PRIOR PRINTER'S NO. 3259 PRINTER'S NO. 3661

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

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 5, 2012

AN ACT

Amending Titles 42 (Judiciary and Judicial Procedure) and 57 (Notaries Public) of the Pennsylvania Consolidated Statutes, enacting uniform laws on attestation in the areas of unsworn foreign declarations and notarial acts; ~~and~~ MAKING EDITORIAL CHANGES; making related repeals; AND ABROGATING A REGULATION.

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

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

SECTION 1. SECTION 327 OF TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:

§ 327. OATHS AND ACKNOWLEDGMENTS.

EACH JUDICIAL OFFICER, EACH CLERK OF COURT, AND SUCH OTHER PERSONNEL OF THE SYSTEM AND JURORS AS MAY BE DESIGNATED BY OR PURSUANT TO GENERAL RULES MAY ADMINISTER OATHS AND AFFIRMATIONS AND TAKE ACKNOWLEDGMENTS. AN ACKNOWLEDGMENT MAY BE TAKEN BY A MEMBER OF THE BAR OF THE SUPREME COURT OF PENNSYLVANIA IF THE DOCUMENT IS THEREAFTER CERTIFIED TO AN OFFICER AUTHORIZED TO

ADMINISTER OATHS. CERTIFICATION BY AN ATTORNEY SHALL BE IN ACCORDANCE WITH [SECTION 7(5) OF THE ACT OF JULY 24, 1941 (P.L.490, NO.188), KNOWN AS THE UNIFORM ACKNOWLEDGMENT ACT,] 57 PA.C.S. CH. 3 (RELATING TO REVISED UNIFORM LAW ON NOTARIAL ACTS) AND SHALL INCLUDE THE ATTORNEY'S SUPREME COURT IDENTIFICATION NUMBER.

SECTION 1.1. TITLE 42 IS AMENDED BY ADDING A CHAPTER TO READ:

CHAPTER 62

UNIFORM UNSWORN FOREIGN

DECLARATIONS ACT

Sec.

6201. Short title.
6202. Definitions.
6203. Applicability.
6204. Validity of unsworn declaration.
6205. Required medium.
6206. Form of unsworn declaration.
6207. Uniformity of application and construction.
6208. Relation to Electronic Signatures in Global and National Commerce Act.

§ 6201. Short title.

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

§ 6202. Definitions.

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

"Boundaries of the United States." 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.

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

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

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

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

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

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

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

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

§ 6203. Applicability.

This chapter applies to an unsworn declaration by a declarant who at the time of making the declaration is physically located outside the boundaries of the United States whether or not the location is subject to the jurisdiction of the United States. This chapter does not apply to a declaration by a declarant who is physically located on property that is within the boundaries

of the United States and subject to the jurisdiction of another country or a federally recognized Indian tribe.

§ 6204. Validity of unsworn declaration.

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

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

(1) a deposition;

(2) an oath of office;

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

(4) a declaration RELATING TO REAL PROPERTY REQUIRED OR AUTHORIZED to be recorded ~~under the act of May 12, 1925 (P.L.613, No.327), entitled "An act regulating the recording of certain deeds, conveyances, and other instruments of writing, and fixing the effect thereof as to subsequent purchasers, mortgagees, and judgment creditors"~~; 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.

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

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

CHAPTER 3

REVISED UNIFORM LAW ON NOTARIAL ACTS

Sec.

301. Short title.

302. Definitions.

303. Applicability.

304. Authority to perform notarial act.
305. Requirements for certain notarial acts.
306. Personal appearance required.
307. Identification of individual.
308. Authority to refuse to perform notarial act.
309. Signature if individual unable to sign.
310. Notarial act in this Commonwealth.
311. Notarial act in another state.
312. Notarial act under authority of federally recognized Indian tribe.
313. Notarial act under Federal authority.
314. Foreign notarial act.
315. Certificate of notarial act.
316. Short form certificates.
317. Official stamp.
318. Stamping device.
319. Journal.
320. Notification regarding performance of notarial act on electronic record; selection of technology.
321. Appointment and commission as notary public; qualifications; no immunity or benefit.
322. Examination, basic education and continuing education.
323. Sanctions.
324. Database of notaries public.
325. Prohibited acts.
326. Validity of notarial acts.
327. Regulations.
328. Notary public commission in effect.
329. Savings clause.
329.1. Fees of notaries public.

330. Uniformity of application and construction.

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

§ 301. Short title.

This chapter shall be known and may be cited as the Revised Uniform Law on Notarial Acts.

§ 302. Definitions.

