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**NOTARIES
PUBLIC IN
PENNSYLVANIA
A Position of
Public Trust**

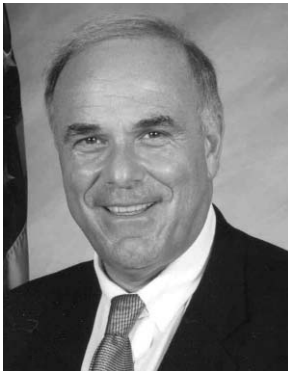


Commonwealth of Pennsylvania

Edward G. Rendell
Governor

Pedro A. Cortés
Secretary of the Commonwealth

Revised August 2005



Dear Fellow Pennsylvanian:

Pennsylvania notaries public hold a long-standing, invaluable place in the history of our Commonwealth. For over 200 years, notaries public have been officially recognized by the Commonwealth for certifying and commissioning hundreds of thousands of certificates, applications and other important documents.

While the duties of notaries public have remained fairly constant since Pennsylvania first adopted a notary public law in 1791, several changes have been made to the procedures and guidelines which today's notaries public must follow.

Shortly after the first notary law was enacted, only six notaries public for Philadelphia and three for the rest of the state were appointed by the governor. However, the present day law governing the duties of these public officers have been broadened to reflect the expanded need for notaries public. Today, Pennsylvania can proudly say that more than 83,000 men and women have received their notary public commissions.

For those interested in becoming a notary, this handbook will provide you with all the pertinent information and necessary responsibilities of the office. For those who already have received your commission, please refer to this booklet as a useful reference guide.

Sincerely,

A handwritten signature in black ink that reads "Edward G. Rendell". The signature is written in a cursive, slightly slanted style.

Edward G. Rendell
Governor



Dear Fellow Pennsylvanian:

As Secretary of the Commonwealth, I can truly appreciate the responsibilities and duties delegated to a notary public. In addition to applying the State Seal to official documents and attesting to the Governor's signature, I administer oaths, and certify the authenticity of documents to foreign nations. I would like to thank you for your dedication to providing similar services to citizens of Pennsylvania.

It is my pleasure to provide you with this copy of Notaries Public in Pennsylvania, a Position of Public Trust. The Department of State appoints, commissions and regulates notaries public in the Commonwealth. For those of you who are already commissioned notaries public, you will notice the provisions of Act 151 of 2002 are a recent addition to this publication. Those of you who are interested in becoming a notary public, please take the opportunity to review these new requirements which took effect July 1, 2003.

In addition, a self-test is also available in this pamphlet to strengthen your understanding of the new law. Please keep this guide, as it will serve you as an invaluable reference source. You may also wish to access the Department's web site at www.dos.state.pa.us for additional information about Act 151 of 2002.

For those of you who are already commissioned notaries public, thank you for your service in this office. Those of you who wish to become a notary public, thank you for your consideration in serving the citizens of Pennsylvania.

Sincerely,

A handwritten signature in black ink that reads "Pedro A. Cortés". The signature is written in a cursive, slightly slanted style.

Pedro A. Cortés
Secretary of the Commonwealth

BACKGROUND

As public officials who are appointed by the Secretary of the Commonwealth, notaries public are held to the highest standards of integrity, honesty and trust. Notaries public are also playing an ever more vital role in commerce and are on the front lines of deterring document fraud, particularly in light of heightened security concerns and the increased threat of identity theft. In Pennsylvania, a notary public has the power to administer oaths and affirmations, certify copies and take depositions, affidavits, verifications, upon oath or affirmation and acknowledgments. In addition, Notaries Public are authorized to issue protests. Notaries public commissioned in Pennsylvania are authorized to notarize documents in any county in Pennsylvania.

HISTORY

The office of notary public is an important position of public trust that has experienced many changes since its inception in ancient Rome. At that time, notaries public served as public scribes, writing for those who did not know how and acting as document authenticators. Pennsylvania first enacted a law governing notaries public in 1791. Under that first law, the Governor had the authority to appoint six notaries public for Philadelphia and three for the remaining counties.

The authority to appoint notaries public was transferred from the Governor to the Secretary of the Commonwealth by the Notary Public Law enacted in 1953. The 1953 statute also streamlined the procedure for being appointed a notary public in the state.

On December 9, 2002, Pennsylvania enacted the first major amendments to the Notary Public Law of 1953 in some 50 years through Act 151 of 2002, effective July 1, 2003, 57 P.S. § 147 et seq. (A copy of Act 151 of 2002 is included in the back of this booklet.)

Among many amendments designed to modernize the Notary Public Law of 1953, Act 151 contains a provision requiring applicants for both initial appointment and reappointment as a notary public to complete at least three hours of pre-approved notary education within the six months immediately preceding their application for appointment or reappointment. Under the Pennsylvania Supreme Court ruling in *Connie J. Tritt v. Pedro A. Cortés*, 851 A.2d 903 (Pa., 2004), issued on

June 22, 2004, any applicant for reappointment who was appointed on or before July 1, 2003 and whose notary commission was in effect on July 1, 2003, is permanently exempted or “grandfathered” from the notary education requirement. Excluded from the “grandfather clause” ruling are those notaries public who failed to meet the Act’s requirements for a valid commission as of July 1, 2003, or who had lapses in their commission prior to July 1, 2003, including the following:

- Those who received a letter of appointment or reappointment prior to July, 2003, but failed to obtain a bond and have the bond, the commission and oath re-recorded, within the allotted 45 days;
- Those who resigned their commissions prior to July 1, 2003, and did not seek reappointment prior to July 1, 2003;
- Those who permitted their commissions to expire and did not seek reappointment;
- Those who permitted their commissions to expire prior to July 1, 2003, and did not seek reappointment prior to July 1, 2003; and
- Those whose commissions were revoked prior to July 1, 2003, as the result of a disciplinary action taken by the Department.

(Please see the Department of State's website at www.dos.state.pa.us for a current list of approved mandatory notary public education course providers.)

The amended Notary Public Law also has expanded notary public commission eligibility to include nonresidents who are employed (i.e., maintain an actual physical business address in the state rather than merely a Post Office Box) in the Commonwealth. Act 151 provides that any nonresident notary public in Pennsylvania irrevocably appoints the Secretary of the Commonwealth as the person's agent upon whom may be served any summons, subpoena, order or other process. The Department of State will retain the served documents in a file for review by the nonresident notary public and promptly forward the served documents to the Pennsylvania business address on file upon request.

QUALIFICATIONS

In Pennsylvania, the Secretary of the Commonwealth may appoint and commission for a term of four years

from the date of appointment as many notaries public as are deemed necessary. A notary public applicant must meet the following eligibility requirements for an appointment:

- Be at least 18 years old;
- Be a resident of or be employed within the Commonwealth; and
- Be of good character, integrity and ability.

A notary public applicant will not be issued a notary public commission unless the applicant:

- Has submitted an application on a form prescribed and furnished by the Secretary of the Commonwealth accompanied by the appropriate nonrefundable filing fee (see next section for more detailed information).
- Has submitted an application endorsed by the state Senator of the district in which the applicant resides, or in the case of a nonresident employed in Pennsylvania, the endorsement of the Senator of the district in which the applicant is employed.
- Has submitted an application that includes the signatures of two citizens unrelated to the applicant as references.
- Has good moral character, and is familiar with the duties and responsibilities of a notary public as determined by the Secretary of the Commonwealth;
- Has not made a material misstatement or omission of fact in the application;
- Has provided proof of completion of a three hour preapproved notary public course within six months preceding application **upon initial (new) appointment after July 1, 2003 and subject to the exceptions to the education exemption;**
- Has not been convicted of or pled guilty or nolo contendere to a felony or lesser offense incompatible with the duties of a notary public during the five year period preceding the date of application; and
- Has not had a prior notary public commission revoked by the Commonwealth or any other state during the five year period preceding the date of application.

The Secretary of the Commonwealth may, for good cause, reject any application subject to the right of notice, hearing and adjudication and the right of appeal. Upon initial (new) appointment after July 1, 2003 and subject to the exceptions to the education exemption, lack of proof of completion of a three hour preapproved notary public course will result in outright rejection of an application.

The following persons are not eligible to hold the office of notary public:

- Any person holding any judicial office in the Commonwealth, except the office of justice of the peace, magistrate (i.e., district justice), or alder man.
- Every member of the U.S. Congress, and any person whether an officer, a subordinate officer, or agent holding any office or appointment of profit or trust under the legislative, executive or judiciary departments of the U. S. government to which a salary, fees or perquisites are attached.
- Any member of the General Assembly of Pennsylvania.

