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**VETO MESSAGE:**

No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

RH/CL

§§2, 6, 7, 9,  
14-29,  
34, 35, 38  
C.52:7-10.1 to  
52:7-10.23  
§37  
Repealer  
§39  
Note

P.L. 2021, CHAPTER 179, *approved July 22, 2021*  
Assembly, No. 4250 (*Third Reprint*)

1 AN ACT concerning notaries, <sup>2</sup>and<sup>2</sup> amending <sup>1</sup>**[and]** ,<sup>1</sup>  
2 supplementing <sup>2</sup>, and repealing<sup>2</sup> various parts of the statutory  
3 law.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. Section 1 of P.L.1979, c.460 (C.52:7-10) is amended to read  
9 as follows:

10 1. Short title.

11 This act shall be known and may be cited as the **["Notaries**  
12 **Public Act of 1979."]** "New Jersey Law on Notarial Acts."  
13 (cf: P.L.1979, c.460, s.1)  
14

15 2. (New section) Definitions.

16 As used in P.L. , c. (C. ) (pending before the Legislature  
17 as this bill):

18 a. "Acknowledgment" means a declaration by an individual  
19 before a notarial officer that the individual has signed a record for  
20 the purpose stated in the record and, if the record is signed in a  
21 representative capacity, that the individual signed the record with  
22 proper authority and signed it as the act of the individual or entity  
23 identified in the record.

24 b. "Electronic" means relating to technology having electrical,  
25 digital, magnetic, wireless, optical, electromagnetic, or similar  
26 capabilities.

27 c. "Electronic signature" means an electronic symbol, sound,  
28 or process attached to, or logically associated with, a record and  
29 executed or adopted by an individual with the intent to sign the  
30 record.

31 d. "In a representative capacity" means acting as:

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AJU committee amendments adopted July 20, 2020.

<sup>2</sup>Senate SJU committee amendments adopted December 14, 2020.

<sup>3</sup>Senate SBA committee amendments adopted June 17, 2021.

- 1 (1) An authorized officer, agent, partner, trustee, or other  
2 representative for a person other than an individual;
- 3 (2) A public officer, personal representative, guardian, or other  
4 representative, in the capacity stated in a record;
- 5 (3) An agent or attorney-in-fact for a principal; or
- 6 (4) An authorized representative of another in any other  
7 capacity.
- 8 e. <sup>3</sup>“Non-attorney applicant” means an applicant for an initial or  
9 renewal commission as a notary public who is not also a licensed  
10 attorney-at-law in this State.
- 11 f. <sup>3</sup> “Notarial act” means an act, whether performed with respect  
12 to a tangible or electronic record, that a notarial officer may  
13 perform under the laws of New Jersey. The term includes:
- 14 (1) taking an acknowledgment,  
15 (2) administering an oath or affirmation,  
16 (3) taking a verification on oath or affirmation,  
17 (4) witnessing or attesting a signature,  
18 (5) certifying or attesting a copy or deposition, and  
19 (6) noting a protest of a negotiable instrument.
- 20 <sup>3</sup>[f.] g. <sup>3</sup> “Notarial officer” means a notary public or other  
21 individual authorized by law to perform a notarial act.
- 22 <sup>3</sup>[g.] h. <sup>3</sup> “Notary public” means an individual commissioned  
23 by the State Treasurer to perform a notarial act.
- 24 <sup>3</sup>[h.] i. <sup>3</sup> “Official stamp” means a physical image affixed to or  
25 embossed on a tangible record or an electronic image attached to, or  
26 logically associated with, an electronic record.
- 27 <sup>3</sup>[i.] j. <sup>3</sup> “Person” has the meaning ascribed to it in R.S.1:1-2.
- 28 <sup>3</sup>[j.] k. <sup>3</sup> “Record” means information that is inscribed on a  
29 tangible medium or that is stored in an electronic or other medium  
30 and is retrievable in perceivable form.
- 31 <sup>3</sup>[k.] l. <sup>3</sup> “Sign” means, with present intent to authenticate or  
32 adopt a record:
- 33 (1) To execute or adopt a tangible symbol; or  
34 (2) To attach to or logically associate with the record an  
35 electronic symbol, sound, or process.
- 36 <sup>3</sup>[l.] m. <sup>3</sup> “Signature” means a tangible symbol or an electronic  
37 signature that evidences the signing of a record.
- 38 <sup>3</sup>[m.] n. <sup>3</sup> “Stamping device” means:
- 39 (1) A physical device capable of affixing to or embossing on a  
40 tangible record an official stamp; or  
41 (2) An electronic device or process capable of attaching to or  
42 logically associating with an electronic record an official stamp.
- 43 <sup>3</sup>[n.] o. <sup>3</sup> “State” means the State of New Jersey; “other state”  
44 or “another state” means any state, the District of Columbia, the  
45 Commonwealth of Puerto Rico, the United States Virgin Islands,  
46 and any other insular possession or territory of the United States  
47 other than the State of New Jersey.

1       <sup>3</sup>[o.] p.<sup>3</sup> “Verification on oath or affirmation” means a  
2 declaration, made by an individual on oath or affirmation before a  
3 notarial officer, that a statement in a record is true.

4  
5       3. Section 2 of P.L.1979, c.460 (C.52:7-11) is amended to read  
6 as follows:

7       2. Commission; Term; Application; Renewal.

8       a. The State Treasurer ~~shall appoint~~ may commission so  
9 many notaries public as the State Treasurer ~~shall deem~~ deems  
10 necessary to commission ~~[, who]~~. Notaries public shall hold their  
11 respective offices for ~~the~~ a term of five years ~~[, but may be~~  
12 removed from office at the pleasure of the State Treasurer~~]~~.

13       b. ~~【A person desiring to be appointed and commissioned】~~ An  
14 applicant for commission as a notary public shall make application  
15 to the State Treasurer on a form prescribed by the State Treasurer  
16 ~~【and endorsed by a member of the Legislature】~~ and endorsed by a  
17 member of the Legislature<sup>1</sup>. Renewals ~~【thereof】~~ shall be made in  
18 the same manner as the original application. All applications shall  
19 be submitted electronically.<sup>1</sup>

20       The application form shall provide a notice to the applicant that a  
21 notary public who is not licensed as an attorney-at-law shall not use  
22 or advertise the title of lawyer or attorney-at-law, or equivalent  
23 terms, in ~~the English language or~~ any ~~other~~ language, which  
24 mean or imply that the notary public is licensed as an attorney-at-  
25 law in the State of New Jersey or in any other jurisdiction of the  
26 United States. The application form shall also state that a notary  
27 public who advertises ~~his~~ the notary public’s services in ~~the~~  
28 English language or any ~~other~~ language is required to provide  
29 with such advertisement a notice in the language of the  
30 advertisement which contains the following statement or translation  
31 of the following statement if the advertisement is not in English: "I  
32 am not an attorney licensed to practice law and may not give legal  
33 advice about immigration or any other legal matter or accept fees  
34 for legal advice."

35       c. The ~~fee to be collected by the~~ State Treasurer shall collect  
36 a nonrefundable fee ~~for that appointment or renewal shall be~~  
37 ~~\$25.00~~ of <sup>1</sup>~~【\$25】~~ <sup>3</sup>~~【\$50】~~ \$25<sup>3</sup> for each commission or renewal.  
38 In collecting the fee, the State Treasurer shall accept the use of a  
39 credit card, debit card, or electronic funds transfer.

40 (cf: P.L.2014, c.48, s.3)

41  
42       4. Section 3 of P.L.1979, c.460 (C.52:7-12) is amended to read  
43 as follows:

44       <sup>1</sup>3.<sup>1</sup> Qualifications.

45       ~~【No】~~ a. A person ~~shall be appointed~~ commissioned as a  
46 notary public in this State shall:

1       (1) be at the time of appointment at least [unless he is] 18 years  
2 of age [or older] <sup>1</sup>[and a citizen of the United States]<sup>1</sup>;

3       (2) be at the time of appointment a legal resident of this State or  
4 have a place of employment or practice in this State; and

5       (3) not be disqualified to receive a commission under section  
6 <sup>1</sup>[<sup>9</sup>] <sup>3</sup>[<sup>7</sup>] <sup>9</sup> of P.L. , c. (C. ) (pending before the  
7 Legislature as this bill).

8       b. <sup>3</sup>[An] A non-attorney<sup>3</sup> applicant for an initial <sup>3</sup>[<sup>1</sup>or  
9 renewed<sup>1</sup>]<sup>3</sup> commission as a notary public shall <sup>1</sup>[provide  
10 satisfactory proof that the applicant has:

11       (1) completed a six-hour course of study approved by the State  
12 Treasurer pursuant to subsection a. of section 6 of P.L. ,  
13 c. (C. ) (pending before the Legislature as this bill); and

14       (2) passed an examination prescribed by the State Treasurer  
15 pursuant to section 7 of P.L. , c. (C. ) (pending before the  
16 Legislature as this bill).

17       c. A commissioned notary public applying to renew a  
18 commission who has satisfactorily completed the six-hour course of  
19 study required pursuant to subsection b. of section 6 of P.L. ,  
20 c. (C. ) (pending before the Legislature as this bill) at least  
21 one time, or who was commissioned for the first time before the  
22 effective date of P.L. , c. (C. ) shall complete the three-  
23 hour continuing education course as set forth in subsection b. of  
24 section 6 of P.L. , c. (C. ) (pending before the Legislature  
25 as this bill) and provide satisfactory proof of such completion]  
26 <sup>3</sup>[comply with all educational requirements that the Treasurer sets  
27 forth in the New Jersey Notary Public Manual. The Treasurer shall  
28 provide the necessary process for documenting compliance with  
29 educational requirements through the online application required by  
30 subsection b. of section 2 of P.L.1979, c.460 (C.52:7-11)<sup>1</sup>] provide  
31 satisfactory proof that the applicant has:

32       (1) completed a course of study approved by the State Treasurer  
33 pursuant to subsection b. of section 6 of P.L. , c. (C. )  
34 (pending before the Legislature as this bill); and

35       (2) passed an examination prescribed by the State Treasurer  
36 pursuant to section 7 of P.L. , c. (C. ) (pending before the  
37 Legislature as this bill).

38       d. A non-attorney commissioned notary public applying to  
39 renew a commission who has satisfactorily completed a course of  
40 study required pursuant to subsection b. of section 6 of P.L. , c.  
41 (C. ) (pending before the Legislature as this bill) at least one  
42 time, or who was commissioned for the first time before the  
43 effective date of P.L. , c. (C. ) shall complete a continuing  
44 education course as set forth in subsection c. of section 6 of  
45 P.L. , c. (C. ) (pending before the Legislature as this bill)  
46 and provide satisfactory proof of such completion<sup>3</sup>.

47 (cf: P.L.1979, c.460, s.3)

1 5. Section 4 of P.L.1979, c.460 (C.52:7-13) is amended to read  
2 as follows:

3 4. Commission of Nonresidents; Additional Requirements.

4 a. No person shall be denied **【appointment】** a commission as a  
5 notary public on account of residence outside **【of】** this State,  
6 provided such person **【resides in a State adjoining this State and】**  
7 maintains, or is regularly employed in, an office in this State <sup>1</sup>or is  
8 an employee of a business with its domicile or primary place of  
9 business in this State and performs his employment duties remotely  
10 from a home office or a co-working space <sup>2</sup>**【located in a state**  
11 **adjoining this State<sup>1</sup>】<sup>2</sup>.**

12 b. **【Before】** In addition to the requirements of section 3 of  
13 P.L.1979, c.460 (C.52:7-12), any **【such】** nonresident shall **【be**  
14 **appointed and commissioned as a notary public, he shall】** file with  
15 the State Treasurer **【an affidavit】** at the time of application a  
16 certificate setting forth **【his】** the residence and the address of the  
17 applicant, and the **【address of his】** office or place of employment  
18 of the applicant in this State.

19 c. **【Any】** Once commissioned, any such nonresident notary  
20 public shall file with the State Treasurer a certificate showing any  
21 change of residence or change of **【his】** the office or place of  
22 employment **【address】** of the notary public in this State.

23 (cf: P.L.2014, c.48, s.4)

24

25 <sup>1</sup>**【6. (New section) Course of Study; Continuing Education.**

26 a. An applicant for an initial commission as a notary public  
27 pursuant to section 2 of P.L.1979, c.460 (C.52:7-11) shall complete  
28 a six-hour course of study prescribed and approved by the State  
29 Treasurer. The course of study shall be completed within the six-  
30 month period immediately preceding the application.

31 b. An applicant for renewal of a commission pursuant to  
32 section 2 of P.L.1979, c.460 (C.52:7-11) who has previously  
33 completed the six-hour course of study required pursuant to  
34 subsection a. of this section at least one time, or who was  
35 commissioned for the first time before the effective date of P.L. ,

36 c. (C. ) (pending before the Legislature as this bill) shall  
37 complete a three-hour continuing education course prescribed and  
38 approved by the State Treasurer. The continuing education course  
39 shall be completed within the six-month period immediately  
40 preceding the application.

41 c. The State Treasurer shall prescribe an application form and  
42 certificate of approval for any notary public course of study and any  
43 notary public continuing education course proposed by a provider.  
44 The State Treasurer may also provide a notary public course of  
45 study and continuing education course.

1 d. The State Treasurer shall compile a list of all persons  
2 offering an approved course of study and continuing education  
3 course pursuant to this section and shall provide the list on the  
4 website of the State Treasurer.

5 e. The six-hour course of study shall cover the statutes,  
6 regulations, procedures, and ethics for notaries public as described  
7 in the manual issued by the State Treasurer, and shall include the  
8 duties and responsibilities of a notary public. The course of study  
9 shall be provided by classroom instruction.

10 f. The three-hour continuing education course shall cover  
11 topics which ensure maintenance and enhancement of skill,  
12 knowledge, and competency necessary to perform notarial acts. The  
13 continuing education course may be provided by either online or  
14 classroom instruction. <sup>1</sup>

15  
16 <sup>1</sup>7. (New section) Examination.

17 a. The State Treasurer shall prescribe and administer an  
18 examination to determine the fitness of an applicant to exercise the  
19 functions of a notary public as provided in section 2 of P.L.1979,  
20 c.460 (C.52:7-11). The examination shall:

21 (1) be based on the statutes, rules, regulations, procedures, and  
22 ethical requirements for notaries public as described in the manual  
23 issued by the State Treasurer; and

24 (2) include the requirements, functions, duties, and  
25 responsibilities of a notary public.

26 b. The State Treasurer shall charge a nonrefundable fee which  
27 shall be payable at the examination site. Such fee shall be  
28 established or changed by the State Treasurer to defray any proper  
29 expenses incurred by the Department of the Treasury in  
30 administering the examination. The fee shall not be fixed at a level  
31 that will raise amounts in excess of the amount estimated to be so  
32 required. <sup>1</sup>

33  
34 <sup>3</sup>6. (New section) Course of Study; Continuing Education.

35 a. The provisions of this section do not apply to notaries public  
36 who are also licensed attorneys-at-law in this State.

37 b. A non-attorney applicant for an initial commission as a  
38 notary public pursuant to section 2 of P.L.1979, c.460 (C.52:7-11)  
39 shall comply with all educational requirements that the State  
40 Treasurer shall set forth in rules adopted pursuant to the  
41 “Administrative Procedure Act,” P.L.1969, c.410 (C.52:14B-1 et  
42 seq.). The State Treasurer shall prescribe and approve a course of  
43 study to foster and confirm applicants’ understanding of the  
44 principles and standards that govern notarial practices. Applicants  
45 shall be required to acknowledge that they have read and  
46 understood the Notary Public Manual and complete any other  
47 educational programs that the Treasurer may require.

1     c. A non-attorney applicant for renewal of a commission  
2 pursuant to section 2 of P.L.1979, c.460 (C.52:7-11) who has  
3 previously completed the educational requirements required  
4 pursuant to subsection b. of this section at least one time, or who  
5 was commissioned for the first time before the effective date of  
6 P.L. , c. (C. ) (pending before the Legislature as this bill)  
7 shall comply with any additional educational requirements that the  
8 State Treasurer sets forth in rules adopted pursuant to the  
9 “Administrative Procedure Act,” P.L.1969, c.410 (C.52:14B-1 et  
10 seq.). The State Treasurer shall prescribe and approve a continuing  
11 education course for non-attorney applicants seeking a renewal of a  
12 commission pursuant to section 2 of P.L.1979, c.460 (C.52:7-11).

13     d. The State Treasurer shall prescribe an application form and  
14 certificate of approval for any notary public course of study and any  
15 notary public continuing education course proposed by a provider.  
16 The State Treasurer may also provide a notary public course of  
17 study and continuing education course.

18     e. Any course of study developed pursuant to subsections b.  
19 and c. of this section may be given by the State Treasurer or by  
20 independent vendors.

21     f. The State Treasurer shall compile a list of all independent  
22 vendors offering an approved course of study and continuing  
23 education course pursuant to this section and shall provide the list  
24 on the website of the State Treasurer.

25     g. Any course of study for a non-attorney applicant for an  
26 initial commission shall cover the statutes, regulations, procedures,  
27 and ethics for notaries public as described in the manual issued by  
28 the State Treasurer, and shall include the duties and responsibilities  
29 of a notary public. The course of study may be provided by  
30 classroom instruction, by online instruction, or by any other method  
31 approved by the State Treasurer.

32     h. Any continuing education course for a non-attorney  
33 applicant for renewal of a commission shall cover topics which  
34 ensure maintenance and enhancement of skill, knowledge, and  
35 competency necessary to perform notarial acts. The continuing  
36 education course may be provided by online instruction, classroom  
37 instruction, or by any other method approved by the State  
38 Treasurer.

39     i. The Treasurer shall regularly assess the efficacy of the State’s  
40 notarial education program. The Treasurer shall adjust the  
41 program’s content as notarial technologies and processes evolve,  
42 and publish on the Treasury website, on or before September 30  
43 each year, a report on the state of notary education in New Jersey.  
44 The report shall contain a summary of commissioning activity, an  
45 assessment regarding the need for new or changed educational  
46 content, and the estimated timelines for delivering the new or  
47 changed content. <sup>3</sup>

1 <sup>3</sup>7. (New section) Examination.

2 a. The provisions of this section do not apply to applicants who  
3 are licensed attorneys-at-law in this State.

4 b. The State Treasurer shall prescribe an examination to  
5 determine the fitness of a non-attorney applicant to exercise the  
6 functions of a notary public as provided in section 2 of P.L.1979,  
7 c.460 (C.52:7-11). The examination shall:

8 (1) be based on the statutes, rules, regulations, procedures, and  
9 ethical requirements for notaries public as described in the manual  
10 issued by the State Treasurer; and

11 (2) include the requirements, functions, duties, and  
12 responsibilities of a notary public.

13 c. The examination required by subsection b. may be given by  
14 the State Treasurer or by an independent vendor under contract to  
15 the State Treasurer. If a contract vendor is utilized, the contract  
16 vendor shall develop and administer the examination in accordance  
17 with specifications approved by the State Treasurer. The State  
18 Treasurer shall have the sole responsibility for establishing  
19 minimum qualifications and passing requirements of candidates  
20 taking the examination.

21 d. The State Treasurer shall establish a nonrefundable fee  
22 which shall be payable at the examination site. Such fee shall be  
23 established or changed by the State Treasurer taking into  
24 consideration the fee charged by any independent contract vendor to  
25 develop and administer the examination, and consideration of the  
26 need to defray any proper expenses incurred by the Department of  
27 the Treasury in its administration of any independent contract  
28 vendor administering the examination. The fee shall not be fixed at  
29 a level that will raise amounts in excess of the amount estimated to  
30 be so required.<sup>3</sup>

31  
32 <sup>1</sup>[8.] <sup>3</sup>[6.] <sup>1</sup> 8.<sup>3</sup> Section 5 of P.L.1979, c.460 (C.52:7-14) is  
33 amended to read as follows:

34 5. Oath; Filing; Certificate of Commission.

35 a. Within <sup>1</sup>[three months] <sup>2</sup>[45 days<sup>1</sup>] three months<sup>2</sup> of the  
36 receipt of a commission, each notary public shall take and subscribe  
37 an oath before [the clerk of the county in which he resides] <sup>1</sup>[any  
38 officer authorized to administer oaths pursuant to R.S.41:2-1] the  
39 clerk of the county in which <sup>2</sup>[he] the notary public<sup>2</sup> resides <sup>2</sup>[or a  
40 member of the Legislature<sup>1</sup>]<sup>2</sup>, to<sup>2</sup>[; (1)]<sup>2</sup> faithfully and honestly  
41 [to] discharge the duties of [his] the office[.]; and <sup>2</sup>[(2)]<sup>2</sup> [that  
42 he will] make and keep a true record of all such matters as are  
43 required by law, [which oath shall be filed with said clerk. The  
44 oath of office of a nonresident notary public shall be taken and  
45 subscribed before the clerk of the county in which he maintains his  
46 office or is employed in this State] <sup>2</sup>[including the requirement to  
47 maintain a journal of all notarial acts performed, as set forth in

1 section <sup>1</sup>[27] <sup>25</sup> of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the  
2 Legislature as this bill),] which oath shall be filed with <sup>3</sup>[said] the<sup>3</sup>  
3 clerk. The oath of office of a nonresident notary public shall be  
4 taken and subscribed before the clerk of the county in which the  
5 nonresident notary public maintains <sup>3</sup>[his] the notary public's<sup>3</sup>  
6 office or <sup>3</sup>[is employed] the county in which the nonresident  
7 notary public is an employee of a business with its domicile or  
8 primary place of business<sup>3</sup> in this State<sup>2</sup>.

9 b. Upon the administration of [said] the oath, the [said clerk]  
10 <sup>2</sup>[officer] <sup>3</sup>[said]<sup>3</sup> clerk<sup>2</sup> shall cause the notary public to [indorse  
11 a] endorse the certificate of commission and qualification and shall  
12 transmit [said] the certificate to the State Treasurer within 10 days  
13 of the administration of [said] the oath. [After the administration  
14 of the oath, the clerk shall provide a notice to the person that a  
15 notary public who is not licensed as an attorney-at-law shall not use  
16 or advertise the title of lawyer or attorney-at-law, or equivalent  
17 terms, in the English language or any other language, which mean  
18 or imply that the notary public is licensed as an attorney-at-law in  
19 the State of New Jersey or in any other jurisdiction of the United  
20 States. The notice shall also state that a notary public who  
21 advertises his services, in the English language or any other  
22 language, is required to provide with such advertisement a notice  
23 which contains the following statement: "I am not an attorney  
24 licensed to practice law and may not give legal advice about  
25 immigration or any other legal matter or accept fees for legal  
26 advice." ] <sup>2</sup>After the administration of the oath, the clerk shall  
27 provide a notice to the person that a notary public who is not  
28 licensed as an attorney-at-law shall not use or advertise the title of  
29 lawyer or attorney-at-law, or equivalent terms, in <sup>3</sup>[the English  
30 language or]<sup>3</sup> any <sup>3</sup>[other]<sup>3</sup> language, which mean or imply that  
31 the notary public is licensed as an attorney-at-law in the State of  
32 New Jersey or in any other jurisdiction of the United States. The  
33 notice shall also state that a notary public who advertises <sup>3</sup>[his] the  
34 notary public's<sup>3</sup> services, in <sup>3</sup>[the English language or]<sup>3</sup> any  
35 <sup>3</sup>[other]<sup>3</sup> language, is required to provide with such advertisement  
36 a notice <sup>3</sup>in the language of the advertisement<sup>3</sup> which contains the  
37 following statement <sup>3</sup>or translation of the following statement if the  
38 advertisement is not in English<sup>3</sup>: "I am not an attorney licensed to  
39 practice law and may not give legal advice about immigration or  
40 any other legal matter or accept fees for legal advice." <sup>2</sup>

41 c. [The State Treasurer shall cancel and revoke the  
42 appointment of any notary public who fails to take and subscribe  
43 said oath within three months of the receipt of his commission and  
44 any appointment so canceled and revoked shall be null, void and of  
45 no effect] <sup>2</sup>The State Treasurer shall cancel and revoke the  
46 appointment of any notary public who fails to take and subscribe

1 <sup>3</sup>[said] the<sup>3</sup> oath within three months of the receipt of <sup>3</sup>[his] the<sup>3</sup>  
 2 commission and any appointment so canceled and revoked shall be  
 3 null, void and of no effect<sup>2</sup>. A commission authorizes the notary  
 4 public to perform notarial acts. The commission does not provide  
 5 the notary public any immunity or benefit conferred by the law of  
 6 this State on public officials or employees<sup>1</sup>[.].<sup>1</sup>

7 (cf: P.L.2014, c.48, s.5)

8

9 <sup>1</sup>[9.] <sup>3</sup>[7.] <sup>1</sup>9.]<sup>3</sup> (New section) Grounds for State Treasurer to  
 10 Deny Application, Refuse to Renew Commission, or Revoke,  
 11 Suspend, or Limit Commission.

12 a. The State Treasurer may deny an application for commission  
 13 as <sup>1</sup>a<sup>1</sup> notary public; refuse to renew a commission of a notary  
 14 public; or suspend, revoke, or otherwise limit the commission of a  
 15 notary public for any act or omission that demonstrates the  
 16 individual lacks the honesty, integrity, competence, or reliability  
 17 necessary to act as a notary public, including:

18 (1) failure to comply with P.L.1979, c.460 (C.52:7-10 et seq.),  
 19 as amended and supplemented by P.L. , c. (C. ) (pending  
 20 before the Legislature as this bill);

21 (2) a fraudulent, dishonest, or deceitful misstatement or  
 22 omission in the application for commission as a notary public  
 23 submitted to the State Treasurer;

24 (3) a finding against, or admission of liability by, the applicant  
 25 or notary public in any legal proceeding or disciplinary action based  
 26 on fraud, dishonesty, or deceit, including but not limited to a  
 27 violation of section 1 of P.L.1997, c.1 (C.2C:21-31) or section 1 of  
 28 P.L.1994, c.47 (C.2C:21-22), but nothing in this paragraph shall be  
 29 deemed to supersede P.L.1968, c.282 (C.2A:168A-1 et seq.);

30 (4) a conviction of a crime of the second degree or above, but  
 31 nothing in this paragraph shall be deemed to supersede P.L.1968,  
 32 c.282 (C.2A:168A-1 et seq.);

33 (5) failure by the notary public to discharge any duty required  
 34 by any law, including P.L.1979, c.460 (C.52:7-10 et seq.), any rules  
 35 or regulations promulgated thereunder by the State Treasurer, and  
 36 any other State or federal law;

37 (6) use of false or misleading advertising or representation by  
 38 the notary public representing that the notary is commissioned,  
 39 licensed, or authorized to practice or engage in work that the notary  
 40 is not commissioned, licensed, or authorized to engage in;

41 (7) in the case of a notary public who is not an attorney licensed  
 42 to practice law, any of the following:

43 (a) giving legal advice;

44 (b) acting as an immigration consultant or an expert on  
 45 immigration matters;

46 (c) otherwise performing the duties of an attorney licensed to  
 47 practice law in New Jersey;

1 (d) a disciplinary or other administrative action resulting in a  
2 finding of culpability if the applicant holds any professional license  
3 regulated by the State; or

4 (e) creating or reinforcing, by any means, a false impression that  
5 the person is licensed to engage in the practice of law in this State  
6 or any other <sup>1</sup>**【State】 state<sup>1</sup>**, including, but not limited to,  
7 committing a violation of P.L.1994, c.47 (C.2C:21-22) or P.L.1997,  
8 c.1 (C.2C:21-31);

9 (8) failure to take and subscribe to the oath pursuant to section 5  
10 of P.L.1979, c.460 (C.52:7-14) within <sup>3</sup>**【45 days】** three months<sup>3</sup> of  
11 the receipt of a notary public commission;

12 (9) withholding access to or possession of an original record or  
13 photocopy provided by a person who seeks performance of a  
14 notarial act by the notary public, except where allowed by law; or

15 (10) the denial of an application for notary public in another  
16 state; the refusal to renew in another state; or the suspension,  
17 revocation, or other limitation of the commission of the notary  
18 public in another state.

19 b. If the State Treasurer denies an application for notary public;  
20 refuses to renew a commission of a notary public; or suspends,  
21 revokes, or otherwise limits the commission of a notary public, the  
22 applicant or the notary public is entitled to timely notice and  
23 hearing in accordance with the “Administrative Procedure Act,”  
24 P.L.1968, c.410 (C.52:14B-1 et seq.).

25 c. The authority of the State Treasurer to deny an application  
26 for notary public; refuse to renew a commission of a notary public;  
27 or suspend, revoke, or otherwise limit the commission of a notary  
28 public shall not prevent a person aggrieved by the actions of a  
29 notary public from seeking other criminal or civil remedies  
30 provided by law.

31  
32 <sup>1</sup>**【10.】** <sup>3</sup>**【8.1】** 10.<sup>3</sup> Section 6 of P.L.1979, c.460 (C.52:7-15) is  
33 amended to read as follows:

34 6. Statewide authority.

35 **【a.】** <sup>3</sup>**【1.a.1】**<sup>3</sup> A notary public who has been duly commissioned  
36 and qualified is authorized to perform **【his】** the duties of a notary  
37 public throughout the State.

38 **【b.】** Any notary public, after having been duly commissioned and  
39 qualified, shall, upon request, receive from the clerk of the county  
40 where he has qualified, as many certificates of his commission and  
41 qualification as he shall require for filing with other county clerks  
42 of this State, and upon receipt of such certificates the notary public  
43 may present the same, together with his autograph signature, to  
44 such county clerks as he may desire, for filing. **】**

45 <sup>3</sup>**【2b.】** Any notary public, after having been duly commissioned  
46 and qualified, shall, upon request, receive from the clerk of the  
47 county where the notary public has qualified, as many certificates

1 of commission and qualification as the notary public shall require  
2 for filing with other county clerks of this State, and upon receipt of  
3 such certificates the notary public may present the same, together  
4 with the notary public's autograph signature, to such county clerks  
5 as the notary public may desire, for filing.<sup>2</sup> **3**

6 (cf: P.L.1979, c.460, s.6)

7  
8 <sup>1</sup>**[11.]** <sup>3</sup>**[9.1]** <sup>11.</sup>**3** Section 8 of P.L.1979, c.460 (C.52:7-17) is  
9 amended to read as follows:

10 8. Manual.

11 **【The State Treasurer shall, by regulation, fix a fee to be charged**  
12 **to each notary for the costs of printing and distribution to each**  
13 **applicant of a manual prescribing the powers, duties and**  
14 **responsibilities of a notary.】**

15 a. The State Treasurer shall maintain a manual on the  
16 Department of the Treasury's website that sets forth the  
17 requirements, functions, duties, and responsibilities of a notary  
18 public. The manual shall include, but not be limited to, the statutes,  
19 rules, regulations, procedures, and ethical requirements governing a  
20 notary public.

21 b. The manual shall specify that a notary public who is not  
22 licensed as an attorney-at-law shall not use or advertise the title of  
23 lawyer or attorney-at-law, or equivalent terms, in **【the English**  
24 language or**】** any **【other】** language, which mean or imply that the  
25 notary public is licensed as an <sup>3</sup>**【attorney】** attorney-at-law<sup>3</sup> **【or**  
26 counselor at law**】** in the State of New Jersey or in any other  
27 jurisdiction of the United States. The manual shall also state that a  
28 notary public who advertises **【his】** the <sup>3</sup>**【notary's】** notary public's<sup>3</sup>  
29 services in **【the English language or】** any **【other】** language is  
30 required to provide with such advertisement a notice which contains  
31 the following statement or translation of the following statement if  
32 the advertisement is not in English: "I am not an attorney licensed  
33 to practice law and may not give legal advice about immigration or  
34 any other legal matter or accept fees for legal advice." The manual  
35 shall also state that no person shall be **【appointed or reappointed】**  
36 commissioned a notary public or receive a renewal of a notary  
37 public commission if <sup>1</sup>**【he】** that person<sup>1</sup> has been convicted under  
38 the laws of this State of an offense involving dishonesty, including  
39 but not limited to a violation of section 1 of P.L.1997, c.1 (C.2C:21-  
40 31) or section 1 of P.L.1994, c.47 (C.2C:21-22), or a substantially  
41 similar crime under the laws of another state or the United States or  
42 of a crime of the second degree or above, but nothing in this  
43 paragraph shall be deemed to supersede P.L.1968, c.282  
44 (C.2A:168A-1 et seq.).

