

## 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; making editorial  
5 changes; making related repeals; and abrogating a regulation.

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

8 Section 1. Section 327(a) of Title 42 of the Pennsylvania  
9 Consolidated Statutes, amended June 30, 2012 (P.L.666, No.79),  
10 is amended to read:

11 § 327. Oaths and acknowledgments.

12 (a) General ability.--Each judicial officer, each clerk of  
13 court, each retired or senior judge and such other personnel of  
14 the system and jurors as may be designated by or pursuant to  
15 general rules may administer oaths and affirmations and take  
16 acknowledgments. An acknowledgment may be taken by a member of  
17 the bar of the Supreme Court of Pennsylvania if the document is  
18 thereafter certified to an officer authorized to administer  
19 oaths. Certification by an attorney shall be in accordance with

1 [section 7(5) of the act of July 24, 1941 (P.L.490, No.188),  
2 known as the Uniform Acknowledgment Act,] 57 Pa.C.S. Ch. 3  
3 (relating to Revised Uniform Law on Notarial Acts) and shall  
4 include the attorney's Supreme Court identification number.

5 (b) Retired or senior judges.--A retired or senior judge may  
6 administer oaths and affirmations and take acknowledgments so  
7 long as all of the following criteria are met:

8 (1) The retired or senior judge has served as a  
9 magisterial district judge, judge or justice, whether or not  
10 continuously or on the same court, by election or  
11 appointment, for an aggregate period equaling a full term of  
12 office.

13 (2) The retired or senior judge has not been defeated  
14 for reelection or retention.

15 (3) The retired or senior judge has not been convicted  
16 of or pleaded nolo contendere to any misdemeanor or felony  
17 offense under the laws of this Commonwealth or an equivalent  
18 offense under the laws of the United States or one of its  
19 territories or possessions, another state, the District of  
20 Columbia, the Commonwealth of Puerto Rico or a foreign  
21 nation.

22 (4) The retired or senior judge has not resigned a  
23 judicial commission to avoid having charges filed or to avoid  
24 prosecution by Federal, State or local law enforcement  
25 agencies or by the Judicial Conduct Board.

26 (5) The retired or senior judge has not been removed  
27 from office by the Court of Judicial Discipline.

28 (6) The retired or senior judge is a resident of this  
29 Commonwealth.

30 Section 1.1. Title 42 is amended by adding a chapter to

1 read:

2 CHAPTER 62

3 UNIFORM UNSWORN FOREIGN

4 DECLARATIONS ACT

5 Sec.

6 6201. Short title.

7 6202. Definitions.

8 6203. Applicability.

9 6204. Validity of unsworn declaration.

10 6205. Required medium.

11 6206. Form of unsworn declaration.

12 6207. Uniformity of application and construction.

13 6208. Relation to Electronic Signatures in Global and National

14 Commerce Act.

15 § 6201. Short title.

16 This act shall be known and may be cited as the Uniform

17 Unsworn Foreign Declarations Act.

18 § 6202. Definitions.

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

22 "Boundaries of the United States." The geographic boundaries  
23 of the United States, Puerto Rico, the Virgin Islands and any  
24 territory or insular possession subject to the jurisdiction of  
25 the United States.

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

30 "Record." Information that is inscribed on a tangible medium

1 or that is stored in an electronic or other medium and is  
2 retrievable in perceivable form.

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

5 (1) to execute or adopt a tangible symbol; or  
6 (2) to attach to or logically associate with the record  
7 an electronic symbol, sound or process.

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

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

15 "Unsworn declaration." A declaration in a signed record that  
16 is not given under oath but is given under penalty of perjury.  
17 § 6203. Applicability.

18 This chapter applies to an unsworn declaration by a declarant  
19 who at the time of making the declaration is physically located  
20 outside the boundaries of the United States whether or not the  
21 location is subject to the jurisdiction of the United States.  
22 This chapter does not apply to a declaration by a declarant who  
23 is physically located on property that is within the boundaries  
24 of the United States and subject to the jurisdiction of another  
25 country or a federally recognized Indian tribe.

26 § 6204. Validity of unsworn declaration.

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

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

2 (1) a deposition;

3 (2) an oath of office;

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

6 (4) a declaration relating to real property required or  
7 authorized to be recorded; and

8 (5) an oath or affirmation required by 20 Pa.C.S. §  
9 3132.1 (relating to self-proved wills).

10 § 6205. Required medium.

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

14 § 6206. Form of unsworn declaration.

