

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 REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 17, 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 FOR REGULATIONS; and further providing for application for  
6 appointment to the 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)~~ SECTION 321(B) and (d.2) of <--  
10 Title 57 of the Pennsylvania Consolidated Statutes, added  
11 October 9, 2013 (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.~~

1           ~~(3) Be a resident of or have a place of employment or~~  
2 ~~practice in this Commonwealth.~~

3           ~~(4) Be able to read and write English.~~

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

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

9           ~~(7) Comply with other requirements established by the~~  
10 ~~department by regulation as necessary to insure the~~  
11 ~~competence, integrity and qualifications of a notary public~~  
12 ~~and to insure the proper performance of notarial acts. The~~  
13 ~~department may promulgate regulations requiring applicants to~~  
14 ~~submit criminal history record information as provided in 18~~  
15 ~~Pa.C.S. Ch. 91 (relating to criminal history record~~  
16 ~~information) as a condition of appointment.~~

17           \* \* \*

<--

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

22           (1) Be made to the department on a form prescribed by  
23 the department.

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

29           [(3) Bear an endorsement as follows:

30           (i) Except as set forth in this paragraph, the

1 endorsement of the senator of the district in which the  
2 applicant resides.

3 (ii) If the applicant does not reside in this  
4 Commonwealth, the endorsement of the senator of the  
5 district in which the applicant is employed.

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

9 \* \* \*

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

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

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

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

23 \* \* \*

24 SECTION 2. SECTION 327(A) OF TITLE 57 IS AMENDED BY ADDING A <--  
25 PARAGRAPH TO READ:

26 § 327. REGULATIONS.

27 (A) AUTHORITY.--EXCEPT AS PROVIDED IN SECTION 329.1(A)  
28 (RELATING TO FEES OF NOTARIES PUBLIC), THE DEPARTMENT MAY  
29 PROMULGATE REGULATIONS TO IMPLEMENT THIS CHAPTER. REGULATIONS  
30 REGARDING THE PERFORMANCE OF NOTARIAL ACTS WITH RESPECT TO

1 ELECTRONIC RECORDS MAY NOT REQUIRE OR ACCORD GREATER LEGAL  
2 STATUS OR EFFECT TO THE IMPLEMENTATION OR APPLICATION OF A  
3 SPECIFIC TECHNOLOGY OR TECHNICAL SPECIFICATION. REGULATIONS MAY:

4 \* \* \*

5 (7.1) REQUIRE APPLICANTS FOR APPOINTMENT AND COMMISSION  
6 AS NOTARIES PUBLIC TO SUBMIT CRIMINAL HISTORY RECORD  
7 INFORMATION AS PROVIDED IN 18 PA.C.S. CH. 91 (RELATING TO  
8 CRIMINAL HISTORY RECORD INFORMATION) AS A CONDITION OF  
9 APPOINTMENT.

10 \* \* \*

11 Section ~~2~~ 3. Notwithstanding section 5(a) of the act of <--  
12 August 21, 1953 (P.L.1323, No.373), known as The Notary Public  
13 Law, an application for appointment to the office of notary  
14 public shall not be required to bear:

15 (1) the endorsement of the Senator of the district in  
16 which the applicant for appointment to the office of notary  
17 public resides; or

18 (2) if the applicant for appointment to the office of  
19 notary public does not reside in this Commonwealth, the  
20 endorsement of the Senator of the district in which the  
21 applicant is employed.

22 Section ~~3~~ 4. This act shall take effect as follows: <--

23 (1) This section shall take effect immediately.

24 (2) THE ADDITION OF 57 PA.C.S. § 327(A) (7.1) SHALL TAKE <--  
25 EFFECT IMMEDIATELY.

26 ~~(2)~~ (3) Section ~~2~~ 3 of this act shall take effect in 180 <--  
27 days.

28 ~~(3)~~ (4) The remainder of this act shall take effect 180 <--  
29 days after publication of the notice under section 4 of the  
30 act of October 9, 2013 (P.L.609, No.73), entitled, "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  
6 regulation," or immediately, whichever is later.