

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

AS AMENDED ON THIRD CONSIDERATION, JUNE 2, 2014

AN ACT

1 Amending Title 57 (Notaries Public) of the Pennsylvania
2 Consolidated Statutes, in revised uniform law on notarial
3 acts, further providing for appointment and commission as
4 notary public, qualifications and no immunity or benefit; AND <--
5 FURTHER PROVIDING FOR APPLICATION FOR APPOINTMENT TO THE
6 OFFICE OF NOTARY PUBLIC.

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

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.

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

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

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

7 (7) Comply with other requirements established by the
8 department by regulation as necessary to insure the
9 competence, integrity and qualifications of a notary public
10 and to insure the proper performance of notarial acts. The
11 department may promulgate regulations requiring applicants to
12 submit criminal history record information as a condition of
13 appointment.

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

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

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

25 [(3) Bear an endorsement as follows:

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

29 (ii) If the applicant does not reside in this
30 Commonwealth, the endorsement of the senator of the

1 district in which the applicant is employed.

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

5 * * *

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

7 (1) [Upon] Within 45 days after appointment and prior to
8 entering into the duties of a notary public, the bond, oath
9 of office and commission must be recorded in the office of
10 the recorder of deeds of the county in which the notary
11 public maintains an office.

12 (2) Upon reappointment, 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 public maintains an
15 office.

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

19 * * *

20 ~~Section 2. This act shall take effect in 60 days.~~ <--

21 SECTION 2. NOTWITHSTANDING SECTION 5(A) OF THE ACT OF AUGUST <--
22 21, 1953 (P.L.1323, NO.373), KNOWN AS THE NOTARY PUBLIC LAW, AN
23 APPLICATION FOR APPOINTMENT TO THE OFFICE OF NOTARY PUBLIC SHALL
24 NOT BE REQUIRED TO BEAR:

25 (1) THE ENDORSEMENT OF THE SENATOR OF THE DISTRICT IN
26 WHICH THE APPLICANT FOR APPOINTMENT TO THE OFFICE OF NOTARY
27 PUBLIC RESIDES; OR

28 (2) IF THE APPLICANT FOR APPOINTMENT TO THE OFFICE OF
29 NOTARY PUBLIC DOES NOT RESIDE IN THIS COMMONWEALTH, THE
30 ENDORSEMENT OF THE SENATOR OF THE DISTRICT IN WHICH THE

1 APPLICANT IS EMPLOYED.

2 SECTION 3. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

3 (1) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

4 (2) SECTION 2 OF THIS ACT SHALL TAKE EFFECT IN 180 DAYS.

5 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT 180 DAYS
6 AFTER PUBLICATION OF THE NOTICE UNDER SECTION 4 OF THE ACT OF
7 OCTOBER 9, 2013 (P.L.609, NO.73), ENTITLED, "AN ACT AMENDING
8 TITLES 42 (JUDICIARY AND JUDICIAL PROCEDURE) AND 57 (NOTARIES
9 PUBLIC) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, ENACTING
10 UNIFORM LAWS ON ATTESTATION IN THE AREAS OF UNSWORN FOREIGN
11 DECLARATIONS AND NOTARIAL ACTS; MAKING EDITORIAL CHANGES;
12 MAKING RELATED REPEALS; AND ABROGATING A REGULATION," OR
13 IMMEDIATELY, WHICHEVER IS LATER.