45 c. The State Treasurer shall update the information contained  
46 in the manual and the Department of the Treasury's Internet website

1 **【as appropriate】** <sup>1</sup>**【at least quarterly】** periodically<sup>1</sup>.  
2 (cf: P.L.2014, c.48, s.6)

3  
4 <sup>1</sup>**【12.】** <sup>3</sup>**【10.1】** 12.<sup>3</sup> Section 9 of P.L.1979, c.460 (C.52:7-18) is  
5 amended to read as follows:

6 9. Statement by Notary Public after Change in Name; Filing;  
7 Evidence of Continuance of Powers and Privileges.

8 **【After】** a. If a notary public adopts a name different from that  
9 which **【he】** the notary public used at the time<sup>1</sup>**【he】** the notary

10 public<sup>1</sup> was commissioned, **【and】** before **【he signs his name】** the  
11 notary public provides a signature to any **【document】** record which  
12 **【he】** the notary public is authorized or required to sign as notary  
13 public, <sup>1</sup>**【he】** the notary public<sup>1</sup> shall make and sign a statement in  
14 writing and under oath, on a form prescribed and furnished by the  
15 State Treasurer, setting out the circumstances under which **【he】** the  
16 notary public has adopted the new name. <sup>1</sup>The statement shall state  
17 whether the new name has been adopted through marriage or civil  
18 union or by a change of name proceeding or otherwise, and such  
19 other information as the State Treasurer shall require.<sup>1</sup>

20 b. <sup>1</sup>**【The statement shall **【set forth】** state whether the new  
21 name has been adopted through marriage or civil union or by a  
22 change of name proceeding or otherwise, and such other  
23 information as the State Treasurer shall require.**

24 c.<sup>1</sup> The statement shall be filed in the office of the State  
25 Treasurer **【and in the office of the clerk of the county where he**  
26 qualified as a notary public and in the office of the clerk of any  
27 county in which he may have filed a certificate of his commission  
28 and qualification】. Such statement, or a certified copy **【thereof】**,  
29 shall be evidence of the right of **【said】** the notary public to continue  
30 to exercise the powers and privileges and perform the duties of a  
31 notary public in **【his】** the changed **【and】** or new name.

32 (cf: P.L.2014, c.48, s.7)

33  
34 <sup>1</sup>**【13.】** <sup>3</sup>**【11.1】** 13.<sup>3</sup> Section 10 of P.L.1979, c.460 (C.52:7-19)  
35 is amended to read as follows:

36 10. Certificate of Notarial Act.

37 **【Each notary public, in addition to subscribing his autograph**  
38 signature to any jurat upon the administration of any oath or the  
39 taking of any acknowledgement or proof, shall affix thereto his  
40 name in such a manner and by such means, including, but not  
41 limited to, printing, typing, or impressing by seal or mechanical  
42 stamp, as will enable the State Treasurer easily to read said name.】

43 a. A notarial act shall be evidenced by a certificate. The  
44 certificate shall:

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

- 1       (2) be signed and dated by the notarial officer;  
 2       (3) identify the jurisdiction in which the notarial act is  
 3 performed;  
 4       (4) contain the title of office of the notarial officer; and  
 5       (5) if the notarial officer is a notary public, indicate the date of  
 6 expiration of the officer's commission.  
 7       b. A certificate of a notarial act is sufficient if it meets the  
 8 requirements of subsection a. of this section and:  
 9       (1) is in a short form set forth in section <sup>2</sup>[21] <sup>3</sup>[19<sup>1</sup>] 21<sup>3</sup> of  
 10 P.L. , c. (C. ) (pending before the Legislature as this bill);  
 11       (2) is in a form otherwise permitted by the law of this State;  
 12       (3) is in a form permitted by the law applicable in the  
 13 jurisdiction in which the notarial act was performed; or  
 14       (4) sets forth the actions of the notarial officer which shall meet  
 15 the requirements provided in P.L.1979, c.460 (C.52:7-10 et seq.), as  
 16 amended and supplemented by P.L. , c. (C. ) (pending  
 17 before the Legislature as this bill) and any other applicable laws of  
 18 this State.  
 19       c. By executing a certificate of a notarial act, a notarial officer  
 20 certifies that the officer has made the determinations specified by  
 21 P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented  
 22 by P.L. , c. (C. ) (pending before the Legislature as this  
 23 bill).  
 24       d. A notarial officer may not affix the officer's signature to, or  
 25 logically associate it with, a certificate until the notarial act has  
 26 been performed.  
 27       e. If a notarial act is performed regarding a tangible record, a  
 28 certificate shall be part of, or attached to, the record.  
 29       f. If a notarial act is performed regarding an electronic record,  
 30 the certificate shall be affixed to, or logically associated with, the  
 31 electronic record.  
 32       g. If the State Treasurer has established standards pursuant to  
 33 P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented  
 34 by P.L. , c. (C. ) (pending before the Legislature as this  
 35 bill) for attaching, affixing, or logically associating the certificate,  
 36 the process shall conform to the standards.  
 37 (cf: P.L.2014, c.48, s.8)

38  
 39       <sup>1</sup>[14.] <sup>3</sup>[12.<sup>1</sup>] 14.<sup>3</sup>(New section) Official Stamp.

- 40       a. The official stamp of a notary public shall:  
 41       (1) include the name of the notary public, the title "Notary  
 42 Public, State of New Jersey," and the notary public's commission  
 43 expiration date; and  
 44       (2) be capable of being copied together with the record to which  
 45 it is affixed or attached or with which it is logically associated.  
 46       b. If a notarial act regarding a tangible record is performed by a  
 47 notary public, an official stamp shall be affixed to or embossed on  
 48 the certificate near the signature of the notary public so as to be

1 clear and readable. If a notarial act regarding an electronic record is  
2 performed by a notary public and the certificate contains the  
3 information specified in subsection a. of this section, an official  
4 stamp <sup>1</sup>~~may~~ must<sup>1</sup> be attached to or logically associated with the  
5 certificate.

6  
7 <sup>1</sup>~~[15.]~~ <sup>3</sup>~~[13.]~~ 15.<sup>3</sup> (New section) Stamping Device.

8 a. A notary public is responsible for the security of the  
9 stamping device used by the notary public and may not allow  
10 another individual to use the device to perform a notarial act, except  
11 at the specific instruction of a notary public who cannot physically  
12 use the stamping device.

13 b. The stamping device is the property of the notary public and  
14 not of the notary public's employer, even if the employer paid for  
15 the stamping device.

16 c. If the stamping device used by the notary public is lost or  
17 stolen, the notary public or <sup>1</sup>~~his~~ the notary public's<sup>1</sup> personal  
18 representative shall notify the State Treasurer of the loss or theft  
19 within 10 days.

20  
21 <sup>1</sup>~~[16.]~~ <sup>3</sup>~~[14.]~~ 16.<sup>3</sup> (New section) Authority to Perform  
22 Notarial Act.

23 a. A notarial officer may perform a notarial act authorized by  
24 P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented  
25 by P.L. , c. (C. ) (pending before the Legislature as this  
26 bill), and any other applicable law.

27 b. A notarial officer may not perform a notarial act with respect  
28 to a record to which the officer or the officer's spouse or civil union  
29 partner is a party, or in which either of them has a direct beneficial  
30 interest. A notarial act performed in violation of this subsection is  
31 voidable.

32 c. A notarial officer may certify that a tangible copy of an  
33 electronic record is an accurate copy of the electronic record.

34  
35 <sup>1</sup>~~[17.]~~ <sup>3</sup>~~[15.]~~ 17.<sup>3</sup> (New section) Requirements for Certain  
36 Notarial Acts.

37 a. A notarial officer who takes an acknowledgment of a record  
38 shall determine, from personal knowledge or satisfactory evidence  
39 of the identity of the individual, that the individual appearing before  
40 the officer and making the acknowledgment has the identity  
41 claimed and that the signature on the record is the signature of the  
42 individual.

43 b. A notarial officer who takes a verification of a statement on  
44 oath or affirmation shall determine, from personal knowledge or  
45 satisfactory evidence of the identity of the individual, that the  
46 individual appearing before the officer and making the verification

1 has the identity claimed and that the signature on the statement  
2 verified is the signature of the individual.

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

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

11 e. A notarial officer who makes or notes a protest of a  
12 negotiable instrument shall determine the matters set forth in  
13 subsection b. of N.J.S.12A:3-505.

14 f. For the purposes of this section:

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

20 (2) A notarial officer has satisfactory evidence of the identity of  
21 an individual appearing before the notarial officer if the notarial  
22 officer can identify the individual by means of:

23 (a) A passport, driver's license, or government-issued, non-  
24 driver identification card, which is current or expired not more than  
25 three years before the performance of the notarial act; or

26 (b) Another form of government-issued identification, which is  
27 current or expired not more than three years before the performance  
28 of the notarial act, and which:

29 (i) contains the individual's signature or a photograph of the  
30 individual's face; and

31 (ii) is satisfactory to the notarial officer; or

32 (c) A verification of oath or affirmation of a credible witness  
33 personally appearing before the notarial officer <sup>1</sup>or using  
34 communication technology to appear before the notarial officer  
35 pursuant to section <sup>3</sup>[17] 19<sup>3</sup> of P.L. , c. (C. ) (pending  
36 before the Legislature as this bill)<sup>1</sup> and personally known to the  
37 notarial officer or whom the notarial officer can identify on the  
38 basis of a passport, driver's license, or government-issued, non-  
39 driver identification card, which is current or expired not more than  
40 three years before the performance of the notarial act.

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

44

45 <sup>1</sup>[18.] <sup>3</sup>[16.<sup>1</sup>] 18.<sup>3</sup> (New section) Personal  
46 Appearance<sup>1</sup>[Required]; Use of Communication Technology<sup>1</sup>.

1 If a notarial act relates to a statement made in, or a signature  
 2 executed on, a record, the individual making the statement or  
 3 executing the signature shall appear personally before the notarial  
 4 officer or shall use communication technology to appear before the  
 5 notarial officer pursuant to section <sup>3</sup>[17] <sup>19</sup><sup>3</sup> of  
 6 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>1</sup>.  
 7

8 <sup>1</sup>[19.] <sup>3</sup>[17. <sup>1</sup>] <sup>19</sup>.<sup>3</sup> (New section) Notarial Act Performed by  
 9 Remotely Located Individual.

10 a. As used in this section:

11 (1) “Communication technology” means an electronic device or  
 12 process that:

13 (a) allows a notarial officer and a remotely located individual to  
 14 communicate with each other simultaneously by sight and sound;  
 15 and

16 (b) when necessary and consistent with other applicable law,  
 17 facilitates communication with a remotely located individual who  
 18 has a vision, hearing, or speech impairment.

19 (2) “Foreign state” means a jurisdiction other than the United  
 20 States, a state, or a federally recognized Indian tribe.

21 (3) “Identity proofing” means a process or service by which a  
 22 third person provides a notarial officer with a means to verify the  
 23 identity of a remotely located individual by a review of personal  
 24 information from public or private data sources.

25 (4) “Outside the United States” means a location outside the  
 26 geographic boundaries of the United States, Puerto Rico, the United  
 27 States Virgin Islands, and any territory, insular possession, or other  
 28 location subject to the jurisdiction of the United States.

29 (5) “Remotely located individual” means an individual who is  
 30 not in the physical presence of a notarial officer performing a  
 31 notarial act under subsection c.

32 b. This section does not apply to a record to the extent it is  
 33 governed by <sup>3</sup>[:

34 (1)]<sup>3</sup> <sup>1</sup>[a law governing the creation and execution of wills or  
 35 codicils;

36 (2)]<sup>1</sup> <sup>3</sup>[the “Uniform Commercial Code,” N.J.S.12A:1-101 et  
 37 seq., other than N.J.S.12A:1-107, N.J.S.12A:1-206, the provisions  
 38 of the “Uniform Commercial Code – Sales,” chapter 2 of Title 12A  
 39 of the New Jersey Statutes, and the provisions of the “Uniform  
 40 Commercial Code – Leases,” chapter 2A of Title 12A of the New  
 41 Jersey Statutes; or

42 <sup>1</sup>[(3)] (2)<sup>1</sup> a statute, regulation, or other rule of law governing  
 43 adoption, divorce, or other matters of family law] a law governing  
 44 the creation and execution of wills or codicils, except that  
 45 subsections e., f., g., and h. of this section shall apply to notarial  
 46 acts performed on a tangible record that is governed by a law  
 47 governing the creation or execution of wills and codicils<sup>3</sup>.

1 c. A remotely located individual may comply with section  
2 <sup>1</sup>~~18~~ <sup>3</sup>~~16~~ <sup>1</sup> 18<sup>3</sup> of P.L. , c. (C. ) (pending before the  
3 Legislature as this bill) and subsections a. and b. of R.S.46:14-2.1  
4 by using communication technology to appear before a notarial  
5 officer.

6 d. A notarial officer located in this State may perform a notarial  
7 act using communication technology for a remotely located  
8 individual if:

9 (1) the notarial officer:

10 (a) has personal knowledge <sup>3</sup>pursuant to paragraph (1) of  
11 subsection f. of section 17 of P.L. , c. (C. ) (pending before  
12 the Legislature as this bill)<sup>3</sup> of the identity of the individual;

13 (b) has satisfactory evidence of the identity of the remotely  
14 located individual by oath or affirmation from a credible witness  
15 appearing before the notarial officer <sup>3</sup>pursuant to paragraph (2) of  
16 subsection f. of section 17 of P.L. , c. (C. ) (pending before  
17 the Legislature as this bill)<sup>3</sup> <sup>1</sup>or using communication technology  
18 to appear before the notarial officer pursuant to this section<sup>1</sup>; or

19 (c) has obtained satisfactory evidence of the identity of the  
20 remotely located individual by using at least two different types of  
21 identity proofing;

22 (2) the notarial officer is able reasonably to confirm that a  
23 record before the notarial officer <sup>1</sup>~~is~~ <sup>1</sup>is<sup>1</sup> the same record in which  
24 the remotely located individual made a statement or on which the  
25 remotely located individual executed a signature;

26 (3) the notarial officer, or a person acting on behalf of the  
27 notarial officer, creates an audio-visual recording of the  
28 performance of the notarial act; and

29 (4) for a remotely located individual who is located outside the  
30 United States:

31 (a) the record:

32 (i) is to be filed with or relates to a matter before a public  
33 official or court, governmental entity, or other entity subject to the  
34 jurisdiction of the United States; or

35 (ii) involves property located in the territorial jurisdiction of the  
36 United States or involves a transaction substantially connected with  
37 the United States; and

38 (b) the act of making the statement or signing the record is not  
39 prohibited by the foreign state in which the remotely located  
40 individual is located.

41 e. <sup>3</sup>A notarial officer in this State may use communication  
42 technology under subsection d. of this section to take an  
43 acknowledgement of a signature on a tangible record that is in the  
44 possession of the notary public if the record is displayed to and  
45 identified by the remotely located individual during the audio-visual  
46 session required by paragraph (3) of subsection d. of this section.

1 f. A notarial officer's obligation under paragraph (2) of  
2 subsection d. of this section for the performance of a notarial act  
3 with respect to a tangible record not physically present before the  
4 notarial officer is satisfied if:

5 (1) the remotely located individual:

6 (a) during the audio-visual session required by paragraph (3) of  
7 subsection d. of this section, signs:

8 (i) the record; and

9 (ii) a declaration, substantially in the following form, which is  
10 part of or securely attached to the record:

11 "I declare under penalty of perjury that the record to which this  
12 declaration is attached is the same record on which [name of  
13 notarial officer] performed a notarial act and before whom I  
14 appeared by means of communication technology on [date].

15 \_\_\_\_\_ Printed name of remotely located  
16 individual

17 \_\_\_\_\_ Signature of remotely located  
18 individual"; and

19 (b) sends the record and declaration to the notarial officer not  
20 later than three days after the notarial act was performed; and

21 (2) the notarial officer:

22 (a) in the audio-visual recording required by paragraph (3) of  
23 subsection d. of this section, records the individual signing the  
24 record and declaration; and

25 (b) after receipt of the record and declaration from the  
26 individual, executes the certificate of notarial act required by  
27 section 13 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) pending before the  
28 Legislature as this bill), which must include the following statement  
29 or words of similar import:

30 "I [name of notarial officer] witnessed, by means of  
31 communication technology, [name of remotely located individual]  
32 sign the attached record and declaration on [date]".

33 g. A notarial act performed in compliance with subsection f. of  
34 this section complies with paragraph (1) of subsection a. of section  
35 13 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) pending before the Legislature as this  
36 bill) and is effective as of the date on which the declaration was  
37 signed by the remotely located individual.

38 h. Subsections f. and g. of this section are not intended to  
39 exclude other procedures to satisfy the requirements of this section  
40 for a notarial act performed with respect to a tangible record.

41 i. A notarial officer in this State may administer an oath to a  
42 remotely located individual using communication technology.  
43 Except as required or permitted by rule or law of this State, the  
44 notarial officer shall identify the individual under paragraph (1) of  
45 subsection d. of this section, create an audio-visual recording under  
46 paragraph (3) of subsection d. of this section of the individual  
47 taking the oath, and preserve a copy of the audio-visual recording  
48 under subsection l. of this section.<sup>3</sup>

1       <sup>3</sup>[e.] j.<sup>3</sup> If a notarial act is performed under this section, the  
 2 certificate of notarial act required by section 10 of P.L.1979, c.460  
 3 (C.52:7-19), the certificate required by section c. of R.S.46:14-2.1,  
 4 or the short-form certificate provided in section <sup>1</sup>[21] <sup>3</sup>[19<sup>1</sup>] 21<sup>3</sup>  
 5 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
 6 must indicate that the notarial act was performed using  
 7 communication technology.

8       <sup>3</sup>[f.] k.<sup>3</sup> A short-form certificate provided in section <sup>1</sup>[21]  
 9 <sup>3</sup>[19<sup>1</sup>] 21<sup>3</sup> of P.L. , c. (C. ) (pending before the Legislature  
 10 as this bill) for a notarial act subject to this section is sufficient if it:

11       (1) complies with any rules or regulations adopted by <sup>3</sup>[1, or  
 12 provision published by, 1]<sup>3</sup> the State Treasurer under paragraph (1)  
 13 of subsection <sup>3</sup>[j. o.]<sup>3</sup> of this section or section <sup>1</sup>[29] <sup>3</sup>[27<sup>1</sup>] 29<sup>3</sup>  
 14 of P.L. , c. (C. ) (pending before the Legislature as this  
 15 bill); or

16       (2) is in the form provided by section <sup>1</sup>[21] <sup>3</sup>[19<sup>1</sup>] 21<sup>3</sup> of P.L.  
 17 , c. (C. ) (pending before the Legislature as this bill) and  
 18 contains a statement substantially as follows: “This notarial act  
 19 involved the use of communication technology.”

20       <sup>3</sup>[g.] l.<sup>3</sup> A notarial officer, a guardian, conservator, or agent  
 21 of a notarial officer, or a personal representative of a deceased  
 22 notarial officer, shall retain the audio-visual recording created under  
 23 paragraph (3) of subsection d. of this section or cause the recording  
 24 to be retained by a repository designated by or on behalf of the  
 25 person required to retain the recording. Unless a different period is  
 26 required by any rule or regulation adopted by the State Treasurer  
 27 <sup>3</sup>[1 or any provision published by the State Treasurer, 1]<sup>3</sup> under  
 28 paragraph (4) of subsection <sup>3</sup>[j. o.]<sup>3</sup> of this section, the recording  
 29 must be retained for a period of at least 10 years after the recording  
 30 is made.

31       <sup>3</sup>[h.] m.<sup>3</sup> Before a notary public performs <sup>1</sup>[his] the notary  
 32 public’s<sup>1</sup> initial notarial act under this section, the notary public  
 33 must notify the State Treasurer that the notary public will be  
 34 performing such notarial acts and identify the technologies the  
 35 notary public intends to use.

36       <sup>3</sup>[i.] n.<sup>3</sup> If the State Treasurer has established standards under  
 37 subsection <sup>3</sup>[j. i.]<sup>3</sup> of this section and section <sup>1</sup>[29] <sup>3</sup>[27<sup>1</sup>] 29<sup>3</sup> of  
 38 P.L. , c. (C. ) (pending before the Legislature as this bill)  
 39 for approval of communication technology or identity proofing, the  
 40 communication technology and identity proofing must conform to  
 41 those standards.

42       <sup>3</sup>[j.] o.<sup>3</sup> <sup>1</sup>[In addition to adopting rules and regulations pursuant  
 43 to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-  
 44 1 et seq.) under section 29 of P.L. , c. (C. ) (pending before  
 45 the Legislature as this bill), the State Treasurer may adopt rules and  
 46 regulations pursuant to the “Administrative Procedure Act,”

1 P.L.1968, c.410 (C.52:14B-1 et seq.) under this section regarding  
2 the performance of a notarial act. The rules and regulations may<sup>3</sup>  
3 <sup>3</sup>【The Treasurer may also publish provisions in the New Jersey  
4 Notary Manual that<sup>1</sup>】 In addition to adopting rules and regulations  
5 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410  
6 (C.52:14B-1 et seq.) under section 29 of P.L. , c. (C. )  
7 (pending before the Legislature as this bill), the State Treasurer may  
8 adopt rules and regulations pursuant to the “Administrative  
9 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) under this  
10 section regarding the performance of a notarial act. The rules and  
11 regulations may<sup>3</sup>:

12 (1) prescribe the means of performing a notarial act involving a  
13 remotely located individual using communication technology;

14 (2) establish standards for communication technology and  
15 identity proofing;

16 (3) establish requirements or procedures to approve providers of  
17 communication technology and the process of identity proofing;

18 <sup>3</sup>【and】<sup>3</sup>

19 (4) establish standards and a period for the retention of an  
20 audio-visual recording created under paragraph (3) of subsection d.  
21 of this section<sup>3</sup>; and

22 (5) prescribe methods for confirmation of a tangible record by a  
23 notarial officer permitted under subsection e. of this section<sup>3</sup>.

24 <sup>3</sup>【k.】 p.<sup>3</sup> Before adopting, amending, or repealing a rule or  
25 regulation <sup>3</sup>【<sup>1</sup>or publishing a provision in the New Jersey Notary  
26 Public Manual<sup>1</sup>】<sup>3</sup> governing performance of a notarial act with  
27 respect to a remotely located individual, the State Treasurer must  
28 consider:

29 (1) the most recent standards regarding the performance of a  
30 notarial act with respect to a remotely located individual  
31 promulgated by national standard-setting organizations such as the  
32 Mortgage Industry Standards Maintenance Organization and the  
33 recommendations of the National Association of Secretaries of  
34 State;

35 (2) standards, practices, and customs of other jurisdictions that  
36 have laws substantially similar to this section; and

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

39 <sup>3</sup>q. (1) A notarial officer may perform a notarial act using  
40 communication technology for a remotely located individual that  
41 meets the requirements of section 19 of P.L. , c. (C. )  
42 (pending before the Legislature as this bill) and subsections a. and  
43 b. of R.S.46:14-2.1 regardless of whether the remotely located  
44 individual is physically located in this State.

45 (2) A notarial act performed using communication technology  
46 for a remotely located individual is deemed performed in New  
47 Jersey and is governed by New Jersey law.

1 r. It is the intent of the Legislature that, to the fullest extent  
2 allowed by the Full Faith and Credit Clause of the United States  
3 Constitution and the laws of the 50 states and the District of  
4 Columbia, a notarial act performed in this State shall be recognized,  
5 be enforceable, and have the same effect under the law of the 50  
6 states as if performed by a notarial officer of those jurisdictions.

7 s. By allowing its communication technology or identity  
8 proofing to facilitate a notarial act for a remotely located individual  
9 or by providing storage of the audio-visual recording created under  
10 paragraph (3) of subsection d. of this section, the provider of the  
11 communication technology, identity proofing, or storage appoints  
12 the State Treasurer as the provider’s agent for service of process in  
13 any civil action in this State related to the notarial act.<sup>3</sup>

14  
15 <sup>1</sup>[20.] <sup>3</sup>[18.1] 20.<sup>3</sup> (New section) Signature if Individual  
16 Unable to Sign.

17 If an individual is physically unable to sign a record, the  
18 individual may direct an individual other than the notarial officer to  
19 sign the record with the individual’s name. The notarial officer shall  
20 insert “Signature affixed by (name of other individual) at the  
21 direction of (name of individual)” or words of similar import.

22  
23 <sup>1</sup>[21.] <sup>3</sup>[19.1] 21.<sup>3</sup> (New section) Certificate Form.

24 The following short form certificates of notarial acts are  
25 sufficient for the purposes indicated, if the requirements of section  
26 10 of P.L.1979, c.460 (C.52:7-19) are satisfied. Certificates of  
27 notarial acts are deemed sufficient for the purposes indicated if  
28 substantially all of the requirements of section 10 of P.L.1979,  
29 c.460 (C.52:7-19) and this section are satisfied:

30  
31 a. For an acknowledgment in an individual capacity:  
32 State of \_\_\_\_\_  
33 County of \_\_\_\_\_  
34 This record was acknowledged before me on \_\_\_\_\_ (date) by  
35 \_\_\_\_\_  
36 (Name(s) of individual(s))  
37 \_\_\_\_\_  
38 Signature of notarial officer  
39  
40 Stamp  
41 \_\_\_\_\_  
42 Title of office  
43  
44 (My commission expires: \_\_\_\_\_)

45 b. For an acknowledgment in a representative capacity:  
46 State of \_\_\_\_\_  
47 County of \_\_\_\_\_

1 This record was acknowledged before me on \_\_\_\_\_(date) by  
2 \_\_\_\_\_  
3 (Name(s) of individual(s)  
4 as (type of authority, such as officer or trustee) of (name of party on  
5 behalf of whom record was executed).

6 \_\_\_\_\_  
7 Signature of notarial officer

8  
9 Stamp  
10 \_\_\_\_\_  
11 Title of office

12  
13 (My commission expires: \_\_\_\_\_)

14  
15 c. For a verification on oath or affirmation:  
16 State of \_\_\_\_\_  
17 County of \_\_\_\_\_

18 Signed and sworn to (or affirmed) before me on \_\_\_\_\_ (date) by  
19 \_\_\_\_\_  
20 (Name(s) of individual(s) making statement)

21  
22 \_\_\_\_\_  
23 Signature of notarial officer

24  
25 Stamp  
26 \_\_\_\_\_  
27 [\_\_\_\_\_]  
28 Title of office

29  
30 (My commission expires: \_\_\_\_\_)

31  
32 d. For witnessing or attesting a signature:  
33 State of \_\_\_\_\_  
34 County of \_\_\_\_\_

35 Signed (or attested) before me on \_\_\_\_\_(date) by  
36 \_\_\_\_\_  
37 (Name(s) of individual(s))

38  
39 \_\_\_\_\_  
40 Signature of notarial officer

41  
42 Stamp  
43 \_\_\_\_\_  
44 [\_\_\_\_\_]  
45 Title of office

46 (My commission expires: \_\_\_\_\_)

47  
48 e. For certifying a copy of a record:

1 State of \_\_\_\_\_

2 County of \_\_\_\_\_

3 I certify that this is a true and correct copy of a record in the  
4 possession of \_\_\_\_\_ (name).

5  
6 Dated \_\_\_\_\_

7 \_\_\_\_\_

8  
9 Signature of notarial officer

10  
11 Stamp  
12 \_\_\_\_\_

13 Title of office

14  
15 (My commission expires: \_\_\_\_\_ )

16  
17 <sup>1</sup>[22.] <sup>3</sup>[20.<sup>1</sup>] 22.<sup>3</sup> (New section) Notarial Act in this State.

18 a. The signature and title of an individual performing a notarial  
19 act are prima facie evidence that the signature is genuine and that  
20 the individual holds the designated title.

21 b. A notarial act may be performed in this State by an  
22 individual authorized by the applicable law to perform the notarial  
23 act.

24 c. The signature and title of a notarial officer authorized by the  
25 applicable law to perform the notarial act conclusively establishes  
26 the authority of the officer to perform the notarial act.

27  
28 <sup>1</sup>[23.] <sup>3</sup>[21.<sup>1</sup>] 23.<sup>3</sup> (New section) Notarial Acts Outside this  
29 State.

30 a. In Another State.

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

34 (a) a notary public of that state;

35 (b) a judge, clerk, or deputy clerk of <sup>1</sup>a court of<sup>1</sup> that state; or

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

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

41 (3) The signature and title of a notarial officer described in  
42 subparagraph (a) or (b) of paragraph (1) of this subsection  
43 conclusively establish the authority of the officer to perform the  
44 notarial act.

45 b. Under Authority of Federally Recognized Indian Tribe.

46 (1) A notarial act performed under the authority and in the  
47 jurisdiction of a federally recognized Indian tribe has the same

1 effect as if performed by a notarial officer of this State, if the act  
2 performed in the jurisdiction of the tribe is performed by:

- 3 (a) a notary public of the tribe;  
4 (b) a judge, clerk, or deputy clerk of a court of the tribe; or  
5 (c) any other individual authorized by the law of the tribe to  
6 perform the notarial act.

7 (2) The signature and title of an individual performing a notarial  
8 act under the authority of and in the jurisdiction of a federally  
9 recognized Indian tribe are prima facie evidence that the signature  
10 is genuine and that the individual holds the designated title.

11 (3) The signature and title of a notarial officer described in  
12 subparagraph (a) or (b) of paragraph (1) of this subsection  
13 conclusively establish the authority of the officer to perform the  
14 notarial act.

15 c. Under Federal Authority.

16 (1) A notarial act performed under federal law has the same  
17 effect under the law of this State as if performed by a notarial  
18 officer of this State, if the <sup>3</sup>act<sup>3</sup> performed under federal law is  
19 performed by:

- 20 (a) a judge, clerk, or deputy clerk of a court;  
21 (b) an individual in military service or performing duties under  
22 the authority of military service who is authorized to perform  
23 notarial acts under federal law;  
24 (c) an individual designated a notarizing officer by the United  
25 States Department of State for performing notarial acts overseas; or  
26 (d) any other individual authorized by federal law to perform the  
27 notarial act.

28 (2) The signature and title of an individual acting under federal  
29 authority and performing a notarial act are prima facie evidence that  
30 the signature is genuine and that the individual holds the designated  
31 title.

32 (3) The signature and title of an officer described in  
33 subparagraph (a), (b), or (c) of paragraph (1) of this subsection  
34 conclusively establish the authority of the officer to perform the  
35 notarial act.

36 d. Foreign Notarial Acts.

37 (1) As used in this subsection, “foreign state” means a  
38 jurisdiction other than the United States, a state, or a federally  
39 recognized Indian tribe.

40 (2) If a notarial act is performed under authority and in the  
41 jurisdiction of a foreign state or constituent unit of the foreign state  
42 or is performed under the authority of a multinational or  
43 international governmental organization, the act has the same effect  
44 under the law of this State as if performed by a notarial officer of  
45 this State.

46 (3) If the title of office and indication of authority to perform  
47 notarial acts in a foreign state appears in a digest of foreign law or  
48 in a list customarily used as a source for that information, the

1 authority of an officer with that title to perform notarial acts is  
2 conclusively established.

3 (4) The signature and official stamp of an individual holding an  
4 office described in paragraph (3) of this subsection are prima facie  
5 evidence that the signature is genuine and the individual holds the  
6 designated title.

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

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

18

19 <sup>1</sup>[24.] <sup>3</sup>[22.1] 24.<sup>3</sup> (New section) Notification Regarding  
20 Performance of Notarial Act on Electronic Record; Selection of  
21 Technology; Acceptance of Tangible Copy of Electronic Record.

22 a. A notarial officer may select one or more tamper-evident  
23 technologies to perform notarial acts with respect to electronic  
24 records. A person may not require a notarial officer to perform a  
25 notarial act with respect to an electronic record with a technology  
26 that the notarial officer has not selected.

27 b. Before a <sup>1</sup>[notarial officer] notary public<sup>1</sup> performs <sup>1</sup>[his]  
28 the notary public's<sup>1</sup> initial notarial act with respect to an electronic  
29 record, the <sup>1</sup>[notarial officer] notary public<sup>1</sup> shall notify the State  
30 Treasurer that <sup>1</sup>[he] the notary public<sup>1</sup> will be performing notarial  
31 acts with respect to electronic records and identify the technology  
32 that the <sup>1</sup>[notarial officer] notary public<sup>1</sup> intends to use. If the  
33 State Treasurer has established standards for approval of technology  
34 pursuant to section <sup>1</sup>[29] <sup>3</sup>[271] 29<sup>3</sup> of P.L. , c. (C. )  
35 (pending before the Legislature as this bill), the technology must  
36 conform to those standards. If the technology conforms to the  
37 standards, the State Treasurer shall approve the use of the  
38 technology.