APPLICATION PROCESS AND INSTRUCTIONS

Applications for appointment or reappointment as a notary public may be obtained from the Department of State's Bureau of Commissions, Elections and Legislation by calling 717-787-5280 or by downloading the form from the Department's website at www.dos.state.pa.us. Applicants should use their first names and middle initials or vice versa (first initial and full middle name) on the application. Neither initials alone nor a nickname will be accepted. It is imperative that the information on the application be legibly written.

The completed application, accompanied by a non-refundable filing fee of \$40.00 payable to the "Commonwealth of Pennsylvania," should be sent to the following address:

**Department of State
Bureau of Commissions, Elections and Legislation
210 North Office Building
Harrisburg, PA 17120-0029**

As noted earlier, the application must include the signatures of two citizens not related to the applicant,

certifying that the applicant is of good moral character. In addition, the application must be endorsed by the state Senator of the district in which the applicant resides, or in the case of a nonresident employed in Pennsylvania, be endorsed by the Senator of the district in which the applicant is employed. In the event of a vacancy in a Senatorial district, the Senator of an adjacent district may endorse the application. However, an applicant may not request an endorsement from a Senator in an adjacent district if the applicant's own Senator is available to sign the application. A checklist for application submission is as follows:

Application Submission Checklist

- Include your first name and middle initial or initial for your first name and full middle name.
- Include a check in the amount of \$40.00 made payable to the "Commonwealth of Pennsylvania."
- Include proof of having completed a three hour preapproved mandatory notary public education course within six months preceding application **upon initial (new) appointment after July 1, 2003 and subject to the exceptions to the education exemption.**
- Include the signatures of two citizens unrelated to the applicant as references.
- Include the endorsement of the state Senator of the district in which you reside or if you are a nonresident employed in Pennsylvania, the endorsement of the Senator in which you are employed.

Notary applicants for reappointment must continue to meet all of the requirements that initial (new) applicants must meet, except that only reappointees initially appointed after July 1, 2003 must complete the three hour education requirement within six months immediately preceding their reappointment date. Subject to the exceptions of the education exceptions applications for reappointment must be filed at least two months prior to the expiration date of a commission.

If the Secretary of the Commonwealth determines that the notary public applicant has fulfilled the requirements set forth in the amended Notary Public Law, the applicant will be notified of his/her appointment. The notary's commission is sent to the recorder of deeds in the county where the notary public will

maintain an office. Within 45 days after his/her appointment, the appointee is required to execute a \$10,000 bond, register his/her signature with the prothonotary of the county where the office is located, take and subscribe the constitutional oath of office, and record the bond, commission and oath of office in the recorder of deeds office. If all of these requirements are not met within the 45 day period, the commission becomes null and void and the application process must begin again.

After being appointed by the Secretary of the Commonwealth, some notaries public may wish to be able to process certain Pennsylvania Department of Transportation documents, such as titles, registrations and tags. These notaries public must register with the Regulated Client Services Section of PennDOT's Dealer Agent Services Unit, 1101 South Front Street, Harrisburg, PA 17104. The Unit's phone number is (717) 787-7207.

The notary public commission expires four years after the date of appointment. At the end of that term, the notary public may be appointed to another four year term. There is no limit to the number of consecutive terms that may be served.

EDUCATION REQUIREMENT

Pennsylvania notaries public are required to be familiar with the duties and responsibilities of the office. Pursuant to Act 151 of 2002, as a condition for initial (new) appointment after July 1, 2003 and subject to certain exceptions outlined below, applicants are now required to complete a three hour preapproved notary public education course within six months immediately preceding application¹. Please note that upon seeking reappointment, individuals initially appointed after July 1, 2003 must continue to meet the three hour education requirement within six months immediately preceding their reappointment date.

As noted earlier, this interpretation, which permanently exempts all notaries public appointed on or before July 1, 2003 from the education requirement, is based upon a decision issued on June 22, 2004 in

¹Please note that the Bureau of Commissions, Elections and Legislation will conduct a notary public education audit of every tenth notary public application by checking the applicant's name against a class roster provided by the approved education provider to ensure the authenticity of the proof submitted.

Connie J. Tritt v. Pedro A. Cortes, 851 A.2d 903 (Pa., 2004), in which the Pennsylvania Supreme Court reversed a Commonwealth Court decision upholding the Department's previous interpretation of the mandatory notary education requirement as applying to all notary public applicants regardless of when they were initially appointed. The only individuals excluded from the ruling are those appointed on or before July 1, 2003 who failed to meet the Notary Public Law's requirements for a valid commission or who had lapses in their commissions. This includes the following individuals:

- Those who received a letter of reappointment but failed for 45 days after the beginning of their terms to obtain a bond and have the bond, the commission and oath recorded;
- Those who resigned their commissions and did not seek reappointment;
- Those who permitted their commissions to expire and did not seek reappointment
- Those whose commissions were revoked as the result of a disciplinary action taken by the Department.

Under the amended Notary Public Law, an approved notary education course may be comprised of either interactive or classroom instruction with a core curriculum covering the duties and responsibilities of the notary office and electronic notarization.

It is anticipated that attendance of the mandatory notary education courses by those who are required to attend will enhance notary performance in Pennsylvania. Moreover, course completion will assist notaries public in Pennsylvania to continue to attain a high level of professionalism in serving their customers as a commissioned Pennsylvania public official. (Please see the Department of State's website at www.dos.state.pa.us for a current list of approved mandatory notary public education course providers.)

BONDING PROCEDURE

Within 45 days after the date of his/her appointment, a notary public is required to execute a \$10,000 bond. This notary bond specifically protects the public, not the notary. Each notary public bond shall have as a surety a duly authorized surety company or two suffi-

cient individual sureties, to be approved by the Secretary of the Commonwealth.

The bond is conditioned for the faithful performance of the duties of the office of notary public and for the delivery of the notary public's register to the office of the recorder of deeds of the proper county in case of the death, resignation or disqualification of the notary public within 30 days of such event.

A corporate surety charges a fee for the bond and the surety (and not the notary public) completes the bond form. As noted earlier, unless the bond as well as the commission and oath of office are recorded with the proper office of the recorder of deeds within 45 days of the beginning of the term upon appointment or reappointment, the commission becomes null and void. Should you miss the 45 day deadline, please ensure that you have the bond form that comes with your most recent appointment executed and recorded and **not** the one that accompanied the earlier appointment(s) that is now null and void.

Please also note that since an executed bond is for the protection of the notary public's customer only and a notary public must repay any amount paid out on his/her behalf to the surety company, a notary public may also wish to purchase errors and omissions insurance for their protection in the event that the notary public commits a negligent act or makes an error or omission while acting in his/her official capacity.

PROTHONOTARY AND RECORDER OF DEEDS REGISTRATION

After a notary public receives the completed bond form from the surety company, the notary public must take the oath and record the bond, commission and oath in the proper recorder of deeds office within 45 days after appointment or reappointment. Once these requirements are met, the recorder of deeds issues the commission and wallet card to the notary.

Then the notary must register his or her signature with the prothonotary of the county where the notary maintains an office within 45 days after appointment or reappointment, and in the county to which the notary may subsequently move his or her office within 30 days thereafter. The notary public may be charged a fee of fifty (\$.50) cents for the registration of his or her signature by the prothonotary. The notary must sign his or

her name exactly and only as it appears on the commission. In counties of the second class (counties having a population of 800,000-1,500,000, such as Allegheny County), the notary's signature must also be registered in the proper office of the clerk of courts.

It cannot be emphasized enough that if these requirements are not met within the 45 day period, the commission becomes null and void. Applicants must then begin the process again by submitting a new application and the \$40.00 application fee for appointment to a new commission and a new appointment date.

The \$40.00 application fee is non-refundable and may not be applied to a new application after the 45 day period has expired. If the application, bonding, recording and oath taking steps have been properly completed, the notary commission expires four years after the date of appointment.

EQUIPMENT

Notaries public commissioned in Pennsylvania are required to use a rubber stamp seal in their notarization, but continue to have the option of using an embosser. The rubber stamp seal must show clearly in the following order the words "Notarial Seal", the name and surname of the notary public and the words "Notary Public", the name of the municipality (not the political subdivision as was the case under the Notary Public Law prior to amendments brought about by Act 151 of 2002) and the county in which the notary maintains an office and the date the notary's commission expires. This seal shall have a maximum height of one inch and a width of three and one-half inches with a plain border.