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

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

24 Executed on the \_\_\_\_\_ day of \_\_\_\_\_,

25 at \_\_\_\_\_,

26 (date) \_\_\_\_\_ (month) \_\_\_\_\_ (year) \_\_\_\_\_

27 (city or other location, and state) \_\_\_\_\_

28 \_\_\_\_\_.

29 (country) \_\_\_\_\_

30 (printed name) \_\_\_\_\_

1 (signature)

2 § 6207. Uniformity of application and construction.

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

6 § 6208. Relation to Electronic Signatures in Global and  
7 National Commerce Act.

8 To the extent permitted by section 102 of the Electronic  
9 Signatures in Global and National Commerce Act (Public Law 106-  
10 229, 15 U.S.C. § 7002), this chapter may modify or supersede  
11 provisions of that act.

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

14 CHAPTER 3

15 REVISED UNIFORM LAW ON NOTARIAL ACTS

16 Sec.

17 301. Short title.

18 302. Definitions.

19 303. Applicability.

20 304. Authority to perform notarial act.

21 305. Requirements for certain notarial acts.

22 306. Personal appearance required.

23 307. Identification of individual.

24 308. Authority to refuse to perform notarial act.

25 309. Signature if individual unable to sign.

26 310. Notarial act in this Commonwealth.

27 311. Notarial act in another state.

28 312. Notarial act under authority of federally recognized

29 Indian tribe.

30 313. Notarial act under Federal authority.

- 1 314. Foreign notarial act.  
2 315. Certificate of notarial act.  
3 316. Short form certificates.  
4 317. Official stamp.  
5 318. Stamping device.  
6 319. Journal.  
7 320. Notification regarding performance of notarial act on  
8 electronic record; selection of technology.  
9 321. Appointment and commission as notary public;  
10 qualifications; no immunity or benefit.  
11 322. Examination, basic education and continuing education.  
12 323. Sanctions.  
13 324. Database of notaries public.  
14 325. Prohibited acts.  
15 326. Validity of notarial acts.  
16 327. Regulations.  
17 328. Notary public commission in effect.  
18 329. Savings clause.  
19 329.1. Fees of notaries public.  
20 330. Uniformity of application and construction.  
21 331. Relation to Electronic Signatures in Global and National  
22 Commerce Act.  
23 § 301. Short title.  
24 This chapter shall be known and may be cited as the Revised  
25 Uniform Law on Notarial Acts.  
26 § 302. Definitions.  
27 The following words and phrases when used in this chapter  
28 shall have the meanings given to them in this section unless the  
29 context clearly indicates otherwise:  
30 "Acknowledgment." A declaration by an individual before a

1 notarial officer that:

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

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

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

10 "Conviction." Includes conviction by entry of plea of guilty  
11 or nolo contendere, conviction after trial and a finding of not  
12 guilty due to insanity or of guilty but mentally ill.

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

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

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

21 "In a representative capacity." Acting as:

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

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

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

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

29 "Notarial act." An act, whether performed with respect to a  
30 tangible or electronic record, that a notarial officer may



1 perform under the laws of this Commonwealth. The term includes:

2 (1) taking an acknowledgment;

3 (2) administering an oath or affirmation;

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

5 (4) witnessing or attesting a signature;

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

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

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

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

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

16 "Person." Any of the following:

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

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

23 (3) Any other legal or commercial entity.

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

27 "Recorder of deeds." A county recorder of deeds or an  
28 official with similar duties and responsibilities. The term  
29 includes the commissioner of records of a county of the first  
30 class and the manager of the department of real estate of a

1 county of the second class.

2 "Secretary." The Secretary of the Commonwealth.

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

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

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

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

10 "Stamping device." Any of the following:

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

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

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

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

24 § 303. Applicability.

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

27 § 304. Authority to perform notarial act.

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

1 (b) Prohibited.--

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

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

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

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

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

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

18 § 305. Requirements for certain notarial acts.

19 (a) Acknowledgments.--A notarial officer who takes an  
20 acknowledgment of a record shall determine, from personal  
21 knowledge or satisfactory evidence of the identity of the  
22 individual, all of the following:

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

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

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

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

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

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

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

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

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

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

21           § 306. Personal appearance required.

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

26           § 307. Identification of individual.

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

1 the individual has the identity claimed.

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

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

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

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

13 (A) is current;

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

16 (C) is satisfactory to the officer.

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

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

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

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

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

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

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

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

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

12          § 309. Signature if individual unable to sign.

