

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2275 Session of
2012

INTRODUCED BY GRELL, AUMENT, CLYMER, CREIGHTON, CUTLER, ELLIS,
FABRIZIO, GEIST, HENNESSEY, MILLER, MILNE AND ROCK,
MARCH 26, 2012

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 26, 2012

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 57
2 (Notaries Public) of the Pennsylvania Consolidated Statutes,
3 enacting uniform laws on attestation in the areas of unsworn
4 foreign declarations and notarial acts; and making related
5 repeals.

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

8 Section 1. Title 42 of the Pennsylvania Consolidated
9 Statutes is amended by adding a chapter to read:

10 CHAPTER 62

11 UNIFORM UNSWORN FOREIGN

12 DECLARATIONS ACT

13 Sec.

14 6201. Short title.

15 6202. Definitions.

16 6203. Applicability.

17 6204. Validity of unsworn declaration.

18 6205. Required medium.

19 6206. Form of unsworn declaration.

1 6207. Uniformity of application and construction.

2 6208. Relation to Electronic Signatures in Global and National
3 Commerce Act.

4 § 6201. Short title.

5 This act shall be known and may be cited as the Uniform
6 Unsworn Foreign Declarations Act.

7 § 6202. Definitions.

8 The following words and phrases when used in this chapter
9 shall have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Boundaries of the United States." The geographic boundaries
12 of the United States, Puerto Rico, the Virgin Islands and any
13 territory or insular possession subject to the jurisdiction of
14 the United States.

15 "Law." Includes the Federal or a state constitution, a
16 Federal or state statute, a judicial decision or order, a rule
17 of court, an executive order and an administrative rule,
18 regulation or order.

19 "Record." Information that is inscribed on a tangible medium
20 or that is stored in an electronic or other medium and is
21 retrievable in perceivable form.

22 "Sign." With present intent to authenticate or adopt a
23 record:

24 (1) to execute or adopt a tangible symbol; or

25 (2) to attach to or logically associate with the record
26 an electronic symbol, sound or process.

27 "State." A state of the United States, the District of
28 Columbia, Puerto Rico, the Virgin Islands or any territory or
29 insular possession subject to the jurisdiction of the United
30 States.

1 "Sworn declaration." A declaration in a signed record given
2 under oath. The term includes a sworn statement, verification,
3 certificate and affidavit.

4 "Unsworn declaration." A declaration in a signed record that
5 is not given under oath but is given under penalty of perjury.

6 § 6203. Applicability.

7 This chapter applies to an unsworn declaration by a declarant
8 who at the time of making the declaration is physically located
9 outside the boundaries of the United States whether or not the
10 location is subject to the jurisdiction of the United States.

11 This chapter does not apply to a declaration by a declarant who
12 is physically located on property that is within the boundaries
13 of the United States and subject to the jurisdiction of another
14 country or a federally recognized Indian tribe.

15 § 6204. Validity of unsworn declaration.

16 (a) General rule.--Except as set forth in subsection (b), if
17 a law of this Commonwealth requires or permits use of a sworn
18 declaration, an unsworn declaration meeting the requirements of
19 this chapter has the same effect as a sworn declaration.

20 (b) Exception.--This chapter does not apply to:

21 (1) a deposition;

22 (2) an oath of office;

23 (3) an oath or affirmation required to be given before a
24 specified official other than a notary public;

25 (4) a declaration to be recorded under the act of May
26 12, 1925 (P.L.613, No.327), entitled "An act regulating the
27 recording of certain deeds, conveyances, and other

28 instruments of writing, and fixing the effect thereof as to
29 subsequent purchasers, mortgagees, and judgment creditors";

30 and

(5) an oath or affirmation required by 20 Pa.C.S. § 3132.1 (relating to self-proved wills).

§ 6205. Required medium.

If a law of this Commonwealth requires that a sworn declaration be presented in a particular medium, an unsworn declaration must be presented in that medium.

§ 6206. Form of unsworn declaration.

An unsworn declaration under this chapter must be in substantially the following form:

I declare under penalty of perjury under the law of the Commonwealth of Pennsylvania that the foregoing is true and correct, and that I am physically located outside the geographic boundaries of the United States, Puerto Rico, the Virgin Islands and any territory or insular possession subject to the jurisdiction of the United States.

Executed on the _____ day of _____,

at _____,

(date) _____ (month) _____ (year) _____

(city or other location, and state) _____

_____.

(country) _____

(printed name) _____

(signature) _____

§ 6207. 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.

§ 6208. Relation to Electronic Signatures in Global and National Commerce Act.

1 To the extent permitted by section 102 of the Electronic
2 Signatures in Global and National Commerce Act (Public Law
3 106-229, 15 U.S.C. § 7002), this chapter may modify or supersede
4 provisions of that act.

5 Section 2. Title 57 of the Pennsylvania Consolidated
6 Statutes is amended by adding a chapter to read:

7 CHAPTER 3

8 REVISED UNIFORM LAW ON NOTARIAL ACTS

9 Sec.

10 301. Short title.

11 302. Definitions.

12 303. Applicability.

13 304. Authority to perform notarial act.

14 305. Requirements for certain notarial acts.

15 306. Personal appearance required.

16 307. Identification of individual.

17 308. Authority to refuse to perform notarial act.

18 309. Signature if individual unable to sign.

19 310. Notarial act in this Commonwealth.

20 311. Notarial act in another state.

21 312. Notarial act under authority of federally recognized

22 Indian tribe.

23 313. Notarial act under Federal authority.

24 314. Foreign notarial act.

25 315. Certificate of notarial act.

26 316. Short form certificates.

27 317. Official stamp.

28 318. Stamping device.

