, holding an office or
22 appointment of profit or trust under the Legislative,
23 Executive or Judicial Departments of the United States to
24 which salaries or fees are attached.

25 (3) Members of the General Assembly of the Commonwealth
26 of Pennsylvania.

27 (4) A person convicted of having committed a felony
28 shall not be appointed and commissioned as a notary public.

29 (5) A person who fails to demonstrate through the
30 application that he is of known character, integrity and

ability shall be ineligible for appointment to the office of
notary public.

Section 204. Terms of office; fees collected.

(a) Terms.--Notaries public shall be appointed for a term of
four years beginning on the date of appointment.

(b) Fees.--Notaries public shall collect fees for services
in an amount not to exceed those fixed by the Secretary of the
Commonwealth, in accordance with the act of July 31, 1968
(P.L.769, No.240), referred to as the Commonwealth Documents
Law, except as provided in section 206.

Section 205. Application procedure; endorsement; reappointment.

(a) The application.--Applications for appointment or
reappointment to the office of notary public shall be made to
the Secretary of the Commonwealth, on forms prescribed and
furnished by him. Applications shall be accompanied by a \$30 fee
payable to the order of the Commonwealth of Pennsylvania by
money order, check or draft.

(b) Endorsement.--Each initial application, in addition to
any other information contained therein, shall bear the
endorsement of the Representative or Senator of the district in
which the applicant resides, or, in the case of a vacancy in
that Representative or Senatorial district, shall be endorsed by
the Representative or Senator of an adjacent district.

(c) Moral character.--Before issuing to an applicant a
commission as notary public, the Secretary of the Commonwealth
shall satisfy himself that the applicant is of good moral
character and is familiar with the duties and responsibilities
of a notary public. The qualifying requirements may be waived in
the case of reappointment.

(d) Filing.--Applications for reappointment shall be filed

1 at least one month prior to the expiration of the commission
2 under which the notary is acting. A notary public who has failed
3 to apply for reappointment within the prescribed time period
4 shall apply in accordance with the provisions of this section.

5 Section 206. State employees as notaries public.

6 (a) State employees.--The Secretary of the Commonwealth may
7 appoint and commission State Government employees as notaries
8 public to act for and on behalf of their respective State
9 offices.

10 (b) Requirements for State employees.--A notary so
11 commissioned shall meet the requirements for application and
12 appointment prescribed by this act, except that the chief
13 executive officer of the State Government office where the
14 applicant is employed may execute a certificate that the
15 application is made for the purposes of the office and in the
16 public interest and submit it to the Secretary of the
17 Commonwealth, together with the application for appointment as a
18 notary public.

19 (c) Application fee.--The application fee, the premium on
20 the bond and reasonable costs of all other notary supplies shall
21 be paid by the office where the State Government employee,
22 commissioned as a notary under this section, is employed.

23 (d) Limits of authority.--A notary commissioned under this
24 section shall act only on behalf of the Commonwealth in the
25 office where he is employed and shall not charge fees for
26 notarized services performed.

27 (e) Termination of State employment.--Whenever a notary
28 commissioned under this section terminates his employment with
29 State Government, he shall surrender his commission and deliver
30 the seal of office and the register of all notarial acts to the

1 Secretary of the Commonwealth within 30 days after such
2 termination. Whenever, within that 30-day period, he elects to
3 retain his commission as a notary, he shall apply for
4 reappointment as prescribed by this act.

5 Section 207. Rules and regulations.

6 The Secretary of the Commonwealth shall promulgate rules and
7 regulations as may be necessary to carry out the provisions of
8 this act.

9 CHAPTER 3

10 BOND AND REGISTRATION

11 Section 301. Bond; oath of office; recording of bond.

12 (a) Bond.--A notary, upon his appointment or reappointment
13 and before he enters upon the duties of the office of notary
14 public, shall submit to the recorder of deeds of the county in
15 which the notary maintains his office a surety bond, payable to
16 the Commonwealth of Pennsylvania in such amount as shall be
17 fixed by the Secretary of the Commonwealth. The bond shall have
18 as surety a duly authorized surety company conditioned for the
19 faithful performance of the duties of the office of a notary
20 public. The recorder of deeds shall record and forward executed
21 bonds to the Secretary of the Commonwealth for approval and
22 filing.

23 (b) Oath.--A notary, upon his appointment, shall be required
24 to take and subscribe the constitutional oath of office in the
25 presence of the recorder of deeds at the time the notary submits
26 his bond.

27 (c) Failure to file bond.--The commission of any notary
28 public hereafter appointed who shall, for the space of 30 days
29 after the notice of appointment, neglect to submit the bond and
30 take the constitutional oath, shall be null and void.

1 (d) Recording of bond.--The recorder of deeds shall record
2 the commission, oath and surety bond of all appointed notaries
3 public maintaining an office in that county.

