

USNA REASONS TO SUPPORT A REVISED ULONA

. 25 years since the last uniform law was drafted and offered to the states

State notary laws go back as far as the early- to mid-19th century, with some far earlier (for example, North Carolina, 1776; Louisiana, 1717).

< our charts show the variations in state laws, from which acts are permitted to how much a notary can charge for each notarial act

. The world has changed tremendously in the last 25 years.

The Internet and the World Wide Web did not exist.

< increase in vendors selling notary supplies, giving advice

< electronic notarization initiatives

< more and more commercial transactions are being done online (loans, insurance, driver licensing and motor vehicle titling, etc.)

Crimes like ID theft, real estate fraud, immigration fraud and terrorism did not exist.

< federal REAL ID Act would cross-check and reissue 250 million DLs

< agencies (such as the MBA) developing and adopting rules and

standards for notaries

performance of their duties which run up against

notary law and sometimes contradict notary law

< immigrants bring a misunderstanding of the notary

role in the U.S. States

address notario publico and unauthorized practice of law issues by requiring notaries to post warnings (I am not an attorney |)

< states addressing land fraud by requiring copies of photo ID and fingerprinting on land title records

Electronic notarization did not exist.

< UETA, E-SIGN required states to remove the requirement for paper transactions in state notary laws just to let notaries do electronic transactions

< different opinions on the notary's responsibility for the security of the document once it leaves the notary's office / computer

The Hague Conference on Legalisation revised apostilles and, now, e-apostilles are on the agenda.

As a result of rapid change, nearly all states have revised or amended their notary laws multiple times in the last five to ten years.

. The result is that current state law is a patchwork, in an area where uniformity among states is critical.

29 states now permit individuals in neighboring states to hold notary commissions, meaning the notaries have two (or more) different sets of notary laws to understand and obey.

State laws vary widely in their instruction to notaries regarding issues such as:

< judging willingness and competency to sign

< the notary's ability to read and write English

< communicating with individuals who are non-native speakers of English

< avoiding the unauthorized practice of law

< use of stamps or seals and/or notarial journals

< education, testing, background checks, removal of notary from office

State officials reject documents when they don't know that the state where the documents originated has changed its notary law. (PA: eliminated embossing seal; documents going out of PA were rejected for improper notarization. z)

Recorders of deeds say that the most often encountered problem is that the acknowledgment on the document is wrong / incomplete, despite the Uniform Acknowledgment Act telling notaries how to do an acknowledgment.