

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 616 Session of  
2013

INTRODUCED BY FARNESE, WASHINGTON, FERLO, HUGHES, RAFFERTY AND  
COSTA, MARCH 6, 2013

REFERRED TO STATE GOVERNMENT, MARCH 6, 2013

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," further  
4 providing for oath of office, bond and recording, for  
5 notarial seal, for register and copies of records and for  
6 fees of notaries public; providing for revocation of  
7 commission for notarizing fraudulent deeds or  
8 acknowledgments; and imposing penalties.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 8 of the act of August 21, 1953  
12 (P.L.1323, No.373), known as The Notary Public Law, amended  
13 December 9, 2002 (P.L.1269, No.151), is amended to read:

14 Section 8. Oath of Office; Bond; Recording.--[Every] (a)  
15 Except as provided in subsection (b), every notary, upon  
16 appointment and prior to entering upon the duties of the office  
17 of notary public, shall take and subscribe the constitutional  
18 oath of office, and shall give a surety bond, payable to the  
19 Commonwealth of Pennsylvania, in the amount of ten thousand  
20 dollars (\$10,000), which bond shall, after being recorded, be  
21 approved by and filed with the Secretary of the Commonwealth.

1 Every such bond shall have as surety a duly authorized surety  
2 company or two sufficient individual sureties, to be approved by  
3 the Secretary of the Commonwealth, conditioned for the faithful  
4 performance of the duties of the office of notary public and for  
5 the delivery of the notary's register and seal to the office of  
6 the recorder of deeds of the proper county in case of the death,  
7 resignation or disqualification of the notary within thirty (30)  
8 days of such event. Such bond, as well as the commission and  
9 oath of office, shall be recorded in the office of the recorder  
10 of deeds of the county in which the notary maintains an office  
11 at the time of appointment or reappointment. The commission of  
12 any notary hereafter appointed who shall, for forty-five (45)  
13 days after the beginning of the term, neglect to give bond and  
14 cause the bond and the commission and oath to be recorded, as  
15 above directed, shall be null and void.

16 (b) In order to notarize deeds for the conveyance of real  
17 property governed by 68 Pa.C.S. Ch. 71 (relating to general  
18 provisions), a notary shall give a surety bond, payable to the  
19 Commonwealth of Pennsylvania, in the amount of one hundred  
20 thousand dollars (\$100,000), which bond shall, after being  
21 recorded, be approved by and filed with the Secretary of the  
22 Commonwealth. The bond shall have as surety a duly authorized  
23 surety company or two sufficient individual sureties, to be  
24 approved by the Secretary of the Commonwealth, conditioned for  
25 the faithful performance of the duties of the office of notary  
26 public and for the delivery of the notary's register and seal to  
27 the office of the recorder of deeds of the proper county in case  
28 of the death, resignation or disqualification of the notary  
29 within thirty (30) days of such event. The bond, as well as the  
30 commission and oath of office, shall be recorded in the office

of the recorder of deeds of the county in which the notary maintains an office at the time of appointment or reappointment. The commission of any notary hereafter appointed who shall, for forty-five (45) days after the beginning of the term, neglect to give bond and cause the bond and the commission and oath to be recorded, as directed in this subsection, shall be null and void.

Section 2. Sections 12 and 15 of the act are amended by adding subsections to read:

Section 12. Notarial Seal.--\* \* \*

(e.1) Notwithstanding any other provision of law to the contrary, a person who uses the official seal or any other equipment of a person commissioned as notary public who is not the notary public for whom the commission has been issued to notarize any document commits an offense. A first offense under this subsection is a misdemeanor of the first degree. A second or subsequent offense under this subsection is a felony of the third degree.

(e.2) Any person commissioned as a notary public in this Commonwealth who knowingly, recklessly or negligently notarizes any document without determining the identity of all persons who are signatories to the document to be notarized as provided by this act or any other law commits an offense. A first offense under this subsection is a misdemeanor of the first degree. A second or subsequent offense under this subsection is a felony of the third degree.

(e.3) When a notary is acknowledging a deed for the conveyance of real property, the notary shall include the notary's name, in print, below the notary's signature, in addition to the notary's seal and stamp.

1 \* \* \*

2 Section 15. Register; Copies of Records.--\* \* \*

3 (a.1) In addition to the requirements of subsection (a), the  
4 chronological register shall include the thumbprints of the  
5 grantor or grantors and the grantee or grantees to a deed of  
6 conveyance, to appear in the register of the notary adjacent to  
7 the registry entry of the performance of that act by the notary.

8 \* \* \*

9 Section 3. Section 21(a) of the act, amended December 9,  
10 2002 (P.L.1269, No.151), is amended to read:

11 Section 21. Fees of Notaries Public.--(a) The fees of  
12 notaries public shall be fixed by the Secretary of the  
13 Commonwealth with the approval of the Attorney General. The  
14 Secretary of the Commonwealth shall provide a special fee for  
15 the notarization of deeds and acknowledgments for the conveyance  
16 of real property as provided in this act.

17 \* \* \*

18 Section 4. The act is amended by adding a section to read:

19 Section 21.1. Revocation of Commission for Notarizing  
20 Fraudulent Deeds or Acknowledgments.--(a) The Secretary of the  
21 Commonwealth may revoke the notary public commission of a notary  
22 public who has notarized any deed or acknowledgment of the  
23 transfer of a deed that is found to be fraudulent.

24 (b) Any action taken by the Secretary of the Commonwealth  
25 under this section shall be subject to the right of notice,  
26 hearing and adjudication and right of appeal therefrom in  
27 accordance with 2 Pa.C.S. Chs. 5 Subch. A (relating to practice  
28 and procedure of Commonwealth agencies) and 7 Subch. A (relating  
29 to judicial review of Commonwealth agency action).

30 Section 5. This act shall take effect in 60 days.