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

"Acknowledgment." A declaration by an individual before a notarial officer that:

(1) the individual has signed a record for the purpose stated in the record; and

(2) if the record is signed in a representative capacity, the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

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

"CONVICTION." INCLUDES CONVICTION BY ENTRY OF PLEA OF GUILTY OR NOLO CONTENDERE, CONVICTION AFTER TRIAL AND A FINDING OF NOT GUILTY DUE TO INSANITY OR OF GUILTY BUT MENTALLY ILL.

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

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

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

record.

"In a representative capacity." Acting as:

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

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

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

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

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

(1) taking an acknowledgment;

(2) administering an oath or affirmation;

(3) taking a verification on oath or affirmation;

(4) witnessing or attesting a signature;

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

(6) noting a protest of a negotiable instrument.

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

"Notary public." An individual commissioned to perform a notarial act by the department.

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

"Person." Any of the following:

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

corporation.

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

(3) Any other legal or commercial entity.

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

"RECORDER OF DEEDS." A COUNTY RECORDER OF DEEDS OR AN OFFICIAL WITH SIMILAR DUTIES AND RESPONSIBILITIES. THE TERM INCLUDES THE COMMISSIONER OF RECORDS OF A COUNTY OF THE FIRST CLASS AND THE MANAGER OF THE DEPARTMENT OF REAL ESTATE OF A COUNTY OF THE SECOND CLASS.

"Secretary." The Secretary of the Commonwealth.

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

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

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

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

"Stamping device." Any of the following:

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

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

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

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

§ 303. Applicability.

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

§ 304. Authority to perform notarial act.

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

(b) Prohibited.--

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

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

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

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

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

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

§ 305. Requirements for certain notarial acts.

(a) Acknowledgments.--A notarial officer who takes an

acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, all of the following:

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

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

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

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

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

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

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

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

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

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

of dishonor).

§ 306. Personal appearance required.

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

§ 307. Identification of individual.

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

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

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

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

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

(A) is current;

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

(C) is satisfactory to the officer.

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

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

§ 308. Authority to refuse to perform notarial act.

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

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

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

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

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

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

§ 309. Signature if individual unable to sign.

(Reserved).

§ 310. Notarial act in this Commonwealth.

(a) Eligible individuals.--A notarial act may be performed in this Commonwealth by any of the following:

(1) A judge of a court of record.

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

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

(3) ANY OF THE FOLLOWING:

(I) A RECORDER OF DEEDS.

(II) A DEPUTY RECORDER OF DEEDS.

(III) A CLERK OF A RECORDER OF DEEDS TO THE EXTENT AUTHORIZED BY:

(A) SECTION 1 OF THE ACT OF MAY 17, 1949 (P.L.1397, NO.414), ENTITLED "AN ACT AUTHORIZING THE RECORDER OF DEEDS IN COUNTIES OF THE FIRST CLASS TO APPOINT AND EMPOWER CLERKS EMPLOYED IN HIS OFFICE TO ADMINISTER OATHS AND AFFIRMATIONS";

(B) SECTION 1312 OF THE ACT OF JULY 28, 1953 (P.L.723, NO.230), KNOWN AS THE SECOND CLASS COUNTY CODE; OR

(C) SECTION 1313 OF THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS THE COUNTY CODE.

(4) A notary public.

(5) ~~A magisterial district judge~~ A MEMBER OF THE MINOR JUDICIARY. AS USED IN THIS PARAGRAPH, THE TERM "MINOR JUDICIARY" HAS THE MEANING GIVEN IN 42 PA.C.S. § 102 (RELATING TO DEFINITIONS).

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

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

(1) the signature is genuine; and

(2) the individual holds the designated title.

(c) Conclusive determination.--The signature and title of a notarial officer described in subsection (a)(1), (2), (3), (4)

or (5) conclusively establish the authority of the officer to perform the notarial act.

§ 311. Notarial act in another state.

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

(1) A notary public of that state.

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

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

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

(1) the signature is genuine; and

(2) the individual holds the designated title.

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

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

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

(1) A notary public of the tribe.

(2) A judge, clerk or deputy clerk of a court of the

tribe.

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

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

(1) the signature is genuine; and

(2) the individual holds the designated title.

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

§ 313. Notarial act under Federal authority.

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

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

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

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

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

(b) Prima facie evidence.--The signature and title of an individual acting under Federal authority and performing a

notarial act are prima facie evidence that:

(1) the signature is genuine; and

(2) the individual holds the designated title.

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

§ 314. Foreign notarial act.

(a) (Reserved).