39 c. A county clerk <sup>3</sup>[or], a<sup>3</sup> register of deeds and mortgages<sup>3</sup>,  
40 and a county surrogate<sup>3</sup> <sup>1</sup>[may] shall<sup>1</sup> accept for recording a  
41 tangible copy of an electronic record containing a notarial  
42 certificate as satisfying any requirement that a record accepted for  
43 recording be an original, if the notarial officer executing the notarial  
44 certificate certifies that the tangible copy is an accurate copy of the  
45 electronic record.

46

47 <sup>1</sup>[25.] <sup>3</sup>[23.1] 25.<sup>3</sup> (New section) Database of Notaries Public.

1 The State Treasurer shall maintain an electronic database of  
 2 current and former notaries public, including the dates that the  
 3 notary public was commissioned and authorized to perform notarial  
 4 acts:

- 5 a. through which a person may verify the authority of a notary  
 6 public to perform notarial acts; and
- 7 b. which indicates whether a notary public has notified the  
 8 State Treasurer that the notary public will be performing notarial  
 9 acts on electronic records.

10  
 11 <sup>1</sup>[26.] <sup>3</sup>[24.1] 26.<sup>3</sup> (New section) Authority to Refuse to  
 12 Perform Notarial Act.

13 a. A notarial officer may refuse to perform a notarial act if the  
 14 officer is not satisfied that:

- 15 (1) the individual executing the record is competent or has the  
 16 capacity to execute the record;
- 17 (2) the individual's signature is knowingly and voluntarily  
 18 made;
- 19 (3) the individual's signature on the record or statement  
 20 substantially conforms to the signature on a form of identification  
 21 used to determine the identity of the individual; or
- 22 (4) the physical appearance of the individual signing the record  
 23 or statement substantially conforms to the photograph on a form of  
 24 identification used to determine the identity of the individual.

25 b. A notarial officer may refuse to perform a notarial act unless  
 26 refusal is prohibited by law other than P.L.1979, c.460 (C.52:7-10  
 27 et seq.), as amended and supplemented by P.L. , c. (C. )  
 28 (pending before the Legislature as this bill).

29  
 30 <sup>1</sup>[27.] <sup>3</sup>[25.1] 27.<sup>3</sup> (New section) Journal.

31 a. A notary public shall maintain a journal of all notarial acts  
 32 performed.

33 (1) The journal may be created and maintained on a tangible  
 34 medium or in an electronic format.

35 (2) A notary public shall maintain only one journal at a time to  
 36 chronicle all notarial acts, whether those notarial acts are performed  
 37 regarding tangible or electronic records.

38 (3) If the journal is maintained on a tangible medium, it shall be  
 39 a permanent, bound register with consecutively numbered lines and  
 40 consecutively numbered pages.

41 (4) If the journal is maintained in an electronic format, it shall  
 42 be in a permanent, tamper-evident electronic format complying with  
 43 any <sup>1</sup>[rules and regulations promulgated] <sup>3</sup>[standards published<sup>1</sup>]  
 44 rules and regulations promulgated<sup>3</sup> by the State Treasurer <sup>3</sup>[in the  
 45 New Jersey Notary Public Manual<sup>1</sup>]<sup>3</sup>.

46 b. For each notarial act, the notary public shall record in the  
 47 journal:

- 1 (1) the date and time of the notarial act;
- 2 (2) the type of notarial act, including but not limited to the
- 3 taking of an acknowledgment, the taking of a proof of a deed, the
- 4 administration of an oath, or the taking of an affidavit;
- 5 (3) the name and address of each person for whom the notarial
- 6 act is performed;
- 7 (4) if the identity of the individual is based on personal
- 8 knowledge, a statement to that effect;
- 9 (5) if the identity of the individual is based on satisfactory
- 10 evidence, a brief description of the method of identification and the
- 11 identification credential presented, if any, including, if applicable,
- 12 the type, date of issuance, and date of expiration of an identification
- 13 document, or the name and signature of any identifying witness and,
- 14 if applicable, the type, date of issuance, and date of expiration of a
- 15 document identifying the witness; and
- 16 (6) an itemized list of all fees charged for the notarial act.
- 17 c. If a notary public's journal is lost or stolen, the notary public
- 18 shall notify the State Treasurer within 10 days of the loss or theft.
- 19 d. The notary public shall either:
- 20 (1) retain the journal for 10 years after the performance of the
- 21 last notarial act chronicled in the journal; or
- 22 (2) transmit the journal to the Department of the Treasury,
- 23 Division of Revenue and Enterprise Services, or a repository
- 24 approved by the State Treasurer.
- 25 e. On resignation from, or the revocation or suspension of, a
- 26 notary public's commission, the notary public shall either:
- 27 (1) retain the journal in accordance with paragraph (1) of
- 28 subsection d. of this section and inform the State Treasurer where
- 29 the journal is located; or
- 30 (2) transmit the journal to the Department of the Treasury,
- 31 Division of Revenue and Enterprise Services, or a repository
- 32 approved by the State Treasurer.
- 33 f. On the death or adjudication of incompetency of a current or
- 34 former notary public, the notary public's personal representative or
- 35 guardian or any other person knowingly in possession of the journal
- 36 shall, within 45 days, transmit it to the Department of the Treasury,
- 37 Division of Revenue and Enterprise Services, or a repository
- 38 approved by the State Treasurer.
- 39 g. In lieu of maintaining a journal, a notary public who is an
- 40 attorney-at-law admitted to practice in this State, or who is
- 41 employed by an attorney-at-law, or who is employed by or acting as
- 42 an agent for a title insurance company licensed to do business in
- 43 this State pursuant to P.L.2001, c.210 (C.17:22A-26 et seq.), may
- 44 maintain a record of notarial acts in the form of files regularly
- 45 maintained for the attorney's law practice or the title insurance
- 46 company's business activities, as the case may be.

47

48 <sup>1</sup>[28.] <sup>3</sup>[26.<sup>1</sup>] 28.<sup>3</sup> (New section) Validity of Notarial Acts.

1 a. Except as otherwise provided in section 9 of P.L. ,  
 2 c. (C. ) (pending before the Legislature as this bill), the  
 3 failure of a notarial officer to perform a duty or meet a requirement  
 4 specified in P.L.1979, c.460 (C.52:7-10 et seq.), as amended and  
 5 supplemented by P.L. , c. (C. ) (pending before the  
 6 Legislature as this bill), does not invalidate a notarial act performed  
 7 by the notarial officer.

8 b. The validity of a notarial act under P.L.1979, c.460 (C.52:7-  
 9 10 et seq.), as amended and supplemented by P.L. ,

10 c. (C. ) (pending before the Legislature as this bill), does not  
 11 prevent an aggrieved person from seeking to invalidate the record  
 12 or transaction that is the subject of the notarial act or from seeking  
 13 other remedies available by law and as provided in P.L.1979, c.460  
 14 (C.52:7-10 et seq.), as amended and supplemented by P.L. ,  
 15 c. (C. ) (pending before the Legislature as this bill).

16 c. P.L.1979, c.460 (C.52:7-10 et seq.), as amended and  
 17 supplemented by P.L. , c. (C. ) (pending before the  
 18 Legislature as this bill), shall not validate any purported notarial act  
 19 performed by an individual who does not have the authority to  
 20 perform notarial acts.

21

22 <sup>1</sup>[29.] <sup>3</sup>[27.1] <sup>29.3</sup> (New section) Rules and Regulations.

23 a. The State Treasurer <sup>1</sup>[shall] <sup>3</sup>[may<sup>1</sup>] shall<sup>3</sup> adopt rules and  
 24 regulations pursuant to the “Administrative Procedure Act,”  
 25 P.L.1968, c.410 (C.52:14B-1 et seq.) <sup>3</sup>[<sup>1</sup>or publish procedures and  
 26 standards in the New Jersey Notary Public Manual<sup>1</sup><sup>3</sup> to implement  
 27 the provisions of P.L.1979, c.460 (C.52:7-10 et seq.), as amended  
 28 and supplemented by P.L. , c. (C. ) (pending before the  
 29 Legislature as this bill). Any rules and regulations <sup>3</sup>[<sup>1</sup>or procedures  
 30 and standards<sup>1</sup><sup>3</sup> regarding the performance of notarial acts with  
 31 respect to electronic records shall not require, or accord greater  
 32 legal status or effect to, the implementation or application of a  
 33 specific technology or technical specification. The rules and  
 34 regulations <sup>3</sup>[<sup>1</sup>or procedures and standards<sup>1</sup><sup>3</sup> may:

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

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

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

42 (4) prescribe the process of granting, renewing, conditioning,  
 43 denying, suspending, revoking, or otherwise limiting a notary  
 44 public commission and assuring the trustworthiness of an individual  
 45 holding a commission as notary public; <sup>3</sup>[<sup>1</sup>and<sup>1</sup>]<sup>3</sup>

46 (5) include provisions to prevent fraud or mistake in the  
 47 performance of notarial acts<sup>1</sup>; and

1 (6) provide for the administration of the examination under  
 2 section 7 of P.L. , c. (C. ) (pending before the Legislature  
 3 as this bill) and the course of study under section 6 of P.L. ,  
 4 c. (C. ) (pending before the Legislature as this bill)]<sup>1 3</sup>;  
 5 and

6 (6) provide for the administration of the examination under  
 7 section 7 of P.L. , c. (C. ) (pending before the Legislature  
 8 as this bill) and the course of study under section 6 of P.L. ,  
 9 c. (C. ) (pending before the Legislature as this bill)]<sup>3</sup>.

10 b. In adopting, amending, or repealing rules and regulations  
 11 <sup>3</sup>[<sup>1</sup>or publishing procedures and standards<sup>1</sup>]<sup>3</sup> concerning notarial  
 12 acts with respect to electronic records, the State Treasurer shall  
 13 consider, consistent with the provisions of P.L.1979, c.460 (C.52:7-  
 14 10 et seq.), as amended and supplemented by  
 15 P.L. , c. (C. ) (pending before the Legislature as this bill):

16 (1) the most recent standards regarding electronic records  
 17 promulgated by national bodies, such as the Mortgage Industry  
 18 Standards Maintenance Organization and the National Association  
 19 of Secretaries of State;

20 (2) standards, practices, and customs of other jurisdictions that  
 21 substantially enact the Revised Uniform Law on Notarial Acts, as  
 22 embodied in P.L.1979, c.460 (C.52:7-10 et seq.), as amended and  
 23 supplemented by P.L. , c. (C. ) (pending before the  
 24 Legislature as this bill); and

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

27  
 28 <sup>1</sup>[30.] <sup>3</sup>[28.1] 30.<sup>3</sup> R.S.46:14-2.1 is amended to read as follows:  
 29 46:14-2.1. Acknowledgment and proof.

30 a. To acknowledge a deed or other instrument the maker of the  
 31 instrument shall appear before an officer specified in R.S.46:14-6.1  
 32 <sup>3</sup>or use communication technology to appear before the officer  
 33 pursuant to section 19 of P.L. , c. (C. ) (pending before the  
 34 Legislature as this bill)]<sup>3</sup> and acknowledge that it was executed as  
 35 the maker's own act. To acknowledge a deed or other instrument  
 36 made on behalf of a corporation or other entity, the maker shall  
 37 appear before an officer specified in R.S.46:14-6.1 and state that the  
 38 maker was authorized to execute the instrument on behalf of the  
 39 entity and that the maker executed the instrument as the act of the  
 40 entity.

41 b. To prove a deed or other instrument, a subscribing witness  
 42 shall appear before an officer specified in R.S.46:14-6.1 <sup>1</sup>or use  
 43 communication technology to appear before the officer pursuant to  
 44 section <sup>3</sup>[17] 19<sup>3</sup> of P.L. , c. (C. ) (pending before the  
 45 Legislature as this bill)]<sup>1</sup> and swear that he or she witnessed the  
 46 maker of the instrument execute the instrument as the maker's own  
 47 act. To prove a deed or other instrument executed on behalf of a

1 corporation or other entity, a subscribing witness shall appear  
 2 before an officer specified in R.S.46:14-6.1 <sup>1</sup>or use communication  
 3 technology to appear before the officer pursuant to section <sup>3</sup>[17]  
 4 19<sup>3</sup> of P.L. , c. (C. ) (pending before the Legislature as this  
 5 bill)<sup>1</sup> and swear that the representative was authorized to execute  
 6 the instrument on behalf of the entity, and that he or she witnessed  
 7 the representative execute the instrument as the act of the entity.

8 c. The officer taking an acknowledgment or proof shall sign a  
 9 certificate stating that acknowledgment or proof. The certificate  
 10 shall also state:

11 (1) that the maker or the witness personally appeared before the  
 12 officer <sup>3</sup>[<sup>1</sup>or used communication technology to appear before the  
 13 officer pursuant to section 17 of P.L. , c. (C. ) (pending  
 14 before the Legislature as this bill)<sup>1</sup>]<sup>3</sup>;

15 (2) that the officer was satisfied that the person who made the  
 16 acknowledgment or proof was the maker of or the witness to the  
 17 instrument;

18 (3) the jurisdiction in which the acknowledgment or proof was  
 19 taken;

20 (4) the officer's name and title;

21 (5) the date on which the acknowledgment was taken.

22 d. The seal of the officer taking the acknowledgment or proof  
 23 need not be affixed to the certificate stating that acknowledgment or  
 24 proof.

25 e. A <sup>3</sup>[short form]<sup>3</sup> certificate that is substantially in the form  
 26 provided in <sup>3</sup>subsection b. of<sup>3</sup> section <sup>3</sup>[19] <sup>13</sup> of  
 27 P.L. , c. (C. ) (pending before the Legislature as this bill)  
 28 satisfies the requirements of this section.

29 (cf: P.L.1991, c.308, s.1)

30  
 31 <sup>3</sup>[<sup>1</sup>29.] <sup>3</sup>31.<sup>3</sup> R.S.46:14-6.1 is amended to read as follows:

32 46:14-6.1. Officers authorized to take acknowledgments. a. The  
 33 officers of this State authorized to take acknowledgments or proofs  
 34 in this State, or in any other United States or foreign jurisdiction,  
 35 are:

36 (1) an attorney-at-law;

37 (2) a notary public;

38 (3) a county clerk or deputy county clerk;

39 (4) a register of deeds and mortgages or a deputy register;

40 (5) a surrogate or deputy surrogate.

41 b. The officers authorized to take acknowledgments or proofs,  
 42 in addition to those listed in subsection a., are:

43 (1) any officer of the United States, of a state, territory or  
 44 district of the United States, or of a foreign nation authorized at the  
 45 time and place of the acknowledgment or proof by the laws of that  
 46 jurisdiction to take acknowledgments or proofs. If the certificate of  
 47 acknowledgment or proof does not designate the officer as a justice,

1 judge or notary, the certificate of acknowledgment or proof, or an  
 2 affidavit appended to it, shall contain a statement of the officer's  
 3 authority to take acknowledgments or proofs;

4 (2) **【**a foreign commissioner of deeds for New Jersey within the  
 5 jurisdiction of the commission;

6 (3) **】** a foreign service or consular officer or other representative  
 7 of the United States to any foreign nation, within the territory of  
 8 that nation.<sup>1</sup>

9 (cf: P.L.1991, c.308, s.1)

10

11 <sup>1</sup>~~【31.】~~ <sup>3</sup>~~【30.1】~~ 32.<sup>3</sup> N.J.S.22A:4-14 is amended to read as  
 12 follows:

13 22A:4-14. For **【**a service specified in this section**】** administering  
 14 oaths, taking affidavits, taking proofs of a deed, and taking  
 15 acknowledgements, <sup>1</sup>**【**foreign commissioners of deeds,**】**<sup>1</sup> notaries  
 16 public, judges and other officers authorized by law to perform such  
 17 **【**service,**】** services shall receive a fee as **【**follows:

18 For administering an oath or taking an affidavit, \$2.50.

19 For taking proof of a deed, \$2.50.

20 For taking all acknowledgments, \$2.50.

21 For administering oaths, taking affidavits, taking proofs of a  
 22 deed, and taking acknowledgments of the grantors in the transfer of  
 23 real estate, regardless of the number of such services performed in a  
 24 single transaction to transfer real estate, \$15.00.

25 For administering oaths, taking affidavits and taking  
 26 acknowledgments of the mortgagors in the financing of real estate,  
 27 regardless of the number of such services performed in a single  
 28 transaction to finance real estate, \$25.00**】** shall be fixed by the State  
 29 Treasurer by regulation.

30 (cf: P.L.2002, c.34, s.48)

31

32 <sup>1</sup>~~【32.】~~ <sup>3</sup>~~【31.1】~~ 33.<sup>3</sup> R.S.41:2-17 is amended to read as follows:

33 41:2-17. Officers authorized to administer or take; jurat;  
 34 certificate,

35 Any oath, affirmation, or affidavit required or authorized to be  
 36 taken in any suit or legal proceeding in this **【state】** State, or for any  
 37 lawful purpose whatever, except official oaths and depositions  
 38 required to be taken upon notice, when taken out of this **【state】**  
 39 State, may be taken before any notary public of the state, territory,  
 40 nation, kingdom, or country in which the same shall be taken, or  
 41 before any officer who may be authorized by the laws of this  
 42 **【state】** State to take the acknowledgment of deeds in such state,  
 43 territory, nation, kingdom, or country; and a recital that he <sup>1</sup>or she<sup>1</sup>  
 44 is such notary or officer in the jurat or certificate of such oath,  
 45 affirmation, or affidavit, and his <sup>1</sup>or her<sup>1</sup> official designation  
 46 annexed to his <sup>1</sup>or her<sup>1</sup> signature, and attested under his <sup>1</sup>or her<sup>1</sup>

1 official seal, shall be sufficient proof that the person before whom  
2 the same is taken is such notary or officer. **【When, however, any**  
3 **other certificate is required by law to be annexed to the certificate**  
4 **of such officer, other than a notary public, for the recording of a**  
5 **deed acknowledged before him, a like certificate shall be annexed**  
6 **to his certificate of the taking of such oath.】**

7 (cf: R.S.41:2-17)

8  
9 <sup>1</sup>**【33.】** <sup>3</sup>**【32.1】** <sup>3</sup>**34.3** (New section) Relation to Electronic  
10 Signatures in Global and National Commerce Act.

11 P.L. , c. (C. ) (pending before the Legislature as this bill)  
12 modifies, limits, and supersedes the Electronic Signatures in Global  
13 and National Commerce Act, 15 U.S.C. s.7001 et seq., but does not  
14 modify, limit, or supersede section 101(c) of that act, 15 U.S.C.  
15 7001(c), or authorize electronic delivery of any of the <sup>2</sup>**【noties】**  
16 **notices<sup>2</sup>** described in section 103(b) of that act, 15 U.S.C. section  
17 7003(b).

18  
19 <sup>1</sup>**【34.】** <sup>3</sup>**【33.1】** <sup>3</sup>**35.3** (New section) Savings Clause.

20 P.L.1979, c.460 (C.52:7-10 et seq.), as amended and  
21 supplemented by P.L. , c. (C. ) (pending before the  
22 Legislature as this bill), shall not affect the validity or effect of any  
23 notarial act performed before the effective date of P.L. ,  
24 c. (C. ) (pending before the Legislature as this bill).

25  
26 <sup>3</sup>36. Section 3 of P.L.2001, c.116 (C.12A:12-3) is amended to  
27 read as follows:

28 3. a. Except as provided in subsections b. and c. of this section,  
29 this act applies to electronic records and electronic signatures  
30 relating to a transaction.

31 b. This act does not apply to a transaction to the extent it is  
32 governed by**【**:

33 (1)**】** a law governing the creation and execution of wills, codicils  
34 or testamentary trusts**【**;

35 (2) the Uniform Commercial Code other than sections 1-107 and  
36 1-206, Article 2 and Article 2A;

37 (3) a statute, regulation or other rule of law governing adoption,  
38 divorce or other matters of family law**】**.

39 c. This act does not apply to:

40 (1) court orders or notices or official court documents (including  
41 briefs, pleadings and other writings) required to be executed in  
42 connection with court proceedings;

43 (2) any notice of:

44 (a) the cancellation or termination of utility services (including  
45 water, heat and power);

1 (b) the default, acceleration, repossession, foreclosure or  
 2 eviction, or the right to cure, under a credit agreement secured by,  
 3 or a rental agreement for, a primary residence of an individual;

4 (c) the cancellation or termination of health insurance benefits  
 5 or life insurance benefits (excluding annuities); or

6 (d) the recall of a product, or material failure of a product, that  
 7 risks endangering health or safety; or

8 (3) any document required to accompany any transportation or  
 9 handling of hazardous materials, pesticides or other toxic or  
 10 dangerous materials.

11 d. This act applies to an electronic record or electronic  
 12 signature otherwise excluded from the application of this act under  
 13 subsection b. of this section to the extent it is governed by a law  
 14 other than those specified in subsection b. of this section.

15 e. A transaction subject to this act is subject also to other  
 16 applicable substantive law. <sup>3</sup>

17 (cf: P.L.2001, c.116, s.3)

18  
 19 <sup>1</sup>~~[35.]~~ <sup>3</sup>~~[34.1]~~ <sup>3</sup>37.<sup>3</sup> The following are repealed:

20 <sup>3</sup>~~[1R.S.52:6-15 through R.S.52:6-22;1]~~<sup>3</sup>

21 <sup>2</sup>~~[Section 7 of P.L.1979, c.460 (C.52:7-16);]~~<sup>2</sup> <sup>3</sup>Section 7 of  
 22 P.L.1979, c.460 (C.52:7-16);<sup>3</sup> and

23 Sections 1 and 2 of P.L.1981, c.487 (C.52:7-20 and C.52:7-21).

24  
 25 <sup>3</sup>38. (New section) Notwithstanding the provisions of the  
 26 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
 27 1 et seq.) to the contrary, the State Treasurer shall adopt, after  
 28 notice, interim rules and regulations as shall be necessary for the  
 29 implementation of this act within 90 days after the effective date of  
 30 this act. The rules and regulations shall be effective as regulations  
 31 immediately upon filing with the Office of Administrative Law and  
 32 shall be effective for a period not to exceed 18 months, and may,  
 33 thereafter, be amended, adopted or readopted by the Treasurer in  
 34 accordance with the provisions of the "Administrative Procedure  
 35 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).<sup>3</sup>

36  
 37 <sup>1</sup>~~[36.]~~ <sup>3</sup>~~[35.1]~~ <sup>3</sup>39.<sup>3</sup> <sup>3</sup>~~[This]~~ Sections 6 and 7 of this<sup>3</sup> act shall  
 38 take effect on the <sup>3</sup>365<sup>th</sup> day following enactment. Sections 1  
 39 through 5 and sections 8 through 38 of this act shall take effect on  
 40 the<sup>3</sup> <sup>1</sup>~~[180<sup>th</sup>]~~ <sup>1</sup>90<sup>th</sup> day following enactment <sup>3</sup>~~[1except the]~~ . The  
 41 State<sup>3</sup> Treasurer may take any anticipatory administrative action in  
 42 advance as shall be necessary for the implementation of this act<sup>1</sup>.

43  
 44  
 45  
 46 \_\_\_\_\_  
 47 Revises law concerning notaries and notarial acts; authorizes  
 electronic signatures.

**CHAPTER 179**  
**(CORRECTED COPY)**

**AN ACT** concerning notaries, and amending, supplementing, and repealing various parts of the statutory law.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

1. Section 1 of P.L.1979, c.460 (C.52:7-10) is amended to read as follows:

C.52:7-10 Short title.

1. Short title.

This act shall be known and may be cited as the “New Jersey Law on Notarial Acts.”

C.52:7-10.1 Definitions.

2. Definitions.

As used in P.L.2021, c.179 (C.52:7-10.1 et al.):

a. “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.

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

c. “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.

d. “In a representative capacity” means acting as:

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

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

(3) An agent or attorney-in-fact for a principal; or

(4) An authorized representative of another in any other capacity.

e. “Non-attorney applicant” means an applicant for an initial or renewal commission as a notary public who is not also a licensed attorney-at-law in this State.

f. “Notarial act” means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the laws of New Jersey. The term includes:

(1) taking an acknowledgment,

(2) administering an oath or affirmation,

(3) taking a verification on oath or affirmation,

(4) witnessing or attesting a signature,

(5) certifying or attesting a copy or deposition, and

(6) noting a protest of a negotiable instrument.

g. “Notarial officer” means a notary public or other individual authorized by law to perform a notarial act.

h. “Notary public” means an individual commissioned by the State Treasurer to perform a notarial act.

i. “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.

- j. "Person" has the meaning ascribed to it in R.S.1:1-2.
- k. "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.
  - l. "Sign" means, with present intent to authenticate or adopt a record:
    - (1) To execute or adopt a tangible symbol; or
    - (2) To attach to or logically associate with the record an electronic symbol, sound, or process.
  - m. "Signature" means a tangible symbol or an electronic signature that evidences the signing of a record.
  - n. "Stamping device" means:
    - (1) A physical device capable of affixing to or embossing on a tangible record an official stamp; or
    - (2) An electronic device or process capable of attaching to or logically associating with an electronic record an official stamp.
  - o. "State" means the State of New Jersey; "other state" or "another state" means any state, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other insular possession or territory of the United States other than the State of New Jersey.
  - p. "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.

3. Section 2 of P.L.1979, c.460 (C.52:7-11) is amended to read as follows:

C.52:7-11 Commission; term; application; renewal.

2. Commission; Term; Application; Renewal.

a. The State Treasurer may commission so many notaries public as the State Treasurer deems necessary to commission. Notaries public shall hold their respective offices for a term of five years.

b. An applicant for commission as a notary public shall make application to the State Treasurer on a form prescribed by the State Treasurer and endorsed by a member of the Legislature. Renewals shall be made in the same manner as the original application. All applications shall be submitted electronically.

The application form shall provide a notice to the applicant that a notary public who is not licensed as an attorney-at-law shall not use or advertise the title of lawyer or attorney-at-law, or equivalent terms, in any language, which mean or imply that the notary public is licensed as an attorney-at-law in the State of New Jersey or in any other jurisdiction of the United States. The application form shall also state that a notary public who advertises the notary public's services in any language is required to provide with such advertisement a notice in the language of the advertisement which contains the following statement or translation of the following statement if the advertisement is not in English: "I am not an attorney licensed to practice law and may not give legal advice about immigration or any other legal matter or accept fees for legal advice."

c. The State Treasurer shall collect a nonrefundable fee of \$25 for each commission or renewal. In collecting the fee, the State Treasurer shall accept the use of a credit card, debit card, or electronic funds transfer.

4. Section 3 of P.L.1979, c.460 (C.52:7-12) is amended to read as follows:

C.52:7-12 Qualifications.

3. Qualifications.

a. A person commissioned as a notary public in this State shall:

- (1) be at the time of appointment at least 18 years of age;
- (2) be at the time of appointment a legal resident of this State or have a place of employment or practice in this State; and
- (3) not be disqualified to receive a commission under section 9 of P.L.2021, c.179 (C.52:7-10.4 et al.).

b. A non-attorney applicant for an initial commission as a notary public shall provide satisfactory proof that the applicant has:

- (1) completed a course of study approved by the State Treasurer pursuant to subsection b. of section 6 of P.L.2021, c.179 (C.52:7-10.2); and
- (2) passed an examination prescribed by the State Treasurer pursuant to section 7 of P.L.2021, c.179 (C.52:7-10.3).

c. A non-attorney commissioned notary public applying to renew a commission who has satisfactorily completed a course of study required pursuant to subsection b. of section 6 of P.L.2021, c.179 (C.52:7-10.2) at least one time, or who was commissioned for the first time before the effective date of P.L.2021, c.179 (C.52:7-10.1 et al.) shall complete a continuing education course as set forth in subsection c. of section 6 of P.L.2021, c.179 (C.52:7-10.2) and provide satisfactory proof of such completion.

5. Section 4 of P.L.1979, c.460 (C.52:7-13) is amended to read as follows:

C.52:7-13 Commission of nonresidents; additional requirements.

4. Commission of Nonresidents; Additional Requirements.

a. No person shall be denied a commission as a notary public on account of residence outside this State, provided such person maintains, or is regularly employed in, an office in this State or is an employee of a business with its domicile or primary place of business in this State and performs his employment duties remotely from a home office or a co-working space.

b. In addition to the requirements of section 3 of P.L.1979, c.460 (C.52:7-12), any nonresident shall file with the State Treasurer at the time of application a certificate setting forth the residence and the address of the applicant, and the office or place of employment of the applicant in this State.

c. Once commissioned, any such nonresident notary public shall file with the State Treasurer a certificate showing any change of residence or change of the office or place of employment of the notary public in this State.

C.52:7-10.2 Course of study; continuing education.

6. Course of Study; Continuing Education.

a. The provisions of this section do not apply to notaries public who are also licensed attorneys-at-law in this State.

b. A non-attorney applicant for an initial commission as a notary public pursuant to section 2 of P.L.1979, c.460 (C.52:7-11) shall comply with all educational requirements that the State Treasurer shall set forth in rules adopted pursuant to the "Administrative Procedure Act," P.L.1969, c.410 (C.52:14B-1 et seq.). The State Treasurer shall prescribe and approve a course of study to foster and confirm applicants' understanding of the principles and standards that govern notarial practices. Applicants shall be required to acknowledge that

they have read and understood the Notary Public Manual and complete any other educational programs that the Treasurer may require.

c. A non-attorney applicant for renewal of a commission pursuant to section 2 of P.L.1979, c.460 (C.52:7-11) who has previously completed the educational requirements required pursuant to subsection b. of this section at least one time, or who was commissioned for the first time before the effective date of P.L.2021, c.179 (C.52:7-10.1 et al.) shall comply with any additional educational requirements that the State Treasurer sets forth in rules adopted pursuant to the “Administrative Procedure Act,” P.L.1969, c.410 (C.52:14B-1 et seq.). The State Treasurer shall prescribe and approve a continuing education course for non-attorney applicants seeking a renewal of a commission pursuant to section 2 of P.L.1979, c.460 (C.52:7-11).

d. The State Treasurer shall prescribe an application form and certificate of approval for any notary public course of study and any notary public continuing education course proposed by a provider. The State Treasurer may also provide a notary public course of study and continuing education course.

e. Any course of study developed pursuant to subsections b. and c. of this section may be given by the State Treasurer or by independent vendors.

f. The State Treasurer shall compile a list of all independent vendors offering an approved course of study and continuing education course pursuant to this section and shall provide the list on the website of the State Treasurer.

g. Any course of study for a non-attorney applicant for an initial commission shall cover the statutes, regulations, procedures, and ethics for notaries public as described in the manual issued by the State Treasurer, and shall include the duties and responsibilities of a notary public. The course of study may be provided by classroom instruction, by online instruction, or by any other method approved by the State Treasurer.

h. Any continuing education course for a non-attorney applicant for renewal of a commission shall cover topics which ensure maintenance and enhancement of skill, knowledge, and competency necessary to perform notarial acts. The continuing education course may be provided by online instruction, classroom instruction, or by any other method approved by the State Treasurer.

i. The Treasurer shall regularly assess the efficacy of the State’s notarial education program. The Treasurer shall adjust the program’s content as notarial technologies and processes evolve, and publish on the Treasury website, on or before September 30 each year, a report on the state of notary education in New Jersey. The report shall contain a summary of commissioning activity, an assessment regarding the need for new or changed educational content, and the estimated timelines for delivering the new or changed content.

#### C.52:7-10.3 Examination.

##### 7. Examination.

a. The provisions of this section do not apply to applicants who are licensed attorneys-at-law in this State.

b. The State Treasurer shall prescribe an examination to determine the fitness of a non-attorney applicant to exercise the functions of a notary public as provided in section 2 of P.L.1979, c.460 (C.52:7-11). The examination shall:

(1) be based on the statutes, rules, regulations, procedures, and ethical requirements for notaries public as described in the manual issued by the State Treasurer; and

(2) include the requirements, functions, duties, and responsibilities of a notary public.

c. The examination required by subsection b. may be given by the State Treasurer or by an independent vendor under contract to the State Treasurer. If a contract vendor is utilized, the contract vendor shall develop and administer the examination in accordance with specifications approved by the State Treasurer. The State Treasurer shall have the sole responsibility for establishing minimum qualifications and passing requirements of candidates taking the examination.

d. The State Treasurer shall establish a nonrefundable fee which shall be payable at the examination site. Such fee shall be established or changed by the State Treasurer taking into consideration the fee charged by any independent contract vendor to develop and administer the examination, and consideration of the need to defray any proper expenses incurred by the Department of the Treasury in its administration of any independent contract vendor administering the examination. The fee shall not be fixed at a level that will raise amounts in excess of the amount estimated to be so required.

