

AMENDMENTS TO SENATE BILL NO. 595

Sponsor: SENATOR FOLMER

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1 Amend Bill, page 1, line 4, by striking out "and" and
2 inserting a comma

3 Amend Bill, page 1, line 4, by striking out the period after
4 "individual" and inserting
5 , for short form certificates, for journal, for notification
6 regarding performance of notarial act on electronic record
7 and selection of technology and for regulations.

8 Amend Bill, page 1, line 8, by striking out "a definition"
9 and inserting
10 definitions

11 Amend Bill, page 1, by inserting between lines 17 and 18
12 "Identity proofing." A process or service by which a third
13 person provides a notary public with a reasonable means to
14 verify the identity of an individual by a review of personal
15 information from public or proprietary data sources.
16 * * *

17 Amend Bill, page 2, line 1, by inserting a bracket before
18 "If"

19 Amend Bill, page 2, line 1, by inserting after "If"

20] (a) Personal appearance.--Except as provided by subsection
21 (b), if

22 Amend Bill, page 2, lines 4 and 5, by striking out all of
23 line 4 and "by means of audio-video communication" in line 5

24 Amend Bill, page 2, line 6, by inserting after "officer"
25 , either by being in the notarial officer's physical presence
26 or by means of audio-video communication

1 Amend Bill, page 2, by inserting between lines 6 and 7

2 (b) Use of audio-visual communications.--A notary public in
3 this Commonwealth may perform by means of audio-video
4 communication a notarial act if the notarial act is performed in
5 a manner that complies with regulations promulgated by the
6 department under section 327(a)(1.1) (relating to regulations).

7 Amend Bill, page 2, lines 18 through 20, by striking out all
8 of said lines and inserting

9 (iii) Identity proofing.

10 Amend Bill, page 2, by inserting between lines 21 and 22

11 Section 4. Section 316 of Title 57 is amended to read:
12 § 316. Short form certificates.

13 [The] (a) Form.--In accordance with subsection (b), the
14 following short form certificates of notarial acts are
15 sufficient for the purposes indicated if completed with the
16 information required by section 315(a) and (b) (relating to
17 certificate of notarial act):

18 (1) For an acknowledgment in an individual capacity:
19 State of.....
20 County of.....
21 This record was acknowledged before me on
22 (date).....
23 by (name(s) of individual(s)).....
24
25 Signature of notarial officer.....
26 Stamp
27
28 Title of office.....

29 My commission expires:.....
30 (2) For an acknowledgment in a representative capacity:
31 State of.....
32 County of.....
33 This record was acknowledged before me on
34 (date).....
35 by (name(s) of individual(s)).....
36
37 as (type of authority, such as officer or trustee)
38
39 who represent that (he, she or they) are authorized to
40 act on behalf of (name of party on behalf of whom record
41 was executed).....
42
43 Signature of notarial officer.....
44 Stamp
45
46 Title of office.....

1 My commission expires:.....
2 (2.1) For an acknowledgment by an attorney at law
3 pursuant to 42 Pa.C.S. § 327 (relating to oaths and
4 acknowledgments):.....
5 State of.....
6 County of.....
7 This record was acknowledged before me on
8 (date).....
9 by (name of attorney).....
10 Supreme Court identification number.....
11 as a member of the bar of the Pennsylvania Supreme Court
12 certified that he/she was personally present when
13 (name(s) of individual(s)) executed the record and that
14 (name(s) of individual(s)) executed the record for the
15 purposes contained therein.
16 Signature of notarial officer.....
17 Stamp
18
19 Title of office.....
20 My commission expires:.....
21 (3) For a verification on oath or affirmation:
22 State of.....
23 County of.....
24 Signed and sworn to (or affirmed) before me on
25 (date).....
26 by (name(s) of individual(s)).....
27
28 making statement.....
29 Signature of notarial officer.....
30 Stamp
31
32 Title of office.....
33 My commission expires:.....
34 (4) For witnessing or attesting a signature:
35 State of.....
36 County of.....
37 Signed (or attested) before me on
38 (date).....
39 by (name(s) of individual(s)).....
40
41 Signature of notarial officer.....
42 Stamp
43
44 Title of office.....
45 My commission expires:.....
46 (5) For certifying a copy of a record:
47 State of.....
48 County of.....
49 I certify that this is a true and correct copy of a...
50 in the possession of.....
51 Dated.....

1 Signature of notarial officer.....
2 Stamp
3
4 Title of office.....
5 My commission expires:.....
6 (6) For certifying the transcript of a deposition:
7 State of.....
8 County of.....
9 I certify that this is a true and correct copy of the
10 transcript of the deposition of.....
11 Dated.....
12 Signature of notarial officer.....
13 Stamp
14
15 Title of office:.....