(b) Effect.--

(1) This subsection applies to a notarial act:

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

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

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

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

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

(1) the signature is genuine; and

(2) the individual holds the designated title.

(e) Hague Convention.--

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

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

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

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

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

(ii) the officer holds the indicated office.

(f) Consular authentications.--

(1) This subsection applies to a consular authentication:

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

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

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

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

(ii) the officer holds the indicated office.

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

§ 315. Certificate of notarial act.

(a) Requirements.--

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

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

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

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

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

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

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

(i) The notary must:

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

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

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

(b) Official stamp.--

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

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

(3) If a notarial act regarding an electronic record is

performed by a notary public and the certificate contains the information specified in subsection (a)(2)(ii), (iii) and (iv) and (3), an official stamp may be attached to or logically associated with the certificate.

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

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

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

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

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

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

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

(ii) a statutory provision other than this chapter.

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

305 and 306.

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

(f) Process.--

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

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

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

§ 316. Short form certificates.

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

(1) For an acknowledgment in an individual capacity:

State of _____

County of _____.

This record was acknowledged before me on

(date) _____

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

_____.

Signature of notarial officer _____

Stamp

_____

Title of office _____

My commission expires: _____

(2) For an acknowledgment in a representative capacity:

State of _____

County of _____

This record was acknowledged before me on

(date) _____

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

_____

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

_____

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

WHO REPRESENT THAT (HE, SHE OR THEY) ARE AUTHORIZED TO

ACT ON BEHALF OF (NAME OF PARTY ON BEHALF OF WHOM RECORD

WAS EXECUTED) _____

_____.

Signature of notarial officer _____

Stamp

_____

Title of office _____

My commission expires: _____

~~(2.1) For an acknowledgment by an attorney at law:~~

(2.1) FOR AN ACKNOWLEDGMENT BY AN ATTORNEY AT LAW

PURSUANT TO 42 PA.C.S. § 327 (RELATING TO OATHS AND

ACKNOWLEDGMENTS): _____

State of _____

County of _____

This record was acknowledged before me on

(date) _____

by (name of attorney) _____

SUPREME COURT IDENTIFICATION NUMBER _____
as a member of the bar of the Pennsylvania Supreme Court and a subscribing witness to this record and certified that he/she was personally present when (name(s) of individuals) executed the record and that (name(s) of individuals) executed the record for the purposes contained therein.

Signature of notarial officer _____

Stamp

_____

Title of office _____

My commission expires: _____

(3) For a verification on oath or affirmation:

State of _____

County of _____.

Signed and sworn to (or affirmed) before me on

(date) _____

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

_____

making statement _____.

Signature of notarial officer _____

Stamp

_____

Title of office _____

My commission expires: _____

(4) For witnessing or attesting a signature:

State of _____

County of _____

Signed (or attested) before me on

(date) _____

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

_____

Signature of notarial officer _____

Stamp

_____

Title of office _____

My commission expires: _____

(5) For certifying a copy of a record:

State of _____

County of _____

I certify that this is a true and correct copy of a _____

in the possession of _____.

Dated _____

Signature of notarial officer.....

Stamp

_____

Title of office _____

My commission expires: _____

(6) For certifying the transcript of a deposition:

State of _____

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.

(a) Security.--

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

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

(2) On resignation of a notary public commission or on

the expiration of the date set forth in the stamping device, the notary public shall disable the stamping device by destroying, defacing, damaging, erasing or securing it against use in a manner which renders it unusable.

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

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

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

§ 319. Journal.

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

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

(c) Entries.--An entry in a journal shall be made

contemporaneously with performance of the notarial act and contain all of the following information:

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

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

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

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

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

(6) The fee charged by the notary public.

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

(e) Termination of office.--A notary public shall deliver the journal of the notary public to the office of the recorder 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 respect to electronic records. A person may not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

(b) Notice and approval.--

(1) Before a notary public performs the initial notarial act with respect to an electronic record, a notary public shall notify the department that the notary public will be performing notarial acts with respect to electronic records

and identify each technology the notary public intends to use.

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

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

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

(1) Be at least 18 years of age.

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

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

(4) Be able to read and write English.

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

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

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

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

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

(2) Be accompanied by a nonrefundable ~~filing fee as set forth in section 618-A(1)(i) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929~~ FEE OF $42, payable to the Commonwealth of Pennsylvania. THIS AMOUNT SHALL INCLUDE THE APPLICATION FEE FOR NOTARY COMMISSION AND FEE FOR FILING OF THE BOND WITH THE DEPARTMENT.