8. Section 5 of P.L.1979, c.460 (C.52:7-14) is amended to read as follows:

C.52:7-14 Oath; filing; certificate of commission.

5. Oath; Filing; Certificate of Commission.

a. Within three months of the receipt of a commission, each notary public shall take and subscribe an oath before the clerk of the county in which the notary public resides, to faithfully and honestly discharge the duties of the office; and make and keep a true record of all such matters as are required by law, which oath shall be filed with the clerk. The oath of office of a nonresident notary public shall be taken and subscribed before the clerk of the county in which the nonresident notary public maintains the notary public's office or the county in which the nonresident notary public is an employee of a business with its domicile or primary place of business in this State.

b. Upon the administration of the oath, the clerk shall cause the notary public to endorse the certificate of commission and qualification and shall transmit the certificate to the State Treasurer within 10 days of the administration of the oath. After the administration of the oath, the clerk shall provide a notice to the person that a notary public who is not licensed as an attorney-at-law shall not use or advertise the title of lawyer or attorney-at-law, or equivalent terms, in any language, which mean or imply that the notary public is licensed as an attorney-at-law in the State of New Jersey or in any other jurisdiction of the United States. The notice shall also state that a notary public who advertises the notary public's services, in any language, is required to provide with such advertisement a notice in the language of the advertisement which contains the following statement or translation of the following statement if the advertisement is not in English: "I am not an attorney licensed to practice law and may not give legal advice about immigration or any other legal matter or accept fees for legal advice."

c. The State Treasurer shall cancel and revoke the appointment of any notary public who fails to take and subscribe the oath within three months of the receipt of the commission and any appointment so canceled and revoked shall be null, void and of no effect. A commission authorizes the notary public to perform notarial acts. The commission does not provide the notary public any immunity or benefit conferred by the law of this State on public officials or employees.

C.52:7-10.4 Grounds for State Treasurer to deny application, refuse to renew commission, or revoke, suspend, or limit commission.

9. Grounds for State Treasurer to Deny Application, Refuse to Renew Commission, or Revoke, Suspend, or Limit Commission.

a. The State Treasurer may deny an application for commission as a notary public; refuse to renew a commission of a notary public; or suspend, revoke, or otherwise limit the commission of a notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability necessary to act as a notary public, including:

(1) failure to comply with P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.);

(2) a fraudulent, dishonest, or deceitful misstatement or omission in the application for commission as a notary public submitted to the State Treasurer;

(3) a finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on fraud, dishonesty, or deceit, including but not limited to a violation of section 1 of P.L.1997, c.1 (C.2C:21-31) or section 1 of P.L.1994, c.47 (C.2C:21-22), but nothing in this paragraph shall be deemed to supersede P.L.1968, c.282 (C.2A:168A-1 et seq.);

(4) a conviction of a crime of the second degree or above, but nothing in this paragraph shall be deemed to supersede P.L.1968, c.282 (C.2A:168A-1 et seq.);

(5) failure by the notary public to discharge any duty required by any law, including P.L.1979, c.460 (C.52:7-10 et seq.), any rules or regulations promulgated thereunder by the State Treasurer, and any other State or federal law;

(6) use of false or misleading advertising or representation by the notary public representing that the notary is commissioned, licensed, or authorized to practice or engage in work that the notary is not commissioned, licensed, or authorized to engage in;

(7) in the case of a notary public who is not an attorney licensed to practice law, any of the following:

(a) giving legal advice;

(b) acting as an immigration consultant or an expert on immigration matters;

(c) otherwise performing the duties of an attorney licensed to practice law in New Jersey;

(d) a disciplinary or other administrative action resulting in a finding of culpability if the applicant holds any professional license regulated by the State; or

(e) creating or reinforcing, by any means, a false impression that the person is licensed to engage in the practice of law in this State or any other state, including, but not limited to, committing a violation of P.L.1994, c.47 (C.2C:21-22) or P.L.1997, c.1 (C.2C:21-31);

(8) failure to take and subscribe to the oath pursuant to section 5 of P.L.1979, c.460 (C.52:7-14) within three months of the receipt of a notary public commission;

(9) withholding access to or possession of an original record or photocopy provided by a person who seeks performance of a notarial act by the notary public, except where allowed by law; or

(10) the denial of an application for notary public in another state; the refusal to renew in another state; or the suspension, revocation, or other limitation of the commission of the notary public in another state.

b. If the State Treasurer denies an application for notary public; refuses to renew a commission of a notary public; or suspends, revokes, or otherwise limits the commission of a notary public, the applicant or the notary public is entitled to timely notice and hearing in accordance with the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

c. The authority of the State Treasurer to deny an application for notary public; refuse to renew a commission of a notary public; or suspend, revoke, or otherwise limit the

commission of a notary public shall not prevent a person aggrieved by the actions of a notary public from seeking other criminal or civil remedies provided by law.

10. Section 6 of P.L.1979, c.460 (C.52:7-15) is amended to read as follows:

C.52:7-15 Statewide authority.

6. Statewide authority.

A notary public who has been duly commissioned and qualified is authorized to perform the duties of a notary public throughout the State.

11. Section 8 of P.L.1979, c.460 (C.52:7-17) is amended to read as follows:

C.52:7-17 Manual.

8. Manual.

a. The State Treasurer shall maintain a manual on the Department of the Treasury's website that sets forth the requirements, functions, duties, and responsibilities of a notary public. The manual shall include, but not be limited to, the statutes, rules, regulations, procedures, and ethical requirements governing a notary public.

b. The manual shall specify that a notary public who is not licensed as an attorney-at-law shall not use or advertise the title of lawyer or attorney-at-law, or equivalent terms, in any language, which mean or imply that the notary public is licensed as an attorney-at-law in the State of New Jersey or in any other jurisdiction of the United States. The manual shall also state that a notary public who advertises the notary public's services in any language is required to provide with such advertisement a notice which contains the following statement or translation of the following statement if the advertisement is not in English: "I am not an attorney licensed to practice law and may not give legal advice about immigration or any other legal matter or accept fees for legal advice." The manual shall also state that no person shall be commissioned a notary public or receive a renewal of a notary public commission if that person has been convicted under the laws of this State of an offense involving dishonesty, including but not limited to a violation of section 1 of P.L.1997, c.1 (C.2C:21-31) or section 1 of P.L.1994, c.47 (C.2C:21-22), or a substantially similar crime under the laws of another state or the United States or of a crime of the second degree or above, but nothing in this paragraph shall be deemed to supersede P.L.1968, c.282 (C.2A:168A-1 et seq.).

c. The State Treasurer shall update the information contained in the manual and the Department of the Treasury's Internet website periodically.

12. Section 9 of P.L.1979, c.460 (C.52:7-18) is amended to read as follows:

C.52:7-18 Statement by notary public after change in name; filing; evidence of continuance of powers and privileges.

9. Statement by Notary Public after Change in Name; Filing; Evidence of Continuance of Powers and Privileges.

a. If a notary public adopts a name different from that which the notary public used at the time the notary public was commissioned, before the notary public provides a signature to any record which the notary public is authorized or required to sign as notary public, the notary public shall make and sign a statement in writing and under oath, on a form prescribed and furnished by the State Treasurer, setting out the circumstances under which the notary

public has adopted the new name. The statement shall state whether the new name has been adopted through marriage or civil union or by a change of name proceeding or otherwise, and such other information as the State Treasurer shall require.

b. The statement shall be filed in the office of the State Treasurer. Such statement, or a certified copy, shall be evidence of the right of the notary public to continue to exercise the powers and privileges and perform the duties of a notary public in the changed or new name.

13. Section 10 of P.L.1979, c.460 (C.52:7-19) is amended to read as follows:

C.52:7-19 Certificate of notarial act.

10. Certificate of Notarial Act.

a. A notarial act shall be evidenced by a certificate. The certificate shall:

- (1) be executed contemporaneously with the performance of the notarial act;
- (2) be signed and dated by the notarial officer;
- (3) identify the jurisdiction in which the notarial act is performed;
- (4) contain the title of office of the notarial officer; and
- (5) if the notarial officer is a notary public, indicate the date of expiration of the officer's commission.

b. A certificate of a notarial act is sufficient if it meets the requirements of subsection a. of this section and:

- (1) is in a short form set forth in section 21 of P.L.2021, c.179 (C.52:7-10.12);
- (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 which shall meet the requirements provided in P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.) and any other applicable laws of this State.

c. By executing a certificate of a notarial act, a notarial officer certifies that the officer has made the determinations specified by P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.).

d. 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.

e. If a notarial act is performed regarding a tangible record, a certificate shall be part of, or attached to, the record.

f. If a notarial act is performed regarding an electronic record, the certificate shall be affixed to, or logically associated with, the electronic record.

g. If the State Treasurer has established standards pursuant to P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.) for attaching, affixing, or logically associating the certificate, the process shall conform to the standards.

C.52:7-10.5 Official stamp.

14. Official Stamp.

a. The official stamp of a notary public shall:

- (1) include the name of the notary public, the title "Notary Public, State of New Jersey," and the notary public's commission expiration date; 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.

b. If a notarial act regarding a tangible record is performed by a notary public, an official stamp shall be affixed to or embossed on the certificate near the signature of the notary public so as to be clear and readable. If a notarial act regarding an electronic record is performed by a notary public and the certificate contains the information specified in subsection a. of this section, an official stamp must be attached to or logically associated with the certificate.

C.52:7-10.6 Stamping device.

15. Stamping Device.

a. A notary public is responsible for the security of the stamping device used by the notary public and may not allow another individual to use the device to perform a notarial act, except at the specific instruction of a notary public who cannot physically use the stamping device.

b. The stamping device is the property of the notary public and not of the notary public's employer, even if the employer paid for the stamping device.

c. If the stamping device used by the notary public is lost or stolen, the notary public or the notary public's personal representative shall notify the State Treasurer of the loss or theft within 10 days.

C.52:7-10.7 Authority to perform notarial act.

16. Authority to Perform Notarial Act.

a. A notarial officer may perform a notarial act authorized by P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.), and any other applicable law.

b. A notarial officer may not perform a notarial act with respect to a record to which the officer or the officer's spouse or civil union 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.

c. A notarial officer may certify that a tangible copy of an electronic record is an accurate copy of the electronic record.

C.52:7-10.8 Requirements for certain notarial acts.

17. Requirements for Certain Notarial Acts.

a. A notarial officer who takes an acknowledgment 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 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 subsection b. of N.J.S.12A:3-505.

f. For the purposes of this section:

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

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

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

(b) Another form of government-issued identification, which is current or expired not more than three years before the performance of the notarial act, and which:

(i) contains the individual's signature or a photograph of the individual's face; and

(ii) is satisfactory to the notarial officer; or

(c) A verification of oath or affirmation of a credible witness personally appearing before the notarial officer or using communication technology to appear before the notarial officer pursuant to section 19 of P.L.2021, c.179 (C.52:7-10.10) and personally known to the notarial officer or whom the notarial officer can identify on the basis of a passport, driver's license, or government-issued, non-driver identification card, which is current or expired not more than three years before the performance of the notarial act.

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

#### C.52:7-10.9 Personal appearance; use of communication technology.

##### 18. Personal Appearance; Use of Communication Technology.

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 or shall use communication technology to appear before the notarial officer pursuant to section 19 of P.L.2021, c.179 (C.52:7-10.10).

#### C.52:7-10.10 Notarial act performed by remotely located individual.

##### 19. Notarial Act Performed by Remotely Located Individual.

a. As used in this section:

(1) "Communication technology" means an electronic device or process that:

(a) allows a notarial officer and a remotely located individual to communicate with each other simultaneously by sight and sound; and

(b) when necessary and consistent with other applicable law, facilitates communication with a remotely located individual who has a vision, hearing, or speech impairment.

(2) "Foreign state" means a jurisdiction other than the United States, a state, or a federally recognized Indian tribe.

(3) "Identity proofing" means a process or service by which a third person provides a notarial officer with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.

(4) “Outside the United States” means a location outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory, insular possession, or other location subject to the jurisdiction of the United States.

(5) “Remotely located individual” means an individual who is not in the physical presence of a notarial officer performing a notarial act under subsection c.

b. This section does not apply to a record to the extent it is governed by a law governing the creation and execution of wills or codicils, except that subsections e., f., g., and h. of this section shall apply to notarial acts performed on a tangible record that is governed by a law governing the creation or execution of wills and codicils.

c. A remotely located individual may comply with section 18 of P.L.2021, c.179 (C.52:7-10.9) and subsections a. and b. of R.S.46:14-2.1 by using communication technology to appear before a notarial officer.

d. A notarial officer located in this State may perform a notarial act using communication technology for a remotely located individual if:

(1) the notarial officer:

(a) has personal knowledge pursuant to paragraph (1) of subsection f. of section 17 of P.L.2021, c.179 (C.52:7-10.8) of the identity of the individual;

(b) has satisfactory evidence of the identity of the remotely located individual by oath or affirmation from a credible witness appearing before the notarial officer pursuant to paragraph (2) of subsection f. of section 17 of P.L.2021, c.179 (C.52:7-10.8.) or using communication technology to appear before the notarial officer pursuant to this section; or

(c) has obtained satisfactory evidence of the identity of the remotely located individual by using at least two different types of identity proofing;

(2) the notarial officer is able reasonably to confirm that a record before the notarial officer is the same record in which the remotely located individual made a statement or on which the remotely located individual executed a signature;

(3) the notarial officer, or a person acting on behalf of the notarial officer, creates an audio-visual recording of the performance of the notarial act; and

(4) for a remotely located individual who is located outside the United States:

(a) the record:

(i) is to be filed with or relates to a matter before a public official or court, governmental entity, or other entity subject to the jurisdiction of the United States; or

(ii) involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with the United States; and

(b) the act of making the statement or signing the record is not prohibited by the foreign state in which the remotely located individual is located.

e. A notarial officer in this State may use communication technology under subsection d. of this section to take an acknowledgement of a signature on a tangible record that is in the possession of the notary public if the record is displayed to and identified by the remotely located individual during the audio-visual session required by paragraph (3) of subsection d. of this section.

f. A notarial officer’s obligation under paragraph (2) of subsection d. of this section for the performance of a notarial act with respect to a tangible record not physically present before the notarial officer is satisfied if:

(1) the remotely located individual:

(a) during the audio-visual session required by paragraph (3) of subsection d. of this section, signs:

(i) the record; and

(ii) a declaration, substantially in the following form, which is part of or securely attached to the record:

“I declare under penalty of perjury that the record to which this declaration is attached is the same record on which performed a notarial act and before whom I appeared by means of communication technology on [date].

\_\_\_\_\_ Printed name of remotely located individual

\_\_\_\_\_ Signature of remotely located individual”; and

(b) sends the record and declaration to the notarial officer not later than three days after the notarial act was performed; and

(2) the notarial officer:

(a) in the audio-visual recording required by paragraph (3) of subsection d. of this section, records the individual signing the record and declaration; and

(b) after receipt of the record and declaration from the individual, executes the certificate of notarial act required by section 13 of P.L.2021, c.179 (C.52:7-10.19), which must include the following statement or words of similar import:

“I [name of notarial officer] witnessed, by means of communication technology, [name of remotely located individual] sign the attached record and declaration on [date]”.

g. A notarial act performed in compliance with subsection f. of this section complies with paragraph (1) of subsection a. of section 13 of P.L.2021, c.179 (C.52:7-10.19) and is effective as of the date on which the declaration was signed by the remotely located individual.

h. Subsections f. and g. of this section are not intended to exclude other procedures to satisfy the requirements of this section for a notarial act performed with respect to a tangible record.

i. A notarial officer in this State may administer an oath to a remotely located individual using communication technology. Except as required or permitted by rule or law of this State, the notarial officer shall identify the individual under paragraph (1) of subsection d. of this section, create an audio-visual recording under paragraph (3) of subsection d. of this section of the individual taking the oath, and preserve a copy of the audio-visual recording under subsection l. of this section.

j. If a notarial act is performed under this section, the certificate of notarial act required by section 10 of P.L.1979, c.460 (C.52:7-19), the certificate required by section c. of R.S.46:14-2.1, or the short-form certificate provided in section 21 of P.L.2021, c.179 (C.52:7-10.12) must indicate that the notarial act was performed using communication technology.

k. A short-form certificate provided in section 21 of P.L.2021, c.179 (C.52:7-10.12) for a notarial act subject to this section is sufficient if it:

(1) complies with any rules or regulations adopted by the State Treasurer under paragraph (1) of subsection o. of this section or section 29 of P.L.2021, c.179 (C.52:7-10.20); or

(2) is in the form provided by section 21 of P.L.2021, c.179 (C.52:7-10.12) and contains a statement substantially as follows: “This notarial act involved the use of communication technology.”

l. A notarial officer, a guardian, conservator, or agent of a notarial officer, or a personal representative of a deceased notarial officer, shall retain the audio-visual recording created under paragraph (3) of subsection d. of this section or cause the recording to be retained by a repository designated by or on behalf of the person required to retain the recording. Unless a different period is required by any rule or regulation adopted by the State Treasurer under

paragraph (4) of subsection o. of this section, the recording must be retained for a period of at least 10 years after the recording is made.

m. Before a notary public performs the notary public's initial notarial act under this section, the notary public must notify the State Treasurer that the notary public will be performing such notarial acts and identify the technologies the notary public intends to use.

n. If the State Treasurer has established standards under subsection i. of this section and section 29 of P.L.2021, c.179 (C.52:7-10.20) for approval of communication technology or identity proofing, the communication technology and identity proofing must conform to those standards.

o. In addition to adopting rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) under section 29 of P.L.2021, c.179 (C.52:7-10.20), the State Treasurer may adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) under this section regarding the performance of a notarial act. The rules and regulations may:

(1) prescribe the means of performing a notarial act involving a remotely located individual using communication technology;

(2) establish standards for communication technology and identity proofing;

(3) establish requirements or procedures to approve providers of communication technology and the process of identity proofing;

(4) establish standards and a period for the retention of an audio-visual recording created under paragraph (3) of subsection d. of this section; and

(5) prescribe methods for confirmation of a tangible record by a notarial officer permitted under subsection e. of this section.

p. Before adopting, amending, or repealing a rule or regulation governing performance of a notarial act with respect to a remotely located individual, the State Treasurer must consider:

(1) the most recent standards regarding the performance of a notarial act with respect to a remotely located individual promulgated by national standard-setting organizations such as the Mortgage Industry Standards Maintenance Organization and the recommendations of the National Association of Secretaries of State;

(2) standards, practices, and customs of other jurisdictions that have laws substantially similar to this section; and

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

q. (1) A notarial officer may perform a notarial act using communication technology for a remotely located individual that meets the requirements of section 19 of P.L.2021, c.179 (C.52:7-10.10) and subsections a. and b. of R.S.46:14-2.1 regardless of whether the remotely located individual is physically located in this State.

(2) A notarial act performed using communication technology for a remotely located individual is deemed performed in New Jersey and is governed by New Jersey law.

r. It is the intent of the Legislature that, to the fullest extent allowed by the Full Faith and Credit Clause of the United States Constitution and the laws of the 50 states and the District of Columbia, a notarial act performed in this State shall be recognized, be enforceable, and have the same effect under the law of the 50 states as if performed by a notarial officer of those jurisdictions.

s. By allowing its communication technology or identity proofing to facilitate a notarial act for a remotely located individual or by providing storage of the audio-visual recording created under paragraph (3) of subsection d. of this section, the provider of the communication technology, identity proofing, or storage appoints the State Treasurer as the

provider’s agent for service of process in any civil action in this State related to the notarial act.

C.52:7-10.11 Signature if individual unable to sign.

20. 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 record with the individual’s name. The notarial officer shall insert “Signature affixed by (name of other individual) at the direction of (name of individual)” or words of similar import.

C.52:7-10.12 Certificate form.

21. Certificate Form.

The following short form certificates of notarial acts are sufficient for the purposes indicated, if the requirements of section 10 of P.L.1979, c.460 (C.52:7-19) are satisfied. Certificates of notarial acts are deemed sufficient for the purposes indicated if substantially all of the requirements of section 10 of P.L.1979, c.460 (C.52:7-19) and this section are satisfied:

a. For an acknowledgment in an individual capacity:

State of \_\_\_\_\_

County of \_\_\_\_\_

This record was acknowledged before me on \_\_\_\_\_ (date) by

\_\_\_\_\_  
(Name(s) of individual(s))

\_\_\_\_\_  
Signature of notarial officer

Stamp  
\_\_\_\_\_

Title of office

(My commission expires: \_\_\_\_\_)

b. For an acknowledgment in a representative capacity:

State of \_\_\_\_\_

County of \_\_\_\_\_

This record was acknowledged before me on \_\_\_\_\_ (date) by \_\_\_\_\_

(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: \_\_\_\_\_)

c. For a verification on oath or affirmation:

State of \_\_\_\_\_

County of \_\_\_\_\_

Signed and sworn to (or affirmed) before me on \_\_\_\_\_ (date) by

\_\_\_\_\_  
(Name(s) of individual(s) making statement)

\_\_\_\_\_  
Signature of notarial officer

Stamp

[\_\_\_\_\_]

Title of office

(My commission expires: \_\_\_\_\_)

d. For witnessing or attesting a signature:

State of \_\_\_\_\_

County of \_\_\_\_\_

Signed (or attested) before me on \_\_\_\_\_ (date) by \_\_\_\_\_

(Name(s) of individual(s))

\_\_\_\_\_  
Signature of notarial officer

Stamp

[\_\_\_\_\_]

Title of office

(My commission expires: \_\_\_\_\_)

e. 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  
\_\_\_\_\_(name).

Dated \_\_\_\_\_

\_\_\_\_\_  
Signature of notarial officer

Stamp

\_\_\_\_\_  
Title of office

(My commission expires: \_\_\_\_\_ )

C.52:7-10.13 Notarial act in this State.

22. Notarial Act in this State.

a. The signature and title of an individual performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.

b. A notarial act may be performed in this State by an individual authorized by the applicable law to perform the notarial act.

c. The signature and title of a notarial officer authorized by the applicable law to perform the notarial act conclusively establishes the authority of the officer to perform the notarial act.

C.52:7-10.14 Notarial acts outside this state.

23. Notarial Acts Outside this State.

a. In Another State.

(1) 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:

- (a) a notary public of that state;
- (b) a judge, clerk, or deputy clerk of a court of that state; or
- (c) any other individual authorized by the law of that state to perform the notarial act.

(2) 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.

(3) The signature and title of a notarial officer described in subparagraph (a) or (b) of paragraph (1) of this subsection conclusively establish the authority of the officer to perform the notarial act.

b. Under Authority of Federally Recognized Indian Tribe.

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

- (a) a notary public of the tribe;
- (b) a judge, clerk, or deputy clerk of a court of the tribe; or
- (c) any other individual authorized by the law of the tribe to perform the notarial act.

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

(3) The signature and title of a notarial officer described in subparagraph (a) or (b) of paragraph (1) of this subsection conclusively establish the authority of the officer to perform the notarial act.

c. Under Federal Authority.

(1) 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:

- (a) a judge, clerk, or deputy clerk of a court;
- (b) an individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;
- (c) an individual designated a notarizing officer by the United States Department of State for performing notarial acts overseas; or
- (d) any other individual authorized by federal law to perform the notarial act.

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

(3) The signature and title of an officer described in subparagraph (a), (b), or (c) of paragraph (1) of this subsection conclusively establish the authority of the officer to perform the notarial act.

d. Foreign Notarial Acts.

(1) As used in this subsection, “foreign state” means a jurisdiction other than the United States, a state, or a federally recognized Indian tribe.

(2) 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.

(3) 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.

(4) The signature and official stamp of an individual holding an office described in paragraph (3) of this subsection are prima facie evidence that the signature is genuine and the individual holds the designated title.

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

(6) 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 notarial officer holds the indicated office.

C.52:7-10.15 Notification regarding performance of notarial act on electronic record; selection of technology; acceptance of tangible copy of electronic record.

24. Notification Regarding Performance of Notarial Act on Electronic Record; Selection of Technology; Acceptance of Tangible Copy of Electronic Record.

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

b. Before a notary public performs the notary public’s initial notarial act with respect to an electronic record, the notary public shall notify the State Treasurer that the notary public will be performing notarial acts with respect to electronic records and identify the technology that the notary public intends to use. If the State Treasurer has established standards for approval of technology pursuant to section 29 of P.L.2021, c.179 (C.52:7-10.20), the technology must conform to those standards. If the technology conforms to the standards, the State Treasurer shall approve the use of the technology.

c. A county clerk, a register of deeds and mortgages, and a county surrogate shall accept for recording a tangible copy of an electronic record containing a notarial certificate as satisfying any requirement that a record accepted for recording be an original, if the

notarial officer executing the notarial certificate certifies that the tangible copy is an accurate copy of the electronic record.

C.52:7-10.16 Database of notaries public.

25. Database of Notaries Public.

The State Treasurer shall maintain an electronic database of current and former notaries public, including the dates that the notary public was commissioned and authorized to perform notarial acts:

- a. through which a person may verify the authority of a notary public to perform notarial acts; and
- b. which indicates whether a notary public has notified the State Treasurer that the notary public will be performing notarial acts on electronic records.

C.52:7-10.17 Authority to refuse to perform notarial act.

26. 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;
- (2) the individual's signature is knowingly and voluntarily made;
- (3) the individual's signature on the record or statement substantially conforms to the signature on a form of identification used to determine the identity of the individual; or
- (4) the physical appearance of the individual signing the record or statement substantially conforms to the photograph on a form of identification used to determine the identity of the individual.

b. A notarial officer may refuse to perform a notarial act unless refusal is prohibited by law other than P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.).

C.52:7-10.18 Journal.

27. Journal.

a. A notary public shall maintain a journal of all notarial acts performed.

(1) The journal may be created and maintained on a tangible medium or in an electronic format.

(2) 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.

(3) If the journal is maintained on a tangible medium, it shall be a permanent, bound register with consecutively numbered lines and consecutively numbered pages.

(4) If the journal is maintained in an electronic format, it shall be in a permanent, tamper-evident electronic format complying with any rules and regulations promulgated by the State Treasurer.

b. For each notarial act, the notary public shall record in the journal:

- (1) the date and time of the notarial act;
- (2) the type of notarial act, including but not limited to the taking of an acknowledgment, the taking of a proof of a deed, the administration of an oath, or the taking of an affidavit;
- (3) the name and address of each person for whom the notarial act is performed;
- (4) if the identity of the individual is based on personal knowledge, a statement to that effect;

(5) if the 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, if applicable, the type, date of issuance, and date of expiration of an identification document, or the name and signature of any identifying witness and, if applicable, the type, date of issuance, and date of expiration of a document identifying the witness; and

(6) an itemized list of all fees charged for the notarial act.

c. If a notary public's journal is lost or stolen, the notary public shall notify the State Treasurer within 10 days of the loss or theft.

d. The notary public shall either:

(1) retain the journal for 10 years after the performance of the last notarial act chronicled in the journal; or

(2) transmit the journal to the Department of the Treasury, Division of Revenue and Enterprise Services, or a repository approved by the State Treasurer.

e. On resignation from, or the revocation or suspension of, a notary public's commission, the notary public shall either:

(1) retain the journal in accordance with paragraph (1) of subsection d. of this section and inform the State Treasurer where the journal is located; or

(2) transmit the journal to the Department of the Treasury, Division of Revenue and Enterprise Services, or a repository approved by the State Treasurer.

f. 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, within 45 days, transmit it to the Department of the Treasury, Division of Revenue and Enterprise Services, or a repository approved by the State Treasurer.

g. In lieu of maintaining a journal, a notary public who is an attorney-at-law admitted to practice in this State, or who is employed by an attorney-at-law, or who is employed by or acting as an agent for a title insurance company licensed to do business in this State pursuant to P.L.2001, c.210 (C.17:22A-26 et seq.), may maintain a record of notarial acts in the form of files regularly maintained for the attorney's law practice or the title insurance company's business activities, as the case may be.

#### C.52:7-10.19 Validity of notarial acts.

##### 28. Validity of Notarial Acts.

a. Except as otherwise provided in section 9 of P.L.2021, c.179 (C.52:7-10.4), the failure of a notarial officer to perform a duty or meet a requirement specified in P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.), does not invalidate a notarial act performed by the notarial officer.

b. The validity of a notarial act under P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.), does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies available by law and as provided in P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.).

c. P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.), shall not validate any purported notarial act performed by an individual who does not have the authority to perform notarial acts.

#### C.52:7-10.20 Rules and regulations.

##### 29. Rules and Regulations.

a. The State Treasurer shall adopt rules and regulations pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to implement the provisions of P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.). Any rules and regulations regarding the performance of notarial acts with respect to electronic records shall not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification. The rules and regulations 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, revoking, or otherwise limiting a notary public commission and assuring the trustworthiness of an individual holding a commission as notary public;

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

(6) provide for the administration of the examination under section 7 of P.L.2021, c.179 (C.52:7-10.3) and the course of study under section 6 of P.L.2021, c.179 (C.52:7-10.2).

b. In adopting, amending, or repealing rules and regulations concerning notarial acts with respect to electronic records, the State Treasurer shall consider, consistent with the provisions of P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.):

(1) the most recent standards regarding electronic records promulgated by national bodies, such as the Mortgage Industry Standards Maintenance Organization and the National Association of Secretaries of State;

(2) standards, practices, and customs of other jurisdictions that substantially enact the Revised Uniform Law on Notarial Acts, as embodied in P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.); and

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

30. R.S.46:14-2.1 is amended to read as follows:

Acknowledgement and proof.

46:14-2.1. Acknowledgment and proof.

a. To acknowledge a deed or other instrument the maker of the instrument shall appear before an officer specified in R.S.46:14-6.1 or use communication technology to appear before the officer pursuant to section 19 of P.L.2021, c.179 (C.52:7-10.10.) and acknowledge that it was executed as the maker's own act. To acknowledge a deed or other instrument made on behalf of a corporation or other entity, the maker shall appear before an officer specified in R.S.46:14-6.1 and state that the maker was authorized to execute the instrument on behalf of the entity and that the maker executed the instrument as the act of the entity.

b. To prove a deed or other instrument, a subscribing witness shall appear before an officer specified in R.S.46:14-6.1 or use communication technology to appear before the officer pursuant to section 19 of P.L.2021, c.179 (C.52:7-10.10) and swear that he or she witnessed the maker of the instrument execute the instrument as the maker's own act. To prove a deed or other instrument executed on behalf of a corporation or other entity, a subscribing witness shall appear before an officer specified in R.S.46:14-6.1 or use

communication technology to appear before the officer pursuant to section 19 of P.L.2021, c.179 (C.52:7-10.10) and swear that the representative was authorized to execute the instrument on behalf of the entity, and that he or she witnessed the representative execute the instrument as the act of the entity.

c. The officer taking an acknowledgment or proof shall sign a certificate stating that acknowledgment or proof. The certificate shall also state:

- (1) that the maker or the witness personally appeared before the officer;
- (2) that the officer was satisfied that the person who made the acknowledgment or proof was the maker of or the witness to the instrument;
- (3) the jurisdiction in which the acknowledgment or proof was taken;
- (4) the officer's name and title;
- (5) the date on which the acknowledgment was taken.

d. The seal of the officer taking the acknowledgment or proof need not be affixed to the certificate stating that acknowledgment or proof.

e. A certificate that is substantially in the form provided in subsection b. of section 13 of P.L.2021, c.179 (C.52:7-19) satisfies the requirements of this section.

31. R.S.46:14-6.1 is amended to read as follows:

Officers authorized to take acknowledgements.

46:14-6.1. Officers authorized to take acknowledgments. a. The officers of this State authorized to take acknowledgments or proofs in this State, or in any other United States or foreign jurisdiction, are:

- (1) an attorney-at-law;
- (2) a notary public;
- (3) a county clerk or deputy county clerk;
- (4) a register of deeds and mortgages or a deputy register;
- (5) a surrogate or deputy surrogate.

b. The officers authorized to take acknowledgments or proofs, in addition to those listed in subsection a., are:

(1) any officer of the United States, of a state, territory or district of the United States, or of a foreign nation authorized at the time and place of the acknowledgment or proof by the laws of that jurisdiction to take acknowledgments or proofs. If the certificate of acknowledgment or proof does not designate the officer as a justice, judge or notary, the certificate of acknowledgment or proof, or an affidavit appended to it, shall contain a statement of the officer's authority to take acknowledgments or proofs;

(2) a foreign service or consular officer or other representative of the United States to any foreign nation, within the territory of that nation.

32. N.J.S.22A:4-14 is amended to read as follows:

Acknowledgments, proof, affidavits and oaths.