Please note that since Act 151 of 2002 does not require the rubber stamp seal to contain a reference to the state of Pennsylvania following the name of the municipality and county in which the notary public maintains an office, the notary public may wish to exercise the option of using an embosser in conjunction with the seal or add the preprinted words "Commonwealth of Pennsylvania" outside the top of the plain border of the seal.

<p style="text-align: center;">NOTARIAL SEAL John Doe, Notary Public City of Harrisburg, Dauphin County My commission expires April 7, 2007</p>

In performing a notarization, a notary public must ensure that the rubber stamp seal is stamped in a prominent place on the official notarial certificate near the notary public's signature in such a manner as to be capable of photographic reproduction. The amended Notary Public Law explicitly provides that the notary public's seal is the exclusive property of the notary public to whom it is issued. The notary public is responsible for the custody and control of the seal at all times and shall not permit the use of his/her seal by another person. The use of a notary public seal by a person who is not the notary public on the seal will be deemed an impersonation and shall be subject to criminal penalties for impersonating a notary public.

An applicant whose application is rejected or a notary public whose commission is revoked or recalled for any reason, or upon resignation, must deliver the seal of office to the Department of State within ten days after notice from the Department or from the date of resignation, as the case may be. Any person who violates these provisions may be found guilty of a summary offense and upon conviction thereof will be sentenced to pay a fine not exceeding \$300 or to imprisonment not exceeding 90 days or both.

Upon the death of a notary public, the notary public's personal representative must deliver the seal of office to the Department of State within 90 days of the date of the notary public's death.

REGISTER

Every notary public must keep and maintain custody and control of an accurate chronological register of all official acts. The register must contain the date of the act, the character or type of the notarial act, the date and the parties to the instrument, and the amount of the fee collected. Each notarization performed by the notary must be indicated separately.

When required, each notary public must give a certified copy of the register in the notary public's office in its entirety to any person requesting it. Therefore, given that the notary register is a public document, a notary may wish to take care not to include any entries (particularly, confidential identifying information about the signer, such as Social Security numbers) in their register that are not explicitly required by the Notary Public Law.

Sample Page - Notary Public's Register

Date of Notarial Act	Character of Act	Date of Instrument	Parties to the Instrument	Amount of Fee Collected	Comment
08/20/04	Oath	08/20/04	Joe Johnson	\$2.00	Nurse Board
09/21/04	Affidavit	09/20/04	Betty Johnson	\$2.00	MV-4 Block A
09/13/04	Acknowledgement	09/13/04	Joe Johnson, Jr.	\$2.00	Deed, Rd. 2 Harrisburg

The register and other public records of the notary public shall not be liable to be seized, attached or taken in execution for debt for any demand whatsoever. In addition, a notary public register is the exclusive property of the notary public, may not be used by any other person and may not be surrendered to any employer of the notary public upon termination of employment.

A notary public has 30 days to deliver his/her register to the office of the recorder of deeds of the proper county after his/her resignation, death or disqualification or upon the revocation or expiration of a commission, unless he/she applies for a new commission within 30 days of the expiration of the prior commission.

A notary public must maintain an accurate register throughout his/her commission. Even if he/she ceases to be a notary public because of, for example, resignation or commission expiration, it is recommended that the individual permanently retain a copy of the register for his/her own protection from possible future findings of liability.

VIOLATIONS OF NOTARY PUBLIC LAW

The Secretary of the Commonwealth may, for good cause, not only reject any application or revoke the commission of a notary public but also issue a written reprimand or suspend the commission of a notary public. The Secretary may also for good cause impose a civil penalty not to exceed \$500 for each act or omission and/or order a notary public to attend education courses for an act or omission which constitutes a violation of the amended Notary Public Law. A notary public who issues a personal check without sufficient funds on deposit to the order of any State agency or the Commonwealth may have his or her commission revoked.

Any action taken shall be subject to the right of notice, an administrative hearing and adjudication, and the right of appeal to the Commonwealth Court.

FEEES

The fees for notaries public are set by the Secretary of the Commonwealth with the approval of the Attorney General.² A notary public must not charge, attempt to

²Please note that on June 19, 2004, the Secretary of the Commonwealth published as proposed a regulation in the *Pennsylvania Bulletin* (34 Pa.B. 3136) that would increase the fees that notaries public may charge for their services.

charge or receive a notary public fee that is in excess of the fees fixed by the Secretary of the Commonwealth. A notary public must display their fees, separately stated, in a conspicuous place in the notary's place of business or provide them to any person utilizing the services of the notary upon request, which requirement shall not apply if the notary public waives the right to charge a fee.

The fee for any notary public employed by a bank, banking institution or trust company shall be the property of the notary public and in no case belong to or be received by the corporation for whom the notary is employed.

Notaries public may charge a clerical or administrative fee for services they have provided in addition to the notarization of a document such as copying documents, postage, phone calls or completing forms. These clerical fees are not set by statute. Customers should be informed if a clerical fee is being charged in addition to the notary public fees prior to the notarization of a document. The customer's receipt should itemize these fees. Besides notary fees, a notary may also charge a customer clerical and travel fees. These fees should not be recorded in the notarial register. Clerical and travel fees should be recorded in a separate record or receipt book.

NOTARY PUBLIC FEE SCHEDULE

Executing Affidavits (no matter how many signatures)	\$5.00
Executing Acknowledgements	\$5.00
In Executing Acknowledgements, Each Additional Name	\$2.00
Executing Certificates (per certified copy)	\$5.00
Administering Oaths (per individual taking oath)	\$5.00
Taking Depositions (per Page)	\$3.00
Executing verifications	\$5.00
Executing protests (per Page)	\$3.00

NOTARY PUBLIC CHANGE OF NAME

In the event that a notary public's name changes during the commission term, the Secretary of the Commonwealth and Recorder of Deeds (of the county where the notary public's business address is located)

should be notified of the change within 30 days. The notary can continue to use the name under which he or she was commissioned or can use the new name after notifying the proper authorities. Applications for reappointment must be made in the new name.

Before using the new name on notarial work, the notary public is required to notify the recorder of deeds that the new name will be used, register the new signature with the prothonotary, purchase a new rubber stamp seal and inform the Department of State of the decision to utilize the new name. A letter detailing the name change, and where appropriate, accompanied by a court order, is sufficient for purposes of notifying the Department of State.

NOTARY PUBLIC CHANGE OF ADDRESS

A notary public who changes his/her office address is required to inform the Secretary of the Commonwealth and the recorder of deeds of the county of appointment within five days of the address change. If the new office is in a different county, the notary public's signature must be registered with the prothonotary of the new county within 30 days. In counties of the second class (counties having a population of 800,000-1,500,000, such as Allegheny County) the signature shall also be registered in the proper office of the clerk of court.

A change of address of a notary public may be submitted by letter to the Bureau of Commissions, Elections and Legislation, 210 North Office Building, Harrisburg, PA 17120-0029, or electronically by accessing the on-line form at www.dos.state.pa.us.

RESIGNATION OF NOTARY COMMISSION OR DEATH OF THE NOTARY PUBLIC

A notary public vacates his office by removing the notary public's residence and business address from the Commonwealth. A notary public who neither resides nor works in the Commonwealth shall be deemed to have resigned from the office of notary public as of the date the residency ceases or employment within the Commonwealth terminates. A notary public who resigns his/her commission must notify the Secretary of the Commonwealth of the effective date of the resignation or of a change of address which effects residency or employment within the Commonwealth in a letter to the

Bureau of Commissions, Elections and Legislation, 210 North Office Building, Harrisburg, PA 17120-0029, or electronically by accessing the on-line form at www.dos.state.pa.us.

Letters of resignation should be mailed to the Bureau of Commissions, Elections and Legislation at the above address. Resigning notaries should include the notary public's name as commissioned and the effective date of the resignation.

Notification of death should also be mailed to the Bureau of Commissions, Elections and Legislation or by fax to (717)-787-2854.

In the event of death, resignation or disqualification, notaries must deliver their register to the recorder of deeds of the proper county within 30 days of such event. A notary public who resigns is required to deliver the rubber stamp seal to the Department of State within 10 days from the date of resignation. If a notary dies, then the notary's legal representative should deliver the rubber stamp seal to the Department within 90 days.