29 319. Journal.

30 320. Notification regarding performance of notarial act on

1 electronic record; selection of technology.
2 321. Appointment and commission as notary public;
3 qualifications; no immunity or benefit.
4 322. Examination, basic education and continuing education.
5 323. Sanctions.
6 324. Database of notaries public.
7 325. Prohibited acts.
8 326. Validity of notarial acts.
9 327. Regulations.
10 328. Notary public commission in effect.
11 329. Savings clause.
12 329.1. Fees of notaries public.
13 330. Uniformity of application and construction.
14 331. Relation to Electronic Signatures in Global and National
15 Commerce Act.
16 § 301. Short title.
17 This chapter shall be known and may be cited as the Revised
18 Uniform Law on Notarial Acts.
19 § 302. Definitions.
20 The following words and phrases when used in this chapter
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:
23 "Acknowledgment." A declaration by an individual before a
24 notarial officer that:
25 (1) the individual has signed a record for the purpose
26 stated in the record; and
27 (2) if the record is signed in a representative
28 capacity, the individual signed the record with proper
29 authority and signed it as the act of the individual or
30 entity identified in the record.

1 "Bureau." The Bureau of Commissions, Elections and
2 Legislation.

3 "Department." The Department of State of the Commonwealth.

4 "Electronic." Relating to technology having electrical,
5 digital, magnetic, wireless, optical, electromagnetic or similar
6 capabilities.

7 "Electronic signature." An electronic symbol, sound or
8 process attached to or logically associated with a record and
9 executed or adopted by an individual with the intent to sign the
10 record.

11 "In a representative capacity." Acting as:

12 (1) an authorized officer, agent, partner, trustee or
13 other representative for a person other than an individual;

14 (2) a public officer, personal representative, guardian
15 or other representative, in the capacity stated in a record;

16 (3) an agent or attorney-in-fact for a principal; or

17 (4) an authorized representative of another in any other
18 capacity.

19 "Notarial act." An act, whether performed with respect to a
20 tangible or electronic record, that a notarial officer may
21 perform under the laws of this Commonwealth. The term includes:

22 (1) taking an acknowledgment;

23 (2) administering an oath or affirmation;

24 (3) taking a verification on oath or affirmation;

25 (4) witnessing or attesting a signature;

26 (5) certifying or attesting a copy or deposition; and

27 (6) noting a protest of a negotiable instrument.

28 "Notarial officer." A notary public or other individual
29 authorized to perform a notarial act.

30 "Notary public." An individual commissioned to perform a

1 notarial act by the department.

2 "Official stamp." A physical image affixed to or embossed on
3 a tangible record or an electronic image attached to or
4 logically associated with an electronic record. The term
5 includes a notary seal.

6 "Person." Any of the following:

7 (1) Any individual, corporation, business trust,
8 statutory trust, estate, trust, partnership, limited
9 liability company, association, joint venture or public
10 corporation.

11 (2) A government or governmental subdivision, agency or
12 instrumentality.

13 (3) Any other legal or commercial entity.

14 "Record." Information that is inscribed on a tangible medium
15 or that is stored in an electronic or other medium and is
16 retrievable in perceivable form.

17 "Secretary." The Secretary of the Commonwealth.

18 "Sign." With present intent to authenticate or adopt a
19 record:

20 (1) to execute or adopt a tangible symbol; or

21 (2) to attach to or logically associate with the record
22 an electronic symbol, sound or process.

23 "Signature." A tangible symbol or an electronic signature
24 which evidences the signing of a record.

25 "Stamping device." Any of the following:

26 (1) A physical device capable of affixing to or
27 embossing on a tangible record an official stamp.

28 (2) An electronic device or process capable of attaching
29 to or logically associating with an electronic record an
30 official stamp.

1 "State." A state of the United States, the District of
2 Columbia, Puerto Rico, the Virgin Islands or any territory or
3 insular possession subject to the jurisdiction of the United
4 States.

5 "Verification on oath or affirmation." A declaration, made
6 by an individual on oath or affirmation before a notarial
7 officer, that a statement in a record is true. The term includes
8 an affidavit.

9 § 303. Applicability.

10 This chapter applies to a notarial act performed on or after
11 the effective date of this chapter.

12 § 304. Authority to perform notarial act.

13 (a) Permitted.--A notarial officer may perform a notarial
14 act authorized by this chapter or by statutory provision other
15 than this chapter.

16 (b) Prohibited.--

17 (1) A notarial officer may not perform a notarial act
18 with respect to a record in which the officer or the
19 officer's spouse has a direct or pecuniary interest.

20 (2) For the purpose of this subsection, none of the
21 following shall constitute a direct or pecuniary interest:

22 (i) being a shareholder in a publicly traded company
23 that is a party to the notarized transaction;

24 (ii) being an officer, director or employee of a
25 company that is a party to the notarized transaction,
26 unless the director, officer or employee personally
27 benefits from the transaction other than as provided
28 under subparagraph (iii); or

29 (iii) receiving a fee that is not contingent upon
30 the completion of the notarized transaction.

1 (3) A notarial act performed in violation of this
2 subsection is voidable.

3 § 305. Requirements for certain notarial acts.

4 (a) Acknowledgments.--A notarial officer who takes an
5 acknowledgment of a record shall determine, from personal
6 knowledge or satisfactory evidence of the identity of the
7 individual, all of the following:

8 (1) The individual appearing before the officer and
9 making the acknowledgment has the identity claimed.

10 (2) The signature on the record is the signature of the
11 individual.

12 (b) Verifications.--A notarial officer who takes a
13 verification of a statement on oath or affirmation shall
14 determine, from personal knowledge or satisfactory evidence of
15 the identity of the individual, all of the following:

16 (1) The individual appearing before the officer and
17 making the verification has the identity claimed.