22A:4-14. For administering oaths, taking affidavits, taking proofs of a deed, and taking acknowledgements, notaries public, judges and other officers authorized by law to perform such services shall receive a fee as shall be fixed by the State Treasurer by regulation.

33. R.S.41:2-17 is amended to read as follows:

Officers authorized to administer or take; jurat; certificate.

41:2-17. Officers authorized to administer or take; jurat; certificate.

Any oath, affirmation, or affidavit required or authorized to be taken in any suit or legal proceeding in this State, or for any lawful purpose whatever, except official oaths and depositions required to be taken upon notice, when taken out of this State, may be taken before any notary public of the state, territory, nation, kingdom, or country in which the same shall be taken, or before any officer who may be authorized by the laws of this State to take the acknowledgment of deeds in such state, territory, nation, kingdom, or country; and a recital that he or she is such notary or officer in the jurat or certificate of such oath, affirmation, or affidavit, and his or her official designation annexed to his or her signature, and attested under his or her official seal, shall be sufficient proof that the person before whom the same is taken is such notary or officer.

C.52:7-10.21 Relation to electronic signatures in global and national commerce act.

34. Relation to Electronic Signatures in Global and National Commerce Act.

P.L.2021, c.179 (C.52:7-10.1 et al.) modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. s.7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. 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).

C.52:7-10.22 Savings clause.

35. Savings Clause.

P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.), shall not affect the validity or effect of any notarial act performed before the effective date of P.L.2021, c.179 (C.52:7-10.1 et al.).

36. Section 3 of P.L.2001, c.116 (C.12A:12-3) is amended to read as follows:

C.12A:12-3 Applicability of act to electronic records, signatures; exceptions.

3. a. Except as provided in subsections b. and c. of this section, this act applies to electronic records and electronic signatures relating to a transaction.

b. This act does not apply to a transaction to the extent it is governed by a law governing the creation and execution of wills, codicils or testamentary trusts.

c. This act does not apply to:

(1) court orders or notices or official court documents (including briefs, pleadings and other writings) required to be executed in connection with court proceedings;

(2) any notice of:

(a) the cancellation or termination of utility services (including water, heat and power);

(b) the default, acceleration, repossession, foreclosure or eviction, or the right to cure, under a credit agreement secured by, or a rental agreement for, a primary residence of an individual;

(c) the cancellation or termination of health insurance benefits or life insurance benefits (excluding annuities); or

(d) the recall of a product, or material failure of a product, that risks endangering health or safety; or

(3) any document required to accompany any transportation or handling of hazardous materials, pesticides or other toxic or dangerous materials.

d. This act applies to an electronic record or electronic signature otherwise excluded from the application of this act under subsection b. of this section to the extent it is governed by a law other than those specified in subsection b. of this section.

e. A transaction subject to this act is subject also to other applicable substantive law.

Repealer.

37. The following are repealed:

Section 7 of P.L.1979, c.460 (C.52:7-16); and

Sections 1 and 2 of P.L.1981, c.487 (C.52:7-20 and C.52:7-21).

C.52:7-10.23 Rules, regulations.

38. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the State Treasurer shall adopt, after notice, interim rules and regulations as shall be necessary for the implementation of this act within 90 days after the effective date of this act. The rules and regulations shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the Treasurer in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

39. Sections 6 and 7 of this act shall take effect on the 365th day following enactment. Sections 1 through 5 and sections 8 through 38 of this act shall take effect on the 90th day following enactment. The State Treasurer may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved July 22, 2021.

# ASSEMBLY, No. 4250

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 11, 2020

**Sponsored by:**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**SYNOPSIS**

Revises law concerning notaries and notarial acts; authorizes electronic signatures.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning notaries, amending and supplementing various  
2 parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 1 of P.L.1979, c.460 (C.52:7-10) is amended to read  
8 as follows:

9 1. Short title.

10 This act shall be known and may be cited as the **["Notaries**  
11 **Public Act of 1979."]** "New Jersey Law on Notarial Acts."  
12 (cf: P.L.1979, c.460, s.1)

13

14 2. (New section) Definitions.

15 As used in P.L. , c. (C. ) (pending before the Legislature  
16 as this bill):

17 a. "Acknowledgment" means a declaration by an individual  
18 before a notarial officer that the individual has signed a record for  
19 the purpose stated in the record and, if the record is signed in a  
20 representative capacity, that the individual signed the record with  
21 proper authority and signed it as the act of the individual or entity  
22 identified in the record.

23 b. "Electronic" means relating to technology having electrical,  
24 digital, magnetic, wireless, optical, electromagnetic, or similar  
25 capabilities.

26 c. "Electronic signature" means an electronic symbol, sound,  
27 or process attached to, or logically associated with, a record and  
28 executed or adopted by an individual with the intent to sign the  
29 record.

30 d. "In a representative capacity" means acting as:

31 (1) An authorized officer, agent, partner, trustee, or other  
32 representative for a person other than an individual;

33 (2) A public officer, personal representative, guardian, or other  
34 representative, in the capacity stated in a record;

35 (3) An agent or attorney-in-fact for a principal; or

36 (4) An authorized representative of another in any other  
37 capacity.

38 e. "Notarial act" means an act, whether performed with respect  
39 to a tangible or electronic record, that a notarial officer may  
40 perform under the laws of New Jersey. The term includes:

41 (1) taking an acknowledgment,

42 (2) administering an oath or affirmation,

43 (3) taking a verification on oath or affirmation,

44 (4) witnessing or attesting a signature,

45 (5) certifying or attesting a copy or deposition, and

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

- 1 (6) noting a protest of a negotiable instrument.
- 2 f. "Notarial officer" means a notary public or other individual  
3 authorized by law to perform a notarial act.
- 4 g. "Notary public" means an individual commissioned by the  
5 State Treasurer to perform a notarial act.
- 6 h. "Official stamp" means a physical image affixed to or  
7 embossed on a tangible record or an electronic image attached to, or  
8 logically associated with, an electronic record.
- 9 i. "Person" has the meaning ascribed to it in R.S.1:1-2.
- 10 j. "Record" means information that is inscribed on a tangible  
11 medium or that is stored in an electronic or other medium and is  
12 retrievable in perceivable form.
- 13 k. "Sign" means, with present intent to authenticate or adopt a  
14 record:
- 15 (1) To execute or adopt a tangible symbol; or
- 16 (2) To attach to or logically associate with the record an  
17 electronic symbol, sound, or process.
- 18 l. "Signature" means a tangible symbol or an electronic  
19 signature that evidences the signing of a record.
- 20 m. "Stamping device" means:
- 21 (1) A physical device capable of affixing to or embossing on a  
22 tangible record an official stamp; or
- 23 (2) An electronic device or process capable of attaching to or  
24 logically associating with an electronic record an official stamp.
- 25 n. "State" means the State of New Jersey; "other state" or  
26 "another state" means any state, the District of Columbia, the  
27 Commonwealth of Puerto Rico, the United States Virgin Islands,  
28 and any other insular possession or territory of the United States  
29 other than the State of New Jersey.
- 30 o. "Verification on oath or affirmation" means a declaration,  
31 made by an individual on oath or affirmation before a notarial  
32 officer, that a statement in a record is true.

33

34 3. Section 2 of P.L.1979, c.460 (C.52:7-11) is amended to read  
35 as follows:

36 2. Commission; Term; Application; Renewal.

37 a. The State Treasurer **[shall appoint]** may commission so  
38 many notaries public as the State Treasurer **[shall deem]** deems  
39 necessary to commission**[, who]**. Notaries public shall hold their  
40 respective offices for **[the]** a term of five years**[, but may be**  
41 removed from office at the pleasure of the State Treasurer**]**.

42 b. **[A person desiring to be appointed and commissioned]** An  
43 applicant for commission as a notary public shall make application  
44 to the State Treasurer on a form prescribed by the State Treasurer  
45 **[and endorsed by a member of the Legislature]**. Renewals  
46 **[thereof]** shall be made in the same manner as the original  
47 application.

1 The application form shall provide a notice to the applicant that a  
2 notary public who is not licensed as an attorney-at-law shall not use  
3 or advertise the title of lawyer or attorney-at-law, or equivalent  
4 terms, in **the English language or** any **other** language, which  
5 mean or imply that the notary public is licensed as an attorney-at-  
6 law in the State of New Jersey or in any other jurisdiction of the  
7 United States. The application form shall also state that a notary  
8 public who advertises **his** the notary public's services in **the**  
9 **English language or** any **other** language is required to provide  
10 with such advertisement a notice in the language of the  
11 advertisement which contains the following statement or translation  
12 of the following statement if the advertisement is not in English: "I  
13 am not an attorney licensed to practice law and may not give legal  
14 advice about immigration or any other legal matter or accept fees  
15 for legal advice."

16 c. The **fee to be collected by the** State Treasurer shall collect  
17 a nonrefundable fee **for that appointment or renewal shall be**  
18 **\$25.00** of \$25 for each commission or renewal. In collecting the  
19 fee, the State Treasurer shall accept the use of a credit card, debit  
20 card, or electronic funds transfer.

21 (cf: P.L.2014, c.48, s.3)

22

23 4. Section 3 of P.L.1979, c.460 (C.52:7-12) is amended to read  
24 as follows:

25 Qualifications.

26 **No** a. A person **shall be appointed** commissioned as a  
27 notary public in this State shall:

28 (1) be at the time of appointment at least **unless he is** 18 years  
29 of age **or older** and a citizen of the United States;

30 (2) be at the time of appointment a legal resident of this State or  
31 have a place of employment or practice in this State; and

32 (3) not be disqualified to receive a commission under section 9  
33 of P.L. , c. (C. ) (pending before the Legislature as this  
34 bill).

35 b. An applicant for an initial commission as a notary public  
36 shall provide satisfactory proof that the applicant has:

37 (1) completed a six-hour course of study approved by the State  
38 Treasurer pursuant to subsection a. of section 6 of P.L. ,  
39 c. (C. ) (pending before the Legislature as this bill); and

40 (2) passed an examination prescribed by the State Treasurer  
41 pursuant to section 7 of P.L. , c. (C. ) (pending before the  
42 Legislature as this bill).

43 c. A commissioned notary public applying to renew a  
44 commission who has satisfactorily completed the six-hour course of  
45 study required pursuant to subsection a. of section 6 of P.L. , c.  
46 (C. ) (pending before the Legislature as this bill) at least one  
47 time, or who was commissioned for the first time before the

1 effective date of P.L. , c. (C. ) shall complete the three-  
2 hour continuing education course as set forth in subsection b. of  
3 section 6 of P.L. , c. (C. ) (pending before the Legislature  
4 as this bill) and provide satisfactory proof of such completion.  
5 (cf: P.L.1979, c.460, s.3)

6  
7 5. Section 4 of P.L.1979, c.460 (C.52:7-13) is amended to read  
8 as follows:

9 4. Commission of Nonresidents; Additional Requirements.

10 a. No person shall be denied **【appointment】** a commission as a  
11 notary public on account of residence outside **【of】** this State,  
12 provided such person **【resides in a State adjoining this State and】**  
13 maintains, or is regularly employed in, an office in this State.

14 b. **【Before】** In addition to the requirements of section 3 of  
15 P.L.1979, c.460 (C.52:7-12), any **【such】** nonresident shall **【be**  
16 appointed and commissioned as a notary public, he shall **【**  
17 the State Treasurer **【an affidavit】** at the time of application a  
18 certificate setting forth **【his】** the residence and the address of the  
19 applicant, and the **【address of his】** office or place of employment  
20 of the applicant in this State.

21 c. **【Any】** Once commissioned, any such nonresident notary  
22 public shall file with the State Treasurer a certificate showing any  
23 change of residence or change of **【his】** the office or place of  
24 employment **【address】** of the notary public in this State.

25 (cf: P.L.2014, c.48, s.4)

26  
27 6. (New section) Course of Study; Continuing Education.

28 a. An applicant for an initial commission as a notary public  
29 pursuant to section 2 of P.L.1979, c.460 (C.52:7-11) shall complete  
30 a six-hour course of study prescribed and approved by the State  
31 Treasurer. The course of study shall be completed within the six-  
32 month period immediately preceding the application.

33 b. An applicant for renewal of a commission pursuant to  
34 section 2 of P.L.1979, c.460 (C.52:7-11) who has previously  
35 completed the six-hour course of study required pursuant to  
36 subsection a. of this section at least one time, or who was  
37 commissioned for the first time before the effective date of P.L. ,  
38 c. (C. ) (pending before the Legislature as this bill) shall  
39 complete a three-hour continuing education course prescribed and  
40 approved by the State Treasurer. The continuing education course  
41 shall be completed within the six-month period immediately  
42 preceding the application.

43 c. The State Treasurer shall prescribe an application form and  
44 certificate of approval for any notary public course of study and any  
45 notary public continuing education course proposed by a provider.  
46 The State Treasurer may also provide a notary public course of  
47 study and continuing education course.

1 d. The State Treasurer shall compile a list of all persons  
2 offering an approved course of study and continuing education  
3 course pursuant to this section and shall provide the list on the  
4 website of the State Treasurer.

5 e. The six-hour course of study shall cover the statutes,  
6 regulations, procedures, and ethics for notaries public as described  
7 in the manual issued by the State Treasurer, and shall include the  
8 duties and responsibilities of a notary public. The course of study  
9 shall be provided by classroom instruction.

10 f. The three-hour continuing education course shall cover  
11 topics which ensure maintenance and enhancement of skill,  
12 knowledge, and competency necessary to perform notarial acts. The  
13 continuing education course may be provided by either online or  
14 classroom instruction.

15

16 7. (New section) Examination.

17 a. The State Treasurer shall prescribe and administer an  
18 examination to determine the fitness of an applicant to exercise the  
19 functions of a notary public as provided in section 2 of P.L.1979,  
20 c.460 (C.52:7-11). The examination shall:

21 (1) be based on the statutes, rules, regulations, procedures, and  
22 ethical requirements for notaries public as described in the manual  
23 issued by the State Treasurer; and

24 (2) include the requirements, functions, duties, and  
25 responsibilities of a notary public.

26 b. The State Treasurer shall charge a nonrefundable fee which  
27 shall be payable at the examination site. Such fee shall be  
28 established or changed by the State Treasurer to defray any proper  
29 expenses incurred by the Department of the Treasury in  
30 administering the examination. The fee shall not be fixed at a level  
31 that will raise amounts in excess of the amount estimated to be so  
32 required.

33

34 8. Section 5 of P.L.1979, c.460 (C.52:7-14) is amended to read  
35 as follows:

36 5. Oath; Filing; Certificate of Commission.

37 a. Within 45 days of the receipt of a commission, each notary  
38 public shall take and subscribe an oath before **【the clerk of the**  
39 **county in which he resides】** any officer authorized to administer  
40 oaths pursuant to R.S.41:2-1, to:

41 (1) faithfully and honestly **【to】** discharge the duties of **【his】** the  
42 office【,】; and

43 (2) **【that he will】** make and keep a true record of all such  
44 matters as are required by law, **【which oath shall be filed with said**  
45 **clerk. The oath of office of a nonresident notary public shall be**  
46 **taken and subscribed before the clerk of the county in which he**  
47 **maintains his office or is employed in this State】** including the

1 requirement to maintain a journal of all notarial acts performed, as  
2 set forth in section 27 of P.L. , c. (C. ) (pending before  
3 the Legislature as this bill).

4 b. Upon the administration of **【said】** the oath, the **【said clerk】**  
5 officer shall cause the notary public to **【indorse a】** endorse the  
6 certificate of commission and qualification and shall transmit  
7 **【said】** the certificate to the State Treasurer within 10 days of the  
8 administration of **【said】** the oath. **【After the administration of the**  
9 **oath, the clerk shall provide a notice to the person that a notary**  
10 **public who is not licensed as an attorney-at-law shall not use or**  
11 **advertise the title of lawyer or attorney-at-law, or equivalent terms,**  
12 **in the English language or any other language, which mean or imply**  
13 **that the notary public is licensed as an attorney-at-law in the State**  
14 **of New Jersey or in any other jurisdiction of the United States. The**  
15 **notice shall also state that a notary public who advertises his**  
16 **services, in the English language or any other language, is required**  
17 **to provide with such advertisement a notice which contains the**  
18 **following statement: "I am not an attorney licensed to practice law**  
19 **and may not give legal advice about immigration or any other legal**  
20 **matter or accept fees for legal advice." 】**

21 c. **【The State Treasurer shall cancel and revoke the**  
22 **appointment of any notary public who fails to take and subscribe**  
23 **said oath within three months of the receipt of his commission and**  
24 **any appointment so canceled and revoked shall be null, void and of**  
25 **no effect】** A commission authorizes the notary public to perform  
26 notarial acts. The commission does not provide the notary public  
27 any immunity or benefit conferred by the law of this State on public  
28 officials or employees.

29 (cf: P.L.2014, c.48, s.5)

30

31 9. (New section) Grounds for State Treasurer to Deny  
32 Application, Refuse to Renew Commission, or Revoke, Suspend, or  
33 Limit Commission.

34 a. The State Treasurer may deny an application for commission  
35 as notary public; refuse to renew a commission of a notary public;  
36 or suspend, revoke, or otherwise limit the commission of a notary  
37 public for any act or omission that demonstrates the individual lacks  
38 the honesty, integrity, competence, or reliability necessary to act as  
39 a notary public, including:

40 (1) failure to comply with P.L.1979, c.460 (C.52:7-10 et seq.),  
41 as amended and supplemented by P.L. , c. (C. ) (pending  
42 before the Legislature as this bill);

43 (2) a fraudulent, dishonest, or deceitful misstatement or  
44 omission in the application for commission as a notary public  
45 submitted to the State Treasurer;

46 (3) a finding against, or admission of liability by, the applicant  
47 or notary public in any legal proceeding or disciplinary action based

1 on fraud, dishonesty, or deceit, including but not limited to a  
2 violation of section 1 of P.L.1997, c.1 (C.2C:21-31) or section 1 of  
3 P.L.1994, c.47 (C.2C:21-22), but nothing in this paragraph shall be  
4 deemed to supersede P.L.1968, c.282 (C.2A:168A-1 et seq.);

5 (4) a conviction of a crime of the second degree or above, but  
6 nothing in this paragraph shall be deemed to supersede P.L.1968,  
7 c.282 (C.2A:168A-1 et seq.);

8 (5) failure by the notary public to discharge any duty required  
9 by any law, including P.L.1979, c.460 (C.52:7-10 et seq.), any rules  
10 or regulations promulgated thereunder by the State Treasurer, and  
11 any other State or federal law;

12 (6) use of false or misleading advertising or representation by  
13 the notary public representing that the notary is commissioned,  
14 licensed, or authorized to practice or engage in work that the notary  
15 is not commissioned, licensed, or authorized to engage in;

16 (7) in the case of a notary public who is not an attorney licensed  
17 to practice law, any of the following:

18 (a) giving legal advice;

19 (b) acting as an immigration consultant or an expert on  
20 immigration matters;

21 (c) otherwise performing the duties of an attorney licensed to  
22 practice law in New Jersey;

23 (d) a disciplinary or other administrative action resulting in a  
24 finding of culpability if the applicant holds any professional license  
25 regulated by the State; or

26 (e) creating or reinforcing, by any means, a false impression that  
27 the person is licensed to engage in the practice of law in this State  
28 or any other State, including, but not limited to, committing a  
29 violation of P.L.1994, c.47 (C.2C:21-22) or P.L.1997, c.1 (C.2C:21-  
30 31);

31 (8) failure to take and subscribe to the oath pursuant to section 5  
32 of P.L.1979, c.460 (C.52:7-14) within 45 days of the receipt of a  
33 notary public commission;

34 (9) withholding access to or possession of an original record or  
35 photocopy provided by a person who seeks performance of a  
36 notarial act by the notary public, except where allowed by law; or

37 (10) the denial of an application for notary public in another  
38 state; the refusal to renew in another state; or the suspension,  
39 revocation, or other limitation of the commission of the notary  
40 public in another state.

41 b. If the State Treasurer denies an application for notary public;  
42 refuses to renew a commission of a notary public; or suspends,  
43 revokes, or otherwise limits the commission of a notary public, the  
44 applicant or the notary public is entitled to timely notice and  
45 hearing in accordance with the "Administrative Procedure Act,"  
46 P.L.1968, c.410 (C.52:14B-1 et seq.).

47 c. The authority of the State Treasurer to deny an application  
48 for notary public; refuse to renew a commission of a notary public;

1 or suspend, revoke, or otherwise limit the commission of a notary  
2 public shall not prevent a person aggrieved by the actions of a  
3 notary public from seeking other criminal or civil remedies  
4 provided by law.

5

6 10. Section 6 of P.L.1979, c.460 (C.52:7-15) is amended to read  
7 as follows:

8 6. Statewide authority.

9 **【a.】** A notary public who has been duly commissioned and  
10 qualified is authorized to perform **【his】** the duties of a notary public  
11 throughout the State.

12 **【b.** Any notary public, after having been duly commissioned and  
13 qualified, shall, upon request, receive from the clerk of the county  
14 where he has qualified, as many certificates of his commission and  
15 qualification as he shall require for filing with other county clerks  
16 of this State, and upon receipt of such certificates the notary public  
17 may present the same, together with his autograph signature, to  
18 such county clerks as he may desire, for filing. **】**

19 (cf: P.L.1979, c.460, s.6)

20

21 11. Section 8 of P.L.1979, c.460 (C.52:7-17) is amended to read  
22 as follows:

23 8. Manual.

24 **【The State Treasurer shall, by regulation, fix a fee to be charged**  
25 **to each notary for the costs of printing and distribution to each**  
26 **applicant of a manual prescribing the powers, duties and**  
27 **responsibilities of a notary. **】****

28 a. The State Treasurer shall maintain a manual on the  
29 Department of the Treasury's website that sets forth the  
30 requirements, functions, duties, and responsibilities of a notary  
31 public. The manual shall include, but not be limited to, the statutes,  
32 rules, regulations, procedures, and ethical requirements governing a  
33 notary public.

34 b. The manual shall specify that a notary public who is not  
35 licensed as an attorney-at-law shall not use or advertise the title of  
36 lawyer or attorney-at-law, or equivalent terms, in **【the English**  
37 **language or】** any **【other】** language, which mean or imply that the  
38 notary public is licensed as an attorney **【or counselor at law】** in the  
39 State of New Jersey or in any other jurisdiction of the United States.  
40 The manual shall also state that a notary public who advertises  
41 **【his】** the notary's services in **【the English language or】** any  
42 **【other】** language is required to provide with such advertisement a  
43 notice which contains the following statement or translation of the  
44 following statement if the advertisement is not in English: "I am not  
45 an attorney licensed to practice law and may not give legal advice  
46 about immigration or any other legal matter or accept fees for legal  
47 advice." The manual shall also state that no person shall be

1 **【appointed or reappointed】** commissioned a notary public or  
2 receive a renewal of a notary public commission if he has been  
3 convicted under the laws of this State of an offense involving  
4 dishonesty, including but not limited to a violation of section 1 of  
5 P.L.1997, c.1 (C.2C:21-31) or section 1 of P.L.1994, c.47 (C.2C:21-  
6 22), or a substantially similar crime under the laws of another state  
7 or the United States or of a crime of the second degree or above, but  
8 nothing in this paragraph shall be deemed to supersede P.L.1968,  
9 c.282 (C.2A:168A-1 et seq.).

10 c. The State Treasurer shall update the information contained  
11 in the manual and the Department of the Treasury's Internet website  
12 **【as appropriate】** at least quarterly.  
13 (cf: P.L.2014, c.48, s.6)

14  
15 12. Section 9 of P.L.1979, c.460 (C.52:7-18) is amended to read  
16 as follows:

17 9. Statement by Notary Public after Change in Name; Filing;  
18 Evidence of Continuance of Powers and Privileges.

19 **【After】** a. If a notary public adopts a name different from that  
20 which **【he】** the notary public used at the time he was  
21 commissioned, **【and】** before **【he signs his name】** the notary public  
22 provides a signature to any **【document】** record which **【he】** the  
23 notary public is authorized or required to sign as notary public, he  
24 shall make and sign a statement in writing and under oath, on a  
25 form prescribed and furnished by the State Treasurer, setting out the  
26 circumstances under which **【he】** the notary public has adopted the  
27 new name.

28 b. The statement shall **【set forth】** state whether the new name  
29 has been adopted through marriage or civil union or by a change of  
30 name proceeding or otherwise, and such other information as the  
31 State Treasurer shall require.

32 c. The statement shall be filed in the office of the State  
33 Treasurer **【and in the office of the clerk of the county where he**  
34 **qualified as a notary public and in the office of the clerk of any**  
35 **county in which he may have filed a certificate of his commission**  
36 **and qualification】**. Such statement, or a certified copy **【thereof】**,  
37 shall be evidence of the right of **【said】** the notary public to continue  
38 to exercise the powers and privileges and perform the duties of a  
39 notary public in **【his】** the changed **【and】** or new name.  
40 (cf: P.L.2014, c.48, s.7)

41  
42 13. Section 10 of P.L.1979, c.460 (C.52:7-19) is amended to  
43 read as follows:

44 10. Certificate of Notarial Act.

45 **【Each notary public, in addition to subscribing his autograph**  
46 **signature to any jurat upon the administration of any oath or the**  
47 **taking of any acknowledgement or proof, shall affix thereto his**

- 1 name in such a manner and by such means, including, but not  
2 limited to, printing, typing, or impressing by seal or mechanical  
3 stamp, as will enable the State Treasurer easily to read said name.】
- 4 a. A notarial act shall be evidenced by a certificate. The  
5 certificate shall:
- 6 (1) be executed contemporaneously with the performance of the  
7 notarial act;
- 8 (2) be signed and dated by the notarial officer;
- 9 (3) identify the jurisdiction in which the notarial act is  
10 performed;
- 11 (4) contain the title of office of the notarial officer; and
- 12 (5) if the notarial officer is a notary public, indicate the date of  
13 expiration of the officer’s commission.
- 14 b. A certificate of a notarial act is sufficient if it meets the  
15 requirements of subsection a. of this section and:
- 16 (1) is in a short form set forth in section 21 of P.L. \_\_\_\_\_,  
17 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill);
- 18 (2) is in a form otherwise permitted by the law of this State;
- 19 (3) is in a form permitted by the law applicable in the  
20 jurisdiction in which the notarial act was performed; or
- 21 (4) sets forth the actions of the notarial officer which shall meet  
22 the requirements provided in P.L.1979, c.460 (C.52:7-10 et seq.), as  
23 amended and supplemented by P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending  
24 before the Legislature as this bill) and any other applicable laws of  
25 this State.
- 26 c. By executing a certificate of a notarial act, a notarial officer  
27 certifies that the officer has made the determinations specified by  
28 P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented  
29 by P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this  
30 bill).
- 31 d. A notarial officer may not affix the officer’s signature to, or  
32 logically associate it with, a certificate until the notarial act has  
33 been performed.
- 34 e. If a notarial act is performed regarding a tangible record, a  
35 certificate shall be part of, or attached to, the record.
- 36 f. If a notarial act is performed regarding an electronic record,  
37 the certificate shall be affixed to, or logically associated with, the  
38 electronic record.
- 39 g. If the State Treasurer has established standards pursuant to  
40 P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented  
41 by P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this  
42 bill) for attaching, affixing, or logically associating the certificate,  
43 the process shall conform to the standards.
- 44 (cf: P.L.2014, c.48, s.8)
- 45
- 46 14. (New section) Official Stamp.
- 47 a. The official stamp of a notary public shall:

1 (1) include the name of the notary public, the title “Notary  
2 Public, State of New Jersey,” and the notary public’s commission  
3 expiration date; and

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

6 b. If a notarial act regarding a tangible record is performed by a  
7 notary public, an official stamp shall be affixed to or embossed on  
8 the certificate near the signature of the notary public so as to be  
9 clear and readable. If a notarial act regarding an electronic record is  
10 performed by a notary public and the certificate contains the  
11 information specified in subsection a. of this section, an official  
12 stamp may be attached to or logically associated with the  
13 certificate.

14

15 15. (New section) Stamping Device.

16 a. A notary public is responsible for the security of the  
17 stamping device used by the notary public and may not allow  
18 another individual to use the device to perform a notarial act, except  
19 at the specific instruction of a notary public who cannot physically  
20 use the stamping device.

21 b. The stamping device is the property of the notary public and  
22 not of the notary public’s employer, even if the employer paid for  
23 the stamping device.

24 c. If the stamping device used by the notary public is lost or  
25 stolen, the notary public or his personal representative shall notify  
26 the State Treasurer of the loss or theft within 10 days.

27

28 16. (New section) Authority to Perform Notarial Act.

29 a. A notarial officer may perform a notarial act authorized by  
30 P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented  
31 by P.L. , c. (C. ) (pending before the Legislature as this  
32 bill), and any other applicable law.

33 b. A notarial officer may not perform a notarial act with respect  
34 to a record to which the officer or the officer’s spouse or civil union  
35 partner is a party, or in which either of them has a direct beneficial  
36 interest. A notarial act performed in violation of this subsection is  
37 voidable.

38 c. A notarial officer may certify that a tangible copy of an  
39 electronic record is an accurate copy of the electronic record.

40

41 17. (New section) Requirements for Certain Notarial Acts.

42 a. A notarial officer who takes an acknowledgment of a record  
43 shall determine, from personal knowledge or satisfactory evidence  
44 of the identity of the individual, that the individual appearing before  
45 the officer and making the acknowledgment has the identity  
46 claimed and that the signature on the record is the signature of the  
47 individual.

1       b. A notarial officer who takes a verification of a statement on  
2 oath or affirmation shall determine, from personal knowledge or  
3 satisfactory evidence of the identity of the individual, that the  
4 individual appearing before the officer and making the verification  
5 has the identity claimed and that the signature on the statement  
6 verified is the signature of the individual.

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

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

15       e. A notarial officer who makes or notes a protest of a  
16 negotiable instrument shall determine the matters set forth in  
17 subsection b. of N.J.S.12A:3-505.

18       f. For the purposes of this section:

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

24       (2) A notarial officer has satisfactory evidence of the identity of  
25 an individual appearing before the notarial officer if the notarial  
26 officer can identify the individual by means of:

27       (a) A passport, driver's license, or government-issued, non-  
28 driver identification card, which is current or expired not more than  
29 three years before the performance of the notarial act; or

30       (b) Another form of government-issued identification, which is  
31 current or expired not more than three years before the performance  
32 of the notarial act, and which:

33       (i) contains the individual's signature or a photograph of the  
34 individual's face; and

35       (ii) is satisfactory to the notarial officer; or

36       (c) A verification of oath or affirmation of a credible witness  
37 personally appearing before the notarial officer and personally  
38 known to the notarial officer or whom the notarial officer can  
39 identify on the basis of a passport, driver's license, or government-  
40 issued, non-driver identification card, which is current or expired  
41 not more than three years before the performance of the notarial act.

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

45

46       18. (New section) Personal Appearance Required.

47       If a notarial act relates to a statement made in, or a signature  
48 executed on, a record, the individual making the statement or

1 executing the signature shall appear personally before the notarial  
2 officer.

3

4 19. (New section) Notarial Act Performed by Remotely Located  
5 Individual.

6 a. As used in this section:

7 (1) "Communication technology" means an electronic device or  
8 process that:

9 (a) allows a notarial officer and a remotely located individual to  
10 communicate with each other simultaneously by sight and sound;  
11 and

12 (b) when necessary and consistent with other applicable law,  
13 facilitates communication with a remotely located individual who  
14 has a vision, hearing, or speech impairment.

15 (2) "Foreign state" means a jurisdiction other than the United  
16 States, a state, or a federally recognized Indian tribe.

17 (3) "Identity proofing" means a process or service by which a  
18 third person provides a notarial officer with a means to verify the  
19 identity of a remotely located individual by a review of personal  
20 information from public or private data sources.

21 (4) "Outside the United States" means a location outside the  
22 geographic boundaries of the United States, Puerto Rico, the United  
23 States Virgin Islands, and any territory, insular possession, or other  
24 location subject to the jurisdiction of the United States.

25 (5) "Remotely located individual" means an individual who is  
26 not in the physical presence of a notarial officer performing a  
27 notarial act under subsection c.