4 Section 302. Change of residence; change of name.

5 (a) Effect of change of residence.--Whenever a change of
6 address occurs within the Commonwealth, notice in writing shall
7 be given the Secretary of the Commonwealth and the recorder of
8 deeds of the county of original appointment by a notary public
9 within 30 days of such change. For the purposes of this section
10 "address" means office address. A notary public vacates his
11 office by removing from the Commonwealth. The removal shall
12 constitute a resignation from the office of notary public as of
13 the date of removal.

14 (b) Effect of change of name.--Whenever the name of a notary
15 is changed by decree of court, or otherwise, the notary may
16 continue to perform official acts, in the name in which
17 commissioned, until the expiration of the term. Within 30 days
18 of the entry of such decree or after such name change, if not by
19 decree of court, the notary shall notify the Secretary of the
20 Commonwealth and the recorder of deeds of the county in which
21 the notary maintains an office of the change of name. The
22 Secretary of the Commonwealth shall mark the public records
23 relating to the notary accordingly and the recorder of deeds
24 shall record the notification. Application for reappointment of
25 the notary shall be made in the new name.

26 CHAPTER 4

27 REGISTER AND SEAL

28 Section 401. Notary register.

29 (a) Sequential register.--A notary public shall keep a
30 sequential register of all official acts performed as a notary

1 public. The register shall include the following:

2 (1) The date and time of the notarial act.

3 (2) The type of the performance of the notarial act.

4 (3) A description of the document or proceeding.

5 (4) The printed name and address of the person whose
6 signature is being notarized.

7 (5) The signature of each person whose signature is
8 being notarized.

9 (6) The fee charged by the notary.

10 (b) Certified copy of record.--Upon request, the notary
11 shall supply a certified copy of any record of a notarial act to
12 which a person is legally entitled.

13 (c) Retention of register.--The notary register shall be
14 retained by the notary public as a permanent record until the
15 notary ceases to be commissioned, except as herein provided.

16 Section 402. Notary seal.

17 (a) Seal.--A notary public shall provide and keep an
18 official seal which shall be used to authenticate all official
19 acts, instruments and attestations. This seal shall be a rubber
20 stamp and shall show clearly in the following order: The words
21 "Official Seal, Commonwealth of Pennsylvania"; the name and
22 surname of the notary and the words "Notary Public"; the name of
23 the political subdivision and county in which the notary
24 maintains his office; and the date the notary's commission
25 expires.

26 (b) Characteristics of seal.--The seal shall have a maximum
27 height of one inch and width of three and one-half inches, with
28 a plain border. It shall be stamped in a prominent place on each
29 official notarial act under the notary's signature in such a
30 manner as to be capable of photographic reproduction.

1 CHAPTER 5

2 POWERS AND DUTIES

3 Section 501. Powers and duties.

4 (a) Powers.--A notary shall have the power to:

5 (1) Take depositions, affidavits and acknowledgments.

6 (2) Administer oaths and affirmations.

7 (3) Certify that a copy of a document is a true copy of
8 that document.

9 (4) Perform any other act permitted by law.

10 (b) Transmission of funds.--A notary who shall be required
11 to transmit to a State agency funds received by him from an
12 individual shall transmit the funds not later than five days of
13 their receipt or as otherwise provided by law.

14 Section 502. Limitations on powers.

15 (a) Effect of disqualifying interest.--A notary public who
16 has a disqualifying interest in a transaction may not legally
17 perform a notarial act in connection with the transaction.

18 (b) Use of powers.--A notary public shall not use the powers
19 of his office except for the purpose of carrying out the duties
20 and responsibilities as set forth in this chapter.

21 Section 503. Responsibilities to appointing official.

22 It shall be the duty of a notary public, upon written request
23 to:

24 (1) Furnish to the Secretary of the Commonwealth
25 certified copies of entries in the notary's register.

26 (2) Respond within 30 days after receiving a written
27 request from the office of the Secretary of the Commonwealth
28 for information relating to official acts performed by the
29 notary.

30 CHAPTER 6

1 SCHEDULE; RECEIPT AND FEES

2 Section 601. Schedule and receipt.

3 (a) Fee schedule.--A schedule of all fees charged for
4 notarial services, including the fee schedule provided by the
5 Secretary of the Commonwealth, shall be posted in the notary's
6 business office which schedule shall be printed in English
7 lettering at least one-half inch high.

8 (b) Receipt for fees.--A notary shall give a receipt
9 itemizing services provided and fees charged.

10 (c) Offense involving fees.--A notary public who charges
11 more than the maximum fees specified or fails to post this
12 schedule is guilty of official misconduct.

13 Section 602. Fees.

14 The fees of notaries public shall be fixed by the Secretary
15 of the Commonwealth in accordance with the act of July 31, 1968
16 (P.L.769, No.240), referred to as the Commonwealth Documents
17 Law.

