

## Changes are coming:

### What Pennsylvania notaries public need to know about the new notary law.

The [Revised Uniform Law on Notarial Acts](#) (RULONA), codified at 57 Pa.C.S. §301-331, was signed in law as Act 73 of 2013 on October 9, 2013. The law will not go into effect until the Department of State issues a notice in the [Pennsylvania Bulletin](#) that enough basic education courses have been approved to meet the needs of renewing notaries. Once the Department publishes notice of this fact (and a list of the approved courses), the Act will take effect 180 days after the notice. This gives all notaries (new and renewing) six months to take a new education course prior to appointment.

The major changes coming with RULONA/Act 73 are:

**Education** – *All notaries* must take an education course in order to be reappointed. The new law requires all applicants for both initial appointment and reappointment as a notary public to complete at least three hours of approved notary education within the six months immediately preceding the application for appointment or reappointment. Under the new law, the exemption previously available for notaries whose commission was in effect on July 1, 2003 is abolished. All notaries public are required to complete an approved notary education course in order to be appointed or reappointed, including those notaries previously “grandfathered” by the [Tritt v. Cortés](#) court ruling. The Department issued a request for new basic education courses on September 14, 2016.

**Examination** – An applicant who does not hold a current and unexpired notary commission in Pennsylvania must pass an examination administered by the Department or an entity approved by the Department. This includes applicants who have never held a notary commission and all applicants who previously held a notary commission but whose commission has expired at the time their application for appointment is received by the Department. Upon approval of the application, applicants who are required to take the examination will be provided with information on the computer-based testing procedures and sites. The Department is contracting with Pearson Vue to write and administer the notary examination. The examination will be a computer-based test offered at Pearson test centers in most Pennsylvania counties. The cost of the examination is estimated to be around \$65.

**Notarial acts** – The six enumerated notarial powers in RULONA/Act 73 are:

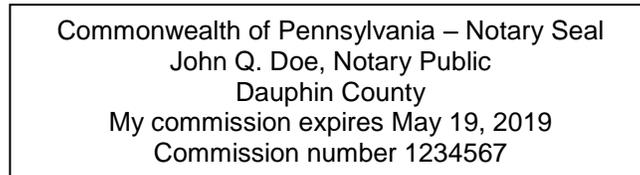
- taking an acknowledgment
- administering an oath or affirmation
- taking a verification on oath or affirmation (includes an affidavit)
- witnessing or attesting a signature
- certifying or attesting a copy or deposition
- noting a protest of a negotiable instrument

**Notary Stamp/Seal** – The official stamp of the notary (formerly called the notary seal) must contain in the following order:

- The words "Commonwealth of Pennsylvania."
- The words "Notary Seal."
- The name as it appears on the commission of the notary public and the words "Notary Public."

- The name of the county in which the notary public maintains an office.
- The date the notary public's commission expires.

The stamp will no longer contain the municipality in which the notary maintains an office. The proposed regulations of the Department require the inclusion of the notary commission number on the stamp. Example of RULONA-compliant stamp:



Notaries holding a commission on the effective date of RULONA/Act 73 may continue to use their existing stamp with its pre-RULONA format for the remainder of that current commission. Upon reappointment, the notary must obtain a stamp which is compliant with RULONA and the Department’s regulations.

**Notary Register/Journal** – The notary journal (formerly called a register) must contain all of the following information for each notarial act:

- The date and time of the notarial act.
- A description of the record, if any, and type of notarial act.
- The full name and address of each individual for whom the notarial act is performed.
- If identity of the individual is based on personal knowledge, a statement to that effect.
- If identity of the individual is based on satisfactory evidence, a brief description of the method of identification and any identification credential presented, including the date of issuance and expiration of an identification credential.
- The fee charged by the notary public.

Journals may be kept on a tangible medium (i.e. on paper) or in an electronic format. A notary public may maintain a separate journal for tangible records and for electronic records. If the journal is maintained on a tangible medium, it shall be a bound register with numbered pages. If the journal is maintained in an electronic format, it shall be in a tamper-evident electronic format complying with the regulations of the Department.

Notaries holding a commission on the effective date of RULONA/Act 73 may continue to use their existing journal with its pre-RULONA format for the remainder of that current commission. Upon reappointment, the notary must obtain a journal which is compliant with RULONA and the Department’s regulations.

**Application fee** – The fee for notary applications will increase from \$40 to \$42. However, the \$2 fee charged to notaries by counties and forwarded to the Department for the filing of the notary public bond is eliminated.

**Regulations** – The Department is working on comprehensive regulations that satisfy both the Department and stakeholders. The Department issued draft rulemaking on December 16, 2014 and received 21 comments. It is in the process of finalizing proposed regulations, which will also be available for public comment once they are published in the [Pennsylvania Bulletin](#).

**Revisions to the Department of State webpages, forms and online application** – Act 73/RULONA will require the revision of all forms and informational materials used by the Division of Commissions, Legislation and Notaries. Enhancements to the notaries' database are also required to implement RULONA.

**What should notaries do in the meantime?**

- Continue to perform notarial duties under old law
- Review [RULONA](#)
- Review and comment on the proposed regulations
- Plan to take education in the six months prior to commission expiration date
- Watch Department of State web site for information - [www.dos.pa.gov/Notaries](http://www.dos.pa.gov/Notaries)

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