28 b. This section does not apply to a record to the extent it is  
29 governed by:

30 (1) a law governing the creation and execution of wills or  
31 codicils;

32 (2) the "Uniform Commercial Code," N.J.S.12A:1-101 et seq.,  
33 other than N.J.S.12A:1-107, N.J.S.12A:1-206, the provisions of the  
34 "Uniform Commercial Code – Sales," chapter 2 of Title 12A of the  
35 New Jersey Statutes, and the provisions of the "Uniform  
36 Commercial Code – Leases," chapter 2A of Title 12A of the New  
37 Jersey Statutes; or

38 (3) a statute, regulation, or other rule of law governing adoption,  
39 divorce, or other matters of family law.

40 c. A remotely located individual may comply with section 18 of  
41 P.L. , c. (C. ) (pending before the Legislature as this bill)  
42 and subsections a. and b. of R.S.46:14-2.1 by using communication  
43 technology to appear before a notarial officer.

44 d. A notarial officer located in this State may perform a  
45 notarial act using communication technology for a remotely located  
46 individual if:

47 (1) the notarial officer:

48 (a) has personal knowledge of the identity of the individual;

- 1 (b) has satisfactory evidence of the identity of the remotely  
2 located individual by oath or affirmation from a credible witness  
3 appearing before the notarial officer; or
- 4 (c) has obtained satisfactory evidence of the identity of the  
5 remotely located individual by using at least two different types of  
6 identity proofing;
- 7 (2) the notarial officer is able reasonably to confirm that a  
8 record before the notarial officer is the same record in which the  
9 remotely located individual made a statement or on which the  
10 remotely located individual executed a signature;
- 11 (3) the notarial officer, or a person acting on behalf of the  
12 notarial officer, creates an audio-visual recording of the  
13 performance of the notarial act; and
- 14 (4) for a remotely located individual who is located outside the  
15 United States:
- 16 (a) the record:
- 17 (i) is to be filed with or relates to a matter before a public  
18 official or court, governmental entity, or other entity subject to the  
19 jurisdiction of the United States; or
- 20 (ii) involves property located in the territorial jurisdiction of the  
21 United States or involves a transaction substantially connected with  
22 the United States; and
- 23 (b) the act of making the statement or signing the record is not  
24 prohibited by the foreign state in which the remotely located  
25 individual is located.
- 26 e. If a notarial act is performed under this section, the  
27 certificate of notarial act required by section 10 of P.L.1979, c.460  
28 (C.52:7-19), the certificate required by section c. of R.S.46:14-2.1,  
29 or the short-form certificate provided in section 21 of P.L. , c.  
30 (C. ) (pending before the Legislature as this bill) must indicate  
31 that the notarial act was performed using communication  
32 technology.
- 33 f. A short-form certificate provided in section 21 of P.L. , c.  
34 (C. ) (pending before the Legislature as this bill) for a notarial  
35 act subject to this section is sufficient if it:
- 36 (1) complies with any rules or regulations adopted by the State  
37 Treasurer under paragraph (1) of subsection j. of this section or  
38 section 29 of P.L. , c. (C. ) (pending before the Legislature  
39 as this bill); or
- 40 (2) is in the form provided by section 21 of P.L. , c.  
41 (C. ) (pending before the Legislature as this bill) and contains a  
42 statement substantially as follows: “This notarial act involved the  
43 use of communication technology.”
- 44 g. A notarial officer, a guardian, conservator, or agent of a  
45 notarial officer, or a personal representative of a deceased notarial  
46 officer, shall retain the audio-visual recording created under  
47 paragraph (3) of subsection d. of this section or cause the recording  
48 to be retained by a repository designated by or on behalf of the

1 person required to retain the recording. Unless a different period is  
2 required by any rule or regulation adopted by the State Treasurer  
3 under paragraph (4) of subsection j. of this section, the recording  
4 must be retained for a period of at least 10 years after the recording  
5 is made.

6 h. Before a notary public performs his initial notarial act under  
7 this section, the notary public must notify the State Treasurer that  
8 the notary public will be performing such notarial acts and identify  
9 the technologies the notary public intends to use.

10 i. If the State Treasurer has established standards under  
11 subsection j. of this section and section 29 of P.L. , c.  
12 (C. ) (pending before the Legislature as this bill) for approval  
13 of communication technology or identity proofing, the  
14 communication technology and identity proofing must conform to  
15 those standards.

16 j. In addition to adopting rules and regulations pursuant to the  
17 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
18 seq.) under section 29 of P.L. , c. (C. ) (pending before the  
19 Legislature as this bill), the State Treasurer may adopt rules and  
20 regulations pursuant to the “Administrative Procedure Act,”  
21 P.L.1968, c.410 (C.52:14B-1 et seq.) under this section regarding  
22 the performance of a notarial act. The rules and regulations may:

23 (1) prescribe the means of performing a notarial act involving a  
24 remotely located individual using communication technology;

25 (2) establish standards for communication technology and  
26 identity proofing;

27 (3) establish requirements or procedures to approve providers of  
28 communication technology and the process of identity proofing; and

29 (4) establish standards and a period for the retention of an  
30 audio-visual recording created under paragraph (3) of subsection d.  
31 of this section.

32 k. Before adopting, amending, or repealing a rule or regulation  
33 governing performance of a notarial act with respect to a remotely  
34 located individual, the State Treasurer must consider:

35 (1) the most recent standards regarding the performance of a  
36 notarial act with respect to a remotely located individual  
37 promulgated by national standard-setting organizations such as the  
38 Mortgage Industry Standards Maintenance Organization and the  
39 recommendations of the National Association of Secretaries of  
40 State;

41 (2) standards, practices, and customs of other jurisdictions that  
42 have laws substantially similar to this section; and

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

45

46 20. (New section) Signature if Individual Unable to Sign.

47 If an individual is physically unable to sign a record, the  
48 individual may direct an individual other than the notarial officer to

1 sign the record with the individual's name. The notarial officer shall  
2 insert "Signature affixed by (name of other individual) at the  
3 direction of (name of individual)" or words of similar import.

4

5 21. (New section) Certificate Form.

6 The following short form certificates of notarial acts are  
7 sufficient for the purposes indicated, if the requirements of section  
8 10 of P.L.1979, c.460 (C.52:7-19) are satisfied. Certificates of  
9 notarial acts are deemed sufficient for the purposes indicated if  
10 substantially all of the requirements of section 10 of P.L.1979,  
11 c.460 (C.52:7-19) and this section are satisfied:

12

13 a. For an acknowledgment in an individual capacity:

14 State of \_\_\_\_\_

15 County of \_\_\_\_\_

16 This record was acknowledged before me on \_\_\_\_\_ (date) by

17 \_\_\_\_\_

18 (Name(s) of individual(s))

19 \_\_\_\_\_

20 Signature of notarial officer

21

22 Stamp

23 \_\_\_\_\_

24 Title of office

25

26 (My commission expires: \_\_\_\_\_)

27

28 b. For an acknowledgment in a representative capacity:

29 State of \_\_\_\_\_

30 County of \_\_\_\_\_

31 This record was acknowledged before me on \_\_\_\_\_(date) by

32 \_\_\_\_\_

33 (Name(s) of individual(s))

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

36 \_\_\_\_\_

37

38 Signature of notarial officer

39

40 Stamp

41 \_\_\_\_\_

42 Title of office

43

44 (My commission expires: \_\_\_\_\_)

45

46 c. For a verification on oath or affirmation:

47 State of \_\_\_\_\_

48 County of \_\_\_\_\_

1 Signed and sworn to (or affirmed) before me on \_\_\_\_\_ (date) by

2 \_\_\_\_\_

3 (Name(s) of individual(s) making statement)

4

5 \_\_\_\_\_

6 Signature of notarial officer

7

8 Stamp

9

10 [\_\_\_\_\_]

11 Title of office

12

13 (My commission expires: \_\_\_\_\_)

14

15 d. For witnessing or attesting a signature:

16 State of \_\_\_\_\_

17 County of \_\_\_\_\_

18 Signed (or attested) before me on \_\_\_\_\_(date) by

19 \_\_\_\_\_

20 (Name(s) of individual(s))

21

22 \_\_\_\_\_

23 Signature of notarial officer

24

25 Stamp

26

27 [\_\_\_\_\_]

28 Title of office

29 (My commission expires: \_\_\_\_\_)

30

31 e. For certifying a copy of a record:

32 State of \_\_\_\_\_

33 County of \_\_\_\_\_

34 I certify that this is a true and correct copy of a record in the  
35 possession of \_\_\_\_\_(name).

36

37 Dated \_\_\_\_\_

38 \_\_\_\_\_

39

40 Signature of notarial officer

41

42 Stamp

43 \_\_\_\_\_

44 Title of office

45

46 (My commission expires: \_\_\_\_\_ )

47

48 22. (New section) Notarial Act in this State.

1 a. The signature and title of an individual performing a notarial  
2 act are prima facie evidence that the signature is genuine and that  
3 the individual holds the designated title.

4 b. A notarial act may be performed in this State by an  
5 individual authorized by the applicable law to perform the notarial  
6 act.

7 c. The signature and title of a notarial officer authorized by the  
8 applicable law to perform the notarial act conclusively establishes  
9 the authority of the officer to perform the notarial act.

10

11 23. (New section) Notarial Acts Outside this State.

12 a. In Another State.

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

16 (a) a notary public of that state;

17 (b) a judge, clerk, or deputy clerk of that state; or

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

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

23 (3) The signature and title of a notarial officer described in  
24 subparagraph (a) or (b) of paragraph (1) of this subsection  
25 conclusively establish the authority of the officer to perform the  
26 notarial act.

27 b. Under Authority of Federally Recognized Indian Tribe.

28 (1) A notarial act performed under the authority and in the  
29 jurisdiction of a federally recognized Indian tribe has the same  
30 effect as if performed by a notarial officer of this State, if the act  
31 performed in the jurisdiction of the tribe is performed by:

32 (a) a notary public of the tribe;

33 (b) a judge, clerk, or deputy clerk of a court of the tribe; or

34 (c) any other individual authorized by the law of the tribe to  
35 perform the notarial act.

36 (2) The signature and title of an individual performing a notarial  
37 act under the authority of and in the jurisdiction of a federally  
38 recognized Indian tribe are prima facie evidence that the signature  
39 is genuine and that the individual holds the designated title.

40 (3) The signature and title of a notarial officer described in  
41 subparagraph (a) or (b) of paragraph (1) of this subsection  
42 conclusively establish the authority of the officer to perform the  
43 notarial act.

44 c. Under Federal Authority.

45 (1) A notarial act performed under federal law has the same  
46 effect under the law of this State as if performed by a notarial  
47 officer of this State, if the performed under federal law is performed  
48 by:

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

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

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

7 (d) any other individual authorized by federal law to perform the  
8 notarial act.

9 (2) The signature and title of an individual acting under federal  
10 authority and performing a notarial act are prima facie evidence that  
11 the signature is genuine and that the individual holds the designated  
12 title.

13 (3) The signature and title of an officer described in  
14 subparagraph (a), (b), or (c) of paragraph (1) of this subsection  
15 conclusively establish the authority of the officer to perform the  
16 notarial act.

17 d. Foreign Notarial Acts.

18 (1) As used in this subsection, “foreign state” means a  
19 jurisdiction other than the United States, a state, or a federally  
20 recognized Indian tribe.

21 (2) If a notarial act is performed under authority and in the  
22 jurisdiction of a foreign state or constituent unit of the foreign state  
23 or is performed under the authority of a multinational or  
24 international governmental organization, the act has the same effect  
25 under the law of this State as if performed by a notarial officer of  
26 this State.

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

32 (4) The signature and official stamp of an individual holding an  
33 office described in paragraph (3) of this subsection are prima facie  
34 evidence that the signature is genuine and the individual holds the  
35 designated title.

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

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

1       24. (New section) Notification Regarding Performance of  
2 Notarial Act on Electronic Record; Selection of Technology;  
3 Acceptance of Tangible Copy of Electronic Record.

4       a. A notarial officer may select one or more tamper-evident  
5 technologies to perform notarial acts with respect to electronic  
6 records. A person may not require a notarial officer to perform a  
7 notarial act with respect to an electronic record with a technology  
8 that the notarial officer has not selected.

9       b. Before a notarial officer performs his initial notarial act with  
10 respect to an electronic record, the notarial officer shall notify the  
11 State Treasurer that he will be performing notarial acts with respect  
12 to electronic records and identify the technology that the notarial  
13 officer intends to use. If the State Treasurer has established  
14 standards for approval of technology pursuant to section 29 of  
15 P.L.     , c.     (C.     ) (pending before the Legislature as this bill),  
16 the technology must conform to those standards. If the technology  
17 conforms to the standards, the State Treasurer shall approve the use  
18 of the technology.

19       c. A county clerk or register of deeds and mortgages may  
20 accept for recording a tangible copy of an electronic record  
21 containing a notarial certificate as satisfying any requirement that a  
22 record accepted for recording be an original, if the notarial officer  
23 executing the notarial certificate certifies that the tangible copy is  
24 an accurate copy of the electronic record.

25

26       25. (New section) Database of Notaries Public.

27       The State Treasurer shall maintain an electronic database of  
28 current and former notaries public, including the dates that the  
29 notary public was commissioned and authorized to perform notarial  
30 acts:

31       a. through which a person may verify the authority of a notary  
32 public to perform notarial acts; and

33       b. which indicates whether a notary public has notified the  
34 State Treasurer that the notary public will be performing notarial  
35 acts on electronic records.

36

37       26. (New section) Authority to Refuse to Perform Notarial Act.

38       a. A notarial officer may refuse to perform a notarial act if the  
39 officer is not satisfied that:

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

42       (2) the individual's signature is knowingly and voluntarily  
43 made;

44       (3) the individual's signature on the record or statement  
45 substantially conforms to the signature on a form of identification  
46 used to determine the identity of the individual; or

1 (4) the physical appearance of the individual signing the record  
2 or statement substantially conforms to the photograph on a form of  
3 identification used to determine the identity of the individual.

4 b. A notarial officer may refuse to perform a notarial act unless  
5 refusal is prohibited by law other than P.L.1979, c.460 (C.52:7-10  
6 et seq.), as amended and supplemented by P.L. , c. (C. )  
7 (pending before the Legislature as this bill).

8

9 27. (New section) Journal.

10 a. A notary public shall maintain a journal of all notarial acts  
11 performed.

12 (1) The journal may be created and maintained on a tangible  
13 medium or in an electronic format.

14 (2) A notary public shall maintain only one journal at a time to  
15 chronicle all notarial acts, whether those notarial acts are performed  
16 regarding tangible or electronic records.

17 (3) If the journal is maintained on a tangible medium, it shall be  
18 a permanent, bound register with consecutively numbered lines and  
19 consecutively numbered pages.

20 (4) If the journal is maintained in an electronic format, it shall  
21 be in a permanent, tamper-evident electronic format complying with  
22 any rules and regulations promulgated by the State Treasurer.

23 b. For each notarial act, the notary public shall record in the  
24 journal:

25 (1) the date and time of the notarial act;

26 (2) the type of notarial act, including but not limited to the  
27 taking of an acknowledgment, the taking of a proof of a deed, the  
28 administration of an oath, or the taking of an affidavit;

29 (3) the name and address of each person for whom the notarial  
30 act is performed;

31 (4) if the identity of the individual is based on personal  
32 knowledge, a statement to that effect;

33 (5) if the identity of the individual is based on satisfactory  
34 evidence, a brief description of the method of identification and the  
35 identification credential presented, if any, including, if applicable,  
36 the type, date of issuance, and date of expiration of an identification  
37 document, or the name and signature of any identifying witness and,  
38 if applicable, the type, date of issuance, and date of expiration of a  
39 document identifying the witness; and

40 (6) an itemized list of all fees charged for the notarial act.

41 c. If a notary public's journal is lost or stolen, the notary public  
42 shall notify the State Treasurer within 10 days of the loss or theft.

43 d. The notary public shall either:

44 (1) retain the journal for 10 years after the performance of the  
45 last notarial act chronicled in the journal; or

46 (2) transmit the journal to the Department of the Treasury,  
47 Division of Revenue and Enterprise Services, or a repository  
48 approved by the State Treasurer.

- 1 e. On resignation from, or the revocation or suspension of, a  
2 notary public's commission, the notary public shall either:
- 3 (1) retain the journal in accordance with paragraph (1) of  
4 subsection d. of this section and inform the State Treasurer where  
5 the journal is located; or
- 6 (2) transmit the journal to the Department of the Treasury,  
7 Division of Revenue and Enterprise Services, or a repository  
8 approved by the State Treasurer.
- 9 f. On the death or adjudication of incompetency of a current or  
10 former notary public, the notary public's personal representative or  
11 guardian or any other person knowingly in possession of the journal  
12 shall, within 45 days, transmit it to the Department of the Treasury,  
13 Division of Revenue and Enterprise Services, or a repository  
14 approved by the State Treasurer.
- 15 g. In lieu of maintaining a journal, a notary public who is an  
16 attorney-at-law admitted to practice in this State, or who is  
17 employed by an attorney-at-law, or who is employed by or acting as  
18 an agent for a title insurance company licensed to do business in  
19 this State pursuant to P.L.2001, c.210 (C.17:22A-26 et seq.), may  
20 maintain a record of notarial acts in the form of files regularly  
21 maintained for the attorney's law practice or the title insurance  
22 company's business activities, as the case may be.

23

24 28. (New section) Validity of Notarial Acts.

- 25 a. Except as otherwise provided in section 9 of P.L. ,  
26 c. (C. ) (pending before the Legislature as this bill), the  
27 failure of a notarial officer to perform a duty or meet a requirement  
28 specified in P.L.1979, c.460 (C.52:7-10 et seq.), as amended and  
29 supplemented by P.L. , c. (C. ) (pending before the  
30 Legislature as this bill), does not invalidate a notarial act performed  
31 by the notarial officer.
- 32 b. The validity of a notarial act under P.L.1979, c.460 (C.52:7-  
33 10 et seq.), as amended and supplemented by P.L. ,  
34 c. (C. ) (pending before the Legislature as this bill), does not  
35 prevent an aggrieved person from seeking to invalidate the record  
36 or transaction that is the subject of the notarial act or from seeking  
37 other remedies available by law and as provided in P.L.1979, c.460  
38 (C.52:7-10 et seq.), as amended and supplemented by P.L. ,  
39 c. (C. ) (pending before the Legislature as this bill).
- 40 c. P.L.1979, c.460 (C.52:7-10 et seq.), as amended and  
41 supplemented by P.L. , c. (C. ) (pending before the  
42 Legislature as this bill), shall not validate any purported notarial act  
43 performed by an individual who does not have the authority to  
44 perform notarial acts.

45

46 29. (New section) Rules and Regulations.

- 47 a. The State Treasurer shall adopt rules and regulations  
48 pursuant to the "Administrative Procedure Act," P.L.1968, c.410

1 (C.52:14B-1 et seq.) to implement the provisions of P.L.1979, c.460  
2 (C.52:7-10 et seq.), as amended and supplemented by P.L. ,  
3 c. (C. ) (pending before the Legislature as this bill). Any  
4 rules and regulations regarding the performance of notarial acts  
5 with respect to electronic records shall not require, or accord greater  
6 legal status or effect to, the implementation or application of a  
7 specific technology or technical specification. The rules and  
8 regulations may:

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

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

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

16 (4) prescribe the process of granting, renewing, conditioning,  
17 denying, suspending, revoking, or otherwise limiting a notary  
18 public commission and assuring the trustworthiness of an individual  
19 holding a commission as notary public;

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

22 (6) provide for the administration of the examination under  
23 section 7 of P.L. , c. (C. ) (pending before the Legislature  
24 as this bill) and the course of study under section 6 of P.L. ,  
25 c. (C. ) (pending before the Legislature as this bill).

26 b. In adopting, amending, or repealing rules and regulations  
27 concerning notarial acts with respect to electronic records, the State  
28 Treasurer shall consider, consistent with the provisions of P.L.1979,  
29 c.460 (C.52:7-10 et seq.), as amended and supplemented by  
30 P.L. , c. (C. ) (pending before the Legislature as this bill):

31 (1) the most recent standards regarding electronic records  
32 promulgated by national bodies, such as the Mortgage Industry  
33 Standards Maintenance Organization and the National Association  
34 of Secretaries of State;

35 (2) standards, practices, and customs of other jurisdictions that  
36 substantially enact the Revised Uniform Law on Notarial Acts, as  
37 embodied in P.L.1979, c.460 (C.52:7-10 et seq.), as amended and  
38 supplemented by P.L. , c. (C. ) (pending before the  
39 Legislature as this bill); and

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

42

43 30. R.S.46:14-2.1 is amended to read as follows:

44 46:14-2.1. Acknowledgment and proof.

45 a. To acknowledge a deed or other instrument the maker of the  
46 instrument shall appear before an officer specified in R.S.46:14-6.1  
47 and acknowledge that it was executed as the maker's own act. To  
48 acknowledge a deed or other instrument made on behalf of a

1 corporation or other entity, the maker shall appear before an officer  
2 specified in R.S.46:14-6.1 and state that the maker was authorized  
3 to execute the instrument on behalf of the entity and that the maker  
4 executed the instrument as the act of the entity.

5 b. To prove a deed or other instrument, a subscribing witness  
6 shall appear before an officer specified in R.S.46:14-6.1 and swear  
7 that he or she witnessed the maker of the instrument execute the  
8 instrument as the maker's own act. To prove a deed or other  
9 instrument executed on behalf of a corporation or other entity, a  
10 subscribing witness shall appear before an officer specified in  
11 R.S.46:14-6.1 and swear that the representative was authorized to  
12 execute the instrument on behalf of the entity, and that he or she  
13 witnessed the representative execute the instrument as the act of the  
14 entity.

15 c. The officer taking an acknowledgment or proof shall sign a  
16 certificate stating that acknowledgment or proof. The certificate  
17 shall also state:

18 (1) that the maker or the witness personally appeared before the  
19 officer;

20 (2) that the officer was satisfied that the person who made the  
21 acknowledgment or proof was the maker of or the witness to the  
22 instrument;

23 (3) the jurisdiction in which the acknowledgment or proof was  
24 taken;

25 (4) the officer's name and title;

26 (5) the date on which the acknowledgment was taken.

27 d. The seal of the officer taking the acknowledgment or proof  
28 need not be affixed to the certificate stating that acknowledgment or  
29 proof.

30 e. A short form certificate that is substantially in the form  
31 provided in section 21 of P.L. , c. (C. ) (pending before the  
32 Legislature as this bill) satisfies the requirements of this section.  
33 (cf: P.L.1991, c.308, s.1)

34

35 31. N.J.S.22A:4-14 is amended to read as follows:

36 22A:4-14. For **[a service specified in this section]** administering  
37 oaths, taking affidavits, taking proofs of a deed, and taking  
38 acknowledgements, foreign commissioners of deeds, notaries  
39 public, judges and other officers authorized by law to perform such  
40 **[service,]** services shall receive a fee as **[follows:**

41 For administering an oath or taking an affidavit, \$2.50.

42 For taking proof of a deed, \$2.50.

43 For taking all acknowledgments, \$2.50.

44 For administering oaths, taking affidavits, taking proofs of a  
45 deed, and taking acknowledgments of the grantors in the transfer of  
46 real estate, regardless of the number of such services performed in a  
47 single transaction to transfer real estate, \$15.00.

1 For administering oaths, taking affidavits and taking  
2 acknowledgments of the mortgagors in the financing of real estate,  
3 regardless of the number of such services performed in a single  
4 transaction to finance real estate, \$25.00] shall be fixed by the State  
5 Treasurer by regulation.

6 (cf: P.L.2002, c.34, s.48)

7

8 32. R.S.41:2-17 is amended to read as follows:

9 41:2-17. Officers authorized to administer or take; jurat;  
10 certificate,

11 Any oath, affirmation, or affidavit required or authorized to be  
12 taken in any suit or legal proceeding in this [state] State, or for any  
13 lawful purpose whatever, except official oaths and depositions  
14 required to be taken upon notice, when taken out of this [state]  
15 State, may be taken before any notary public of the state, territory,  
16 nation, kingdom, or country in which the same shall be taken, or  
17 before any officer who may be authorized by the laws of this  
18 [state] State to take the acknowledgment of deeds in such state,  
19 territory, nation, kingdom, or country; and a recital that he is such  
20 notary or officer in the jurat or certificate of such oath, affirmation,  
21 or affidavit, and his official designation annexed to his signature,  
22 and attested under his official seal, shall be sufficient proof that the  
23 person before whom the same is taken is such notary or officer.  
24 [When, however, any other certificate is required by law to be  
25 annexed to the certificate of such officer, other than a notary public,  
26 for the recording of a deed acknowledged before him, a like  
27 certificate shall be annexed to his certificate of the taking of such  
28 oath.]

29

30 33. (New section) Relation to Electronic Signatures in Global  
31 and National Commerce Act.

32 P.L. , c. (C. ) (pending before the Legislature as this bill)  
33 modifies, limits, and supersedes the Electronic Signatures in Global  
34 and National Commerce Act, 15 U.S.C. s.7001 et seq., but does not  
35 modify, limit, or supersede section 101(c) of that act, 15 U.S.C.  
36 7001(c), or authorize electronic delivery of any of the notices  
37 described in section 103(b) of that act, 15 U.S.C. section 7003(b).

38

39 34. (New section) Savings Clause.

40 P.L.1979, c.460 (C.52:7-10 et seq.), as amended and  
41 supplemented by P.L. , c. (C. ) (pending before the  
42 Legislature as this bill), shall not affect the validity or effect of any  
43 notarial act performed before the effective date of P.L. ,  
44 c. (C. ) (pending before the Legislature as this bill).

45

46 35. The following are repealed:

47 Section 7 of P.L.1979, c.460 (C.52:7-16); and

1 Sections 1 and 2 of P.L.1981, c.487 (C.52:7-20 and C.52:7-21).

2

3 36. This act shall take effect on the 180<sup>th</sup> day following  
4 enactment.

5

6

7

STATEMENT

8

9 This bill revises the law concerning the qualifications and duties  
10 of notaries public and other notarial officers. The bill also  
11 authorizes electronic signatures.

12 In summary, the bill sets out a definitions section; a course of  
13 study requirement; an examination requirement; a continuing  
14 education requirement; a requirement that notaries maintain  
15 journals; and requirements for remote electronic notarizations.

16 More specific provisions of the bill are set out below.

17 DEFINITIONS. The bill provides definitions of terms, including,  
18 among others, “acknowledgment,” “electronic signature,” and  
19 “notarial act.” The term “electronic signature” is defined as an  
20 electronic symbol, sound, or process attached to or logically  
21 associated with a record and executed or adopted by an individual  
22 with the intent to sign the record.

23 APPOINTMENT. Under current law, a person desiring to be  
24 appointed and commissioned as a notary public must apply to the  
25 State Treasurer on a form endorsed by a member of the Legislature.  
26 The bill eliminates the requirement that a member of the Legislature  
27 endorse the form.

28 The bill provides that, in order to be commissioned as a notary  
29 public, among other provisions a person must be at least 18; must  
30 not be disqualified to receive a commission pursuant to other  
31 provisions of the bill; must be a legal resident of the State or have a  
32 place of employment or practice in the State; and must complete a  
33 six-hour course of study for a new application, or a three-hour  
34 continuing education course for a renewal application.

35 COURSE OF STUDY AND EXAMINATION. Under the bill, a person  
36 applying for an initial commission as a notary public must complete  
37 a six-hour course of study prescribed and approved by the State  
38 Treasurer. The course must be completed within the six-month  
39 period preceding the application. A person applying to renew his  
40 notary public commission who has previously completed the six-  
41 hour course of study must complete a three-hour continuing  
42 education course. The course of study and continuing education  
43 course would cover the statutes, regulations, procedures, and ethics  
44 for notaries public.

45 The State Treasurer would prescribe and administer an  
46 examination to each applicant, based on the statutes, rules,  
47 procedures, and ethical requirements for notaries, and include the  
48 applicable requirements, functions, duties, and responsibilities. The

1 Treasurer would charge a nonrefundable fee for the examination to  
2 defray any proper expenses incurred by the Department of the  
3 Treasury in administering the examination.

4 DISQUALIFICATION. The bill provides that the Treasurer may  
5 deny an application, refuse to renew a commission, or suspend,  
6 revoke, or otherwise limit the commission of a notary public for any  
7 act or omission demonstrating that the individual lacks the honesty,  
8 integrity, competence, or reliability necessary to act as a notary  
9 public. These grounds specifically include, among others, a  
10 fraudulent, dishonest, or deceitful misstatement or omission in the  
11 application; a finding against the applicant in a legal proceeding or  
12 disciplinary action based on fraud, dishonesty, or deceit, including  
13 but not limited to certain criminal convictions; the use of false or  
14 misleading advertising representing that the notary is authorized to  
15 engage in work that the notary is not so authorized to engage in;  
16 and, in the case of a notary who is not an attorney, giving legal  
17 advice or acting as an immigration consultant or expert on  
18 immigration matters.

19 MANUAL. The bill requires the State Treasurer to maintain an on-  
20 line manual setting forth the functions, duties, and responsibilities  
21 of a notary public, including the statutes, rules, regulations, and  
22 ethical requirements.

23 OFFICIAL STAMP. The bill sets various requirements concerning a  
24 notary public's official stamp, including a provision for an official  
25 stamp for a notarial act regarding an electronic record. The bill  
26 provides that if the stamping device is lost or stolen, the notary  
27 public must notify the State Treasurer within 10 days.

28 REQUIREMENTS FOR NOTARIAL ACTS. Under the bill, a notarial  
29 officer who takes a verification of a statement on oath or  
30 affirmation must determine from personal knowledge or satisfactory  
31 evidence of the identity of the individual that the individual making  
32 the verification has the identity claimed. If a notarial act relates to a  
33 statement made in, or a signature executed on, a record, the  
34 individual must appear personally before the notarial officer.

35 REMOTELY LOCATED INDIVIDUALS. A notarial officer may  
36 perform a notarial act using communications technology for a  
37 person who is not in his physical presence if the notarial officer has  
38 personal knowledge or satisfactory evidence of the individual's  
39 identity and if the officer creates an audio-visual recording of the  
40 performance of the notarial act. The bill provides that unless a  
41 different period is required by rule or regulation adopted by the  
42 State Treasurer, the recording must be retained for a period of at  
43 least 10 years.

44 The bill authorizes the Treasurer to adopt rules and regulations  
45 concerning the performance of a notarial act using communication  
46 technology. Before adopting, amending, or repealing such a rule or  
47 regulation, the Treasurer would be required to consider the  
48 standards promulgated by national standard-setting organizations

1 such as the Mortgage Industry Standards Maintenance Organization  
2 and the National Association of Secretaries of State, in addition to  
3 the standards, practices and customs of other jurisdictions and the  
4 views of governmental officials and entities and other interested  
5 persons.

6 CERTIFICATE FORM. The bill sets out short form certificates of  
7 notarial acts and specifies that the forms are sufficient for the  
8 purposes indicated if the other requirements of law are satisfied.

9 JOURNAL. Under the bill, notaries public must maintain a journal  
10 of all notarial acts performed, either in a tangible medium or  
11 electronic format. For each notarial act, the notary public must  
12 record the date and time, the type of notarial act, the name and  
13 address of each person for whom the notarial act is performed, a  
14 statement concerning the evidence of identity of the individual, and  
15 a list of all fees charged for the notarial act. If a notary public's  
16 journal is lost or stolen, the notary public must notify the State  
17 Treasurer within 10 days. The notary public must either retain the  
18 journal for 10 years after the performance of the last notarial act  
19 chronicled in the journal or transmit the journal to the Department  
20 of the Treasury or a repository approved by the Treasurer.

21 FEES. Under current law, fees for the services performed by a  
22 notarial officer are set by statute in N.J.S.22A:4-14. The bill  
23 provides that the fees for these services would instead be fixed by  
24 the State Treasurer by regulation.

25 REPEALERS. The bill repeals three sections of law that would be  
26 obviated by the bill: section 7 of P.L.1979, c.460 (C.52:7-16)  
27 (concerning certain duties of the county clerk regarding notaries)  
28 and sections 1 and 2 of P.L.1981, c.487 (C.52:7-20 and C.52:7-21)  
29 (concerning criminal convictions that bar appointment and  
30 reappointment as a notary public).

31 BACKGROUND. This bill is based on a 2014 report of the New  
32 Jersey Law Revision Commission which, in turn, was based on the  
33 Uniform Law Commission's 2010 "Revised Uniform Law on  
34 Notarial Acts" (RULONA). This bill also incorporates the Uniform  
35 Law Commission's 2018 revision of the RULONA as well as  
36 various other provisions intended to improve the notarial process.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 4250**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JULY 20, 2020

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 4250.

This bill revises the law concerning the qualifications and duties of notaries public and other notarial officers. The bill also authorizes electronic signatures.

