

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1001 Session of 2013

INTRODUCED BY FOLMER, EICHELBERGER, TEPLITZ, FERLO, ERICKSON, BRUBAKER, SCHWANK, VULAKOVICH, VANCE AND SMITH, JUNE 17, 2013

SENATOR SMUCKER, STATE GOVERNMENT, AS AMENDED, MAY 6, 2014

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 application to become notary public.~~

5 AMENDING TITLE 57 (NOTARIES PUBLIC) OF THE PENNSYLVANIA <--  
6 CONSOLIDATED STATUTES, IN REVISED UNIFORM LAW ON NOTARIAL  
7 ACTS, FURTHER PROVIDING FOR APPOINTMENT AND COMMISSION AS  
8 NOTARY PUBLIC, QUALIFICATIONS AND NO IMMUNITY OR BENEFIT.

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

11 ~~Section 1. Section 5(a) 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 5. Application to Become a Notary Public. (a)~~  
15 ~~Applications for appointment to the office of notary public~~  
16 ~~shall be made to the Secretary of the Commonwealth, on forms~~  
17 ~~prescribed and furnished by the secretary, and shall be~~  
18 ~~accompanied by a non refundable filing fee as set forth in~~  
19 ~~section 618 A of the act of April 9, 1929 (P.L.177, No.175),~~  
20 ~~known as "The Administrative Code of 1929," payable to the order~~  
21 ~~of the "Commonwealth of Pennsylvania." [Each application shall~~

1 ~~bear the endorsement of the Senator of the district in which the~~  
2 ~~applicant resides or, if the applicant does not reside in this~~  
3 ~~Commonwealth, the endorsement of the Senator of the district in~~  
4 ~~which the applicant is employed. In the case of a vacancy in~~  
5 ~~that senatorial district, the application shall be endorsed by~~  
6 ~~the Senator of an adjacent district.]~~

7 \* \* \*

8 ~~Section 2. This act shall take effect in 60 days.~~

9 SECTION 1. SECTION 321(A), (B) AND (D.2) OF TITLE 57 OF THE <--  
10 PENNSYLVANIA CONSOLIDATED STATUTES, ADDED OCTOBER 9, 2013  
11 (P.L.609, NO.73), ARE AMENDED TO READ:

12 § 321. APPOINTMENT AND COMMISSION AS NOTARY PUBLIC;

13 QUALIFICATIONS; NO IMMUNITY OR BENEFIT.

14 (A) ELIGIBILITY.--AN APPLICANT FOR APPOINTMENT AND  
15 COMMISSION AS A NOTARY PUBLIC MUST MEET ALL OF THE FOLLOWING:

16 (1) BE AT LEAST 18 YEARS OF AGE.

17 (2) BE A CITIZEN OR PERMANENT LEGAL RESIDENT OF THE  
18 UNITED STATES.

19 (3) BE A RESIDENT OF OR HAVE A PLACE OF EMPLOYMENT OR  
20 PRACTICE IN THIS COMMONWEALTH.

21 (4) BE ABLE TO READ AND WRITE ENGLISH.

22 (5) NOT BE DISQUALIFIED TO RECEIVE A COMMISSION UNDER  
23 SECTION 323 (RELATING TO SANCTIONS).

24 (6) HAVE PASSED THE EXAMINATION REQUIRED UNDER SECTION  
25 322(A) (RELATING TO EXAMINATION, BASIC EDUCATION AND  
26 CONTINUING EDUCATION).

27 (7) COMPLY WITH OTHER REQUIREMENTS ESTABLISHED BY THE  
28 DEPARTMENT BY REGULATION AS NECESSARY TO INSURE THE  
29 COMPETENCE, INTEGRITY AND QUALIFICATIONS OF A NOTARY PUBLIC  
30 AND TO INSURE THE PROPER PERFORMANCE OF NOTARIAL ACTS. THE

1 DEPARTMENT MAY PROMULGATE REGULATIONS REQUIRING APPLICANTS TO  
2 SUBMIT CRIMINAL HISTORY RECORD INFORMATION AS A CONDITION OF  
3 APPOINTMENT.

4 (B) APPLICATION.--AN INDIVIDUAL QUALIFIED UNDER SUBSECTION  
5 (A) MAY APPLY TO THE DEPARTMENT FOR APPOINTMENT AND COMMISSION  
6 AS A NOTARY PUBLIC. THE APPLICATION MUST COMPLY WITH ALL OF THE  
7 FOLLOWING:

8 (1) BE MADE TO THE DEPARTMENT ON A FORM PRESCRIBED BY  
9 THE DEPARTMENT.

10 (2) BE ACCOMPANIED BY A NONREFUNDABLE FEE OF \$42,  
11 PAYABLE TO THE COMMONWEALTH OF PENNSYLVANIA. THIS AMOUNT  
12 SHALL INCLUDE THE APPLICATION FEE FOR NOTARY PUBLIC  
13 COMMISSION AND FEE FOR FILING OF THE BOND WITH THE  
14 DEPARTMENT.

15 [(3) BEAR AN ENDORSEMENT AS FOLLOWS:

16 (I) EXCEPT AS SET FORTH IN THIS PARAGRAPH, THE  
17 ENDORSEMENT OF THE SENATOR OF THE DISTRICT IN WHICH THE  
18 APPLICANT RESIDES.

19 (II) IF THE APPLICANT DOES NOT RESIDE IN THIS  
20 COMMONWEALTH, THE ENDORSEMENT OF THE SENATOR OF THE  
21 DISTRICT IN WHICH THE APPLICANT IS EMPLOYED.

22 (III) IF THERE IS A VACANCY IN THE SENATORIAL  
23 DISTRICT UNDER SUBPARAGRAPH (I) OR (II), THE ENDORSEMENT  
24 OF THE SENATOR OF AN ADJACENT DISTRICT.]

25 \* \* \*

26 (D.2) RECORDING AND FILING.--

27 (1) [UPON] WITHIN 45 DAYS AFTER APPOINTMENT AND PRIOR TO  
28 ENTERING INTO THE DUTIES OF A NOTARY PUBLIC, THE BOND, OATH  
29 OF OFFICE AND COMMISSION MUST BE RECORDED IN THE OFFICE OF  
30 THE RECORDER OF DEEDS OF THE COUNTY IN WHICH THE NOTARY

1 PUBLIC MAINTAINS AN OFFICE.

2 (2) UPON REAPPOINTMENT, THE BOND, OATH OF OFFICE AND  
3 COMMISSION MUST BE RECORDED IN THE OFFICE OF THE RECORDER OF  
4 DEEDS OF THE COUNTY IN WHICH THE NOTARY PUBLIC MAINTAINS AN  
5 OFFICE.

6 (3) WITHIN 90 DAYS OF RECORDING UNDER THIS SUBSECTION, A  
7 COPY OF THE BOND AND OATH OF OFFICE MUST BE FILED WITH THE  
8 DEPARTMENT.

9 \* \* \*

10 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.