

REVISED UNIFORM LAW ON NOTARIAL ACTS*

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NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

and by it

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By

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

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REVISED UNIFORM LAW ON NOTARIAL ACTS

SECTION 1. SHORT TITLE. This [act] may be cited as the Revised Uniform Law on Notarial Acts.

SECTION 2. DEFINITIONS. In this [act]:

(1) “Acknowledgment” means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

(2) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) “Electronic signature” means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

(4) “In a representative capacity” means acting as:

(A) an authorized officer, agent, partner, trustee, or other representative for a person other than an individual;

(B) a public officer, personal representative, guardian, or other representative, in the capacity stated in a record;

(C) an agent or attorney in fact for a principal; or

(D) an authorized representative of another in any other capacity.

(5) “Notarial act” means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of this state. The term

includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

(6) “Notarial officer” means a notary public or other individual authorized to perform a notarial act.

(7) “Notary public” means an individual commissioned to perform a notarial act by the [commissioning officer or agency].

(8) “Official stamp” means a physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record.

(9) “Person” means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(10) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(11) “Sign” means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic symbol, sound, or process.

(12) “Signature” means a tangible symbol or an electronic signature that evidences the signing of a record.

(13) “Stamping device” means:

(A) a physical device capable of affixing to or embossing on a tangible record an official stamp; or

(B) an electronic device or process capable of attaching to or logically associating with an electronic record an official stamp.

(14) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(15) “Verification on oath or affirmation” means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

SECTION 3. APPLICABILITY. This [act] applies to notarial acts performed on or after [the effective date of this [act]].

SECTION 4. AUTHORITY TO PERFORM NOTARIAL ACTS.

(a) A notarial officer may perform notarial acts authorized by this [act] or by law of this state other than this [act].

(b) A notarial officer may not perform a notarial act with respect to any record to which the officer or the officer’s spouse [or civil partner] is a party, or in which either of them has a direct beneficial interest. A notarial act performed in violation of this subsection is voidable.

SECTION 5. REQUIREMENTS FOR CERTAIN NOTARIAL ACTS.

(a) A notarial officer who takes an acknowledgement of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

(b) A notarial officer who takes a verification of a statement on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the verification has the identity

claimed and that the signature on the statement verified is the signature of the individual.

(c) A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and signing the record has the identity claimed.

(d) A notarial officer who certifies or attests a copy of a record or an item that was copied shall determine that the proffered copy is a full, true, and accurate transcription or reproduction of the record or item.

(e) A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in [Section 3-505(b) of the Uniform Commercial Code].

SECTION 6. PERSONAL APPEARANCE REQUIRED. If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

SECTION 7. IDENTIFICATION OF INDIVIDUAL.

(a) A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

(b) A notarial officer has satisfactory evidence of the identity of an individual appearing before the officer if the officer can identify the individual:

(1) by means of:

(A) a passport, driver's license, or government issued non-driver identification card that is currently valid or expired not more than [three years] before performance of the notarial act; or

(B) another form of government identification issued to an individual that

is currently valid or expired not more than [three years] before performance of the notarial act, contains the individual's signature or a photograph of the individual, and is satisfactory to the officer; or

(2) by a verification on oath or affirmation of a credible witness personally appearing before the officer and known to the officer or whom the officer can identify on the basis of a passport, driver's license, or government issued non-driver identification card that is currently valid or expired not more than [three years] before performance of the notarial act.

(c) A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.

SECTION 8. AUTHORITY TO REFUSE TO PERFORM NOTARIAL ACT.

(a) A notarial officer may refuse to perform a notarial act if the officer is not satisfied that:

(1) the individual executing the record is competent or has the capacity to execute the record; or

(2) the individual's signature is knowingly and voluntarily made.

(b) Except as prohibited by law other than this [act], a notarial officer may refuse to perform a notarial act.

SECTION 9. SIGNATURE IF INDIVIDUAL UNABLE TO SIGN. If an individual is physically unable to sign a record, the individual may direct an individual other than the notarial officer to sign the individual's name on the record. The notarial officer shall insert "Signature affixed by (insert name of other individual) at the direction of (insert name of individual)" or words of similar import.

SECTION 10. NOTARIAL ACT IN THIS STATE.

(a) A notarial act may be performed in this state by the following individuals:

(1) a notary public of this state; [or]

(2) a judge, clerk, or [deputy clerk] of any court of this state[; or]

[(3) an individual licensed to practice law in this state][; or]

[(4) any other individual authorized to perform the specific act by the law of this state].