18 (2) The signature on the statement verified is the
19 signature of the individual.

20 (c) Signatures.--A notarial officer who witnesses or attests
21 to a signature shall determine, from personal knowledge or
22 satisfactory evidence of the identity of the individual, all of
23 the following:

24 (1) The individual appearing before the officer and
25 signing the record has the identity claimed.

26 (2) The signature on the record is the signature of the
27 individual.

28 (d) Copies.--A notarial officer who certifies or attests a
29 copy of a record or an item which was copied shall determine
30 that the copy is a complete and accurate transcription or

1 reproduction of the record or item.

2 (e) Negotiable instruments.--A notarial officer who makes or
3 notes a protest of a negotiable instrument shall determine the
4 matters set forth in 13 Pa.C.S. § 3505(b) (relating to evidence
5 of dishonor).

6 § 306. Personal appearance required.

7 If a notarial act relates to a statement made in or a
8 signature executed on a record, the individual making the
9 statement or executing the signature shall appear personally
10 before the notarial officer.

11 § 307. Identification of individual.

12 (a) Personal knowledge.--A notarial officer has personal
13 knowledge of the identity of an individual appearing before the
14 officer if the individual is personally known to the officer
15 through dealings sufficient to provide reasonable certainty that
16 the individual has the identity claimed.

17 (b) Satisfactory evidence.--A notarial officer has
18 satisfactory evidence of the identity of an individual appearing
19 before the officer if the officer can identify the individual as
20 set forth in any of the following paragraphs:

21 (1) By means set forth in any of the following
22 subparagraphs:

23 (i) A passport, driver's license or government
24 issued nondriver identification card, which is current
25 and unexpired.

26 (ii) Another form of government identification
27 issued to an individual, which:

28 (A) is current;

29 (B) contains the signature or a photograph of
30 the individual; and

1 (C) is satisfactory to the officer.

2 (2) By a verification on oath or affirmation of a
3 credible witness personally appearing before the officer and
4 personally known to the officer.

5 (c) Discretion.--A notarial officer may require an
6 individual to provide additional information or identification
7 credentials necessary to assure the officer of the identity of
8 the individual.

9 § 308. Authority to refuse to perform notarial act.

10 (a) Specific refusal.--A notarial officer may refuse to
11 perform a notarial act if the officer is not satisfied that:

12 (1) the individual executing the record is competent or
13 has the capacity to execute the record;

14 (2) the individual's signature is knowingly and
15 voluntarily made;

16 (3) the individual's signature on the record or
17 statement substantially conforms to the signature on a form
18 of identification used to determine the identity of the
19 individual; or

20 (4) the physical appearance of the individual signing
21 the record or statement substantially conforms to the
22 photograph on a form of identification used to determine the
23 identity of the individual.

24 (b) General refusal.--A notarial officer may refuse to
25 perform a notarial act unless refusal is prohibited by law other
26 than this chapter.

27 § 309. Signature if individual unable to sign.

28 (Reserved).

29 § 310. Notarial act in this Commonwealth.

30 (a) Eligible individuals.--A notarial act may be performed

1 in this Commonwealth by any of the following:

2 (1) A judge of a court of record.

3 (2) A clerk, prothonotary or deputy prothonotary or
4 deputy clerk of a court having a seal.

5 (3) A recorder of deeds or deputy recorder of deeds.

6 (4) A notary public.

7 (5) A magisterial district judge.

8 (6) An individual authorized by law to perform a
9 specific notarial act.

10 (b) Prima facie evidence.--The signature and title of an
11 individual performing a notarial act in this Commonwealth are
12 prima facie evidence that:

13 (1) the signature is genuine; and

14 (2) the individual holds the designated title.

15 (c) Conclusive determination.--The signature and title of a
16 notarial officer described in subsection (a) (1), (2), (3), (4)
17 or (5) conclusively establish the authority of the officer to
18 perform the notarial act.

19 § 311. Notarial act in another state.

20 (a) Effect.--A notarial act performed in another state has
21 the same effect under the law of this Commonwealth as if
22 performed by a notarial officer of this Commonwealth if the act
23 performed in that state is performed by any of the following:

24 (1) A notary public of that state.

25 (2) A judge, clerk or deputy clerk of a court of that
26 state.

27 (3) An individual authorized by the law of that state to
28 perform the notarial act.

29 (b) Prima facie evidence.--The signature and title of an
30 individual performing a notarial act in another state are prima

1 facie evidence that:

2 (1) the signature is genuine; and

3 (2) the individual holds the designated title.

4 (c) Conclusive determination.--The signature and title of a
5 notarial officer described in subsection (a)(1) or (2)
6 conclusively establish the authority of the officer to perform
7 the notarial act.

8 § 312. Notarial act under authority of federally recognized
9 Indian tribe.

10 (a) Effect.--A notarial act performed under the authority
11 and in the jurisdiction of a federally recognized Indian tribe
12 has the same effect as if performed by a notarial officer of
13 this Commonwealth if the act performed in the jurisdiction of
14 the tribe is performed by any of the following:

15 (1) A notary public of the tribe.

16 (2) A judge, clerk or deputy clerk of a court of the
17 tribe.

18 (3) An individual authorized by the law of the tribe to
19 perform the notarial act.

20 (b) Prima facie evidence.--The signature and title of an
21 individual performing a notarial act under the authority of and
22 in the jurisdiction of a federally recognized Indian tribe are
23 prima facie evidence that:

24 (1) the signature is genuine; and

25 (2) the individual holds the designated title.