16 My commission expires:.....
17 (b) Audio-visual communication.--The department shall
18 include in regulations promulgated under section 327(a)(1.1)
19 (relating to regulations) modified short form certificates for
20 notarial acts performed by means of audio-visual communication.

21 Section 5. Section 319(c) of Title 57 is amended by adding
22 paragraphs to read:

23 § 319. Journal.
24 * * *

25 (c) Entries.--An entry in a journal shall be made
26 contemporaneously with performance of the notarial act and
27 contain all of the following information:
28 * * *

29 (7) Whether an individual making a statement or
30 executing a signature which is the subject of the notarial
31 act appeared before a notarial officer personally or before a
32 notary public by means of audio-visual communication.

33 (8) If an individual makes a statement or executes a
34 signature which is the subject of the notarial act before a
35 notary public by means of audio-visual communication, the
36 state or country where the individual is located.
37 * * *

38 Section 6. Section 320(a) and (b)(1) of Title 57 are amended
39 to read:

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

42 (a) Selection.--A notary public may select one or more
43 tamper-evident technologies to perform notarial acts with
44 respect to electronic records, to perform notarial acts by means
45 of audio-visual communication or to conduct identity proofing. A
46 person may not require a notary public to perform a notarial act
47 with respect to an electronic record, using audio-visual
48 communication or identity proofing with a technology that the
49 notary public has not selected.

50 (b) Notice and approval.--

51 (1) Before a notary public performs the initial notarial

1 act with respect to an electronic record, using audio-visual
2 communication or identity proofing a notary public shall
3 notify the department that the notary public will be
4 performing notarial acts with respect to electronic records
5 and identify each technology the notary public intends to
6 use.

7 * * *

8 Section 7. Section 327(a) of Title 57 is amended and the
9 section is amended by adding a subsection to read:

10 § 327. Regulations.

11 (a) Authority.--Except as provided in section 329.1(a)
12 (relating to fees of notaries public), the department may
13 promulgate regulations to implement this chapter. Regulations
14 regarding the performance of notarial acts with respect to
15 electronic records may not require or accord greater legal
16 status or effect to the implementation or application of a
17 specific technology or technical specification. Regulations may:

18 (1) Prescribe the manner of performing notarial acts
19 regarding tangible and electronic records.

20 (1.1) Regarding notarial acts performed using audio-
21 visual communication:

22 (i) prescribe the means of performing a notarial act
23 involving audio-visual communication;

24 (ii) establish standards for the approval of audio-
25 visual communication technology;

26 (iii) establish standards for third person identity
27 verification and the process of identity proofing; and

28 (iv) establish standards for the retention of
29 records relating to audio-visual communications.

30 (2) Include provisions to ensure that any change to or
31 tampering with a record bearing a certificate of a notarial
32 act is self-evident.

33 (3) Include provisions to ensure integrity in the
34 creation, transmittal, storage or authentication of
35 electronic records or signatures.

36 (4) Prescribe the process of granting, renewing,
37 conditioning, denying, suspending or revoking a notary public
38 commission and assuring the trustworthiness of an individual
39 holding a commission as notary public.

40 (5) Include provisions to prevent fraud or mistake in
41 the performance of notarial acts.

42 (6) Establish the process for approving and accepting
43 surety bonds under section 321(d) (relating to appointment
44 and commission as notary public; qualifications; no immunity
45 or benefit).

46 (7) Provide for the administration of the examination
47 under section 322(a) (relating to examination, basic
48 education and continuing education) and the course of study
49 under section 322(b).

50 (7.1) Require applicants for appointment and commission
51 as notaries public to submit criminal history record

1 information as provided in 18 Pa.C.S. Ch. 91 (relating to
2 criminal history record information) as a condition of
3 appointment.

4 (8) Include any other provision necessary to implement
5 this chapter.

6 * * *

7 (c) Audio-visual communications.--Regulations regarding the
8 performance of notarial acts by means of audio-visual
9 communication shall be published for notice of proposed
10 rulemaking in the Pennsylvania Bulletin within 18 months of the
11 effective date of this subsection.

12 Amend Bill, page 2, line 22, by striking out "4" and
13 inserting

14 8

15 Amend Bill, page 2, line 22, by striking out "in 60 days."
16 and inserting

17 as follows:

18 (1) The following shall take effect immediately:

19 (i) This section.

20 (ii) The amendment or addition of section 327(a) and
21 (c) of the act.

22 (2) The remainder of this act shall take effect on the
23 date of publication of the notice of proposed rulemaking in
24 the Pennsylvania Bulletin under section 327(c) of the act.