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Act 154 of 2022

SB 807 (Printer's No. 989) Analysis

Date: July 7, 2021

Amending Title 57 (Notaries Public) of the Pennsylvania Consolidated Statutes to eliminate a fee and further provide for the registration of notary signatures

Prime Sponsor: Senator J. Ward

A. Synopsis of Bill

This bill amends Title 57 (Notaries Public) of the Pennsylvania Consolidated Statutes to eliminate an obsolete fee and provide greater flexibility for county officers to register the signature of a notary public.

B. Summary and Analysis of Bill

This bill amends subsection (d.1) (Official signature) of Section 321 (Appointment and commission as notary public; qualifications; no immunity or benefit) of Title 57 to eliminate the 50-cent fee for the registration of an official signature of a notary public, and to authorize the "Notary Register" to be located in either the prothonotary's office or the office of the recorder of deeds. The bill further authorizes the electronic transfer of the official signature to the prothonotary's office.

C. Relevant Current Law

57 Pa.C.S. §321(d.1) currently requires that the official signature of a notary public be registered in the prothonotary's office for a fee of \$.50. Subsection (d.2) provides that the bond, oath of office, and commission of the notary public must be recorded in the office of the recorder of deeds.

Currently fee laws outside of Title 57 and applicable to both the prothonotary and recorder of deeds in each county provide for the charges for these services.

D. Background of Bill

Counties may have offices for the recorder of deeds and prothonotary in different locations. The inflexibility of the current provisions of Section 321(d.1) require that notaries must visit different offices for the recording of a bond, oath, and commission, and the registry of an official signature.

The Pennsylvania Recorder of Deeds Association (PRODA) and the Pennsylvania Association of Prothonotaries and Clerk of Courts (PAPCC), through the Pennsylvania State Association of Elected County Officials (PSAECO), requested the Local Government Commission to sponsor legislation modernizing the law.

E. Effect of Bill

This bill would authorize recorders of deeds and prothonotaries to cooperate and establish the most efficient way for the registration of notary official signatures. It also would permit an electronic transfer of an official signature in the event the Notary Register were maintained in the office of the Prothonotary thus permitting all business to be conducted in a single location. The fee contained in Title 57 for the registration of an official signature would be eliminated.

F. Issues, Policy Questions and Stakeholder Feedback

This legislation is supported by PRODA, PAPCC, and PSAECO.

G. Bill History

This bill was not introduced in prior sessions.