(b) The signature and title of an individual performing a notarial act in this state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of a notarial officer described in subsection [(a)(1) or (2)]

[(a)(1), (2), or (3)] conclusively establish the authority of the officer to perform the notarial act.

Legislative Note: Subsection (a)(4) recognizes, collectively and in general terms, the authority of other individuals holding notarial powers authorized under other law of this state. However, instead of the nonspecific collective recognition stated in this subsection, it would be preferable to list in this subsection those individuals or offices and, if limited, the notarial powers granted to them. Such a listing would provide a practical reference for persons seeking to determine whether an individual or holder of an office is authorized to perform notarial acts in this state. This reference would be especially valuable if a notarial act performed in this state is to be recognized in another state under Section 12.

SECTION 11. NOTARIAL ACT IN ANOTHER STATE.

(a) A notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed in that state is performed by:

(1) a notary public of that state;

(2) a judge, clerk, or deputy clerk of a court of that state; or

(3) any other individual authorized by the law of that state to perform the notarial act.

(b) The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of a notarial officer described in subsection (a)(1) or (2) conclusively establish the authority of the officer to perform the notarial act.

SECTION 12. NOTARIAL ACT UNDER AUTHORITY OF TRIBE OR NATION.

(a) A notarial act performed under the authority and in the jurisdiction of a federally recognized American Indian tribe or nation has the same effect as if performed by a notarial officer of this state, if the act performed in the jurisdiction of that tribe or nation is performed by:

- (1) a notary public of that tribe or nation;
- (2) a judge, clerk, or deputy clerk of a court of that tribe or nation; or
- (3) any other individual authorized by the law of that tribe or nation to perform

the notarial act.

(b) The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized American Indian tribe or nation are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of a notarial officer described in subsection (a)(1) or (2) conclusively establish the authority of the officer to perform the notarial act.

SECTION 13. NOTARIAL ACT UNDER FEDERAL AUTHORITY.

(a) A notarial act performed under federal law has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed under federal law is performed by:

- (1) a judge, clerk, or deputy clerk of a court;

(2) an individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;

(3) an individual designated a notarizing officer by the United States Department of State for performing notarial acts overseas; or

(4) any other individual authorized by federal law to perform the notarial act.

(b) The signature and title of an individual acting under federal authority and performing a notarial act is prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of an officer described in subsection (a)(1), (2), or (3) conclusively establishes the authority of the officer to perform the notarial act.

SECTION 14. FOREIGN NOTARIAL ACT.

(a) In this section, “foreign state” means a government other than the United States, a state, or a federally recognized American Indian tribe or nation.

(b) If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the law of this state as if performed by a notarial officer of this state.

(c) If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

(d) The signature and official stamp of an individual holding an office described in subsection (c) is prima facie evidence that the signature is genuine and the individual holds the

designated title.

(e) An apostille in the form prescribed by the Hague Convention of October 5, 1961, and issued by a foreign state party to the Convention conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

(f) A consular authentication issued by an individual designated by the United States Department of State as a notarizing officer for performing notarial acts overseas and attached to the record with respect to which the notarial act is performed conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

SECTION 15. CERTIFICATE OF NOTARIAL ACT.

(a) A notarial act must be evidenced by a certificate. The certificate must:

(1) be executed contemporaneously with the performance of the notarial act;

(2) be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the [commissioning officer or agency];

(3) identify the jurisdiction in which the notarial act is performed;

(4) contain the title of office of the notarial officer; and

(5) indicate the date of expiration, if any, of the notarial officer's commission, if the officer is a notary public.

(b) If a notarial act is performed by a notary public regarding a tangible record, the notary public's official stamp must be affixed to or embossed on the certificate. If a notarial act is performed by a notarial officer, other than a notary public, regarding a tangible record and the certificate contains the information specified in subsection (a)(2), (3), and (4), an official stamp may be affixed to or embossed on the certificate. If the notarial act is performed by a notarial

officer regarding an electronic record and the certificate contains the information specified in subsection (a)(2), (3), and (4), an official stamp may be attached to or logically associated with the certificate.

(c) A certificate of a notarial act is sufficient if it meets the requirements of subsections (a) and (b) and:

(1) is in a short form set forth in Section 20;

(2) is in a form otherwise permitted by the law of this state;

(3) is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or

(4) sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in Sections 5, 6, and 7 or law other than this [act].

