

MEMORANDUM

TO: Members of the NCCUSL Study Group on Revision of the Law on Notarial Acts

cc: Observers

FROM: Patricia Fry

DATE: January 2, 2007

SUBJECT: Potential Scope of uniform law on notarial acts

During the first meeting of the Study Group, on December 20, 2006, the members of the committee and advisers discussed the existing Uniform Law on Notarial Acts and noted its very limited scope. It was noted that only 11 states had adopted the 1982 act. The technological developments of the past 24 years, plus the emergence of national markets for such things as mortgage loans, have increased the need for uniformity of laws on the subject. Some of our observers noted that existing law governing notaries public and their responsibilities varies widely. As one observer stated, these laws range from one page of basics to many pages of detailed statutory provisions. Several noted that the states would like some guidance as they seek to cope with such subjects as electronic notarization. The Study Group agreed that members would review existing laws on notaries in their respective states in preparation for their next meeting.

This memorandum is intended to outline the subjects discussed for possible inclusion in a uniform law on notarial acts. These include, but are not limited to, the following:

- Eligibility to serve as a notary public/qualifications
- Procedures for applying to become a notary public
- Training and education for notaries public
- Appointment of notaries public
- Term of office
- Bonding requirements
- Duties and responsibilities of notaries public
- Electronic notarization
- Authorized acts of notaries public
- Standard of care by notary
- Identification
- Fees and charges
- When notarization is required
- Certification by notaries
- Seals/stamps and how evidenced
- Journals/record-keeping – who must maintain, format

Effect of out-of-state, federal or foreign notarizations
Liability of notary/immunities of notaries
Illegal practice of law