18 CHAPTER 7

19 LIABILITY

20 Section 701. Liability of notary.

21 A notary public is liable for damages proximately caused by
22 his official misconduct.

23 CHAPTER 8

24 REVOCATION AND SUSPENSION

25 Section 801. Revocation and suspension of commission.

26 (a) Grounds for revocation.--The Secretary of the
27 Commonwealth may suspend or permanently revoke the commission of
28 any notary public who during the term of appointment:

29 (1) knowingly and willfully commits any official
30 misconduct;

1 (2) recklessly or negligently commits any official
2 misconduct;

3 (3) has knowingly submitted an application for
4 appointment or reappointment which has been found to
5 intentionally contain any material misstatement or omission
6 of fact;

7 (4) is convicted of any felony;

8 (5) fails to exercise in good faith the powers or
9 perform the duties of a notary public in accordance with this
10 act;

11 (6) receives a judgment of liability or agrees to a
12 settlement in any law suit involving fraud, misrepresentation
13 or forgery related to a notarial act;

14 (7) represents or implies from unauthorized use of his
15 commission of notary public that he has qualifications,
16 powers, duties, rights or privileges that by law he does not
17 possess;

18 (8) permits his name or title of notary public to be
19 used deceptively, fraudulently or in false or misleading
20 advertising; or

21 (9) ceases to have a business or residence address in
22 this Commonwealth.

23 (b) Effect of bad check of notary.--The Secretary of the
24 Commonwealth shall upon written complaint of any aggrieved
25 applicant, in accordance with subsection (c), revoke the
26 commission of any notary public who issues to the order of any
27 State agency a personal check without funds on deposit in
28 payment of moneys due the agency that were received by him from
29 the applicant.

30 (c) Procedure for revocation.--The commission of a notary

1 public may be suspended or revoked under the provisions of this
2 chapter only if action is taken subject to the rights of the
3 notary public to notice, hearing, adjudication and appeal, in
4 accordance with Title 2 of the Pennsylvania Consolidated
5 Statutes (relating to administrative law and procedure). The
6 Secretary of the Commonwealth may, by order, refer the matter to
7 a hearing examiner or other designee for the purpose of taking
8 testimony and other evidence and to report thereon to the
9 Secretary of the Commonwealth but no determination shall be made
10 therein except by the Secretary of the Commonwealth.

11 CHAPTER 9

12 DEATH; RESIGNATION AND RECORDS

13 Section 901. Submission of register.

14 (a) Death of notary.--If a notary public dies during the
15 term of appointment, his heirs or personal representative, as
16 soon as reasonably possible after the notary's death, shall
17 deliver to the recorder of deeds of the county where the
18 deceased notary maintained an office, the official register of
19 all notarial acts.

20 (b) Resignation of notary.--Whenever a notary public no
21 longer desires to be commissioned or has ceased to have a
22 business or residence in this Commonwealth during the term of
23 appointment, he shall within 30 calendar days deliver to the
24 recorder of deeds of the county where he maintained an office as
25 a notary public a letter of resignation and the register of all
26 notarial acts. The commission of the notary shall thereupon
27 cease to be in effect.

28 (c) Effect of suspension or revocation of commission.--
29 Whenever an application for reappointment is rejected or should
30 a commission be suspended or revoked for any reason, the

1 applicant or notary shall deliver to the recorder of deeds of
2 the county where the applicant or notary maintained an office
3 the register of all notarial acts. These official items shall be
4 delivered within ten days of notice from the Secretary of the
5 Commonwealth that the application for reappointment has been
6 denied or the commission has been suspended or revoked.

7 Section 902. Records retained by recorder of deeds.

8 Registers of notarial acts, submitted to the office of the
9 recorder of deeds upon death, revocation or resignation of a
10 notary shall be retained by the recorder for a period of not
11 less than five years from the date of receipt of such material,
12 or as otherwise provided by law. In the case of a suspension,
13 the register shall be retained by the recorder until such time
14 when the notary is reinstated.

15 CHAPTER 10

16 APPROPRIATION; REPEALS AND EFFECTIVE DATE

17 Section 1001. Appropriation.

18 The sum of \$25,000, or as much thereof as may be necessary,
19 is hereby appropriated to the Department of State for the
20 establishment of a computerized notary file and the related
21 costs.

22 Section 1002. Repeals.

23 (a) The Notary Public Law.--The act of August 21, 1953
24 (P.L.1323, No.373), known as "The Notary Public Law," is
25 repealed as of December 31, 1986. Notaries appointed under the
26 provisions of that act shall adhere to its provisions for the
27 duration of their terms of office.

28 (b) Other acts.--All other acts and parts of acts are
29 repealed insofar as they are inconsistent with the provisions of
30 this act.

1 Section 1003. Effective date.

2 This act shall take effect January 1, 1983 and shall apply
3 prospectively. Nothing in this act shall be construed as
4 revoking the existing commission of a notary public, provided
5 that an appointment or renewal of a commission of a notary
6 public is consistent with the provisions of this act.