(d) By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in Sections 4, 5, and 6.

(e) A notarial officer may not affix the officer's signature to, or logically associate it with, a certificate until the notarial act has been performed.

(f) If a notarial act is performed regarding a tangible record, a certificate must be part of, or securely attached to, the record. If a notarial act is performed regarding an electronic record, the certificate must be affixed to, or logically associated with, the electronic record. If the [commissioning officer or agency] has established standards pursuant to Section 27 for attaching, affixing, or logically associating the certificate, the process must conform to the standards.

SECTION 16. OFFICIAL STAMP. The official stamp of a notary public must:

(1) include the notary public's name, jurisdiction, [commission expiration date,] and other information required by the [commissioning officer or agency]; and

(2) be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.

SECTION 17. STAMPING DEVICE.

(a) A notary public is responsible for the security of the notary public's stamping device and may not allow another individual to use the device to perform a notarial act. [On resignation from, or the revocation or expiration of, the notary public's commission, or on the expiration of the date set forth in the stamping device, if any, the notary public shall disable the stamping device by destroying, defacing, damaging, erasing, or securing it against use in a manner that renders it unusable. On the death or adjudication of incompetency of a notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the stamping device shall render it unusable by destroying, defacing, damaging, erasing, or securing it against use in a manner that renders it unusable.

(b) If a notary public's stamping device is lost or stolen, the notary public or the notary public's personal representative or guardian shall notify promptly the commissioning officer or agency on discovering that the device is lost or stolen.

[SECTION 18. JOURNAL.

(a) A notary public[, other than an individual licensed to practice law in this state,] shall maintain a journal in which the notary public chronicles all notarial acts that the notary public performs. The notary public shall retain the journal for 10 years after the performance of the last notarial act chronicled in the journal.

(b) A journal may be created on a tangible medium or in an electronic format. A notary

public shall maintain only one journal at a time to chronicle all notarial acts, whether those notarial acts are performed regarding tangible or electronic records. If the journal is maintained on a tangible medium, it must be a permanent, bound register with numbered pages. If the journal is maintained in an electronic format, it must be in a permanent, tamper-evident electronic format complying with the rules of the [commissioning officer or agency].

(c) Entries in a journal must be made contemporaneously with the performance of the notarial act and contain the following information:

- (1) the date and time of the notarial act;
- (2) a description of the record, if any, and type of notarial act;
- (3) the full name and address of each individual for whom a notarial act is performed;
- (4) if identity of the individual is based on personal knowledge, a statement to that effect;
- (5) if identity of the individual is based on satisfactory evidence, a brief description of the method of identification and the identification credential presented, if any, including the date of issuance and expiration of any identification credential; and
- (6) the fee, if any, charged by the notarial officer.

(d) If a notary public's journal is lost or stolen, the notary public promptly shall notify the [commissioning officer or agency] on discovering that the journal is lost or stolen.

(e) On resignation from, or the revocation or suspension of, a notary public's commission, the notary public shall retain the notary public's journal in accordance with subsection (a) and inform the [commissioning officer or agency] where the journal is located.

(f) Instead of personally retaining a journal as provided in subsections (a) and (e), a

current or former notary public may transmit the journal to the [commissioning officer or agency] [the official archivist of this state] or a repository approved by the [commissioning officer or agency].

(g) On the death or adjudication of incompetency of a current or former notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the journal shall transmit it to the [commissioning officer or agency] [the official archivist of this state] or a repository approved by the [commissioning officer or agency].]

Legislative Note: *Although the National Conference of Commissioners on Uniform State Laws believes that it is important for notaries public to maintain journals of the notarial acts that they perform and has incorporated this Section as part of this uniform law, the adoption of this Section is optional. It is bracketed to show that it is optional.*

There are two additional considerations that were not adopted as part of this uniform act that a state legislature might wish to consider with regard to the journal requirement. Subsection (b) requires that a notary public maintain only one journal at a time. Subsection (c) requires that a notary public make the entries into the journal at the time that a notarial act is performed. This may create a difficulty for a notary public who performs notarial acts with regard to electronic records and also performs notarial acts on tangible records. If a notary maintains an electronic journal (especially if the technology the notary uses automatically performs electronic journaling), the notary may have difficulty journaling a notarial act performed on a tangible record that is away from the computer containing the electronic journal. For example, if a notary's electronic journal were installed on a computer maintained in the notary's office and the notary were asked to perform a notarial act on a tangible record bedside in a hospital, the notary might not be able to enter the notarial act into the electronic journal at the time the notary performs the notarial act. Under this Section, as written, a notary would either have to maintain a journal on a tangible record or would have to install the journaling software on a portable computer. As another alternative, an adopting legislature may wish to allow a notary public to maintain a portable journal on a tangible record in addition to the regular electronic journal (see Or. Rev. Stat. §194.152(1) (2010)).