26 (c) Conclusive determination.--The signature and title of a
27 notarial officer described in subsection (a)(1) or (2)
28 conclusively establish the authority of the officer to perform
29 the notarial act.

30 § 313. Notarial act under Federal authority.

1 (a) Effect.--A notarial act performed under Federal law has
2 the same effect under the law of this Commonwealth as if
3 performed by a notarial officer of this Commonwealth if the act
4 performed under Federal law is performed by any of the
5 following:

6 (1) A judge, clerk or deputy clerk of a court.

7 (2) An individual in military service or performing
8 duties under the authority of military service who is
9 authorized to perform notarial acts under Federal law.

10 (3) An individual designated a notarizing officer by the
11 United States Department of State for performing notarial
12 acts overseas.

13 (4) An individual authorized by Federal law to perform
14 the notarial act.

15 (b) Prima facie evidence.--The signature and title of an
16 individual acting under Federal authority and performing a
17 notarial act are prima facie evidence that:

18 (1) the signature is genuine; and

19 (2) the individual holds the designated title.

20 (c) Conclusive determination.--The signature and title of an
21 officer described in subsection (a)(1), (2) or (3) conclusively
22 establish the authority of the officer to perform the notarial
23 act.

24 § 314. Foreign notarial act.

25 (a) (Reserved).

26 (b) Effect.--

27 (1) This subsection applies to a notarial act:

28 (i) performed under authority and in the
29 jurisdiction of a foreign state or constituent unit of
30 the foreign state; or

1 (ii) performed under the authority of a
2 multinational or international governmental organization.

3 (2) A notarial act under paragraph (1) has the same
4 effect under the law of this Commonwealth as if performed by
5 a notarial officer of this Commonwealth.

6 (c) Conclusive establishment.--If the title of office and
7 indication of authority to perform notarial acts in a foreign
8 state appears in a digest of foreign law or in a list
9 customarily used as a source for that information, the authority
10 of an officer with that title to perform notarial acts is
11 conclusively established.

12 (d) Prima facie evidence.--The signature and official stamp
13 of an individual holding an office described in subsection (c)
14 are prima facie evidence that:

15 (1) the signature is genuine; and

16 (2) the individual holds the designated title.

17 (e) Hague Convention.--

18 (1) This subsection applies to an apostille which is:

19 (i) in the form prescribed by the Hague Convention
20 of October 5, 1961; and

21 (ii) issued by a foreign state party to the Hague
22 Convention.

23 (2) An apostille under paragraph (1) conclusively
24 establishes that:

25 (i) the signature of the notarial officer is
26 genuine; and

27 (ii) the officer holds the indicated office.

28 (f) Consular authentications.--

29 (1) This subsection applies to a consular
30 authentication:

1 (i) issued by an individual designated by the United
2 States Department of State as a notarizing officer for
3 performing notarial acts overseas; and

4 (ii) attached to the record with respect to which
5 the notarial act is performed.

6 (2) A consular authentication under paragraph (1)
7 conclusively establishes that:

8 (i) the signature of the notarial officer is
9 genuine; and

10 (ii) the officer holds the indicated office.

11 (g) Definition.--As used in this section, the term "foreign
12 state" means a government other than the United States, a state
13 or a federally recognized Indian tribe.

14 § 315. Certificate of notarial act.

15 (a) Requirements.--

16 (1) A notarial act shall be evidenced by a certificate.

17 (2) Regardless of whether the notarial officer is a
18 notary public, the certificate must:

19 (i) be executed contemporaneously with the
20 performance of the notarial act;

21 (ii) be signed and dated by the notarial officer;

22 (iii) identify the county and State in which the
23 notarial act is performed; and

24 (iv) contain the title of office of the notarial
25 officer.

26 (3) If the notarial officer is a notary public, all of
27 the following subparagraphs apply:

28 (i) The notary must:

29 (A) sign the notary's name exactly and only as
30 it appears on the commission; or

1 (B) execute the notary's electronic signature in
2 a manner which attributes the signature to the notary
3 identified in the commission.

4 (ii) The certificate must indicate the date of
5 expiration of the officer's commission.

6 (b) Official stamp.--

7 (1) If a notarial act regarding a tangible record is
8 performed by a notary public, an official stamp shall be
9 affixed to the certificate near the notary's signature in a
10 form capable of photographic reproduction.

11 (2) If a notarial act is performed regarding a tangible
12 record by a notarial officer other than a notary public and
13 the certificate contains the information specified in
14 subsection (a)(2)(ii), (iii) and (iv), an official stamp may
15 be affixed to the certificate.

16 (3) If a notarial act regarding an electronic record is
17 performed by a notary public and the certificate contains the
18 information specified in subsection (a)(2)(ii), (iii) and
19 (iv) and (3), an official stamp may be attached to or
20 logically associated with the certificate.

21 (4) If a notarial act regarding an electronic record is
22 performed by a notarial officer other than a notary public
23 and the certificate contains the information specified in
24 subsection (a)(2)(ii), (iii) and (iv), an official stamp may
25 be attached to or logically associated with the certificate.

26 (c) Sufficiency.--A certificate of a notarial act is
27 sufficient if it meets the requirements of subsections (a) and
28 (b) and:

29 (1) is in a short form set forth in section 316
30 (relating to short form certificates);

1 (2) is in a form otherwise permitted by a statutory
2 provision;

3 (3) is in a form permitted by the law applicable in the
4 jurisdiction in which the notarial act was performed; or

5 (4) sets forth the actions of the notarial officer and
6 the actions are sufficient to meet the requirements of the
7 notarial act as provided in:

8 (i) sections 305 (relating to requirements for
9 certain notarial acts) 306 (relating to personal
10 appearance required) and 307 (relating to identification
11 of individual); or

12 (ii) a statutory provision other than this chapter.