13          (Reserved).

14          § 310. Notarial act in this Commonwealth.

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

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

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

20                  (3) Any of the following:

21                          (i) A recorder of deeds.

22                          (ii) A deputy recorder of deeds.

23                          (iii) A clerk of a recorder of deeds to the extent  
24          authorized by:

25                                  (A) section 1 of the act of May 17, 1949  
26                                  (P.L.1397, No.414), entitled "An act authorizing the  
27                                  recorder of deeds in counties of the first class to  
28                                  appoint and empower clerks employed in his office to  
29                                  administer oaths and affirmations";

30                                  (B) section 1312 of the act of July 28, 1953

1 (P.L.723, No.230), known as the Second Class County  
2 Code; or

3 (C) section 1313 of the act of August 9, 1955  
4 (P.L.323, No.130), known as The County Code.

5 (4) A notary public.

6 (5) A member of the minor judiciary. As used in this  
7 paragraph, the term "minor judiciary" has the meaning given  
8 in 42 Pa.C.S. § 102 (relating to definitions).

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

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

14 (1) the signature is genuine; and

15 (2) the individual holds the designated title.

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

20 § 311. Notarial act in another state.

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

25 (1) A notary public of that state.

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

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

30 (b) Prima facie evidence.--The signature and title of an

1 individual performing a notarial act in another state are prima  
2 facie evidence that:

3 (1) the signature is genuine; and

4 (2) the individual holds the designated title.

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

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

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

16 (1) A notary public of the tribe.

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

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

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

25 (1) the signature is genuine; and

26 (2) the individual holds the designated title.

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



1 § 313. Notarial act under Federal authority.

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

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

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

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

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

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

19 (1) the signature is genuine; and

20 (2) the individual holds the designated title.

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

25 § 314. Foreign notarial act.

26 (a) (Reserved).

27 (b) Effect.--

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

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

1 the foreign state; or

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

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

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

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

16 (1) the signature is genuine; and

17 (2) the individual holds the designated title.

18 (e) Hague Convention.--

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

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

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

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

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

28 (ii) the officer holds the indicated office.

29 (f) Consular authentications.--

30 (1) This subsection applies to a consular

1 authentication:

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

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

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

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

11 (ii) the officer holds the indicated office.

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

15 § 315. Certificate of notarial act.

16 (a) Requirements.--

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

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

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

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

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

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

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

29 (i) The notary must:

30 (A) sign the notary's name exactly and only as

1 it appears on the commission; or

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

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

7 (b) Official stamp.--

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

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

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

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

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

30 (1) is in a short form set forth in section 316

1 (relating to short form certificates);

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

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

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

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

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

14 (d) Effect.--By executing a certificate of a notarial act, a  
15 notarial officer certifies that the officer has complied with  
16 the requirements and made the determinations specified in  
17 sections 304 (relating to authority to perform notarial act),  
18 305 and 306.

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

22 (f) Process.--

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

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

29 (3) If the department has established standards under  
30 section 327 (relating to regulations) for attaching, affixing

1 or logically associating the certificate, the process must  
2 conform to the standards.

3 § 316. Short form certificates.

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

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

9 State of \_\_\_\_\_

10 County of \_\_\_\_\_.

11 This record was acknowledged before me on

12 (date) \_\_\_\_\_

13 by (name(s) of individual(s)) \_\_\_\_\_

14 \_\_\_\_\_.

15 Signature of notarial officer \_\_\_\_\_

16 Stamp

17 \_\_\_\_\_

18 Title of office \_\_\_\_\_

19 My commission expires: \_\_\_\_\_

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

21 State of \_\_\_\_\_

22 County of \_\_\_\_\_

23 This record was acknowledged before me on

24 (date) \_\_\_\_\_

25 by (name(s) of individual(s)) \_\_\_\_\_

26 \_\_\_\_\_

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

28 \_\_\_\_\_

29 who represent that (he, she or they) are authorized to

30 act on behalf of (name of party on behalf of whom record

1 was executed)  
2 \_\_\_\_\_  
3 Signature of notarial officer  
4 Stamp  
5 \_\_\_\_\_  
6 Title of office  
7 My commission expires:  
8 (2.1) For an acknowledgment by an attorney at law  
9 pursuant to 42 Pa.C.S. § 327 (relating to oaths and  
10 acknowledgments):  
11 State of  
12 County of  
13 This record was acknowledged before me on  
14 (date)  
15 by (name of attorney)  
16 Supreme Court identification number  
17 as a member of the bar of the Pennsylvania Supreme Court  
18 and a subscribing witness to this record and certified  
19 that he/she was personally present when (name(s) of  
20 individuals) executed the record and that (name(s) of  
21 individuals) executed the record for the purposes  
22 contained therein.  
23 Signature of notarial officer  
24 Stamp  
25 \_\_\_\_\_  
26 Title of office  
27 My commission expires:  
28 (3) For a verification on oath or affirmation:  
29 State of  
30 County of

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



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

15 § 317. Official stamp.