Another alternative that a legislature might wish to consider is adding a provision to subsection (c) requiring an individual for whom a notary public performs a notarial act to sign the journal. This would assure that the entry in the journal is made at the time of the performance of a notarial act and that the individual has reviewed the entry made by the notary public (see Cal. Govt. Code §8206(a)(2)(C) (2010)).

SECTION 19. NOTIFICATION REGARDING PERFORMANCE OF NOTARIAL ACTS ON ELECTRONIC RECORD; SELECTION OF TECHNOLOGY.

(a) A notary public may select one or more tamper evident technologies to perform notarial acts with respect to electronic records. A person may not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

(b) Before a notary public performs the notary public's initial notarial act with respect to an electronic record, a notary public shall notify the [commissioning officer or agency] that the notary public will be performing notarial acts with respect to electronic records and identify the technology the notary public intends to use. If the [commissioning officer or agency] has established standards for approval of technology pursuant to Section 27, the technology must conform to the standards. If the technology conforms to the standards, the [commissioning officer or agency] shall approve the use of the technology.

SECTION 20. SHORT FORM. The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by Section 15(a) and (b):

(1) For an acknowledgment in an individual capacity:

State of _____

[County] of _____

This record was acknowledged before me on _____ by _____
Date Name(s) of individual(s)

Signature of notarial officer

Stamp

[_____]
Title of office

[My commission expires: _____]

(2) For an acknowledgment in a representative capacity:

State of _____

[County] of _____

This record was acknowledged before me on _____ by _____
Date Name(s) of individual(s)

as (type of authority, such as officer or trustee) of (name of party on behalf of whom record was executed.)

Signature of notarial officer

Stamp

[_____]
Title of office

[My commission expires: _____]

(3) For a verification on oath or affirmation:

State of _____

[County] of _____

Signed and sworn to (or affirmed) before me on _____ by _____
Date Name(s) of individual(s)
making statement

Signature of notarial officer

Stamp

[_____]
Title of office

[My commission expires: _____]

(4) For witnessing or attesting a signature:

State of _____

[County] of _____

Signed [or attested] before me on _____ by _____
Date Name(s) of individual(s)

Signature of notarial officer

Stamp

[_____]
Title of office

[My commission expires: _____]

(5) For certifying a copy of a record:

State of _____

[County] of _____

I certify that this is a true and correct copy of a record in the possession
of _____.

Dated _____

Signature of notarial officer

Stamp

[_____]

Title of office

[My commission expires: _____]

SECTION 21. NOTARY PUBLIC COMMISSION; QUALIFICATIONS.

(a) An individual qualified under subsection (b) may apply to the [commissioning officer or agency] for a commission as a notary public. The applicant shall comply with, and provide the information required by, rules established by the [commissioning officer or agency] and submit the required application fee.

(b) An applicant for a commission as a notary public must:

- (1) be at least 18 years of age;
- (2) be a citizen or permanent legal resident of the United States;
- (3) be a resident of or have a place of employment or practice in this state;
- (4) be able to read and write [English]; [and]
- (5) not be disqualified to receive a commission under Section 23[; and
- (6) have passed the examination required under Section 22(a)].

(c) Before issuance of a commission as a notary public, an applicant for the commission shall execute an oath of office and submit it to the [commissioning officer or agency].

[(d) [Not more than [30] days after] [Before] issuance of a commission as a notary public, the [notary public][applicant for a commission] shall submit to the [commissioning officer or agency] an assurance in the form of a surety bond or its functional equivalent in the amount of \$[_____]. The assurance must be issued by a surety or other entity licensed or authorized to do business in this state. The assurance must cover acts performed during the term of the notary public's commission and must be in the form prescribed by the [commissioning officer or agency]. If a notary public violates law with respect to notaries public in this state, the surety or

issuing entity is liable under the assurance. The surety or issuing entity shall give [30] days-notice to the [commissioning officer or agency] before canceling the assurance. The surety or issuing entity shall notify the [commissioning officer or agency] not later than [30] days after making a payment to a claimant under the assurance. A notary public may perform notarial acts in this state only during the period that a valid assurance is on file with the [commissioning officer or agency].]