13 (d) Effect.--By executing a certificate of a notarial act, a
14 notarial officer certifies that the officer has complied with
15 the requirements and made the determinations specified in
16 sections 304 (relating to authority to perform notarial act),
17 305 and 306.

18 (e) Prohibition.--A notarial officer may not affix the
19 officer's signature to, or logically associate it with, a
20 certificate until the notarial act has been performed.

21 (f) Process.--

22 (1) If a notarial act is performed regarding a tangible
23 record, a certificate shall be part of, or securely attached
24 to, the record.

25 (2) If a notarial act is performed regarding an
26 electronic record, the certificate shall be affixed to, or
27 logically associated with, the electronic record.

28 (3) If the department has established standards under
29 section 327 (relating to regulations) for attaching, affixing
30 or logically associating the certificate, the process must

1 conform to the standards.

2 § 316. Short form certificates.

3 The following short form certificates of notarial acts are
4 sufficient for the purposes indicated, if completed with the
5 information required by section 315(a) and (b) (relating to
6 certificate of notarial act):

7 (1) For an acknowledgment in an individual capacity:

8 State of _____

9 County of _____.

10 This record was acknowledged before me on

11 (date) _____

12 by (name(s) of individual(s)) _____

13 _____.

14 Signature of notarial officer _____

15 Stamp

16 _____

17 Title of office _____

18 My commission expires: _____

19 (2) For an acknowledgment in a representative capacity:

20 State of _____

21 County of _____

22 This record was acknowledged before me on

23 (date) _____

24 by (name(s) of individual(s)) _____

25 _____

26 as (type of authority, such as officer or trustee)

27 _____

28 of (name of party on behalf of whom record was executed)

29 _____.

30 Signature of notarial officer _____

1 Stamp
2 _____
3 Title of office_____
4 My commission expires:_____
5 (2.1) For an acknowledgment by an attorney at law:
6 State of_____
7 County of_____
8 This record was acknowledged before me on
9 (date)_____
10 by (name of attorney)_____
11 as a member of the bar of the Pennsylvania Supreme Court
12 and a subscribing witness to this record and certified
13 that he/she was personally present when (name(s) of
14 individuals) executed the record and that (name(s) of
15 individuals) executed the record for the purposes
16 contained therein.
17 Signature of notarial officer_____
18 Stamp
19 _____
20 Title of office_____
21 My commission expires:_____
22 (3) For a verification on oath or affirmation:
23 State of_____
24 County of_____.
25 Signed and sworn to (or affirmed) before me on
26 (date)_____
27 by (name(s) of individual(s))_____
28 _____
29 making statement_____.
30 Signature of notarial officer_____

1 Stamp
2 _____
3 Title of office_____
4 My commission expires:_____
5 (4) For witnessing or attesting a signature:
6 State of_____
7 County of_____
8 Signed (or attested) before me on
9 (date)_____
10 by (name(s) of individual(s))_____
11 _____
12 Signature of notarial officer_____
13 Stamp
14 _____
15 Title of office_____
16 My commission expires:_____
17 (5) For certifying a copy of a record:
18 State of_____
19 County of_____
20 I certify that this is a true and correct copy of a_____
21 in the possession of_____.
22 Dated_____
23 Signature of notarial officer....._____
24 Stamp
25 _____
26 Title of office_____
27 My commission expires:_____
28 (6) For certifying the transcript of a deposition:
29 State of_____
30 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: _____

§ 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. 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 and the words "Notary Public."

(iv) The name of the county in which the notary public maintains an office.

(v) The date the notary'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.

1 (a) Security.--

2 (1) A notary public is responsible for the security of
3 the stamping device of the notary public. A notary public may
4 not allow another individual to use the device to perform a
5 notarial act.

6 (1.1) The use of a notary public seal by a person that
7 is not the notary public named on the seal shall be deemed an
8 impersonation of a notary public.

9 (2) On resignation of a notary public commission or on
10 the expiration of the date set forth in the stamping device,
11 the notary public shall disable the stamping device by
12 destroying, defacing, damaging, erasing or securing it
13 against use in a manner which renders it unusable.

14 (2.1) An individual whose notary public commission has
15 been suspended or revoked shall surrender possession of the
16 stamping device to the department.

17 (3) On the death or adjudication of incompetency of a
18 notary public, the personal representative or guardian of the
19 notary public or any person knowingly in possession of the
20 stamping device shall render it unusable by destroying,
21 defacing, damaging, erasing or securing it against use in a
22 manner which renders it unusable.

23 (b) Loss or theft.--If a stamping device is lost or stolen,
24 the notary public or the personal representative or guardian of
25 the notary public shall notify the department promptly upon
26 discovering that the device is lost or stolen.

27 § 319. Journal.

28 (a) Maintenance.--A notary public shall maintain a journal
29 in which the notary public records in chronological order all
30 notarial acts that the notary public performs.

1 (b) Format.--A journal may be created on a tangible medium
2 or in an electronic format. A notary public may maintain a
3 separate journal for tangible records and for electronic
4 records. If the journal is maintained on a tangible medium, it
5 shall be a bound register with numbered pages. If the journal is
6 maintained in an electronic format, it shall be in a tamper-
7 evident electronic format complying with the regulations of the
8 department.

9 (c) Entries.--An entry in a journal shall be made
10 contemporaneously with performance of the notarial act and
11 contain all of the following information:

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

13 (2) A description of the record, if any, and type of
14 notarial act.

15 (3) The full name and address of each individual for
16 whom the notarial act is performed.