NOTARY PUBLIC POWERS

Under the amended Notary Public Law, notaries public are empowered to administer oaths and affirmations, certify copies and take depositions, affidavits, verifications, upon oath or affirmation and acknowledgments. Any person who is convicted of having willfully and knowingly made or taken a false oath, affirmation, deposition, affidavit, certification or acknowledgment before any notary public shall be guilty of perjury and subject to criminal penalties.

Not every document needs a jurat. Affidavits, verifications and oaths/affirmations require jurats. When notarizing oaths/affirmations, affidavits and verifications, the notary public must include a statement showing when, where and before whom the document was sworn. This statement includes the words "sworn and subscribed" and is called a jurat. Sworn means an oath was administered and subscribed means that the form was signed in the notary's presence. The date of expiration of the notary commission and the location of the office shall be placed immediately below the notary's signature. The Notary Public Law requires the notary to impress the rubber stamp seal "in a prominent place on the official notarial certificate near the notary's signature."

In witness whereof, I hereunto set my hand and official seal.

Notary Public

OATHS

An oath is a formal declaration or promise to perform an act faithfully and truthfully or an affirmation of the truth of a statement. Oaths are usually given for three purposes: 1) That a statement is the truth; 2) That the testimony he or she will be giving will be the truth or 3) That he or she will faithfully perform the duties of a public office.

Below are examples of oaths given in all three cases.

Notary: Do you solemnly swear that the statements contained in this affidavit are true to the best of your knowledge and belief?

Affiant: I do.

Notary: Do you solemnly swear that the testimony that you are about to give will be the truth, the whole truth, and nothing but the truth?

Affiant: I do.

NOTARY PUBLIC'S OATH OF OFFICE

COMMONWEALTH OF PENNSYLVANIA)
)SS:
COUNTY OF)

I, _____
having been duly appointed and commissioned a Notary Public in and for the Commonwealth of Pennsylvania, do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.

I certify that the attached copy of a _____
dated _____ is a true, correct and complete
copy of the original. In witness whereof, I hereunto set
my hand and official seal.

Notary Public

LIMITATION ON NOTARY PUBLIC POWERS

No notary public may act as such in any transaction in which he is a party directly or pecuniarily interested. For the purpose of this provision, none of the following shall be a "direct or pecuniary interest": 1) being a shareholder in a publicly traded company that is a party to the notarized transaction; 2) being an officer, director or employee of a company that is a party to the notarized transaction, unless the director, officer or employee personally benefits from the transaction other than on a noncontingency basis; or 3) receiving a fee that is not contingent upon the completion of the notarized transaction.

DETERMINING THE IDENTITY OF PERSON APPEARING

The proper method for determining the identity of a person appearing before a notary under the amended Notary Public Law is that the "officer notarizing the instrument shall know through personal knowledge or have satisfactory evidence that the person appearing before the notary is the person described in and who is executing the instrument." "Personal knowledge" as defined in the amended Notary Public Law means having an acquaintance, derived from association with the individual in relation to other people and based upon a chain of circumstances surrounding the individual, which establishes the individual's identity. "Satisfactory evidence" means the reliance on the presentation of a current, government-issued identification card bearing a photograph or signature or physical description and serial or identification number or the oath or affirmation of a credible witness who is personally known to the notary and who personally knows the individual.

CERTIFIED COPY FROM THE REGISTER

Section 15 of the Notary Public Law states, "Every notary public shall give a certified copy of any record in his office to any person applying for same". A notary public can prove that an act took place by supplying a certified copy. To make a certified copy of a record in the register, the notary public reproduces the page in its entirety and attaches a certificate stating, "this is a true and correct copy from my official register, showing that." The reproduction should be a photocopy of the entire register page containing the entry in question.

AUTHENTICATION OF A NOTARIZED DOCUMENT

When a Pennsylvania notary public notarizes a document that will be filed in another state or country, the notary may be asked for proof of his or her appointment. This verification, depending upon the requirements of the particular state or country, may be obtained from the county where the notary public's office is located or from the Secretary of the Commonwealth. The individual for whom the notarization was completed should check with the state or country for their requirements.

The Secretary of the Commonwealth provides authentication of public officials' signatures on documents. If the document is to be used outside the United States, the country of destination determines whether the authentication is an Apostille or Certification.

In countries that have accepted the Hague Convention, the notary public's appointment is certified by an Apostille. The Apostille and other verifications are prepared by the Secretary of the Commonwealth for a \$15.00 fee. At this time the following countries and territories have accepted the Hague Convention:

**Member States of the
Hague Conference
Which are Contracting
States To or have
Signed the Convention**

Albania
Argentina
Australia
Austria
Belarus
Belgium
Bosnia and Herzegovina
Bulgaria
China, (People's Republic of)
Croatia
Cyprus
Czech Republic
Estonia
Finland
France
Germany
Greece
Hungary
Iceland
Ireland
Israel
Italy
Japan
Latvia
Lithuania
Luxembourg
Malta
Mexico
Monaco
Netherlands
New Zealand
Norway
Panama
Portugal
Romania

**Non-Member States of
the Hague Conference
Which are Contracting
States To or have
Signed the Convention**

Andorra
Antigua and Barbuda
Armenia
Azerbaijan *beginning 1-30-05*
Bahamas
Barbados
Belize
Botswana
Brunei Darussalam
Colombia
Cook Islands *beginning 4-30-05*
Dominca
Ecuador *beginning 4-2-05*
El Salvador
Fiji
Grenada
Honduras *beginning 1-30-05*
Kazakhstan
Lesotho
Liberia
Liechtenstein
Malawi
Marshall Islands
Mauritius
Namibia
Niue
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Samoa
San Marino
Seychelles
Swaziland
Tonga
Trinidad and Tobago

<p>Russian Federation Serbia and Montenegro Slovak Republic Slovenia South Africa Spain Suriname Sweden Switzerland The former Yugoslav Republic of Macedonia Turkey Ukraine United Kingdom of Great Britain and Northern Ireland United States of America Venezuela</p>	
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A certificate of authentication is affixed to documents intended for countries that are not party to the Hague Convention. Apostilles require no further diplomatic or consular legalization while certificates of authentication must first be processed by the U.S. Department of State.

When the Secretary of the Commonwealth certifies a document, it verifies that the person who signed the document is a Pennsylvania official and the Secretary has given "full faith and credit" to the official's seal and signature.

Common uses of Certification may be for adoptions, international business transactions, foreign study, dual citizenship, patents, marriage licenses, reference and job certification, birth certificates, transcripts and many other uses.

REVISED NOTARY PUBLIC LAW

(Act 151 of 2002)

"THE NOTARY PUBLIC LAW"

Act of 1953, P.L. 1323, No. 373

AN ACT

Concerning notaries public; and amending, revising, consolidating and changing the law relating thereto.

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

TABLE OF CONTENTS

- Section 1. Short Title.
- Section 2. Appointment of Notaries public.
- Section 3. Eligibility.
- Section 4. Disqualification; Exception.
- Section 5. Application to Become a Notary Public.
- Section 6. Application for Reappointment.
- Section 7. Vacation of Office; Change of Residence.
- Section 8. Oath of Office; Bond; Recording.
- Section 9. Registration of Notary Public's
Signature; Fee.
- Section 10. Change of Name.
- Section 11. Refund of Fee (Repealed)
- Section 12. Notarial Seal.
- Section 13. Date of Expiration of Commission.
- Section 14. Position of Seal and Date of Expiration of
Commission.
- Section 15. Register; Copies of Records.
- Section 16. Power to Administer Oaths and
Affirmations.
- Section 17. Power to Take Acknowledgement of
Instruments of Declarations.
- Section 18. Power to Take Depositions, Affidavits and
Acknowledgement of Writings Relative
to Lands.
- Section 19. Limitations on Powers; Fees.
- Section 20. Admissibility in Evidence. (Repealed)
- Section 21. Fees of Notaries Public.
- Section 22. Rejection of Application; Removal.
- Section 22.1. Surrender of Seal.
- Section 23. Specific Repeal.
- Section 24. General Repeal.

Section 1. Short Title.--This act shall be known and may be cited as "The Notary Public Law."