(e) On compliance with subsections [(a), (b), and (c)] [(a), (b), (c), and (d)], the [commissioning officer or agency] shall issue a notary public commission to an applicant [for a term of [] years].

(f) A commission to act as a notary public authorizes the notary public to perform notarial acts. The commission does not provide a notary public any immunities or benefits conferred by law of this state on public officials or employees.

Legislative Note: Although the National Conference of Commissioners on Uniform State Laws believes that it is important for a notary public to post an assurance in the form of surety bond or its functional equivalent and has incorporated Section 21(d) as part of this uniform law, the adoption of that subsection is optional. It is bracketed to show that it is optional.

The qualifications that an individual must meet for the issuance of a commission as a notary public under various state statutes are quite varied. The requirements listed in subsection (b) are common although not uniform among the states. They should be considered to be the minimal requirements for an individual to be entitled to the issuance of a commission as a notary public. Adopting states are free to add other provisions, if the legislature so chooses.

[SECTION 22. EXAMINATION OF NOTARY PUBLIC.]

(a) An applicant for a commission who does not hold a commission as a notary public in this state must pass an examination administered by the [commissioning officer or agency] or an entity approved by the [commissioning officer or agency]. The examination must be based on the course of study described in subsection (b).

(b) The [commissioning officer or agency] or an entity approved by the [commissioning officer or agency] shall regularly offer a course of study to applicants who do not hold commissions as notaries public in this state. The course must cover the laws, rules, procedures, and ethics relevant to notarial acts.]

Legislative Note: Although the National Conference of Commissioners on Uniform State Laws believes that requiring an applicant for a commission as notary public to pass an examination based on a course of study regarding the law, rules, procedures, and ethics relevant to notarial acts is important and has incorporated this Section as part of this uniform law, the adoption of this Section is optional. It is bracketed to show that it is optional.

SECTION 23. GROUNDS TO DENY, REFUSE TO RENEW, REVOKE, SUSPEND, OR CONDITION COMMISSION OF NOTARY PUBLIC.

(a) The [commissioning officer or agency] may deny, or refuse to renew a notary public commission or may revoke, suspend, or condition a notary public commission for any act or omission that demonstrates an individual lacks the honesty, integrity, competence, or reliability to act as a notary public, including:

(1) failure to comply with this [act];

(2) fraudulent, dishonest, or deceitful misstatement or omission in the application for a commission as a notary public submitted to the [commissioning officer or agency];

(3) a conviction of the notary public or applicant of any felony or a crime involving fraud, dishonesty, or deceit;

(4) a finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty, or deceit;

(5) failure by the notary public to discharge any duty or responsibility required of

a notarial officer, whether by this [act], rules of the [commissioning officer or agency], or any federal or state law;

(6) use of false or misleading advertising or representations by the notary public representing that the notary public has duties, rights, or privileges that a notary public does not have; [or]

(7) violation by the notary public of a rule of the [commissioning officer or agency] regarding a notary public;

(8) denial, refusal to renew, revocation, suspension, or conditioning of a notary public commission in another state[; or] [.]

[(9) failure of the notary public to maintain an assurance as provided in Section 20(d)[; or] [.]

[(10) insert other state specific provisions or reference to other state statutes.]

(b) If an applicant for a commission as a notary public is denied the commission or a commission is revoked or suspended, the applicant or notary public is entitled to timely notice and hearing in accordance with [this state's administrative procedure act].

(c) The authority of the [commissioning officer or agency] to deny, suspend, refuse to renew, or revoke a notary public's commission does not prevent the [commissioning officer or agency] or an aggrieved person from seeking and obtaining other remedies provided by law, whether criminal or civil.

Legislative Note: Subsection (a)(9) is an optional provision and allows the legislature either to insert other specific grounds for the denial, revocation, or suspension of a commission as a notary public or to insert references to specific statutes elsewhere in the law of this state providing those grounds.