17 (4) If identity of the individual is based on personal
18 knowledge, a statement to that effect.

19 (5) If identity of the individual is based on
20 satisfactory evidence, a brief description of the method of
21 identification and any identification credential presented,
22 including the date of issuance and expiration of an
23 identification credential.

24 (6) The fee charged by the notary public.

25 (d) Loss or theft.--If a journal is lost or stolen, the
26 notary public promptly shall notify the department on
27 discovering that the journal is lost or stolen.

28 (e) Termination of office.--A notary public shall deliver
29 the journal of the notary public to the office of the recorder
30 of deeds in the county where the notary 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 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 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

1 respect to electronic records. A person may not require a notary
2 public to perform a notarial act with respect to an electronic
3 record with a technology that the notary public has not
4 selected.

5 (b) Notice and approval.--

6 (1) Before a notary public performs the initial notarial
7 act with respect to an electronic record, a notary public
8 shall notify the department that the notary public will be
9 performing notarial acts with respect to electronic records
10 and identify each technology the notary public intends to
11 use.

12 (2) If the department has established standards for
13 approval of technology under section 327 (relating to
14 regulations), the technology must conform to the standards.
15 If the technology conforms to the standards, the department
16 shall approve the use of the technology.

17 § 321. Appointment and commission as notary public;
18 qualifications; no immunity or benefit.

19 (a) Eligibility.--An applicant for appointment and
20 commission as a notary public must meet all of the following:

21 (1) Be at least 18 years of age.

22 (2) Be a citizen or permanent legal resident of the
23 United States.

24 (3) Be a resident of or have a place of employment or
25 practice in this Commonwealth.

26 (4) Be able to read and write English.

27 (5) Not be disqualified to receive a commission under
28 section 323 (relating to sanctions).

29 (6) Have passed the examination required under section
30 322(a) (relating to examination, basic education and

1 continuing education).

2 (7) Comply with other requirements established by the
3 department by regulation as necessary to insure the
4 competence, integrity and qualifications of a notary public
5 and to insure the proper performance of notarial acts.

6 (b) Application.--An individual qualified under subsection
7 (a) may apply to the department for appointment and commission
8 as a notary public. The application must comply with all of the
9 following:

10 (1) Be made to the department on a form prescribed by
11 the department.

12 (2) Be accompanied by a nonrefundable filing fee as set
13 forth in section 618-A(1)(i) of the act of April 9, 1929
14 (P.L.177, No.175), known as The Administrative Code of 1929,
15 payable to the Commonwealth of Pennsylvania.

16 (3) Bear an endorsement as follows:

17 (i) Except as set forth in this paragraph, the
18 endorsement of the senator of the district in which the
19 applicant resides.

20 (ii) If the applicant does not reside in this
21 Commonwealth, the endorsement of the senator of the
22 district in which the applicant is employed.

23 (iii) If there is a vacancy in the senatorial
24 district under subparagraph (i) or (ii), the endorsement
25 of the senator of an adjacent district.

26 (c) Oath or affirmation.--Upon appointment and before
27 issuance of a commission as a notary public, an applicant must
28 execute an oath or affirmation of office.

29 (d) Bond.--

30 (1) Upon appointment and before issuance of a commission

1 as a notary public, the applicant must obtain a surety bond
2 in:

3 (i) the amount of \$10,000; or

4 (ii) the amount set by regulation of the department.

5 (2) (Reserved).

6 (3) The bond must:

7 (i) be executed by an insurance company authorized
8 to do business in this Commonwealth;

9 (ii) cover acts performed during the term of the
10 notary public commission; and

11 (iii) be in the form prescribed by the department.

12 (4) If a notary public violates law with respect to
13 notaries public in this Commonwealth, the surety or issuing
14 entity is liable under the bond.

15 (5) The surety or issuing entity must give 30 days'
16 notice to the department before canceling the bond.

17 (6) The surety or issuing entity shall notify the
18 department not later than 30 days after making a payment to a
19 claimant under the bond.

20 (7) A notary public may perform notarial acts in this
21 Commonwealth only during the period in which a valid bond is
22 on file with the department.

23 (d.1) Official signature.--

24 (1) The official signature of each notary public shall
25 be registered, for a fee of 50¢, in the "Notary Register"
26 provided for that purpose in the prothonotary's office of the
27 county where the notary public maintains an office within:

28 (i) 45 days after appointment or reappointment; and

29 (ii) 30 days after moving to a different county.

30 (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).

(d.2) Recording and filing.--

(1) Upon 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 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 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'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.

§ 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 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 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.

§ 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. This subsection includes:

1 (1) Failure to comply with this chapter.

2 (2) A fraudulent, dishonest or deceitful misstatement or
3 omission in the application for a commission as a notary
4 public submitted to the department.

5 (3) Sentencing of the applicant or notary public of a
6 felony or an offense involving fraud, dishonesty or deceit.

7 (4) A finding against, or admission of liability by, the
8 applicant or notary public in a legal proceeding or
9 disciplinary action based on the fraud, dishonesty or deceit
10 of the applicant or notary public.

11 (5) Failure by a notary public to discharge a duty
12 required of a notary public, whether by this chapter, by
13 regulation of the department or by Federal or State law.

14 (6) Use of false or misleading advertising or
15 representation by a notary public representing that the
16 notary has a duty, right or privilege that the notary does
17 not have.

18 (7) Violation by a notary public of a regulation of the
19 department regarding a notary public.

20 (8) Denial, refusal to renew, revocation, suspension or
21 conditioning of a notary public commission in another state.

22 (9) Failure of a notary public to maintain a bond under
23 section 321(d) (relating to appointment and commission as
24 notary public; qualifications; no immunity or benefit).