Section 2. Appointment of Notaries.--The Secretary of the Commonwealth is hereby authorized

to appoint and commission, for a term of four years from the date of appointment, as many notaries public as, in the secretary's judgment, the interest of the public may require, whose jurisdiction shall be co-extensive with the boundaries of the Commonwealth.

(2 amended Dec. 9, 2002, P.L.1269, No.151)

Section 3. Eligibility.--

(a) Any person who is eighteen (18) years of age or over, who resides or is employed within this Commonwealth and who is of good character, integrity and ability shall be eligible for the office of notary public.

(b) Any person who is a notary public and who resides outside this Commonwealth shall be deemed to have irrevocably appointed the Secretary of the Commonwealth as the person's agent upon whom may be served any summons, subpoena, order or other process.

(3 amended Dec. 9, 2002, P.L.1269, No.151)

Section 4. Disqualification; Exception.--The following persons shall be ineligible to hold the office of notary public:

(1) Any person holding any judicial office in this Commonwealth, except the office of justice of the peace, magistrate, or alderman.

(2) Every member of Congress, and any person, whether an officer, a subordinate officer, or agent, holding any office or appointment of profit or trust under the legislative, executive, or judiciary departments of the government of the United States, to which a salary, fees or perquisites are attached.

Section 5. Application to Become a Notary Public.--

(a) Applications for appointment to the office of notary public shall be made to the Secretary of the Commonwealth, on forms prescribed and furnished by the secretary, and shall be accompanied by a non-refundable filing fee as set forth in section 618-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," payable to the order of the "Commonwealth of Pennsylvania." Each application shall bear the endorsement of the Senator of the district in which the applicant resides or, if the applicant does not reside in this Commonwealth, the endorsement of the Senator of the district in which the

applicant is employed. In the case of a vacancy in that senatorial district, the application shall be endorsed by the Senator of an adjacent district.

(b) Before issuing to any applicant a commission as notary public, the Secretary of the Commonwealth shall be satisfied that the applicant is of good moral character, and is familiar with the duties and responsibilities of a notary public. The application must contain no material misstatement or omission of fact, and the applicant shall not:

(1) have been convicted of or pled guilty or nolo contendere to a felony or a lesser offense incompatible with the duties of a notary public during the five (5) year period preceding the date of the application; or

(2) have had a prior notary public commission revoked by the Commonwealth or any other state during the five (5) year period preceding the date of the application. The Secretary of the Commonwealth may, for good cause, reject any application of any notary public subject to the right of notice, hearing and adjudication and the right of appeal therefrom in accordance with 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action), known as the Administrative Agency Law.

(c) As a condition for the Secretary of the Commonwealth's issuance of a notary commission to an applicant not appointed to the office of notary public as of the effective date of this subsection, a notary applicant must complete at least three (3) hours of approved notary education within the six (6) month period immediately preceding their application.

(d) Notary education may either be interactive or classroom instruction. All education programs shall be preapproved by the Secretary of the Commonwealth with a core curriculum that includes the duties and responsibilities of the notary office and electronic notarization. (5 amended Dec. 9, 2002, P.L.1269, No.151) Compiler's Note: Section 15 of Act 67 of 1990 provided that section 5 is repealed insofar as it relates to fee payments.

Section 6. Application for Reappointment.-- Applications for reappointment to the office of notary public shall be filed at least two months prior to the expiration of the commission under which the notary is acting. Persons seeking reappointment must continue

to meet the requirements set forth in section 5 in order to be reappointed.

(6) amended Dec. 9, 2002, P.L.1269, No.151)

Section 7. Vacation of Office; Change of Residence.--

(a) In the event of any change of address within the Commonwealth, notice in writing or electronically shall be given to the Secretary of the Commonwealth and the recorder of deeds of the county of original appointment by a notary public within five (5) days of such change. For the purpose of this subsection, "address" means office address. A notary public vacates his office by removing the notary's residence and business address from the Commonwealth, and such removal shall constitute a resignation from the office of notary public as of the date of removal.

(b) If a notary public neither resides nor works in the Commonwealth, that notary public shall be deemed to have resigned from the office of notary public as of the date the residency ceases or employment within the Commonwealth terminates. A notary public who resigns that notary's commission in accordance with this subsection shall notify the Secretary of the Commonwealth in writing of the effective date of the resignation.

(7 amended Dec. 9, 2002, P.L.1269, No.151)

Section 8. Oath of Office; Bond; Recording.--

Every notary, upon appointment and prior to entering upon the duties of the office of notary public, shall take and subscribe the constitutional oath of office, and shall give a surety bond, payable to the Commonwealth of Pennsylvania, in the amount of ten thousand dollars (\$10,000), which bond shall, after being recorded, be approved by and filed with the Secretary of the Commonwealth. Every such bond shall have as surety a duly authorized surety company or two sufficient individual sureties, to be approved by the Secretary of the Commonwealth, conditioned for the faithful performance of the duties of the office of notary public and for the delivery of the notary's register and seal to the office of the recorder of deeds of the proper county in case of the death, resignation or disqualification of the notary within thirty (30) days of such event. Such bond, as well as the 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 above directed, shall be null and void.

(8 amended Dec. 9, 2002, P.L.1269, No.151)

Section 9. Registration of Notary's Signature; Fee.--

(a) The official signature of each notary public shall be registered, in the "Notary Register" provided for such purpose in the prothonotary's office of the county wherein the notary maintains an office, within forty-five (45) days after appointment or reappointment, and in any county to which the notary may subsequently move the notary's office, within thirty (30) days thereafter. In counties of the second class, such signature shall also be registered in the clerk of courts' office within said period.

(b) The fee to be charged by the prothonotary for recording a notary's signature shall be fifty (\$.50) cents.

(c) In acting as a notary public, a notary shall sign the notary's name exactly and only as it appears on the commission or otherwise execute the notary's electronic signature in a manner that attributes such signature to the notary public identified on the commission.

(d) A county may permit notaries to register their electronic signatures.

(9 amended Dec. 9, 2002, P.L.1269, No.151)

Section 10. Change of Name.--Whenever the name of any notary is changed by decree of court, or otherwise, such notary may continue to perform official acts, in the name in which he or she was commissioned, until the expiration of his or her term, but he or she shall, within thirty (30) days after entry of such decree, or after such name change, if not by decree of court, notify the Secretary of the Commonwealth and the recorder of deeds of the county in which he or she maintains an office of such change of name. The Secretary of the Commonwealth shall mark the public records relating to the notary accordingly and the recorder of deeds shall record the notification. Application for reappointment of such notary shall be made in the new name.

(10 amended Oct. 4, 1978, P.L.927, No.175)

Section 11. Refund of Fee.--(11 repealed June 30, 1988, P.L.462, No.78)

Section 12. Notarial Seal.--

(a) A notary public shall provide and keep an official seal which shall be used to authenticate all the acts, instruments and attestations of the notary. The seal shall be a rubber stamp and shall show clearly in the following order: the words "Notarial Seal"; the name and surname of the notary and the words "Notary Public"; the name of the municipality and county in which the notary maintains an office; and the date the notary's commission expires.

(b) The seal shall have a maximum height of one (1) inch and width of three and one-half (3 1/2) inches, with a plain border. It shall be stamped in a prominent place on the official notarial certificate near the notary's signature in such a manner as to be capable of photographic reproduction.

(d) The notary public seal is the exclusive property of the notary to whom it is issued, and a notary shall be responsible at all times for maintaining custody and control of the seal. No notary public shall permit the use of the seal by another person.

(e) The use of a notary public seal by a person who is not the notary public named on the seal shall be deemed an impersonation of a notary public under and shall be subject to the penalties set forth in 18 Pa.C.S. § 4913 (relating to impersonating a notary public).

(f) Notwithstanding other provisions of this section, in accordance with the act of December 16, 1999 (P.L.971, No.69), known as the "Electronic Transactions Act," a notary public is not required to use an electronic seal for the notarization, acknowledgment or verification of electronic records and electronic signatures, provided that, in any event, the following information is attached to or logically associated with the electronic signature or electronic record being notarized, acknowledged or verified:

(1) The full name of the notary along with the words "Notary Public."

(2) The name of the municipality and the county in which the notary maintains an office.

(3) The date the notary's commission is due to expire.