16 The following shall apply to the official stamp of a notary  
17 public:

18 (1) A notary public shall provide and keep an official  
19 seal, which shall be used to authenticate all the acts,  
20 instruments and attestations of the notary. The seal must be  
21 a rubber stamp and must show clearly in the following order:

- 22 (i) The words "Commonwealth of Pennsylvania."
- 23 (ii) The words "Notary Seal."
- 24 (iii) The name as it appears on the commission of  
25 the notary and the words "Notary Public."
- 26 (iv) The name of the county in which the notary  
27 public maintains an office.
- 28 (v) The date the notary's commission expires.
- 29 (vi) Any other information required by the  
30 department.

1       (2) The seal must have a maximum height of one inch and  
2       width of three and one-half inches, with a plain border.

3       (3) The seal must be capable of being copied together  
4       with the record to which it is affixed or attached or with  
5       which it is logically associated.

6   § 318. Stamping device.

7       (a) Security.--

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

12      (1.1) The use of a notary public seal by a person that  
13      is not the notary public named on the seal shall be deemed an  
14      impersonation of a notary public.

15      (2) On resignation of a notary public commission or on  
16      the expiration of the date set forth in the stamping device,  
17      the notary public shall disable the stamping device by  
18      destroying, defacing, damaging, erasing or securing it  
19      against use in a manner which renders it unusable.

20      (2.1) An individual whose notary public commission has  
21      been suspended or revoked shall surrender possession of the  
22      stamping device to the department.

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

29      (b) Loss or theft.--If a stamping device is lost or stolen,  
30      the notary public or the personal representative or guardian of

1 the notary public shall notify the department promptly upon  
2 discovering that the device is lost or stolen.

3 § 319. Journal.

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

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

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

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

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

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

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

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

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

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

4 (e) Termination of office.--A notary public shall deliver  
5 the journal of the notary public to the office of the recorder  
6 of deeds in the county where the notary last maintained an  
7 office within 30 days of:

8 (1) expiration of the commission of the notary public,  
9 unless the notary public applies for a commission within that  
10 time period;

11 (2) resignation of the commission of the notary public;  
12 or

13 (3) revocation of the commission of the notary public.

14 (f) Repository.--(Reserved).

15 (g) Death or incompetency.--On the death or adjudication of  
16 incompetency of a current or former notary public, the personal  
17 representative or guardian of the notary public or a person  
18 knowingly in possession of the journal of the notary public  
19 shall deliver it within 30 days to the office of the recorder of  
20 deeds in the county where the notary last maintained an office.

21 (g.1) Certified copies.--A notary public shall give a  
22 certified copy of the journal to a person that applies for it.

23 (h) Protection.--

24 (1) A journal and each public record of the notary  
25 public are exempt from execution.

26 (2) A journal is the exclusive property of the notary  
27 public.

28 (3) A journal may not be:

29 (i) used by any person other than the notary public;  
30 or

1           (ii) surrendered to an employer of the notary upon  
2           termination of employment.

3 § 320. Notification regarding performance of notarial act on  
4           electronic record; selection of technology.

5           (a) Selection.--A notary public may select one or more  
6 tamper-evident technologies to perform notarial acts with  
7 respect to electronic records. A person may not require a notary  
8 public to perform a notarial act with respect to an electronic  
9 record with a technology that the notary public has not  
10 selected.

11           (b) Notice and approval.--

12           (1) Before a notary public performs the initial notarial  
13 act with respect to an electronic record, a notary public  
14 shall notify the department that the notary public will be  
15 performing notarial acts with respect to electronic records  
16 and identify each technology the notary public intends to  
17 use.

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

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

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

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

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

30           (3) Be a resident of or have a place of employment or

1 practice in this Commonwealth.

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

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

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

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

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

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

18 (2) Be accompanied by a nonrefundable fee of \$42,  
19 payable to the Commonwealth of Pennsylvania. This amount  
20 shall include the application fee for notary commission and  
21 fee for filing of the bond with the department.