25 (a.1) Administrative penalty.--The department may impose an
26 administrative penalty of up to \$1,000 for each violation of
27 this chapter.

28 (b) Administrative Agency Law.--Action by the department
29 under subsection (a) or (a.1) is subject to 2 Pa.C.S. Ch. 5
30 Subch. A (relating to practice and procedure of Commonwealth

1 agencies) and Ch. 7 Subch. A (relating to judicial review of
2 Commonwealth agency action).

3 (c) Other remedies.--The authority of the department under
4 this section does not prevent a person from seeking and
5 obtaining other criminal or civil remedies provided by law.

6 (d) Investigations and hearings.--

7 (1) The department may issue a subpoena, upon
8 application of an attorney responsible for representing the
9 Commonwealth in disciplinary matters before the department,
10 for the purpose of investigating alleged violations of the
11 disciplinary provisions administered by the department.

12 (2) In an investigation or hearing, the department, as
13 it deems necessary, may subpoena witnesses, administer oaths,
14 examine witnesses, take testimony and compel the production
15 of documents.

16 (3) The department may apply to Commonwealth Court under
17 42 Pa.C.S. § 761(a)(2) (relating to original jurisdiction)
18 to enforce a subpoena under this subsection.

19 § 324. Database of notaries public.

20 The department shall maintain an electronic database of
21 notaries public:

22 (1) through which a person may verify the authority of a
23 notary public to perform notarial acts; and

24 (2) which indicates whether a notary public has notified
25 the department that the notary public will be performing
26 notarial acts on electronic records.

27 § 325. Prohibited acts.

28 (a) No authority.--A commission as a notary public does not
29 authorize the notary public to:

30 (1) assist persons in drafting legal records, give legal

1 advice or otherwise practice law;

2 (2) act as an immigration consultant or an expert on
3 immigration matters;

4 (3) represent a person in a judicial or administrative
5 proceeding relating to immigration to the United States,
6 United States citizenship or related matters; or

7 (4) receive compensation for performing any of the
8 activities listed in this subsection.

9 (b) False advertising.--A notary public may not engage in
10 false or deceptive advertising.

11 (c) Designation.--

12 (1) Except as set forth in paragraph (2), a notary
13 public may not use the term "notario" or "notario publico."

14 (2) Paragraph (1) does not apply to an attorney at law.

15 (d) Representations.--

16 (1) Except as set forth in paragraph (2), the following
17 apply:

18 (i) A notary public may not advertise or represent
19 that the notary public may:

20 (A) assist persons in drafting legal records;

21 (B) give legal advice; or

22 (C) otherwise practice law.

23 (ii) If a notary public advertises or represents
24 that the notary public offers notarial services, whether
25 orally or in a record, including broadcast media, print
26 media and the Internet, the notary public shall include
27 the following statement, or an alternate statement
28 authorized or required by the department, in the
29 advertisement or representation, prominently and in each
30 language used in the advertisement or representation:

1 "I am not an attorney licensed to practice law in
2 this Commonwealth. I am not allowed to draft legal
3 records, give advice on legal matters, including
4 immigration, or charge a fee for those activities."

5 (iii) If the form of advertisement or representation
6 is not broadcast media, print media or the Internet and
7 does not permit inclusion of the statement required by
8 this subsection because of size, it shall be displayed
9 prominently or provided at the place of performance of
10 the notarial act before the notarial act is performed.

11 (2) Paragraph (1) does not apply to an attorney at law.

12 (e) Original records.--Except as otherwise allowed by law, a
13 notary public may not withhold access to or possession of an
14 original record provided by a person that seeks performance of a
15 notarial act by the notary public.

16 (f) Crimes Code.--There are provisions in 18 Pa.C.S.
17 (relating to crimes and offenses) which apply to notaries.
18 § 326. Validity of notarial acts.

19 (a) Failures.--Except as otherwise provided in section
20 304(b) (relating to authority to perform notarial act), the
21 failure of a notarial officer to perform a duty or meet a
22 requirement specified in this chapter does not invalidate a
23 notarial act performed by the notarial officer.

24 (b) Invalidation.--The validity of a notarial act under this
25 chapter does not prevent an aggrieved person from seeking to
26 invalidate the record or transaction which is the subject of the
27 notarial act or from seeking other remedies based on Federal law
28 or the law of this Commonwealth other than this chapter.

29 (c) Lack of authority.--This section does not validate a
30 purported notarial act performed by an individual who does not

1 have the authority to perform notarial acts.

2 § 327. Regulations.

3 (a) Authority.--The department may promulgate regulations to
4 implement this chapter. Regulations regarding the performance of
5 notarial acts with respect to electronic records may not
6 require, or accord greater legal status or effect to, the
7 implementation or application of a specific technology or
8 technical specification. Regulations may include:

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

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

14 (3) Include provisions to ensure integrity in the
15 creation, transmittal, storage or authentication of
16 electronic records or signatures.

17 (4) Prescribe the process of granting, renewing,
18 conditioning, denying, suspending or revoking a notary public
19 commission and assuring the trustworthiness of an individual
20 holding a commission as notary public.

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

23 (6) Establish the process for approving and accepting
24 surety bonds under section 321(d) (relating to appointment
25 and commission as notary public; qualifications; no immunity
26 or benefit).

27 (7) Provide for the administration of the examination
28 under section 322(a) (relating to examination, basic
29 education and continuing education) and the course of study
30 under section 322(b).

1 (b) Considerations.--In promulgating regulations about
2 notarial acts with respect to electronic records, the department
3 shall consider, so far as is consistent with this chapter:

4 (1) the most recent standards regarding electronic
5 records promulgated by national bodies, such as the National
6 Association of Secretaries of State;

7 (2) standards, practices and customs of other states
8 which substantially enact the Revised Uniform Law on Notarial
9 Acts; and

10 (3) the views of governmental officials and entities and
11 other interested persons.

