

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1102 Session of 2011

INTRODUCED BY FARNESE, FONTANA, COSTA, RAFFERTY, ERICKSON,
FOLMER, BREWSTER, HUGHES, WOZNIAK AND FERLO, JUNE 14, 2011

REFERRED TO STATE GOVERNMENT, JUNE 14, 2011

AN ACT

1 Amending the act of August 21, 1953 (P.L.1323, No.373), entitled
2 "An act concerning notaries public; and amending, revising,
3 consolidating and changing the law relating thereto," further
4 providing for oath of office, bond and recording, for
5 notarial seal, for determining identity of person appearing,
6 for register and copies of records and for fees of notaries
7 public; providing for revocation of commission for notarizing
8 fraudulent deeds or acknowledgments; and imposing penalties.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 8 of the act of August 21, 1953
12 (P.L.1323, No.373), known as The Notary Public Law, amended
13 December 9, 2002 (P.L.1269, No.151), is amended to read:

14 Section 8. Oath of Office; Bond; Recording.--[Every] (a)
15 Except as provided in subsection (b), every notary, upon
16 appointment and prior to entering upon the duties of the office
17 of notary public, shall take and subscribe the constitutional
18 oath of office, and shall give a surety bond, payable to the
19 Commonwealth of Pennsylvania, in the amount of ten thousand
20 dollars (\$10,000), which bond shall, after being recorded, be
21 approved by and filed with the Secretary of the Commonwealth.

1 Every such bond shall have as surety a duly authorized surety
2 company or two sufficient individual sureties, to be approved by
3 the Secretary of the Commonwealth, conditioned for the faithful
4 performance of the duties of the office of notary public and for
5 the delivery of the notary's register and seal to the office of
6 the recorder of deeds of the proper county in case of the death,
7 resignation or disqualification of the notary within thirty (30)
8 days of such event. Such bond, as well as the commission and
9 oath of office, shall be recorded in the office of the recorder
10 of deeds of the county in which the notary maintains an office
11 at the time of appointment or reappointment. The commission of
12 any notary hereafter appointed who shall, for forty-five (45)
13 days after the beginning of the term, neglect to give bond and
14 cause the bond and the commission and oath to be recorded, as
15 above directed, shall be null and void.

16 (b) In order to notarize deeds for the conveyance of real
17 property governed by 68 Pa.C.S. Ch. 71 (relating to general
18 provisions), a notary shall give a surety bond, payable to the
19 Commonwealth of Pennsylvania, in the amount of one hundred
20 thousand dollars (\$100,000), which bond shall, after being
21 recorded, be approved by and filed with the Secretary of the
22 Commonwealth. The bond shall have as surety a duly authorized
23 surety company or two sufficient individual sureties, to be
24 approved by the Secretary of the Commonwealth, conditioned for
25 the faithful performance of the duties of the office of notary
26 public and for the delivery of the notary's register and seal to
27 the office of the recorder of deeds of the proper county in case
28 of the death, resignation or disqualification of the notary
29 within thirty (30) days of such event. The bond, as well as the
30 commission and oath of office, shall be recorded in the office

of the recorder of deeds of the county in which the notary maintains an office at the time of appointment or reappointment. The commission of any notary hereafter appointed who shall, for forty-five (45) days after the beginning of the term, neglect to give bond and cause the bond and the commission and oath to be recorded, as directed in this subsection, shall be null and void.

Section 2. Sections 12, 12.1 and 15 of the act are amended by adding subsections to read:

Section 12. Notarial Seal.--* * *

(e.1) Notwithstanding any other provision of law to the contrary, a person who uses the official seal or any other equipment of a person commissioned as notary public who is not the notary public for whom the commission has been issued to notarize any document commits an offense. A first offense under this subsection is a misdemeanor of the first degree. A second or subsequent offense under this subsection is a felony of the third degree.

(e.2) Any person commissioned as a notary public in this Commonwealth who knowingly, recklessly or negligently notarizes any document without determining the identity of all persons who are signatories to the document to be notarized as provided by this act or any other law commits an offense. A first offense under this subsection is a misdemeanor of the first degree. A second or subsequent offense under this subsection is a felony of the third degree.

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Section 12.1. Determining Identity of Person Appearing.--* *

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(c) In addition to the requirements of this section, when

1 the notary is notarizing a deed, the notary shall require a
2 thumbprint of the grantor or grantors and the grantee or
3 grantees to appear on the deed at a place adjacent to their
4 respective signatures.

5 Section 15. Register; Copies of Records.--* * *

6 (a.1) In addition to the requirements of subsection (a), the
7 chronological register shall include the thumbprints of the
8 grantor or grantors and the grantee or grantees to a deed of
9 conveyance, to appear in the register of the notary adjacent to
10 the registry entry of the performance of that act by the notary.

11 * * *

12 Section 3. Section 21(a) of the act, amended December 9,
13 2002 (P.L.1269, No.151), is amended to read:

14 Section 21. Fees of Notaries Public.--(a) The fees of
15 notaries public shall be fixed by the Secretary of the
16 Commonwealth with the approval of the Attorney General. The
17 Secretary of the Commonwealth shall provide a special fee for
18 the notarization of deeds and acknowledgments for the conveyance
19 of real property as provided in this act.

20 * * *

21 Section 4. The act is amended by adding a section to read:

22 Section 21.1. Revocation of Commission for Notarizing
23 Fraudulent Deeds or Acknowledgments.--(a) The Secretary of the
24 Commonwealth may revoke the notary public commission of a notary
25 public who has notarized any deed or acknowledgment of the
26 transfer of a deed that is found to be fraudulent.

27 (b) Any action taken by the Secretary of the Commonwealth
28 under this section shall be subject to the right of notice,
29 hearing and adjudication and right of appeal therefrom in
30 accordance with 2 Pa.C.S. Chs. 5 Subch. A (relating to practice

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

3 Section 5. This act shall take effect in 60 days.