22 (3) Bear an endorsement as follows:

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

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

29 (iii) If there is a vacancy in the senatorial  
30 district under subparagraph (i) or (ii), the endorsement

1 of the senator of an adjacent district.

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

5 (d) Bond.--

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

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

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

11 (2) (Reserved).

12 (3) The bond must:

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

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

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

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

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

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

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

29 (d.1) Official signature.--

30 (1) The official signature of each notary public shall

1 be registered, for a fee of 50¢, in the "Notary Register"  
2 provided for that purpose in the prothonotary's office of the  
3 county where the notary public maintains an office within:

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

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

6 (2) In a county of the second class, the official  
7 signature of each notary public shall be registered in the  
8 office of the clerk of courts within the time periods  
9 specified in paragraph (1).

10 (d.2) Recording and filing.--

11 (1) Upon appointment and prior to entering into the  
12 duties of a notary public, the bond, oath of office and  
13 commission must be recorded in the office of the recorder of  
14 deeds of the county in which the notary maintains an office.

15 (2) Upon reappointment, the bond, oath of office and  
16 commission must be recorded in the office of the recorder of  
17 deeds of the county in which the notary maintains an office.

18 (3) Within 90 days of recording under this subsection, a  
19 copy of the bond and oath of office must be filed with the  
20 department.

21 (e) Issuance.--On compliance with this section, the  
22 department shall issue to an applicant a commission as a notary  
23 public for a term of four years.

24 (f) Effect.--

25 (1) A commission to act as a notary public authorizes a  
26 notary public to perform notarial acts. If a notary public  
27 fails to comply with subsection (d.1) or (d.2), the notary's  
28 commission shall be null and void.

29 (2) A commission to act as a notary public does not  
30 provide a notary public any immunity or benefit conferred by



1 law of this Commonwealth on public officials or employees.

2 § 322. Examination, basic education and continuing education.

3 (a) Examination.--An applicant for a commission as a notary  
4 public who does not hold a commission in this Commonwealth must  
5 pass an examination administered by the department or an entity  
6 approved by the department. The examination must be based on the  
7 course of study described in subsection (b).

8 (b) Basic education.--An applicant under subsection (a)  
9 must, within the six-month period immediately preceding  
10 application, complete a course of at least three hours of notary  
11 basic education approved by the department. For approval, the  
12 following apply:

13 (1) The course must cover the statutes, regulations,  
14 procedures and ethics relevant to notarial acts, with a core  
15 curriculum including the duties and responsibilities of the  
16 office of notary public and electronic notarization.

17 (2) The course must either be interactive or classroom  
18 instruction.

19 (c) Continuing education.--An applicant for renewal of  
20 appointment and commission as a notary public must, within the  
21 six-month period immediately preceding application, complete a  
22 course of at least three hours of notary continuing education  
23 approved by the department. For approval, the following apply:

24 (1) The course must cover topics which ensure  
25 maintenance and enhancement of skill, knowledge and  
26 competency necessary to perform notarial acts.

27 (2) The course must either be interactive or classroom  
28 instruction.

29 (d) Preapproval.--All basic and continuing education courses  
30 of study must be preapproved by the department.

1 § 323. Sanctions.

2 (a) Authority.--The department may deny, refuse to renew,  
3 revoke, suspend, reprimand or impose a condition on a commission  
4 as notary public for an act or omission which demonstrates that  
5 the individual lacks the honesty, integrity, competence or  
6 reliability to act as a notary public. This subsection includes:

7 (1) Failure to comply with this chapter.

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

11 (3) Conviction of, or acceptance of Accelerated  
12 Rehabilitative Disposition by, the applicant or notary public  
13 for a felony or an offense involving fraud, dishonesty or  
14 deceit.

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

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

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

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

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

30 (9) Failure of a notary public to maintain a bond under

1 section 321(d) (relating to appointment and commission as  
2 notary public; qualifications; no immunity or benefit).

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

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

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

14 (d) Investigations and hearings.--

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

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

24 (3) The department may apply to Commonwealth Court under  
25 42 Pa.C.S. § 761(a)(2) (relating to original jurisdiction)  
26 to enforce a subpoena under this subsection.

27 § 324. Database of notaries public.

28 The department shall maintain an electronic database of  
29 notaries public:

30 (1) through which a person may verify the authority of a

1 notary public to perform notarial acts; and

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

5 § 325. Prohibited acts.