SECTION 24. DATABASE OF NOTARIES PUBLIC. The [commissioning officer

or agency] shall maintain an electronic database of notaries public:

(1) through which a person may verify the authority of a notary public to perform notarial acts; and

(2) which indicates whether a notary public has notified the [commissioning officer or agency] that the notary public will be performing notarial acts on electronic records.

SECTION 25. PROHIBITED ACTS.

(a) A commission as a notary public does not authorize an individual to:

(1) assist persons in drafting legal records, give legal advice, or otherwise practice law;

(2) act as an immigration consultant or an expert on immigration matters;

(3) represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship, or related matters; or

(4) receive compensation for performing any of the activities listed in this subsection.

(b) A notary public may not engage in false or deceptive advertising.

(c) A notary public, other than an attorney licensed to practice law in this state, may not use the term “notario” or “notario publico”.

(d) A notary public, other than an attorney licensed to practice law in this state, may not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice, or otherwise practice law. If a notary public, who is not an attorney licensed to practice law in this state, in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media, and the Internet, the notary public shall include the following statement, or an alternate statement

authorized or required by the [commissioning officer or agency], in the advertisement or representation, prominently and in each language used in the advertisement or representation: “I am not an attorney licensed to practice law in this state. I am not allowed to draft legal records, give advice on legal matters, including immigration, nor charge a fee in regard to those activities”. If the form of advertisement or representation is not broadcast media, print media, or the Internet, and does not permit the inclusion of the statement required by this subsection owing to size, it must be prominently displayed or provided at the place of performance of the notarial act before the notarial act is performed.

(e) Except as otherwise allowed by law, a notary public may not withhold access to or possession of any original record provided by a person that seeks performance of a notarial act by the notary public.

SECTION 26. VALIDITY OF NOTARIAL ACTS. Except as otherwise provided in this [act], the failure of a notarial officer to perform the duties or meet the requirements specified in this [act] does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under this [act] does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject the notarial act or from seeking other remedies based on law of this state other than this act or law of the United States. This Section does not validate a purported notarial act performed by an individual who does not have the authority to perform the act.

SECTION 27. RULES.

(a) The [commissioning officer or agency] may adopt rules to implement this [act]. Rules adopted regarding the performance of notarial acts with respect to electronic records must not require, or accord greater legal status or effect to, the implementation or application of a

specific technology or technical specification. The rules may:

(1) prescribe the manner of performing notarial acts regarding tangible and electronic records;

(2) include provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self-evident;

(3) include provisions to ensure integrity in the creation, transmittal, storage, or authentication of electronic records or signatures;

(4) prescribe the process of granting, renewing, conditioning, denying, suspending, or revoking a notary public commission and assuring the trustworthiness of an individual holding a commission as notary public; [and]

(5) include provisions to prevent fraud or mistake in the performance of notarial acts; [and]

[(6) establish the process for approving and accepting surety bonds and other forms of assurance under Section 21(d)]; and]

[(7) provide for the administration of:

(A) the examination of individuals applying for a commission as a notary public under Section 22(a); and

(B) the course of study to be offered to new applicants for a commission as a notary public under Section 22(b)].

(b) In adopting, amending, or repealing rules about notarial acts with respect to electronic records, the [commissioning officer or agency] shall consider, so far as is consistent with this [act]:

(1) the most recent standards promulgated by national bodies, such as the

National Association of Secretaries of State;

(2) standards, practices, and customs of other jurisdictions that substantially enact this [act]; and

(3) the views of interested persons and governmental officials and entities.

SECTION 28. NOTARY PUBLIC COMMISSION IN EFFECT. A commission as a notary public in effect on the [effective date of this [act]] continues until its date of expiration. A notary public who applies to renew a notary public commission after the effective date of this [act] shall comply with this [act]. A notary public, in performing notarial acts after the [effective date of this [act]], shall comply with this [act] and is subject to refusal to renew the notary public's commission or revocation or suspension of the notary public's commission under this [act].

SECTION 29. SAVINGS CLAUSE. This [act] does not affect the validity and effect of a notarial act performed before the effective date of this [act] under a law repealed by this [act].

SECTION 30. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

SECTION 31. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This [act] modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

SECTION 32. REPEALS. The following are repealed:

(1) [The Uniform Acknowledgement Act (As Amended)].

(2) [The Uniform Recognition of Acknowledgments Act].

(3) [The Uniform Law on Notarial Acts].

SECTION 33. EFFECTIVE DATE. This [act] takes effect