12 § 328. Notary public commission in effect.

13 A commission as a notary public in effect on the effective
14 date of this chapter continues until its date of expiration. A
15 notary public who applies to renew a commission as a notary
16 public on or after the effective date of this chapter is subject
17 to this chapter. A notary public, in performing notarial acts
18 after the effective date of this chapter, shall comply with this
19 chapter.

20 § 329. Savings clause.

21 This chapter does not affect the validity or effect of a
22 notarial act performed before the effective date of this
23 chapter.

24 § 329.1. Fees of notaries public.

25 (a) Department.--The fees of notaries public shall be fixed
26 by the department by regulation.

27 (b) Prohibition.--A notary public may not charge or receive
28 a notary public fee in excess of the fee fixed by the
29 department.

30 (c) Operation.--

1 (1) The fees of the notary shall be separately stated.

2 (2) A notary public may waive the right to charge a fee.

3 (3) Unless paragraph (2) applies, a notary public shall:

4 (i) display fees in a conspicuous location in the
5 place of business of the notary public; or

6 (ii) provide fees, upon request, to a person
7 utilizing the services of the notary public.

8 (d) Presumption.--The fee for a notary public:

9 (1) shall be the property of the notary public; and

10 (2) unless mutually agreed by the notary public and the
11 employer, shall not belong to or be received by the entity
12 that employs the notary public.

13 § 330. Uniformity of application and construction.

14 In applying and construing this chapter, consideration must
15 be given to the need to promote uniformity of the law with
16 respect to its subject matter among states that enact it.

17 § 331. Relation to Electronic Signatures in Global and National
18 Commerce Act.

19 To the extent permitted by section 102 of the Electronic
20 Signatures in Global and National Commerce Act (Public Law
21 106-229, 15 U.S.C. § 7002), this chapter may modify or supersede
22 provisions of that act.

23 Section 3. The following acts and parts of acts are
24 repealed:

25 (1) Act of May 24, 1917 (P.L.270, No.147), entitled "An
26 act to validate affidavits, acknowledgments, and other
27 notarial acts, heretofore performed by notaries public of
28 this Commonwealth within three months after the expiration of
29 the time for which they have been commissioned to act."

30 (2) Act of March 14, 1919 (P.L.18, No.9), entitled "An

1 act conferring upon judge advocates of the United States Army
2 the powers of notaries public, declaring the effect thereof;
3 validating notarial acts heretofore performed by judge
4 advocates, and declaring the effect thereof."

5 (3) Act of June 1, 1933 (P.L.1150, No.286), entitled "A
6 supplement to an act, approved May sixth, one thousand nine
7 hundred and thirty-one (Pamphlet Laws, ninety-nine), entitled
8 'An act to amend section seven of the act, approved the fifth
9 day of March, one thousand seven hundred and ninety-one
10 (three Smith's Laws, six), entitled "An act to enable the
11 Governor to appoint Notaries Public, and for other purposes
12 therein mentioned," prescribing the form of notary seal,' by
13 providing that the presence of the arms of this Commonwealth
14 on the seal of a notary public reappointed after the
15 effective date of the act to which this is a supplement, and
16 prior to the effective date of this act, shall not invalidate
17 said seal, or the notarial acts, instruments or attestations
18 authenticated by such seal."

19 (4) Act of May 25, 1939 (P.L.223, No.125), entitled "An
20 act relating to the administration of oaths, by notaries
21 public, magistrates, alderman and justices of the peace; and
22 validating certain oaths heretofore taken."

23 (5) Act of July 24, 1941 (P.L.490, No.188), known as the
24 Uniform Acknowledgment Act.

25 (6) Act of July 28, 1953 (P.L.676, No.211), entitled "An
26 act authorizing acknowledgments and affidavits by persons on
27 active duty with the armed forces of the United States before
28 persons authorized by act of Congress to act as notaries
29 public; and validating certain acknowledgments and
30 affidavits."

1 (7) Act of August 19, 1953 (P.L.1104, No.301), entitled
2 "An act relating to the acknowledgment of instruments, the
3 attestation of documents, the administration of oaths and
4 affirmations, the execution of depositions and affidavits,
5 and other notarial acts, heretofore or hereafter taken before
6 any commissioned officer of the armed forces of the United
7 States, and providing that such instruments and documents
8 executed by any person who is a member of or actually present
9 with the armed forces of the United States or is outside the
10 United States for certain purposes shall be legal, valid and
11 binding, and providing for the form of the instrument or
12 document and what proof shall be sufficient of the authority
13 of such commissioned officer so to act."

14 (8) Act of act of August 21, 1953 (P.L.1323, No.373),
15 known as The Notary Public Law.

16 (9) Act of December 13, 1955 (P.L.848, No.251), entitled
17 "An act providing for the revocation of commission of
18 notaries public issuing checks without funds on deposit."

19 Section 4. Upon approval of courses under 57 Pa.C.S. §
20 322(b) and (c), the Department of State shall transmit notice of
21 the approval to the Legislative Reference Bureau for publication
22 in the Pennsylvania Bulletin.

23 Section 5. This act shall take effect as follows:

24 (1) The following provisions shall take effect
25 immediately:

26 (i) The authority of the Department of State to
27 approve courses under 57 Pa.C.S. § 322(b) and (c).

28 (ii) Section 4 of this act.

29 (iii) This section.

30 (2) The remainder of this act shall take effect 180 days

1 after publication of the notice under section 4 of this act.