**DEFINITIONS.** The bill provides definitions of terms, including, among others, “acknowledgment,” “electronic signature,” and “notarial act.” The term “electronic signature” is defined as 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.

**APPOINTMENT AND QUALIFICATIONS.** Under current law, a person desiring to be appointed and commissioned as a notary public must apply to the State Treasurer on a form endorsed by a member of the Legislature. As introduced, the bill had eliminated the requirement that a member of the Legislature endorse the form. The committee amendments restore the requirement that a member of the Legislature must endorse the form. The committee amendments also provide that all applications for commission as a notary public must be submitted electronically.

As amended, the bill provides that, in order to be commissioned as a notary public, among other provisions a person must be at least 18; must not be disqualified to receive a commission pursuant to other provisions of the bill; must be a legal resident of the State or have a place of employment or practice in the State, or be an employee of a business with its domicile or primary place of business in this State and perform his employment duties remotely from a state adjoining this State.

The bill as introduced had required that a notary public complete a six-hour course of study for a new application, or a three-hour continuing education course for a renewal application. The committee amendments delete these requirements.

**FEE FOR COMMISSION OR RENEWAL.** Under current law, the State Treasurer collects a fee of \$25 for each appointment or renewal. The committee amendments increase the fee for each commission

or renewal to \$50, and provide that the fee is payable by credit card, debit card, or electronic funds transfer.

**OATH OF OFFICE.** Under current law, within three months of the receipt of a commission the notary public must take and subscribe an oath before the clerk of the county in which he resides. The bill as introduced had allowed the oath to be taken before any officer authorized to administer oaths pursuant to current law. The committee amendments provide that the oath may be taken either before the county clerk or before a member of the Legislature. The committee amendments also provide that the oath must be taken within 45 days of the receipt of the commission.

**DISQUALIFICATION.** The bill provides that the Treasurer may deny an application, refuse to renew a commission, or suspend, revoke, or otherwise limit the commission of a notary public for any act or omission demonstrating that the individual lacks the honesty, integrity, competence, or reliability necessary to act as a notary public. These grounds specifically include, among others, a fraudulent, dishonest, or deceitful misstatement or omission in the application; a finding against the applicant in a legal proceeding or disciplinary action based on fraud, dishonesty, or deceit, including but not limited to certain criminal convictions; the use of false or misleading advertising representing that the notary is authorized to engage in work that the notary is not so authorized to engage in; and, in the case of a notary who is not an attorney, giving legal advice or acting as an immigration consultant or expert on immigration matters.

**MANUAL.** The bill requires the State Treasurer to maintain an on-line manual setting forth the functions, duties, and responsibilities of a notary public, including the statutes, rules, regulations, and ethical requirements.

**OFFICIAL STAMP.** The bill sets various requirements concerning a notary public's official stamp, including a provision for an official stamp for a notarial act regarding an electronic record. The bill provides that if the stamping device is lost or stolen, the notary public must notify the State Treasurer within 10 days. The committee amendments require that if a notarial act regarding an electronic record is performed by a notary public, an official stamp must be attached to or logically associated with the certificate.

**REQUIREMENTS FOR NOTARIAL ACTS.** Under the bill, a notarial officer who takes a verification of a statement on oath or affirmation must determine from personal knowledge or satisfactory evidence of the identity of the individual that the individual making the verification has the identity claimed. As amended by the committee, if a notarial act relates to a statement made in, or a signature executed on, a record, the individual must either appear personally before the notarial officer or may use communication technology to appear before the notarial officer. The amendments

also provide that a verification of oath or affirmation of a credible witness may take place either by the witness personally appearing before the notarial officer, or by the witness using communication technology to appear.

**EXCLUSIONS FROM COMMUNICATIONS TECHNOLOGY.** As introduced, the bill had excluded certain records from notarization through the use of communication technology. These included certain provisions under the Uniform Commercial Code, laws governing the creation and execution of wills or codicils, and statutes, regulations, or other rules of law governing adoption, divorce, or other matters of family law. The committee amendments remove the exclusion of wills and codicils, so that remote notarization through the use of communication technology could be used for these records.

**REMOTELY LOCATED INDIVIDUALS.** The bill provides that a notarial officer may perform a notarial act using communications technology for a person who is not in the notarial officer's physical presence if the notarial officer has personal knowledge or satisfactory evidence of the individual's identity and if the notarial officer creates an audio-visual recording of the performance of the notarial act. The bill as amended provides that unless a different period is required by rule or regulation adopted by the State Treasurer or a provision published by the Treasurer in the New Jersey Notary Public Manual, the audio-visual recording must be retained for a period of at least 10 years.

The bill as amended provides that the Treasurer may publish provisions in the New Jersey Notary Public Manual that:

(1) prescribe the means of performing a notarial act involving a remotely located individual using communication technology;

(2) establish standards for communication technology. Before adopting, amending, or repealing such a rule or regulation or publishing a provision in the Notary Public Manual concerning the standards, the Treasurer would be required to consider the standards promulgated by national standard-setting organizations such as the Mortgage Industry Standards Maintenance Organization and the National Association of Secretaries of State, in addition to the standards, practices and customs of other jurisdictions and the views of governmental officials and entities and other interested persons.

As introduced, the bill had required that the promulgation of any standards for communication technology promulgated by the State Treasurer would be accomplished by the adoption of rules and regulations under the Administrative Procedure Act. The amendments allow the Treasurer to promulgate the standards by publishing them in the New Jersey Notary Public Manual.

**CERTIFICATE FORM.** The bill sets out short form certificates of notarial acts and specifies that the forms are sufficient for the purposes indicated if the other requirements of law are satisfied.

**JOURNAL.** Under the bill, notaries public must maintain a journal of all notarial acts performed, either in a tangible medium or electronic format. For each notarial act, the notary public must record the date and time, the type of notarial act, the name and address of each person for whom the notarial act is performed, a statement concerning the evidence of identity of the individual, and a list of all fees charged for the notarial act. If a notary public's journal is lost or stolen, the notary public must notify the State Treasurer within 10 days. The notary public must either retain the journal for 10 years after the performance of the last notarial act chronicled in the journal or transmit the journal to the Department of the Treasury or a repository approved by the Treasurer.

**FEES.** Under current law, fees for the services performed by a notarial officer are set by statute in N.J.S.22A:4-14. The bill provides that the fees for these services would instead be fixed by the State Treasurer by regulation.

**REPEALERS.** The bill as amended repeals several sections of law that would either be obviated by the bill or are currently obsolete: section 7 of P.L.1979, c.460 (C.52:7-16) (concerning certain duties of the county clerk regarding notaries); sections 1 and 2 of P.L.1981, c.487 (C.52:7-20 and C.52:7-21) (concerning criminal convictions that bar appointment and reappointment as a notary public); and R.S.52:6-15 through R.S.52:6-22 (an obsolete statute concerning foreign commissioners of deeds).

**BACKGROUND.** This bill is based on a 2014 report of the New Jersey Law Revision Commission which, in turn, was based on the Uniform Law Commission's 2010 "Revised Uniform Law on Notarial Acts" (RULONA). This bill also incorporates the Uniform Law Commission's 2018 revision of the RULONA as well as various other provisions intended to improve the notarial process.

**COMMITTEE AMENDMENTS:**

1. Restore the requirement in current law that a person desiring to be appointed and commissioned as a notary public must apply to the State Treasurer on a form endorsed by a member of the Legislature.

2. Increase the fee for each commission or renewal from the current \$25 to \$50, and provide that the Treasurer shall accept the use of a credit card, debit card, or electronic funds transfer.

3. Provide that the oath of office may either be taken before the county clerk or a member of the Legislature, and require that the oath be taken within 45 days of the receipt of the commission.

4. Eliminate the bill's requirements for a course of study for a new application for a notary public commission and a continuing education course for a renewal application.

5. Require that if a notarial act regarding an electronic record is performed by a notary public, an official stamp must be attached to or logically associated with the certificate.

6. Allow individuals to either appear personally before the notarial officer or use communication technology to appear before the officer.

7. Allow verification of oath or affirmation of a credible witness to take place using communication technology.

8. Allow the use of communication technology for notarization of records concerning wills and codicils.

9. Allow the State Treasurer to promulgate standards for communication technology by publishing them in the New Jersey Notary Public Manual, rather than requiring the promulgation of rules and regulations pursuant to the Administrative Procedure Act.

10. Repeal obsolete statutes concerning foreign commissioners of deeds.

11. Make various technical changes and minor corrections.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

[First Reprint]

## ASSEMBLY, No. 4250

with committee amendments

# STATE OF NEW JERSEY

DATED: DECEMBER 14, 2020

The Senate Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 4250 (1R).

This bill, as amended, revises the law concerning the qualifications and duties of notaries public and other notarial officers. The bill also authorizes electronic signatures for notarial acts as well as various notarial acts to be performed with remotely located individuals. The bill, as detailed in this statement, was also previously amended by the Assembly Judiciary Committee, adopted on July 20, 2020.

**DEFINITIONS.** The bill provides definitions of terms, including, among others, “acknowledgment,” “electronic signature,” and “notarial act.” The term “electronic signature” is defined as “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.”

**APPOINTMENT AND QUALIFICATIONS.** A person desiring to be appointed and commissioned as a notary public is required to apply to the State Treasurer on a form endorsed by a member of the Legislature. As introduced, the bill had eliminated the requirement that a member of the Legislature endorse the form. The Assembly Judiciary Committee amendments restored the requirement that a member of the Legislature endorse the form. Those committee amendments also provided that all applications for commission as a notary public be submitted electronically.

As amended, the bill provides that, in order to be commissioned as a notary public, among other provisions a person must be at least 18; must not be disqualified to receive a commission pursuant to other provisions of the bill; or must be a legal resident of the State, have a place of employment or practice in the State, or be an employee of a business with its domicile or primary place of business in this State and perform the duties of employment remotely from a home office or a co-working space.

The bill as introduced had required that a notary public complete a six-hour course of study for a new application, or a three-hour

continuing education course for a renewal application. The Assembly Judiciary Committee amendments deleted these requirements.

**FEE FOR COMMISSION OR RENEWAL.** Under current law, the State Treasurer collects a fee of \$25 for each appointment or renewal. The Assembly Judiciary Committee amendments increased the fee for each commission or renewal to \$50. The bill also requires that the State Treasurer accept the use of a credit card, debit card, or electronic funds transfer to pay the fee.

**OATH OF OFFICE.** Under current law, within three months of the receipt of a commission the notary public must take and subscribe an oath before the clerk of the county in which he resides. The bill as introduced had allowed the oath to be taken before any officer authorized to administer oaths pursuant to current law. See R.S.41:2-1. The Assembly Judiciary Committee amendments changed this, so that the oath could be taken either before the appropriate county clerk or before a member of the Legislature. Those amendments also provided that the oath be taken within 45 days of the receipt of the commission. However, the committee amendments adopted today restore the three-month period within which a notary public is required to take the oath, as well as the requirement to be sworn in only by a county clerk by eliminating the ability to be sworn into office by a member of the Legislature.

**DISQUALIFICATION.** The bill provides that the State Treasurer may deny an application, refuse to renew a commission, or suspend, revoke, or otherwise limit the commission of a notary public for any act or omission demonstrating that the individual lacks the honesty, integrity, competence, or reliability necessary to act as a notary public. These grounds specifically include, among others, a fraudulent, dishonest, or deceitful misstatement or omission in the application; a finding against the applicant or commissioned notary public in a legal proceeding or disciplinary action based on fraud, dishonesty, or deceit, including but not limited to certain criminal convictions; the use of false or misleading advertising representing that the notary is authorized to engage in work that the notary is not so authorized to engage in; and, in the case of a notary who is not an attorney, giving legal advice or acting as an immigration consultant or expert on immigration matters.

**MANUAL.** The bill requires the State Treasurer to maintain an on-line manual setting forth the functions, duties, and responsibilities of a notary public, including the statutes, rules, regulations, and ethical requirements.

**OFFICIAL STAMP.** The bill sets various requirements concerning a notary public's official stamp, including a provision for an official stamp for a notarial act regarding an electronic record. For a notarial act performed by a notary public involving a tangible record, an official stamp would be affixed to or embossed on a

certificate evidencing details of the act near the signature of the notary public. For a notarial act involving an electronic record, the stamp would be attached to or logically associated with the certificate, so long as this certificate indicates the notary public's name and commission expiration date, and the title "Notary Public, State of New Jersey."

The stamping device for official stamps would be considered the property of the notary public, even if an employer purchased the device, and the notary public would be responsible for keeping it secure. If the stamping device was lost or stolen, the notary public would be required to notify the State Treasurer within 10 days of the loss or theft.

**REQUIREMENTS FOR NOTARIAL ACTS.** Under the bill, a notarial officer who takes an acknowledgment of a record, a verification of a statement on oath or affirmation, or witnesses a signature, could only do so based on personal knowledge or satisfactory evidence of the identity of the individual appearing before the notarial officer, whether in person or appearing before the notarial officer remotely through the use of communication technology. Additionally, the Assembly Judiciary Committee amendments provided that a verification of oath or affirmation of a credible witness could take place either by the witness personally appearing before the notarial officer or by the witness using communication technology to appear.

**NOTARIAL ACTS EXCLUDED FROM REMOTE EXECUTION.** As introduced, the bill had excluded certain records from notarization through the use of communication technology. These included certain provisions under the Uniform Commercial Code, laws governing the creation and execution of wills or codicils, and statutes, regulations, or other rules of law governing adoption, divorce, or other matters of family law. The Assembly Judiciary Committee amended the bill to remove the exclusion pertaining to wills and codicils, so that remote notarization through the use of communication technology could be used for executing these records.

**REMOTELY LOCATED INDIVIDUALS.** The bill provides that a notarial officer may perform a notarial act using communications technology for a person who is not in the notarial officer's physical presence if the notarial officer has personal knowledge or satisfactory evidence of the individual's identity and if the notarial officer creates an audio-visual recording of the performance of the notarial act. The notarial officer would be required to retain the recording, personally or through a designated repository, for a period of at least 10 years, unless a different period was required by any rule, regulation, or provision published by the State Treasurer.

As amended by the Assembly Judiciary Committee, the bill provides that the Treasurer may publish provisions in the New

Jersey Notary Public Manual concerning requirements for carrying out notarial acts involving a remotely located individual, in addition to promulgating rules and regulations for carrying out such acts. Before adopting, amending, or repealing any such rule or regulation, or publishing a provision in the Notary Public Manual, the State Treasurer would be required to consider the standards promulgated by national standard-setting organizations such as the Mortgage Industry Standards Maintenance Organization and the National Association of Secretaries of State, in addition to the standards, practices and customs of other jurisdictions with substantial similar laws concerning remote act, along with the views of governmental officials and entities and other interested persons.

**CERTIFICATE FORM.** The bill sets out short form certificates of notarial acts and specifies that the forms are sufficient for the purposes indicated if the other requirements of law are satisfied.

**JOURNAL.** Under the bill, a notary public is required to maintain a journal of all notarial acts performed, either in a tangible medium or electronic format. For each notarial act, the notary public must record the date and time, the type of notarial act, the name and address of each individual for whom the notarial act is performed, information concerning evidence of identity of the individual, and a list of all fees charged for the notarial act. If a notary public's journal is lost or stolen, the notary public must notify the State Treasurer within 10 days of the loss or theft. The notary public must either retain the journal for 10 years after the performance of the last notarial act chronicled in the journal or transmit the journal to the Department of the Treasury or a repository approved by the State Treasurer.

**FEES.** Under current law, fees for the various services performed by a notarial officer are set by statute in N.J.S.22A:4-14. The bill provides that these fees would instead be fixed by the State Treasurer by regulation.

**REPEALERS.** The bill repeals several sections of law that would either be obviated by the bill or are currently obsolete: R.S.52:6-15 through R.S.52:6-22 (obsolete statutes concerning foreign commissioners of deeds); and sections 1 and 2 of P.L.1981, c.487 (C.52:7-20 and C.52:7-21) (concerning criminal convictions that bar appointment and reappointment as a notary public).

**BACKGROUND.** This bill is based on a 2014 report of the New Jersey Law Revision Commission which, in turn, was based on the Uniform Law Commission's 2010 "Revised Uniform Law on Notarial Acts" (RULONA). This bill also incorporates the Uniform Law Commission's 2018 revision of the RULONA as well as various other provisions intended to improve the notarial process.

This bill, as amended by this committee, is identical to the First Reprint of Senate Bill No. 2508, also amended and reported by the committee today.

The committee amendments to the bill:

- delete provisions that would have permitted a person located in a state adjoining this State, who works remotely from a home office or a co-working space for a business with its domicile or primary place of business in this State, from being eligible to be a notary public;

- reestablish the requirement, removed from the bill as introduced, that a county clerk, following an administration of the oath of office, give notice to any notary public who is also not a licensed attorney to refrain from using the title of lawyer or attorney-at-law, or equivalent terms in any language which mean or imply that the notary public is a lawyer or attorney-at-law, and a form of such notice is required with any advertising by that notary public;

- reestablish the ability of the State Treasurer, removed from the bill as introduced, to cancel and revoke a notary public's appointment if the notary public fails to take and subscribe the required oath of office within three months of receiving the commission of office;

- reestablish an existing process under current law, removed from the bill as introduced, that a commissioned notary public could request and receive from the county clerk where the notary public was qualified certificates of commission and qualification for filing with other county clerks;

- save from repeal section 7 of P.L.1979, c.460 (C.52:7-16), which concern certain duties of county clerks regarding notaries public; and

- revise the title to reflect the repeal of several sections of law, as described in the statement above.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### [Second Reprint] **ASSEMBLY, No. 4250**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 17, 2021

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 4250 (2R), with committee amendments.

This bill, revises the law concerning the qualifications and duties of notaries public and other notarial officers. The bill also authorizes electronic signatures for notarial acts as well as various notarial acts to be performed with remotely located individuals. The bill, as detailed in this statement, was also previously amended by the Assembly Judiciary Committee, adopted on July 20, 2020.

**DEFINITIONS.** The bill provides definitions of terms, including, among others, “acknowledgment,” “electronic signature,” and “notarial act.” The term “electronic signature” is defined as “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.”

**APPOINTMENT AND QUALIFICATIONS.** A person desiring to be appointed and commissioned as a notary public is required to apply to the State Treasurer on a form endorsed by a member of the Legislature. As introduced, the bill had eliminated the requirement that a member of the Legislature endorse the form. The Assembly Judiciary Committee amendments restored the requirement that a member of the Legislature endorse the form. Those committee amendments also provided that all applications for commission as a notary public be submitted electronically.

The bill provides that, in order to be commissioned as a notary public, among other provisions a person must be at least 18; must not be disqualified to receive a commission pursuant to other provisions of the bill; or must be a legal resident of the State, have a place of employment or practice in the State, or be an employee of a business with its domicile or primary place of business in this State and perform the duties of employment remotely from a home office or a co-working space.

The bill as introduced had required that a notary public complete a six-hour course of study for a new application, or a three-hour

continuing education course for a renewal application. The Assembly Judiciary Committee amendments deleted these requirements.

**FEE FOR COMMISSION OR RENEWAL.** Under current law, the State Treasurer collects a fee of \$25 for each appointment or renewal. The Assembly Judiciary Committee amendments increased the fee for each commission or renewal to \$50. The bill also requires that the State Treasurer accept the use of a credit card, debit card, or electronic funds transfer to pay the fee.

**OATH OF OFFICE.** Under current law, within three months of the receipt of a commission the notary public must take and subscribe an oath before the clerk of the county in which he resides. The bill as introduced had allowed the oath to be taken before any officer authorized to administer oaths pursuant to current law. See R.S.41:2-1. The Assembly Judiciary Committee amendments changed this, so that the oath could be taken either before the appropriate county clerk or before a member of the Legislature. Those amendments also provided that the oath be taken within 45 days of the receipt of the commission. However, the committee amendments adopted today restore the three-month period within which a notary public is required to take the oath, as well as the requirement to be sworn in only by a county clerk by eliminating the ability to be sworn into office by a member of the Legislature.

**DISQUALIFICATION.** The bill provides that the State Treasurer may deny an application, refuse to renew a commission, or suspend, revoke, or otherwise limit the commission of a notary public for any act or omission demonstrating that the individual lacks the honesty, integrity, competence, or reliability necessary to act as a notary public. These grounds specifically include, among others, a fraudulent, dishonest, or deceitful misstatement or omission in the application; a finding against the applicant or commissioned notary public in a legal proceeding or disciplinary action based on fraud, dishonesty, or deceit, including but not limited to certain criminal convictions; the use of false or misleading advertising representing that the notary is authorized to engage in work that the notary is not so authorized to engage in; and, in the case of a notary who is not an attorney, giving legal advice or acting as an immigration consultant or expert on immigration matters.

**MANUAL.** The bill requires the State Treasurer to maintain an on-line manual setting forth the functions, duties, and responsibilities of a notary public, including the statutes, rules, regulations, and ethical requirements.

**OFFICIAL STAMP.** The bill sets various requirements concerning a notary public's official stamp, including a provision for an official stamp for a notarial act regarding an electronic record. For a notarial act performed by a notary public involving a tangible record, an official stamp would be affixed to or embossed on a certificate evidencing details of the act near the signature of the notary public.

For a notarial act involving an electronic record, the stamp would be attached to or logically associated with the certificate, so long as this certificate indicates the notary public's name and commission expiration date, and the title "Notary Public, State of New Jersey."

The stamping device for official stamps would be considered the property of the notary public, even if an employer purchased the device, and the notary public would be responsible for keeping it secure. If the stamping device was lost or stolen, the notary public would be required to notify the State Treasurer within 10 days of the loss or theft.

**REQUIREMENTS FOR NOTARIAL ACTS.** Under the bill, a notarial officer who takes an acknowledgment of a record, a verification of a statement on oath or affirmation, or witnesses a signature, could only do so based on personal knowledge or satisfactory evidence of the identity of the individual appearing before the notarial officer, whether in person or appearing before the notarial officer remotely through the use of communication technology. Additionally, the Assembly Judiciary Committee amendments provided that a verification of oath or affirmation of a credible witness could take place either by the witness personally appearing before the notarial officer or by the witness using communication technology to appear.

**NOTARIAL ACTS EXCLUDED FROM REMOTE EXECUTION.** As introduced, the bill had excluded certain records from notarization through the use of communication technology. These included certain provisions under the Uniform Commercial Code, laws governing the creation and execution of wills or codicils, and statutes, regulations, or other rules of law governing adoption, divorce, or other matters of family law. The Assembly Judiciary Committee amended the bill to remove the exclusion pertaining to wills and codicils, so that remote notarization through the use of communication technology could be used for executing these records.

**REMOTELY LOCATED INDIVIDUALS.** The bill provides that a notarial officer may perform a notarial act using communications technology for a person who is not in the notarial officer's physical presence if the notarial officer has personal knowledge or satisfactory evidence of the individual's identity and if the notarial officer creates an audio-visual recording of the performance of the notarial act. The notarial officer would be required to retain the recording, personally or through a designated repository, for a period of at least 10 years, unless a different period was required by any rule, regulation, or provision published by the State Treasurer.

As amended by the Assembly Judiciary Committee, the bill provides that the Treasurer may publish provisions in the New Jersey Notary Public Manual concerning requirements for carrying out notarial acts involving a remotely located individual, in addition to promulgating rules and regulations for carrying out such acts. Before

adopting, amending, or repealing any such rule or regulation, or publishing a provision in the Notary Public Manual, the State Treasurer would be required to consider the standards promulgated by national standard-setting organizations such as the Mortgage Industry Standards Maintenance Organization and the National Association of Secretaries of State, in addition to the standards, practices and customs of other jurisdictions with substantial similar laws concerning remote act, along with the views of governmental officials and entities and other interested persons.

**CERTIFICATE FORM.** The bill sets out short form certificates of notarial acts and specifies that the forms are sufficient for the purposes indicated if the other requirements of law are satisfied.

**JOURNAL.** Under the bill, a notary public is required to maintain a journal of all notarial acts performed, either in a tangible medium or electronic format. For each notarial act, the notary public must record the date and time, the type of notarial act, the name and address of each individual for whom the notarial act is performed, information concerning evidence of identity of the individual, and a list of all fees charged for the notarial act. If a notary public's journal is lost or stolen, the notary public must notify the State Treasurer within 10 days of the loss or theft. The notary public must either retain the journal for 10 years after the performance of the last notarial act chronicled in the journal or transmit the journal to the Department of the Treasury or a repository approved by the State Treasurer.

**FEES.** Under current law, fees for the various services performed by a notarial officer are set by statute in N.J.S.22A:4-14. The bill provides that these fees would instead be fixed by the State Treasurer by regulation.

**REPEALERS.** The bill repeals several sections of law that would either be obviated by the bill or are currently obsolete: R.S.52:6-15 through R.S.52:6-22 (obsolete statutes concerning foreign commissioners of deeds); and sections 1 and 2 of P.L.1981, c.487 (C.52:7-20 and C.52:7-21) (concerning criminal convictions that bar appointment and reappointment as a notary public).

**BACKGROUND.** This bill is based on a 2014 report of the New Jersey Law Revision Commission which, in turn, was based on the Uniform Law Commission's 2010 "Revised Uniform Law on Notarial Acts" (RULONA). This bill also incorporates the Uniform Law Commission's 2018 revision of the RULONA as well as various other provisions intended to improve the notarial process.

As reported by the committee, Assembly Bill No. 4250 (3R) is identical to Senate Bill No. 2508 (2R), which also was amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

-- Require that a non-attorney applicant for an initial commission as a notary public would be required to comply with all educational requirements that the State Treasurer sets forth in rules adopted pursuant to the "Administrative Procedure Act," P.L.1969, c.410 (C.52:14B-1 et seq.) concerning a course of study to foster and confirm applicants' understanding of the principles and standards that govern notarial practices. The State Treasurer would also prescribe and approve a continuing education course for non-attorney applicants seeking a renewal of a commission.

-- Require State Treasurer to collect a nonrefundable fee of \$25 for each appointment or renewal.

-- Allow records concerning wills and codicils to be notarized remotely under certain circumstances. The bill excludes certain records from notarization through the use of communication technology, such as certain provisions under the Uniform Commercial Code; laws governing the creation and execution of wills or codicils; and statutes, regulations, or other rules of law governing adoption, divorce, or other matters of family law. However, the committee amendments set out an exception for wills and codicils as follows: a notarial act performed on a tangible record that is governed by a law governing the creation of wills and codicils may be performed through the use of communication technology if the notarial act is performed in accordance with the bill's requirements for remote notarization.

-- Clarify that a notarial officer may take an acknowledgement by means of communication technology of a signature on a tangible record that *is in the physical presence* of the notary. In this situation, the signatory fully executes the document and sends it to the notarial officer, who then proceeds with the remote session to take the acknowledgement and complete the certificate. This process is sometimes known as Paper Remote Notarization.

-- Clarify that a notarial officer may perform a notarial act by means of communication technology on a tangible record that is *not physically present* before the notary public, but instead is in the possession of the remote individual. This process is sometimes known as Paper Remote Ink Notarization.

-- Clarify that, in addition to performing the remote notarization of acknowledgements, a notary may also administer an oath remotely.

-- Remove the exclusion of certain matters under the Uniform Electronic Transactions Act. Under the amendments, the Uniform Electronic Transaction Act would apply to electronic records and electronic signatures concerning certain provisions under the Uniform Commercial Code; laws governing the creation and execution of wills or codicils; and statutes, regulations, or other rules of law governing adoption, divorce, or other matters of family law.

- Delete provision concerning publication of certain requirements for notaries in the Notary Public Manual, providing that any such requirements be promulgated by rule or regulation.
- Specify that a notarial officer may perform a notarial act using communication technology for a remotely located individual regardless of whether the remotely located individual is physically located in this State. The amendments also provide that a notarial act performed using communication technology for a remotely located individual is deemed performed in New Jersey and is governed by New Jersey law.
- Provide that it is the intent of the Legislature that, to the fullest extent allowed by the Full Faith and Credit Clause of the United States Constitution and the laws of the 50 states and the District of Columbia, a notarial act performed in this State shall be recognized, be enforceable, and have the same effect under the law of the 50 states as if performed by a notarial officer of those jurisdictions.
- Provide that sections 6 and 7 of the bill (course of study, continuing education, and examination) would take effect on the 365th day following enactment; that the remainder of the bill would take effect on the 90th day following enactment; and that the State Treasurer may take any anticipatory administrative action in advance as shall be necessary for the implementation of the bill.
- Make technical changes to clarify certain language and renumber certain provisions.

**FISCAL IMPACT:**

Fiscal information for this bill is currently unavailable.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 4250 STATE OF NEW JERSEY 219th LEGISLATURE

DATED: AUGUST 3, 2020

### SUMMARY

- Synopsis:** Revises law concerning notaries and notarial acts; authorizes electronic signatures.
- Type of Impact:** Annual revenue gain of \$1 million to \$2 million deposited into the State's General Fund.
- Agencies Affected:** Department of the Treasury

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>FY 2021 and Thereafter</u></b>
<b>Annual State Revenue Increase</b>	\$1 million to \$2 million

- The Office of Legislative Services (OLS) concludes that this bill could increase State General Fund revenues by between \$1 million and \$2 million annually. Like any source of revenue, the amounts generated will fluctuate annually. The bill's provisions alter various qualification requirements that could affect commissions or renewals. The OLS cannot conclude with reasonable certainty the impact those provisions will have on the population of notaries or future notaries.

### BILL DESCRIPTION

This bill revises the law concerning the qualifications and duties of notaries public and other notarial officers. The bill authorizes electronic signatures. The bill also increases the \$25 fee collected by the State Treasurer for each appointment or renewal to \$50 for each commission or renewal. The bill takes effect 90 days following enactment.

### FISCAL ANALYSIS

#### *EXECUTIVE BRANCH*

None received.

**OFFICE OF LEGISLATIVE SERVICES**

The OLS concludes that this bill could increase State General Fund revenues by between \$1 million and \$2 million annually. Based on information provided in the FY 2021 Governor's Budget Recommendation (page C-6), notary commissions generated \$1.2 million in FY 2019 for the Department of the Treasury. Notary commission revenue collections for FY 2020 and FY 2021 were projected to be about \$1.6 million annually. If the \$25 fee yielded \$1.2 million in revenue in FY 2019 than a \$50 fee should yield roughly \$2.4 million, a \$1.2 million net increase. Based on the Executive's projection for FY 2020 and FY 2021, the estimate would increase to \$1.6 million.

Like any source of revenue, the amounts generated will fluctuate annually. The bill's provisions alter various qualification requirements that could affect commissions or renewals. The OLS cannot conclude with reasonable certainty the impact those provisions will have on the population of notaries or future notaries. Lastly, the OLS is uncertain as to whether the information published in the FY 2021 Governor's Budget Recommendation includes renewals, so the amount generated by the bill could be greater.

*Section: Revenue, Finance and Appropriations*

*Analyst: Jordan M. DiGiovanni*  
*Revenue Analyst*

*Approved: Frank W. Haines III*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

**ASSEMBLY, No. 4250**

## **STATE OF NEW JERSEY 219th LEGISLATURE**

DATED: JANUARY 8, 2021

### SUMMARY

- Synopsis:** Revises law concerning notaries and notarial acts; authorizes electronic signatures.
- Type of Impact:** Annual revenue gain of \$1 million to \$2 million deposited into the State's General Fund.
- Agencies Affected:** Department of the Treasury

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>FY 2021 and Thereafter</u></b>
<b>Annual State Revenue Increase</b>	\$1 million to \$2 million

- The Office of Legislative Services (OLS) concludes that this bill could increase State General Fund revenues by between \$1 million and \$2 million annually. Like any source of revenue, the amounts generated will fluctuate annually. The bill's provisions alter various qualification requirements that could affect commissions or renewals. The OLS cannot conclude with reasonable certainty the impact those provisions will have on the population of notaries or future notaries.

### BILL DESCRIPTION

This bill revises the law concerning the qualifications and duties of notaries public and other notarial officers. The bill authorizes electronic signatures. The bill also increases the \$25 fee collected by the State Treasurer for each appointment or renewal to \$50 for each commission or renewal. The bill takes effect 90 days following enactment.

### FISCAL ANALYSIS

#### **EXECUTIVE BRANCH**

None received.

**OFFICE OF LEGISLATIVE SERVICES**

The OLS concludes that this bill could increase State General Fund revenues by between \$1 million and \$2 million annually. Based on information provided in the FY 2021 Governor's Budget Recommendation (page C-6), notary commissions generated \$1.2 million in FY 2019 for the Department of the Treasury. Notary commission revenue collections for FY 2020 and FY 2021 were projected to be about \$1.6 million annually. If the \$25 fee yielded \$1.2 million in revenue in FY 2019 than a \$50 fee should yield roughly \$2.4 million, a \$1.2 million net increase. Based on the Executive's projection for FY 2020 and FY 2021, the estimate would increase to \$1.6 million.