(12 amended Dec. 9, 2002, P.L.1269, No.151)

Section 12.1. Determining Identity of Person Appearing.--

(a) The officer notarizing the instrument shall know through personal knowledge or have satisfactory evidence that the person appearing before the notary is the person described in and who is executing the instrument. For the purposes of this act and section 5 of the act of July 24, 1941 (P.L.490, No.188), known as the "Uniform Acknowledgment Act," "personal knowledge" means having an acquaintance, derived from association with the individual in relation to other people and based upon a chain of circumstances surrounding the individual, which establishes the individual's identity, and "satisfactory evidence" means the reliance on the presentation of a current, government-issued identification card bearing a photograph, signature or physical description and serial or identification number, or the oath or affirmation of a credible witness who is personally known to the notary and who personally knows the individual.

(b) In certifying a copy of a document or other item, a notary public shall determine that the proffered copy is a full, true and accurate transcription or reproduction of that which was copied.

(12.1 added Dec, 9, 2002, P.L.1269, No.151)

Section 13. Date of Expiration of Commission.--
(13 repealed June 30, 1988, P.L.462, No.78)

Section 14. Position of Seal and Date of Expiration of Commission.--
(14 repealed June 30, 1988, P.L.462, No.78)

Section 15. Register; Copies of Records.--

(a) Every notary public shall keep and maintain custody and control of an accurate chronological register of all official acts by that notary done by virtue of that notary's office, and shall, when thereunto required, give a certified copy of the register in the notary's office to any person applying for same. Each register shall contain the date of the act, the character of the act, and the date and parties to the instrument, and the amount of fee collected for the service. Each notarization shall be indicated separately.

(b) The register and other public records of such notary shall not in any case be liable to be seized, attached or taken in execution for debt or for any

demand whatsoever.

(c) A notary public register is the exclusive property of the notary public, may not be used by any other person and may not be surrendered to any employer of the notary upon termination of employment.

(d) Upon a notary public's resignation, death or disqualification or upon the revocation or expiration of a commission, unless the notary public applies for a commission within thirty (30) days of the expiration of the prior commission, the notary public's register shall be delivered to the office of the recorder of deeds of the proper county within thirty (30) days of such event.

(15 amended Dec. 9, 2002, P.L.1269, No.151)

Section 16. Power to Administer Oaths and Affirmations.--

(a) Notaries shall have power to administer oaths and affirmations, certify copies and take depositions, affidavits, verifications, upon oath or affirmation and acknowledgments according to law, in all matters belonging or incident to the exercise of their notarial office.

(b) Any person who shall be convicted of having wilfully and knowingly made or taken a false oath, affirmation, deposition, affidavit, certification or acknowledgment before any notary in any matters within their official duties shall be guilty of perjury under and shall be subject to the penalties set forth in 18 Pa.C.S. § 4902 (relating to perjury). (16 amended Dec. 9, 2002, P.L.1269, No.151)

Section 17. (17 repealed Dec. 9, 2002, P.L.1269, No.151.)

Section 18. (18 repealed Dec. 9, 2002, P.L.1269, No.151)

Section 19. Limitation on Powers; Fees.--

(a) ((a) Deleted by amendment)

(b) ((b) Deleted by amendment)

(c) ((c) Deleted by amendment)

(d) No district justice, holding at the same time the office of notary public, shall have jurisdiction in cases arising on papers or documents containing acts by him done in the office of notary public.

(e) No notary public may act as such in any transaction in which he is a party directly or pecuniarily inter-

ested. For the purpose of this section, none of the following shall constitute a direct or pecuniary interest:

(1) being a shareholder in a publicly traded company that is a party to the notarized transaction;

(2) being an officer, director or employe of a company that is a party to the notarized transaction, unless the director, officer or employe personally benefits from the transaction other than as provided in clause (3); or

(3) receiving a fee that is not contingent upon the completion of the notarized transaction. (19 amended Dec. 9, 2002, P.L.1269, No.151) Section 20. Admissibility in Evidence.--(20 repealed Apr. 28, 1978, P.L.202, No.53)

Section 21. Fees of Notaries Public.--

(a) The fees of notaries public shall be fixed by the Secretary of the Commonwealth with the approval of the Attorney General.

(b) A notary public shall not charge, attempt to charge or receive a notary public fee that is in excess of the fees fixed by the Secretary of the Commonwealth.

(c) The fees of notaries public shall be displayed in a conspicuous location in the notary's place of business or be provided upon request to any person utilizing the services of the notary. The fees of the notary shall be separately stated. A notary public may waive the right to charge a fee, in which case the requirements of this subsection regarding the display or provision of fees shall not apply.

(d) The fee for any notary public employed by a bank, banking institution or trust company shall be the property of the notary and in no case belong to or be received by the corporation for whom the notary is employed. (21 amended Dec. 9, 2002, P.L.1269, No.151)

Section 22. Rejection of Application; Removal.--

(a) The Secretary of the Commonwealth may, for good cause, reject any application, issue a written reprimand, suspend or revoke the commission of any notary public.

(b) The Secretary of the Commonwealth may, for good cause, impose a civil penalty not to exceed five hundred dollars (\$500) for each act or omission which constitutes a violation of this act.

(c) The Secretary of the Commonwealth may, for good cause, order a notary to attend education courses for an act or omission which constitutes a violation of this act.

(d) Any action taken under this section shall be subject to the right of notice, hearing and adjudication, and the right of appeal therefrom, in accordance with 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action), known as the Administrative Agency Law.

(22 amended Dec. 9, 2002, P.L.1269, No.151)

Section 22.1. Surrender of Seal.--

(a) Should an application or renewal be rejected, or should a commission be revoked or recalled for any reason, or should a notary public resign, the applicant or notary shall deliver the seal of office to the Department of State within ten (10) days after notice from the department or from the date of resignation, as the case may be. Any person who violates the provisions of this subsection shall be guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine not exceeding three hundred dollars (\$300) or to imprisonment not exceeding ninety (90) days, or both.

(b) Upon the death of a notary public, the notary's personal representative shall deliver the seal of office to the Department of State within ninety (90) days of the date of the notary's death.

(22.1 amended Dec. 9, 2002, P.L.1269, No.151)

Section 22.2. Revocation of Commission for Certain Personal Checks.--

(a) The Secretary of the Commonwealth may revoke the notary public commission of a notary public who issues to the order of any State agency or the Commonwealth a personal check without sufficient funds on deposit.

(b) Any action taken by the Secretary of the Commonwealth under this section shall be subject to the right of notice, hearing and adjudication and right of appeal therefrom in accordance with 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action),

known as the Administrative Agency Law.

(22.2 added Dec. 9, 2002, P.L.1269, No.151)

Section 22.3. Regulations.--The Secretary of the Commonwealth shall have the authority to promulgate such rules and regulations as are necessary to administer and enforce this act.

(22.3 added Dec. 9, 2002, P.L.1269, No.151)

Section 23. Specific Repeal.--The act, approved the eighteenth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1440), entitled "An act concerning notaries public and amending, revising, consolidating and changing the law relating thereto," is hereby repealed absolutely.

Section 24. Repeals.--

(a) The following acts and parts of acts are repealed : The act of April 14, 1828 (P.L.447, No.188), entitled "An act to authorize the appointment of commissioners to take the acknowledgement of deeds and instruments of writing under seal." The act of March 13, 1839 (P.L.92, No.44), entitled "A supplement to an act entitled 'An act to authorize the appointment of commissioners to take the acknowledgment of deeds and instruments of writing under seal,' approved on the fourteenth day of April, one thousand eight hundred and twenty-eight." The act of April 6, 1843 (P.L.175, No.83), entitled "A supplement to an act entitled 'An Act to authorize the appointment of Commissioners to take the acknowledgment of deeds and instruments of writing under seal.'" Section 15 of the act of April 9, 1849 (P.L.524, No.354), entitled "A supplement to an act relative to the venders of mineral waters; and an act relative to the Washington coal company; to sheriffs' sales of real estate; to the substitution of executors and trustees when plaintiffs; to partition in the courts of common pleas, and for other purposes."

(b) All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

(24 amended Dec. 9, 2002, P.L.1269, No.151)

UNIFORM ACKNOWLEDGMENT ACT

(Act No. 188, approved July 24,1941, as amended by Acts 353 and 354 of 1947, Act 3 of 1951, Act 58 of 1957, Act 61 of 1961 and Act 71 of 1981)

AN ACT

Relating to acknowledgments of written instruments, and to make uniform the law with relation thereto.

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

Section 1. Acknowledgment of Instruments.-Any instruments may be acknowledged in the manner and form now provided by the laws of this State or as provided by this act.