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

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

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

12 (3) represent a person in a judicial or administrative  
13 proceeding relating to immigration to the United States,  
14 United States citizenship or related matters; or

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

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

19 (c) Designation.--

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

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

23 (d) Representations.--

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

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

28 (A) assist persons in drafting legal records;

29 (B) give legal advice; or

30 (C) otherwise practice law.

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

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

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

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

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

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

27           (a) Failures.--Except as otherwise provided in section  
28           304(b) (relating to authority to perform notarial act), the  
29           failure of a notarial officer to perform a duty or meet a  
30           requirement specified in this chapter does not invalidate a

1 notarial act performed by the notarial officer.

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

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

10 § 327. Regulations.

11 (a) Authority.--The department may promulgate regulations to  
12 implement this chapter. Regulations regarding the performance of  
13 notarial acts with respect to electronic records may not  
14 require, or accord greater legal status or effect to, the  
15 implementation or application of a specific technology or  
16 technical specification. Regulations may include:

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

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

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

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

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

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

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

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

12           (1) the most recent standards regarding electronic  
13           records promulgated by national bodies, such as the National  
14           Association of Secretaries of State;

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

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

20          § 328. Notary public commission in effect.

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

28          § 329. Savings clause.

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

1 chapter.

2 § 329.1. Fees of notaries public.

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

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

8 (c) Operation.--

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

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

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

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

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

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

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

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

21 § 330. Uniformity of application and construction.

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

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

27 To the extent permitted by section 102 of the Electronic  
28 Signatures in Global and National Commerce Act (Public Law 106-  
29 229, 15 U.S.C. § 7002), this chapter may modify or supersede  
30 provisions of that act.



1 Section 3. Repeals are as follows:

2 (1) The General Assembly declares the repeals under  
3 paragraph (2) are necessary to effectuate the addition of 57  
4 Pa.C.S. Ch. 3.

5 (2) The following acts and parts of acts are repealed:

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

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

18 (iii) Section 618-A(1)(i) of the act of April 9,  
19 1929 (P.L.177, No.175), known as The Administrative Code  
20 of 1929.

21 (iv) Act of June 1, 1933 (P.L.1150, No.286),  
22 entitled "A supplement to an act, approved May sixth, one  
23 thousand nine hundred and thirty-one (Pamphlet Laws,  
24 ninety-nine), entitled 'An act to amend section seven of  
25 the act, approved the fifth day of March, one thousand  
26 seven hundred and ninety-one (three Smith's Laws, six),  
27 entitled "An act to enable the Governor to appoint  
28 Notaries Public, and for other purposes therein  
29 mentioned," prescribing the form of notary seal,' by  
30 providing that the presence of the arms of this

1 Commonwealth on the seal of a notary public reappointed  
2 after the effective date of the act to which this is a  
3 supplement, and prior to the effective date of this act,  
4 shall not invalidate said seal, or the notarial acts,  
5 instruments or attestations authenticated by such seal."

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

11 (vi) The act of July 24, 1941 (P.L.490, No.188),  
12 known as the Uniform Acknowledgment Act.

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

19 (viii) Act of August 19, 1953 (P.L.1104, No.301),  
20 entitled "An act relating to the acknowledgment of  
21 instruments, the attestation of documents, the  
22 administration of oaths and affirmations, the execution  
23 of depositions and affidavits, and other notarial acts,  
24 heretofore or hereafter taken before any commissioned  
25 officer of the armed forces of the United States, and  
26 providing that such instruments and documents executed by  
27 any person who is a member of or actually present with  
28 the armed forces of the United States or is outside the  
29 United States for certain purposes shall be legal, valid  
30 and binding, and providing for the form of the instrument

1 or document and what proof shall be sufficient of the  
2 authority of such commissioned officer so to act."

3 (ix) Act of August 21, 1953 (P.L.1323, No.373),  
4 known as The Notary Public Law.

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

9 Section 3.1. The fee of \$25 for a Notary Public Commission  
10 and the \$2 fee for Filing Bond for any Public Office in 4 Pa.  
11 Code § 161.1 are abrogated.

12 Section 4. Upon approval of courses under 57 Pa.C.S. §  
13 322(b) and (c), the Department of State shall transmit notice of  
14 the approval to the Legislative Reference Bureau for publication  
15 in the Pennsylvania Bulletin.

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

17 (1) The following provisions shall take effect  
18 immediately:

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

21 (ii) Section 4 of this act.

22 (iii) This section.

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