(3) Bear an endorsement as follows:

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

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

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

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

(d) Bond.--

(1) Upon appointment and before issuance of a commission as a notary public, the applicant must obtain a surety bond in:

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

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

(2) (Reserved).

(3) The bond must:

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

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

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

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

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

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

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

(d.1) Official signature.--

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

(i) 45 days after appointment or reappointment; and

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

(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) Failure to comply with this chapter.

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

(3) ~~Sentencing of~~ CONVICTION OF, OR ACCEPTANCE OF ACCELERATED REHABILITATIVE DISPOSITION BY, the applicant or

notary public ~~of~~ FOR a felony or an offense involving fraud, dishonesty or deceit.

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

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

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

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

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

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

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

(b) Administrative Agency Law.--Action by the department under subsection (a) or (a.1) is subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(c) Other remedies.--The authority of the department under this section does not prevent a person from seeking and

obtaining other criminal or civil remedies provided by law.

(d) Investigations and hearings.--

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

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

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

§ 324. Database of notaries public.

The department shall maintain an electronic database of notaries public:

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

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

§ 325. Prohibited acts.

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

(1) assist persons in drafting legal records, give legal advice or otherwise practice law;

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

(3) represent a person in a judicial or administrative

proceeding relating to immigration to the United States, United States citizenship or related matters; or

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

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

(c) Designation.--

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

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

(d) Representations.--

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

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

(A) assist persons in drafting legal records;

(B) give legal advice; or

(C) otherwise practice law.

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

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

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

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

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

(f) Crimes Code.--There are provisions in 18 Pa.C.S. (relating to crimes and offenses) which apply to notaries.

§ 326. Validity of notarial acts.

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

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

(c) Lack of authority.--This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

§ 327. Regulations.

(a) Authority.--The department may promulgate regulations to implement this chapter. Regulations regarding the performance of

notarial acts with respect to electronic records may not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification. Regulations may include:

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

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

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

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

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

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

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

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

(1) the most recent standards regarding electronic

records promulgated by national bodies, such as the National Association of Secretaries of State;

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

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

§ 328. Notary public commission in effect.

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

§ 329. Savings clause.

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

§ 329.1. Fees of notaries public.

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

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

(c) Operation.--

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

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

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

(i) display fees in a conspicuous location in the

place of business of the notary public; or

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

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

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

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

§ 330. 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.

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

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

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

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

~~(2) Act of March 14, 1919 (P.L.18, No.9), entitled "An act conferring upon judge advocates of the United States Army the powers of notaries public, declaring the effect thereof; validating notarial acts heretofore performed by judge advocates, and declaring the effect thereof."~~

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

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

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

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

~~(7) Act of August 19, 1953 (P.L.1104, No.301), entitled "An act relating to the acknowledgment of instruments, the attestation of documents, the administration of oaths and affirmations, the execution of depositions and affidavits,~~

~~and other notarial acts, heretofore or hereafter taken before any commissioned officer of the armed forces of the United States, and providing that such instruments and documents executed by any person who is a member of or actually present with the armed forces of the United States or is outside the United States for certain purposes shall be legal, valid and binding, and providing for the form of the instrument or document and what proof shall be sufficient of the authority of such commissioned officer so to act."~~

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

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

SECTION 3. REPEALS ARE AS FOLLOWS:

(1) THE GENERAL ASSEMBLY DECLARES THE REPEALS UNDER PARAGRAPH (2) ARE NECESSARY TO EFFECTUATE THE ADDITION OF 57 PA.C.S. CH. 3.

(2) THE FOLLOWING ACTS AND PARTS OF ACTS ARE REPEALED:

(I) ACT OF MAY 24, 1917 (P.L.270, NO.147), ENTITLED "AN ACT TO VALIDATE AFFIDAVITS, ACKNOWLEDGMENTS, AND OTHER NOTARIAL ACTS, HERETOFORE PERFORMED BY NOTARIES PUBLIC OF THIS COMMONWEALTH WITHIN THREE MONTHS AFTER THE EXPIRATION OF THE TIME FOR WHICH THEY HAVE BEEN COMMISSIONED TO ACT."

(II) ACT OF MARCH 14, 1919 (P.L.18, NO.9), ENTITLED "AN ACT CONFERRING UPON JUDGE ADVOCATES OF THE UNITED STATES ARMY THE POWERS OF NOTARIES PUBLIC, DECLARING THE EFFECT THEREOF; VALIDATING NOTARIAL ACTS HERETOFORE PERFORMED BY JUDGE ADVOCATES, AND DECLARING THE EFFECT

THEREOF."