Section 2. Acknowledgment within this State.-The acknowledgment of any instrument may be made in this State before-

- (1) A judge of a court of record;
- (2) A clerk, prothonotary or deputy prothonotary or deputy clerk of a court having a seal;
- (3) A recorder of deeds or deputy recorder of deeds;
- (4) A notary public;
- (5) A justice of the peace, magistrate or alderman.

Section 3. Acknowledgment within the United States.- The acknowledgment of any instrument may be made without the State, but within the United States, or territory or insular possession of the United States, or in the District of Columbia, and within the jurisdiction of the officer before-

- (1) A clerk or deputy of any federal court;
- (2) A clerk, prothonotary or deputy prothonotary or deputy clerk of any court of record of any state or other jurisdiction;
- (3) A notary public;
- (4) A recorder of deeds.

Section 4. Acknowledgment without the United States.- The acknowledgment of any instrument may be made without the United States before-

- (1) An ambassador, minister, charge d'affaires, counselor to or secretary of a legation, consul general, consul, vice-consul, commercial attache or consular agent of the United States accredited to the country where acknowledgment is made;
- (2) A notary public of the country where acknowledgment is made;
- (3) A judge or clerk of a court of record of the country where acknowledgment is made.

Section 5. Requisites of Acknowledgment.- The officer taking the acknowledgment shall know or have satisfactory evidence that the person making the acknowledgment is the person described in and who executed the instrument.

Section 6. Acknowledgment by a Married Woman.-An acknowledgment of a married woman may be made in the same form as though she were unmarried.

Section 7. Forms of Certificates.-An officer taking the acknowledgment shall endorse thereon or attach thereto a certificate substantially in one of the following forms:

(1) By individuals-

State of _____

County of _____

On this, the _____ day of _____, 19 _____, before me _____, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that _____ executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seals.

Title of Officer

NOTARIAL SEAL
John Doe, Notary Public
City of Harrisburg, Dauphin County
My commission expires April 17, 1994



(2) By a corporation-

State of _____

County of _____

On this, the _____ day of _____, 19____, before me, _____ he undersigned officer, personally appeared, _____ who acknowledged himself to be the of _____, a corporation, and that he as such _____, being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by himself as _____

In witness whereof, I hereunto set my hand and official seals.

Title of Officer

NOTARIAL SEAL
John Doe, Notary Public
City of Harrisburg, Dauphin County
My commission expires April 17, 1994



Any deed, conveyance, mortgage or other instrument in writing, made and executed by a corporation, may be acknowledged by any officer of said corporation whose signature appears on such deed, conveyance, mortgage or other instrument in writing, in execution or in attestation of the execution thereof.

(3) By an attorney in fact-

State of _____

County of _____

On this, the _____ day of, _____ 19, _____ before me, _____ the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed as attorney in fact for _____, and acknowledged that he executed the same as the act of his principal for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seals.

Title of Officer

NOTARIAL SEAL
John Doe, Notary Public
City of Harrisburg, Dauphin County
My commission expires April 17, 1994



(4) By any public official or deputy thereof or by any trustee, administrator, guardian or executor-

State of _____

County of _____

On this, the _____ day of _____, 19_____, before me _____, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seals.

Title of Officer

NOTARIAL SEAL
John Doe, Notary Public
City of Harrisburg, Dauphin County
My commission expires April 17, 1994



(5) By any attorney-at-law-

State of _____

County of _____

On this, the _____ day of _____, 19_____, before me _____, the undersigned officer, _____ personally appeared _____, known to me (or satisfactorily proven) to be a member of the bar of the highest court of said state and a subscribing witness to the within instrument and certified that he was personally present when _____, whose name(s) is/are subscribed to the within instrument executed the same, and that said persons acknowledge that _____ executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seals.

Title of Officer

NOTARIAL SEAL
John Doe, Notary Public
City of Harrisburg, Dauphin County
My commission expires April 17, 1994



Section 8. Execution of Certificate.- The certificate of the acknowledging officer shall be completed by his signature, his official seal, if he has one, the title of his office, and, if he is a notary public, the date his commission expires.

Section 9. Authentication of Acknowledgments.-

(1) If the acknowledgment is taken within this State, or if taken without this State by an officer of this State, or is made without the United States by an officer of the United States, no authentication shall be necessary.

(2) If the acknowledgment is taken without this State, but in the United States, a territory or insular possession of the United States, or the District of Columbia, no authentication shall be necessary if the official before whom the acknowledgment is taken affixes his official seal to the instrument so acknowledged; otherwise certificate shall be authenticated by a certificate as to the official character of such officer, executed (1) if the acknowledgment is taken by a clerk or deputy clerk of court, by the presiding judge of the court, or (2) if the acknowledgment is taken by some other authorized officer, by the official having custody of the official record of the election, appointment or commission of the I officer taking such acknowledgment.

Section 10. Acknowledgments under Laws of other States.- Notwithstanding any provision in this act contained, the acknowledgment of any instrument without this State in compliance with the manner and form prescribed by the laws of the place of its execution, if in a state, territory or insular possession of the United States, or in the District of Columbia, verified by the official seal of the officer before whom it is acknowledged or authenticated, in the manner provid-

ed by section 9, subsection 2 hereof, shall have the same effect as an acknowledgment in the manner and form prescribed by the laws of this State for instruments executed within the State.

Section 10.1. Acknowledgment by persons Serving in or with the Armed Forces of the United States.- In addition to the acknowledgment of instruments in the manner and form and as otherwise now or hereafter authorized by the laws of this State or by this Act, persons serving in or with the Armed Forces of the United States or their dependents wherever located may acknowledge the same before any commissioned officer in active service of the armed forces of the United States with the rank of Second Lieutenant or higher in the Army, Air Force or Marine Corps or Ensign or higher in the Navy or Coast Guard. The instrument shall not be rendered invalid by the failure to state therein the place of execution or acknowledgment. No authentication of the officer's certificate of acknowledgment shall be required but the officer taking the acknowledgment shall endorse thereon or attach thereto a certificate substantially in the following form-

On this the _____ day of _____, 19____ before me _____ the undersigned officer personally appeared _____ (Serial No.) (if any) known to me (or satisfactorily proven) to be (serving in or with the armed forces of the United States) [a dependent of _____ (Serial No.) (if any) a person serving in or with the armed forces of the United States] and to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained. And the undersigned does further certify that he is at the date of this certificate a commissioned officer of the rank stated below and is in the active service of the armed forces of the United States.

Signature of the Officer

Rank & Serial No. of Officer
and Command to which attached

Section 11. Acknowledgments not Affected by this Act.- No acknowledgment heretofore taken shall be affected by anything contained herein.

Section 12. Uniformity of Interpretation.- This act shall be so interpreted as to make uniform the laws of those States which enact it.

Section 13. Name of Act.- This act may be cited as the Uniform Acknowledgment Act.

Section 14. Time of Taking Effect.- This act shall take effect immediately upon final enactment.

The Uniform Acknowledgement Act contains images of embossers being used as part of the various forms of notarization. Please be advised that under Act 151 of 2002, a notary public is now permitted to use only a notary public seal, but he/she continues to have the option of using an embosser.

SELF-TEST QUESTIONS

Each of the following questions deals with an important aspect of acting as notary public within the Commonwealth of Pennsylvania. In order to test your familiarity with the duties and responsibilities of acting as a notary public, it is recommended that you take the self-administered examination. The answers to all of the questions can be found in this booklet and are also set forth following the examination.

Circle True or False for each of the following statements:

1. A notary public commissioned by the Secretary of the Commonwealth of Pennsylvania may perform notarial acts anywhere in the United States.

True False

2. A notary public commissioned by the Secretary of the Commonwealth of Pennsylvania may perform notarial acts anywhere in the Commonwealth of Pennsylvania.

True False

3. A notary public may use a rubber stamp as a substitute for his/her signature.

True False

4. A notary public may notarize his/her own signature.

True False

5. A notary public can delegate his/her notarial authority to another person.

True False

6. A notary public may not act as such in any transaction involving a person who is related to the notary public.

True False

7. A notary public may act as such in any transaction in which the notary public is financially interested.

True False

8. A notary public may not act as such in any transaction in which the notary public has a direct interest.

True False

9. A notary public may advise persons regarding questions of law.

True False

10. A notary public need not require an individual to personally appear before them when executing an affidavit where the notary public is personally familiar with the signature of the individual.

True False

11. A jurat is a statement set forth on the affidavit by the notary public who administered the oath showing when and before whom it was sworn.

True False

12. The notarization of an affidavit guarantees that (1) the affiant personally appeared before the notary public (2) that the affiant was identified by the notary public and (3) the affiant was sworn by the notary public to tell the truth.

True False

13. The fees for performing notarization are fixed by the Secretary of the Commonwealth, and may not be exceeded by the notary public.

True False

14. An acknowledgement is a statement made by a person who signs a document admitting he/she signed it and knew what he/she was doing at the time the document was executed.

True False

15. The date set forth on the acknowledgment may be different from the date set forth on the document to which it refers but in no instance may it be earlier than the date of the document.

True False

16. Under the Uniform Acknowledgment Act, an attorney-at-law can appear before a notary public and execute an acknowledgment certifying that he personally witnessed an individual sign the instrument in question.

True False

17. With the limited exception of certain documents presented to the recorder of deeds for filing, a notarization should always set forth the notary public's signature, their title, the notary public's rubber stamp seal, and the date of the notarization.

True False

18. The date of the notarization will always be the date the notarization was made. Notarizations cannot be backdated.

True False

19. The Notary Public Law requires every notary public to keep a notary register of all official acts.

True False

20. A notary register must contain (1) the date of the notarial act (2) the character of the notarial act (3) by whom or to whom the document was executed (4) the date of the instrument and (5) the notary fee paid.

True False

21. The Secretary of the Commonwealth can revoke the commission of any notary public who collects fees due to a state agency from a customer and then issues a bad personal check to the agency on the customer's behalf.

True False

22. Within 45 days of the date of his/her appointment, an applicant for a notary public commission must be bonded by a surety, take the bond to the recorder of deeds of the county where their office is located and take their oath to be sworn in as a notary public.

True False

23. A notary public is required to have a bond.

True False

24. A notary public must identify an individual who appears before them.

True False

25. A notary public has the option of determining the identity of an individual appearing before him/her through satisfactory evidence, which is defined as reliance on the presentation of a current, government issued identification card bearing a photograph, signature or physical description and serial or identification number.

True False

26. The official signature of each notary public shall be registered with the prothonotary's office of the county where the notary public maintains his/her office.

True False

27. Where the name of a notary public is changed by decree of court or otherwise, a notary public may continue to perform official acts in the name in which he/she was commissioned until the expiration of his/her term but he/she shall, within (30) days after entry of such decree or after such name change, notify the Secretary of the Commonwealth and the recorder of deeds of the county in which he/she maintains an office, of such change of name.

True False

28. Where the address of a notary public changes within the Commonwealth, notice in writing shall be given to the Secretary of the Commonwealth and the recorder of deeds of the county of the original appointment by the notary public within thirty (30) days of such change.

True False

29. A notary public vacates his office by residing outside of the Commonwealth of Pennsylvania.

True False

30. A notary seal is a rubber stamp which includes (1) the words notarial seal (2) the name and surname of the notary public (3) the words notary public (4) the name of the municipality and county in which the notary public maintains an office (5) the date the notary public's commission expires and (6) a plain border.

True False

31. The maximum size of the notary stamp seal is set by statute.

True False

32. The Secretary of the Commonwealth's disciplinary options under the Notary Public Law are limited to the rejection of any application or the revocation of the commission of any notary public for good cause.

True False

Answers to the above questions can be found on the following pages.

ANSWERS TO SELF-TEST QUESTIONS

1. **False.** A notary commissioned by the Secretary of the Commonwealth of Pennsylvania may perform notarial acts only within the Commonwealth of Pennsylvania.
2. **True.** A notary public commissioned by the Secretary of the Commonwealth of Pennsylvania may perform notarial acts anywhere in the Commonwealth of Pennsylvania.
3. **False.** A notary public may not use a rubber stamp as a substitute for his/her signature. Permitting a notary public to use a rubber stamp as a substitute for his/her signature would permit fraud in the notarization of documents. Accordingly, each notarization must be made using the actual signature of the notary public.
4. **False.** A notary public may not notarize his/her own signature.
5. **False.** A notary public can not delegate his/her notarial authority to another person.
6. **False.** A notary public may act as such in any transaction involving a person who is related to the notary public provided that the notary public has no direct or financial interest in the transaction which is being notarized.
7. **False.** A notary public is not permitted to act as such in any transaction in which the notary public is financially interested.
8. **True.** A notary public may not act as such in any transaction in which the notary public has a direct interest.
9. **False.** Since a notary public is not a lawyer, the notary public may not advise persons regarding questions of law.
10. **False.** A notary public is always required to have the individual who is executing an affidavit personally appear before them even where the notary public is personally familiar with the signature of the individual.

11. **True.** A jurat is a statement set forth on the affidavit by the notary public who administered the oath showing when and before whom it was sworn.
12. **True.** The notarization of an affidavit guarantees that (1) the affiant personally appeared before the notary public, (2) that the affiant was identified by the notary public and (3) the affiant was sworn by the notary public to tell the truth.
13. **True.** The fees for performing notarization are fixed by the Secretary of the Commonwealth with the approval of the Attorney General, and may not be exceeded by the notary public.
14. **True.** An acknowledgment is a statement made by a person who signs a document admitting he/she signed it and knew what he/she was doing at the time the document was executed.
15. **True.** The date set forth on the acknowledgment may be different from the date set forth on the document to which it refers but in no instance may it be earlier than the date of the document.
16. **True.** Under the Uniform Acknowledgment Act, an attorney-at-law can appear before a notary public and execute an acknowledgment certifying that he/she personally witnessed an individual sign the instrument in question.
17. **True.** With the limited exception of certain documents presented to the recorder of deeds for filing, a notarization should always set forth the notary public's signature, their title, the notary public's rubber stamp seal, and the date of the notarization.
18. **True.** The date of the notarization will always be the date the notarization was made. A notarization cannot be backdated.
19. **True.** The Notary Public Law requires every notary public to keep a notary register of all official acts.

20. **True.** A notary register must contain (1) the date of the notarial act, (2) the character of the notarial act, (3) by whom or to whom the document was executed, (4) the date of the instrument and (5) the notary fee paid.
21. **True.** The Secretary of the Commonwealth can revoke the commission of any notary public who collects fees due to a state agency from a customer and then issues a bad personal check to the agency on the customer's behalf.
22. **True.** Within 45 days of the date of his/her appointment, an applicant for a notary public commission must be bonded by a surety, take the bond to the recorder of deeds of the county where their office is located and take their oath to be sworn in as a notary public.
23. **True.** A notary public is required to have a bond.
24. **True.** A notary public must identify an individual who appears before them.
25. **False.** A notary public has the option of determining the identity of an individual appearing before him/her through satisfactory evidence, which is defined as reliance on the presentation of a current, government issued identification card bearing a photograph or signature or physical description and serial or identification number.
26. **True.** The official signature of each notary public shall be registered with the prothonotary's office of the county where the notary public maintains his/her office.
27. **True.** Where the name of a notary public is changed by decree of court or otherwise, a notary public may continue to perform official acts in the name in which he/she was commissioned until the expiration of his/her term but he/she shall, within thirty (30) days after entry of such decree or after such name change, notify the Secretary of the Commonwealth and the recorder of deeds of the county in which he/she maintains an office, of such change of name.

28. **False.** Where the address of a notary public changes within the Commonwealth, notice in writing shall be given to the Secretary of the Commonwealth and the recorder of deeds of the county of the original appointment by the notary public within five (5) days of such change (address change may also be submitted electronically on the Department's Website at www.dos.state.pa.us).
29. **False.** A notary public does not vacate his office by residing outside of the Commonwealth of Pennsylvania as long as he remains employed in the state.
30. **True.** A notary seal is a rubber stamp which includes (1) the words notarial seal, (2) the name and surname of the notary public, (3) the words notary public, (4) the name of the municipality and county in which the notary public maintains an office, (5) the date the notary public's commission expires and (6) a plain border.
31. **True.** The maximum size of the notary stamp seal is set by statute.
32. **False.** The Secretary of the Commonwealth may, for good cause, not only reject any application or revoke the commission of any notary public, but also issue a written reprimand or suspend the commission of a notary public. The Secretary may also, for good cause, impose a civil penalty, not to exceed \$500.00 for each act or omission under the Act and/or order a notary public to attend a remedial notary public education course.