(III) SECTION 618-A(1)(I) OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929.

(IV) ACT OF JUNE 1, 1933 (P.L.1150, NO.286), ENTITLED "A SUPPLEMENT TO AN ACT, APPROVED MAY SIXTH, ONE THOUSAND NINE HUNDRED AND THIRTY-ONE (PAMPHLET LAWS, NINETY-NINE), ENTITLED 'AN ACT TO AMEND SECTION SEVEN OF THE ACT, APPROVED THE FIFTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND NINETY-ONE (THREE SMITH'S LAWS, SIX), ENTITLED "AN ACT TO ENABLE THE GOVERNOR TO APPOINT NOTARIES PUBLIC, AND FOR OTHER PURPOSES THEREIN MENTIONED," PRESCRIBING THE FORM OF NOTARY SEAL,' BY PROVIDING THAT THE PRESENCE OF THE ARMS OF THIS COMMONWEALTH ON THE SEAL OF A NOTARY PUBLIC REAPPOINTED AFTER THE EFFECTIVE DATE OF THE ACT TO WHICH THIS IS A SUPPLEMENT, AND PRIOR TO THE EFFECTIVE DATE OF THIS ACT, SHALL NOT INVALIDATE SAID SEAL, OR THE NOTARIAL ACTS, INSTRUMENTS OR ATTESTATIONS AUTHENTICATED BY SUCH SEAL."

(V) ACT OF MAY 25, 1939 (P.L.223, NO.125), ENTITLED "AN ACT RELATING TO THE ADMINISTRATION OF OATHS, BY NOTARIES PUBLIC, MAGISTRATES, ALDERMAN AND JUSTICES OF THE PEACE; AND VALIDATING CERTAIN OATHS HERETOFORE TAKEN."

(VI) THE ACT OF JULY 24, 1941 (P.L.490, NO.188), KNOWN AS THE UNIFORM ACKNOWLEDGMENT ACT.

(VII) ACT OF JULY 28, 1953 (P.L.676, NO.211), ENTITLED "AN ACT AUTHORIZING ACKNOWLEDGMENTS AND AFFIDAVITS BY PERSONS ON ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES BEFORE PERSONS AUTHORIZED BY

ACT OF CONGRESS TO ACT AS NOTARIES PUBLIC; AND VALIDATING CERTAIN ACKNOWLEDGMENTS AND AFFIDAVITS."

(VIII) ACT OF AUGUST 19, 1953 (P.L.1104, NO.301), ENTITLED "AN ACT RELATING TO THE ACKNOWLEDGMENT OF INSTRUMENTS, THE ATTESTATION OF DOCUMENTS, THE ADMINISTRATION OF OATHS AND AFFIRMATIONS, THE EXECUTION OF DEPOSITIONS AND AFFIDAVITS, AND OTHER NOTARIAL ACTS, HERETOFORE OR HEREAFTER TAKEN BEFORE ANY COMMISSIONED OFFICER OF THE ARMED FORCES OF THE UNITED STATES, AND PROVIDING THAT SUCH INSTRUMENTS AND DOCUMENTS EXECUTED BY ANY PERSON WHO IS A MEMBER OF OR ACTUALLY PRESENT WITH THE ARMED FORCES OF THE UNITED STATES OR IS OUTSIDE THE UNITED STATES FOR CERTAIN PURPOSES SHALL BE LEGAL, VALID AND BINDING, AND PROVIDING FOR THE FORM OF THE INSTRUMENT OR DOCUMENT AND WHAT PROOF SHALL BE SUFFICIENT OF THE AUTHORITY OF SUCH COMMISSIONED OFFICER SO TO ACT."

(IX) ACT OF AUGUST 21, 1953 (P.L.1323, NO.373), KNOWN AS THE NOTARY PUBLIC LAW.

(X) ACT OF DECEMBER 13, 1955 (P.L.848, NO.251), ENTITLED "AN ACT PROVIDING FOR THE REVOCATION OF COMMISSION OF NOTARIES PUBLIC ISSUING CHECKS WITHOUT FUNDS ON DEPOSIT."

SECTION 3.1. THE FEE OF $25 FOR A NOTARY PUBLIC COMMISSION AND THE $2 FEE FOR FILING BOND FOR ANY PUBLIC OFFICE IN 4 PA. CODE § 161.1 ARE ABROGATED.

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

Section 5. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

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

(ii) Section 4 of this act.

(iii) This section.

(2) The remainder of this act shall take effect 180 days after publication of the notice under section 4 of this act.