Like any source of revenue, the amounts generated will fluctuate annually. The bill's provisions alter various qualification requirements that could affect commissions or renewals. The OLS cannot conclude with reasonable certainty the impact those provisions will have on the population of notaries or future notaries. Lastly, the OLS is uncertain as to whether the information published in the FY 2021 Governor's Budget Recommendation includes renewals, so the amount generated by the bill could be greater.

*Section: Revenue, Finance and Appropriations*  
*Analyst: Jordan M. DiGiovanni*  
*Revenue Analyst*  
*Approved: Thomas Koenig*  
*Assistant Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

## ASSEMBLY, No. 4250

### STATE OF NEW JERSEY 219th LEGISLATURE

DATED: JUNE 24, 2021

#### SUMMARY

- Synopsis:** Revises law concerning notaries and notarial acts; authorizes electronic signatures.
- Type of Impact:** Annual revenue gain to State General Fund; Annual State expenditure increase.
- Agencies Affected:** Department of the Treasury

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>FY 2022 and Thereafter</u></b>
<b>Annual State Revenue Increase</b>	Indeterminate
<b>Annual State Expenditure Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) concludes that this bill could increase State General Fund revenues through various changes to existing fees and new fees. The bill could also result in an increase in State expenditures related to establishing and maintaining courses of study, continuing education programs, and examinations for notary applicants.

#### BILL DESCRIPTION

This bill revises the law concerning the qualifications and duties of notaries public and other notarial officers. The bill authorizes electronic signatures for notarial acts as well as various notarial acts to be performed with remotely located individuals. The bill takes effect 90 days following enactment; provided, however, that course of study, continuing education, and examination requirements would go into effect on the 365<sup>th</sup> day follow enactment.

#### FISCAL ANALYSIS

#### **EXECUTIVE BRANCH**

Office of Legislative Services  
State House Annex  
P.O. Box 068  
Trenton, New Jersey 08625



Legislative Budget and Finance Office  
Phone (609) 847-3105  
Fax (609) 777-2442  
[www.njleg.state.nj.us](http://www.njleg.state.nj.us)

None received.

***OFFICE OF LEGISLATIVE SERVICES***

The OLS concludes that this bill could increase State General Fund revenues through various changes to existing fees and new fees. The bill could also result in an increase in State expenditures related to establishing and maintaining courses of study, continuing education programs, and examinations for notary applicants.

The bill does not alter the fee amount for commissions and renewals, but it does make the fee non-refundable and payable through more methods of payment. The State Treasurer is also required to establish a nonrefundable examination fee, which is to offset the cost of having an independent contract vendor develop and administer the examination. Like any source of revenue, the amounts generated will fluctuate annually. The bill's provisions alter various qualification requirements that could affect commissions or renewals. The OLS cannot conclude with reasonable certainty the impact those provisions will have on the population of notaries or future notaries.

The bill could also increase expenditures related to administrative costs, some of which would be offset by new fees established by the bill. The State Treasurer would be responsible for establishing and maintaining courses of study, continuing education programs, and examinations for notary applicants. The OLS cannot determine whether or not this bill will require the Department of the Treasury to hire additional staff or if the implementation of the bill could be managed with existing resources.

*Section: Revenue, Finance and Appropriations*  
*Analyst: Jordan M. DiGiovanni*  
*Revenue Analyst*  
*Approved: Thomas Koenig*  
*Assistant Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# SENATE, No. 2508

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 4, 2020

**Sponsored by:**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Senator Singleton**

**SYNOPSIS**

Revises law concerning notaries and notarial acts; authorizes electronic signatures.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/14/2020)**

1 AN ACT concerning notaries, amending and supplementing various  
2 parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 1 of P.L.1979, c.460 (C.52:7-10) is amended to read  
8 as follows:

9 1. Short title.

10 This act shall be known and may be cited as the **["Notaries**  
11 **Public Act of 1979."]** "New Jersey Law on Notarial Acts."  
12 (cf: P.L.1979, c.460, s.1)

13

14 2. (New section) Definitions.

15 As used in P.L. , c. (C. ) (pending before the Legislature  
16 as this bill):

17 a. "Acknowledgment" means a declaration by an individual  
18 before a notarial officer that the individual has signed a record for  
19 the purpose stated in the record and, if the record is signed in a  
20 representative capacity, that the individual signed the record with  
21 proper authority and signed it as the act of the individual or entity  
22 identified in the record.

23 b. "Electronic" means relating to technology having electrical,  
24 digital, magnetic, wireless, optical, electromagnetic, or similar  
25 capabilities.

26 c. "Electronic signature" means an electronic symbol, sound,  
27 or process attached to, or logically associated with, a record and  
28 executed or adopted by an individual with the intent to sign the  
29 record.

30 d. "In a representative capacity" means acting as:

31 (1) An authorized officer, agent, partner, trustee, or other  
32 representative for a person other than an individual;

33 (2) A public officer, personal representative, guardian, or other  
34 representative, in the capacity stated in a record;

35 (3) An agent or attorney-in-fact for a principal; or

36 (4) An authorized representative of another in any other  
37 capacity.

38 e. "Notarial act" means an act, whether performed with respect  
39 to a tangible or electronic record, that a notarial officer may  
40 perform under the laws of New Jersey. The term includes:

41 (1) taking an acknowledgment,

42 (2) administering an oath or affirmation,

43 (3) taking a verification on oath or affirmation,

44 (4) witnessing or attesting a signature,

45 (5) certifying or attesting a copy or deposition, and

**EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

- 1 (6) noting a protest of a negotiable instrument.
- 2 f. "Notarial officer" means a notary public or other individual  
3 authorized by law to perform a notarial act.
- 4 g. "Notary public" means an individual commissioned by the  
5 State Treasurer to perform a notarial act.
- 6 h. "Official stamp" means a physical image affixed to or  
7 embossed on a tangible record or an electronic image attached to, or  
8 logically associated with, an electronic record.
- 9 i. "Person" has the meaning ascribed to it in R.S.1:1-2.
- 10 j. "Record" means information that is inscribed on a tangible  
11 medium or that is stored in an electronic or other medium and is  
12 retrievable in perceivable form.
- 13 k. "Sign" means, with present intent to authenticate or adopt a  
14 record:
- 15 (1) To execute or adopt a tangible symbol; or
- 16 (2) To attach to or logically associate with the record an  
17 electronic symbol, sound, or process.
- 18 l. "Signature" means a tangible symbol or an electronic  
19 signature that evidences the signing of a record.
- 20 m. "Stamping device" means:
- 21 (1) A physical device capable of affixing to or embossing on a  
22 tangible record an official stamp; or
- 23 (2) An electronic device or process capable of attaching to or  
24 logically associating with an electronic record an official stamp.
- 25 n. "State" means the State of New Jersey; "other state" or  
26 "another state" means any state, the District of Columbia, the  
27 Commonwealth of Puerto Rico, the United States Virgin Islands,  
28 and any other insular possession or territory of the United States  
29 other than the State of New Jersey.
- 30 o. "Verification on oath or affirmation" means a declaration,  
31 made by an individual on oath or affirmation before a notarial  
32 officer, that a statement in a record is true.

33

34 3. Section 2 of P.L.1979, c.460 (C.52:7-11) is amended to read  
35 as follows:

36 2. Commission; Term; Application; Renewal.

37 a. The State Treasurer **[shall appoint]** may commission so  
38 many notaries public as the State Treasurer **[shall deem]** deems  
39 necessary to commission**[, who]**. Notaries public shall hold their  
40 respective offices for **[the]** a term of five years**[, but may be**  
41 removed from office at the pleasure of the State Treasurer**]**.

42 b. **[A person desiring to be appointed and commissioned]** An  
43 applicant for commission as a notary public shall make application  
44 to the State Treasurer on a form prescribed by the State Treasurer  
45 **[and endorsed by a member of the Legislature]**. Renewals  
46 **[thereof]** shall be made in the same manner as the original  
47 application.

1 The application form shall provide a notice to the applicant that a  
2 notary public who is not licensed as an attorney-at-law shall not use  
3 or advertise the title of lawyer or attorney-at-law, or equivalent  
4 terms, in **the English language or** any **other** language, which  
5 mean or imply that the notary public is licensed as an attorney-at-  
6 law in the State of New Jersey or in any other jurisdiction of the  
7 United States. The application form shall also state that a notary  
8 public who advertises **his** the notary public's services in **the**  
9 **English language or** any **other** language is required to provide  
10 with such advertisement a notice in the language of the  
11 advertisement which contains the following statement or translation  
12 of the following statement if the advertisement is not in English: "I  
13 am not an attorney licensed to practice law and may not give legal  
14 advice about immigration or any other legal matter or accept fees  
15 for legal advice."

16 c. The **fee to be collected by the** State Treasurer shall collect  
17 a nonrefundable fee **for that appointment or renewal shall be**  
18 **\$25.00** of \$25 for each commission or renewal. In collecting the  
19 fee, the State Treasurer shall accept the use of a credit card, debit  
20 card, or electronic funds transfer.

21 (cf: P.L.2014, c.48, s.3)

22

23 4. Section 3 of P.L.1979, c.460 (C.52:7-12) is amended to read  
24 as follows:

25 3. Qualifications.

26 **No** a. A person shall be appointed commissioned as a  
27 notary public in this State shall:

28 (1) be at the time of appointment at least **unless he is** 18 years  
29 of age **or older** and a citizen of the United States;

30 (2) be at the time of appointment a legal resident of this State or  
31 have a place of employment or practice in this State; and

32 (3) not be disqualified to receive a commission under section 9  
33 of P.L. , c. (C. ) (pending before the Legislature as this  
34 bill).

35 b. An applicant for an initial commission as a notary public  
36 shall provide satisfactory proof that the applicant has:

37 (1) completed a six-hour course of study approved by the State  
38 Treasurer pursuant to subsection a. of section 6 of P.L. ,  
39 c. (C. ) (pending before the Legislature as this bill); and

40 (2) passed an examination prescribed by the State Treasurer  
41 pursuant to section 7 of P.L. , c. (C. ) (pending before the  
42 Legislature as this bill).

43 c. A commissioned notary public applying to renew a  
44 commission who has satisfactorily completed the six-hour course of  
45 study required pursuant to subsection a. of section 6 of P.L. , c.  
46 (C. ) (pending before the Legislature as this bill) at least one  
47 time, or who was commissioned for the first time before the

1 effective date of P.L. , c. (C. ) shall complete the three-  
2 hour continuing education course as set forth in subsection b. of  
3 section 6 of P.L. , c. (C. ) (pending before the Legislature  
4 as this bill) and provide satisfactory proof of such completion.  
5 (cf: P.L.1979, c.460, s.3)

6  
7 5. Section 4 of P.L.1979, c.460 (C.52:7-13) is amended to read  
8 as follows:

9 4. Commission of Nonresidents; Additional Requirements.

10 a. No person shall be denied **【appointment】** a commission as a  
11 notary public on account of residence outside **【of】** this State,  
12 provided such person **【resides in a State adjoining this State and】**  
13 maintains, or is regularly employed in, an office in this State.

14 b. **【Before】** In addition to the requirements of section 3 of  
15 P.L.1979, c.460 (C.52:7-12), any 【such】 nonresident shall 【be  
16 appointed and commissioned as a notary public, he shall】 file with  
17 the State Treasurer 【an affidavit】 at the time of application a  
18 certificate setting forth 【his】 the residence and the address of the  
19 applicant, and the 【address of his】 office or place of employment  
20 of the applicant in this State.

21 c. **【Any】** Once commissioned, any such nonresident notary  
22 public shall file with the State Treasurer a certificate showing any  
23 change of residence or change of **【his】** the office or place of  
24 employment **【address】** of the notary public in this State.

25 (cf: P.L.2014, c.48, s.4)

26

27 6. (New section) Course of Study; Continuing Education.

28 a. An applicant for an initial commission as a notary public  
29 pursuant to section 2 of P.L.1979, c.460 (C.52:7-11) shall complete  
30 a six-hour course of study prescribed and approved by the State  
31 Treasurer. The course of study shall be completed within the six-  
32 month period immediately preceding the application.

33 b. An applicant for renewal of a commission pursuant to  
34 section 2 of P.L.1979, c.460 (C.52:7-11) who has previously  
35 completed the six-hour course of study required pursuant to  
36 subsection a. of this section at least one time, or who was  
37 commissioned for the first time before the effective date of P.L. ,  
38 c. (C. ) (pending before the Legislature as this bill) shall  
39 complete a three-hour continuing education course prescribed and  
40 approved by the State Treasurer. The continuing education course  
41 shall be completed within the six-month period immediately  
42 preceding the application.

43 c. The State Treasurer shall prescribe an application form and  
44 certificate of approval for any notary public course of study and any  
45 notary public continuing education course proposed by a provider.  
46 The State Treasurer may also provide a notary public course of  
47 study and continuing education course.

1 d. The State Treasurer shall compile a list of all persons  
2 offering an approved course of study and continuing education  
3 course pursuant to this section and shall provide the list on the  
4 website of the State Treasurer.

5 e. The six-hour course of study shall cover the statutes,  
6 regulations, procedures, and ethics for notaries public as described  
7 in the manual issued by the State Treasurer, and shall include the  
8 duties and responsibilities of a notary public. The course of study  
9 shall be provided by classroom instruction.

10 f. The three-hour continuing education course shall cover  
11 topics which ensure maintenance and enhancement of skill,  
12 knowledge, and competency necessary to perform notarial acts. The  
13 continuing education course may be provided by either online or  
14 classroom instruction.

15

16 7. (New section) Examination.

17 a. The State Treasurer shall prescribe and administer an  
18 examination to determine the fitness of an applicant to exercise the  
19 functions of a notary public as provided in section 2 of P.L.1979,  
20 c.460 (C.52:7-11). The examination shall:

21 (1) be based on the statutes, rules, regulations, procedures, and  
22 ethical requirements for notaries public as described in the manual  
23 issued by the State Treasurer; and

24 (2) include the requirements, functions, duties, and  
25 responsibilities of a notary public.

26 b. The State Treasurer shall charge a nonrefundable fee which  
27 shall be payable at the examination site. Such fee shall be  
28 established or changed by the State Treasurer to defray any proper  
29 expenses incurred by the Department of the Treasury in  
30 administering the examination. The fee shall not be fixed at a level  
31 that will raise amounts in excess of the amount estimated to be so  
32 required.

33

34 8. Section 5 of P.L.1979, c.460 (C.52:7-14) is amended to read  
35 as follows:

36 5. Oath; Filing; Certificate of Commission.

37 a. Within 45 days of the receipt of a commission, each notary  
38 public shall take and subscribe an oath before **【**the clerk of the  
39 county in which he resides**】** any officer authorized to administer  
40 oaths pursuant to R.S.41:2-1, to:

41 (1) faithfully and honestly **【to】** discharge the duties of **【his】** the  
42 office【,】; and

43 (2) **【that he will】** make and keep a true record of all such  
44 matters as are required by law, **【which oath shall be filed with said**  
45 **clerk. The oath of office of a nonresident notary public shall be**  
46 **taken and subscribed before the clerk of the county in which he**  
47 **maintains his office or is employed in this State】** including the

1 requirement to maintain a journal of all notarial acts performed, as  
2 set forth in section 27 of P.L. , c. (C. ) (pending before  
3 the Legislature as this bill).

4 b. Upon the administration of **【said】** the oath, the **【said clerk】**  
5 officer shall cause the notary public to **【indorse a】** endorse the  
6 certificate of commission and qualification and shall transmit  
7 **【said】** the certificate to the State Treasurer within 10 days of the  
8 administration of **【said】** the oath. **【After the administration of the**  
9 **oath, the clerk shall provide a notice to the person that a notary**  
10 **public who is not licensed as an attorney-at-law shall not use or**  
11 **advertise the title of lawyer or attorney-at-law, or equivalent terms,**  
12 **in the English language or any other language, which mean or imply**  
13 **that the notary public is licensed as an attorney-at-law in the State**  
14 **of New Jersey or in any other jurisdiction of the United States. The**  
15 **notice shall also state that a notary public who advertises his**  
16 **services, in the English language or any other language, is required**  
17 **to provide with such advertisement a notice which contains the**  
18 **following statement: "I am not an attorney licensed to practice law**  
19 **and may not give legal advice about immigration or any other legal**  
20 **matter or accept fees for legal advice." 】**

21 c. **【The State Treasurer shall cancel and revoke the**  
22 **appointment of any notary public who fails to take and subscribe**  
23 **said oath within three months of the receipt of his commission and**  
24 **any appointment so canceled and revoked shall be null, void and of**  
25 **no effect】** A commission authorizes the notary public to perform  
26 notarial acts. The commission does not provide the notary public  
27 any immunity or benefit conferred by the law of this State on public  
28 officials or employees.

29 (cf: P.L.2014, c.48, s.5)

30

31 9. (New section) Grounds for State Treasurer to Deny  
32 Application, Refuse to Renew Commission, or Revoke, Suspend, or  
33 Limit Commission.

34 a. The State Treasurer may deny an application for commission  
35 as notary public; refuse to renew a commission of a notary public;  
36 or suspend, revoke, or otherwise limit the commission of a notary  
37 public for any act or omission that demonstrates the individual lacks  
38 the honesty, integrity, competence, or reliability necessary to act as  
39 a notary public, including:

40 (1) failure to comply with P.L.1979, c.460 (C.52:7-10 et seq.),  
41 as amended and supplemented by P.L. , c. (C. ) (pending  
42 before the Legislature as this bill);

43 (2) a fraudulent, dishonest, or deceitful misstatement or  
44 omission in the application for commission as a notary public  
45 submitted to the State Treasurer;

46 (3) a finding against, or admission of liability by, the applicant  
47 or notary public in any legal proceeding or disciplinary action based

1 on fraud, dishonesty, or deceit, including but not limited to a  
2 violation of section 1 of P.L.1997, c.1 (C.2C:21-31) or section 1 of  
3 P.L.1994, c.47 (C.2C:21-22), but nothing in this paragraph shall be  
4 deemed to supersede P.L.1968, c.282 (C.2A:168A-1 et seq.);

5 (4) a conviction of a crime of the second degree or above, but  
6 nothing in this paragraph shall be deemed to supersede P.L.1968,  
7 c.282 (C.2A:168A-1 et seq.);

8 (5) failure by the notary public to discharge any duty required  
9 by any law, including P.L.1979, c.460 (C.52:7-10 et seq.), any rules  
10 or regulations promulgated thereunder by the State Treasurer, and  
11 any other State or federal law;

12 (6) use of false or misleading advertising or representation by  
13 the notary public representing that the notary is commissioned,  
14 licensed, or authorized to practice or engage in work that the notary  
15 is not commissioned, licensed, or authorized to engage in;

16 (7) in the case of a notary public who is not an attorney licensed  
17 to practice law, any of the following:

18 (a) giving legal advice;

19 (b) acting as an immigration consultant or an expert on  
20 immigration matters;

21 (c) otherwise performing the duties of an attorney licensed to  
22 practice law in New Jersey;

23 (d) a disciplinary or other administrative action resulting in a  
24 finding of culpability if the applicant holds any professional license  
25 regulated by the State; or

26 (e) creating or reinforcing, by any means, a false impression that  
27 the person is licensed to engage in the practice of law in this State  
28 or any other State, including, but not limited to, committing a  
29 violation of P.L.1994, c.47 (C.2C:21-22) or P.L.1997, c.1 (C.2C:21-  
30 31);

31 (8) failure to take and subscribe to the oath pursuant to section 5  
32 of P.L.1979, c.460 (C.52:7-14) within 45 days of the receipt of a  
33 notary public commission;

34 (9) withholding access to or possession of an original record or  
35 photocopy provided by a person who seeks performance of a  
36 notarial act by the notary public, except where allowed by law; or

37 (10) the denial of an application for notary public in another  
38 state; the refusal to renew in another state; or the suspension,  
39 revocation, or other limitation of the commission of the notary  
40 public in another state.

41 b. If the State Treasurer denies an application for notary public;  
42 refuses to renew a commission of a notary public; or suspends,  
43 revokes, or otherwise limits the commission of a notary public, the  
44 applicant or the notary public is entitled to timely notice and  
45 hearing in accordance with the "Administrative Procedure Act,"  
46 P.L.1968, c.410 (C.52:14B-1 et seq.).

47 c. The authority of the State Treasurer to deny an application  
48 for notary public; refuse to renew a commission of a notary public;

1 or suspend, revoke, or otherwise limit the commission of a notary  
2 public shall not prevent a person aggrieved by the actions of a  
3 notary public from seeking other criminal or civil remedies  
4 provided by law.

5  
6  
7 10. Section 6 of P.L.1979, c.460 (C.52:7-15) is amended to read  
8 as follows:

9 6. Statewide authority.

10 **【a.】** A notary public who has been duly commissioned and  
11 qualified is authorized to perform **【his】** the duties of a notary public  
12 throughout the State.

13 **【b.】** Any notary public, after having been duly commissioned and  
14 qualified, shall, upon request, receive from the clerk of the county  
15 where he has qualified, as many certificates of his commission and  
16 qualification as he shall require for filing with other county clerks  
17 of this State, and upon receipt of such certificates the notary public  
18 may present the same, together with his autograph signature, to  
19 such county clerks as he may desire, for filing. **】**

20 (cf: P.L.1979, c.460, s.6)

21  
22 11. Section 8 of P.L.1979, c.460 (C.52:7-17) is amended to read  
23 as follows:

24 8. Manual.

25 **【The State Treasurer shall, by regulation, fix a fee to be charged**  
26 **to each notary for the costs of printing and distribution to each**  
27 **applicant of a manual prescribing the powers, duties and**  
28 **responsibilities of a notary. **】****

29 a. The State Treasurer shall maintain a manual on the  
30 Department of the Treasury's website that sets forth the  
31 requirements, functions, duties, and responsibilities of a notary  
32 public. The manual shall include, but not be limited to, the statutes,  
33 rules, regulations, procedures, and ethical requirements governing a  
34 notary public.

35 b. The manual shall specify that a notary public who is not  
36 licensed as an attorney-at-law shall not use or advertise the title of  
37 lawyer or attorney-at-law, or equivalent terms, in **【the English**  
38 language or **】** any **【other】** language, which mean or imply that the  
39 notary public is licensed as an attorney **【or counselor at law】** in the  
40 State of New Jersey or in any other jurisdiction of the United States.  
41 The manual shall also state that a notary public who advertises  
42 **【his】** the notary's services in **【the English language or **】**** any  
43 **【other】** language is required to provide with such advertisement a  
44 notice which contains the following statement or translation of the  
45 following statement if the advertisement is not in English: "I am not  
46 an attorney licensed to practice law and may not give legal advice  
47 about immigration or any other legal matter or accept fees for legal

1 advice." The manual shall also state that no person shall be  
2 **【appointed or reappointed】** commissioned a notary public or  
3 receive a renewal of a notary public commission if he has been  
4 convicted under the laws of this State of an offense involving  
5 dishonesty, including but not limited to a violation of section 1 of  
6 P.L.1997, c.1 (C.2C:21-31) or section 1 of P.L.1994, c.47 (C.2C:21-  
7 22), or a substantially similar crime under the laws of another state  
8 or the United States or of a crime of the second degree or above, but  
9 nothing in this paragraph shall be deemed to supersede P.L.1968,  
10 c.282 (C.2A:168A-1 et seq.).

11 c. The State Treasurer shall update the information contained  
12 in the manual and the Department of the Treasury's Internet website  
13 **【as appropriate】** at least quarterly.  
14 (cf: P.L.2014, c.48, s.6)

15  
16 12. Section 9 of P.L.1979, c.460 (C.52:7-18) is amended to read  
17 as follows:

18 9. Statement by Notary Public after Change in Name; Filing;  
19 Evidence of Continuance of Powers and Privileges.

20 **【After】** a. If a notary public adopts a name different from that  
21 which **【he】** the notary public used at the time he was  
22 commissioned, **【and】** before **【he signs his name】** the notary public  
23 provides a signature to any **【document】** record which **【he】** the  
24 notary public is authorized or required to sign as notary public, he  
25 shall make and sign a statement in writing and under oath, on a  
26 form prescribed and furnished by the State Treasurer, setting out the  
27 circumstances under which **【he】** the notary public has adopted the  
28 new name.

29 b. The statement shall **【set forth】** state whether the new name  
30 has been adopted through marriage or civil union or by a change of  
31 name proceeding or otherwise, and such other information as the  
32 State Treasurer shall require.

33 c. The statement shall be filed in the office of the State  
34 Treasurer **【and in the office of the clerk of the county where he**  
35 **qualified as a notary public and in the office of the clerk of any**  
36 **county in which he may have filed a certificate of his commission**  
37 **and qualification】**. Such statement, or a certified copy **【thereof】**,  
38 shall be evidence of the right of **【said】** the notary public to continue  
39 to exercise the powers and privileges and perform the duties of a  
40 notary public in **【his】** the changed **【and】** or new name.

41 (cf: P.L.2014, c.48, s.7)

42

43 13. Section 10 of P.L.1979, c.460 (C.52:7-19) is amended to  
44 read as follows:

45 10. Certificate of Notarial Act.

46 **【Each notary public, in addition to subscribing his autograph**  
47 **signature to any jurat upon the administration of any oath or the**

1 taking of any acknowledgement or proof, shall affix thereto his  
2 name in such a manner and by such means, including, but not  
3 limited to, printing, typing, or impressing by seal or mechanical  
4 stamp, as will enable the State Treasurer easily to read said name. **】**

5 a. A notarial act shall be evidenced by a certificate. The  
6 certificate shall:

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

9 (2) be signed and dated by the notarial officer;

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

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

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

15 b. A certificate of a notarial act is sufficient if it meets the  
16 requirements of subsection a. of this section and:

17 (1) is in a short form set forth in section 21 of P.L. \_\_\_\_\_,

18 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill);

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

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

22 (4) sets forth the actions of the notarial officer which shall meet  
23 the requirements provided in P.L.1979, c.460 (C.52:7-10 et seq.), as  
24 amended and supplemented by P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending  
25 before the Legislature as this bill) and any other applicable laws of  
26 this State.

27 c. By executing a certificate of a notarial act, a notarial officer  
28 certifies that the officer has made the determinations specified by  
29 P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented  
30 by P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this  
31 bill).

32 d. A notarial officer may not affix the officer's signature to, or  
33 logically associate it with, a certificate until the notarial act has  
34 been performed.

35 e. If a notarial act is performed regarding a tangible record, a  
36 certificate shall be part of, or attached to, the record.

37 f. If a notarial act is performed regarding an electronic record,  
38 the certificate shall be affixed to, or logically associated with, the  
39 electronic record.

40 g. If the State Treasurer has established standards pursuant to  
41 P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented  
42 by P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this  
43 bill) for attaching, affixing, or logically associating the certificate,  
44 the process shall conform to the standards.

45 (cf: P.L.2014, c.48, s.8)

46

47 14. (New section) Official Stamp.

48 a. The official stamp of a notary public shall:

1 (1) include the name of the notary public, the title “Notary  
2 Public, State of New Jersey,” and the notary public’s commission  
3 expiration date; and

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

6 b. If a notarial act regarding a tangible record is performed by a  
7 notary public, an official stamp shall be affixed to or embossed on  
8 the certificate near the signature of the notary public so as to be  
9 clear and readable. If a notarial act regarding an electronic record is  
10 performed by a notary public and the certificate contains the  
11 information specified in subsection a. of this section, an official  
12 stamp may be attached to or logically associated with the  
13 certificate.

14

15 15. (New section) Stamping Device.

16 a. A notary public is responsible for the security of the  
17 stamping device used by the notary public and may not allow  
18 another individual to use the device to perform a notarial act, except  
19 at the specific instruction of a notary public who cannot physically  
20 use the stamping device.

21 b. The stamping device is the property of the notary public and  
22 not of the notary public’s employer, even if the employer paid for  
23 the stamping device.

24 c. If the stamping device used by the notary public is lost or  
25 stolen, the notary public or his personal representative shall notify  
26 the State Treasurer of the loss or theft within 10 days.

27

28 16. (New section) Authority to Perform Notarial Act.

29 a. A notarial officer may perform a notarial act authorized by  
30 P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented  
31 by P.L. , c. (C. ) (pending before the Legislature as this  
32 bill), and any other applicable law.

33 b. A notarial officer may not perform a notarial act with respect  
34 to a record to which the officer or the officer’s spouse or civil union  
35 partner is a party, or in which either of them has a direct beneficial  
36 interest. A notarial act performed in violation of this subsection is  
37 voidable.

38 c. A notarial officer may certify that a tangible copy of an  
39 electronic record is an accurate copy of the electronic record.

40

41 17. (New section) Requirements for Certain Notarial Acts.

42 a. A notarial officer who takes an acknowledgment of a record  
43 shall determine, from personal knowledge or satisfactory evidence  
44 of the identity of the individual, that the individual appearing before  
45 the officer and making the acknowledgment has the identity  
46 claimed and that the signature on the record is the signature of the  
47 individual.

1       b. A notarial officer who takes a verification of a statement on  
2 oath or affirmation shall determine, from personal knowledge or  
3 satisfactory evidence of the identity of the individual, that the  
4 individual appearing before the officer and making the verification  
5 has the identity claimed and that the signature on the statement  
6 verified is the signature of the individual.

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

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

15       e. A notarial officer who makes or notes a protest of a  
16 negotiable instrument shall determine the matters set forth in  
17 subsection b. of N.J.S.12A:3-505.

18       f. For the purposes of this section:

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

24       (2) A notarial officer has satisfactory evidence of the identity of  
25 an individual appearing before the notarial officer if the notarial  
26 officer can identify the individual by means of:

27       (a) A passport, driver's license, or government-issued, non-  
28 driver identification card, which is current or expired not more than  
29 three years before the performance of the notarial act; or

30       (b) Another form of government-issued identification, which is  
31 current or expired not more than three years before the performance  
32 of the notarial act, and which:

33       (i) contains the individual's signature or a photograph of the  
34 individual's face; and

35       (ii) is satisfactory to the notarial officer; or

36       (c) A verification of oath or affirmation of a credible witness  
37 personally appearing before the notarial officer and personally  
38 known to the notarial officer or whom the notarial officer can  
39 identify on the basis of a passport, driver's license, or government-  
40 issued, non-driver identification card, which is current or expired  
41 not more than three years before the performance of the notarial act.

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

45

46       18. (New section) Personal Appearance Required.

47       If a notarial act relates to a statement made in, or a signature  
48 executed on, a record, the individual making the statement or

1 executing the signature shall appear personally before the notarial  
2 officer.

3

4 19. (New section) Notarial Act Performed by Remotely Located  
5 Individual.

6 a. As used in this section:

7 (1) "Communication technology" means an electronic device or  
8 process that:

9 (a) allows a notarial officer and a remotely located individual to  
10 communicate with each other simultaneously by sight and sound;  
11 and

12 (b) when necessary and consistent with other applicable law,  
13 facilitates communication with a remotely located individual who  
14 has a vision, hearing, or speech impairment.

15 (2) "Foreign state" means a jurisdiction other than the United  
16 States, a state, or a federally recognized Indian tribe.

17 (3) "Identity proofing" means a process or service by which a  
18 third person provides a notarial officer with a means to verify the  
19 identity of a remotely located individual by a review of personal  
20 information from public or private data sources.

21 (4) "Outside the United States" means a location outside the  
22 geographic boundaries of the United States, Puerto Rico, the United  
23 States Virgin Islands, and any territory, insular possession, or other  
24 location subject to the jurisdiction of the United States.

25 (5) "Remotely located individual" means an individual who is  
26 not in the physical presence of a notarial officer performing a  
27 notarial act under subsection c.

28 b. This section does not apply to a record to the extent it is  
29 governed by:

30 (1) a law governing the creation and execution of wills or  
31 codicils;

32 (2) the "Uniform Commercial Code," N.J.S.12A:1-101 et seq.,  
33 other than N.J.S.12A:1-107, N.J.S.12A:1-206, the provisions of the  
34 "Uniform Commercial Code – Sales," chapter 2 of Title 12A of the  
35 New Jersey Statutes, and the provisions of the "Uniform  
36 Commercial Code – Leases," chapter 2A of Title 12A of the New  
37 Jersey Statutes; or

38 (3) a statute, regulation, or other rule of law governing adoption,  
39 divorce, or other matters of family law.

40 c. A remotely located individual may comply with section 18 of  
41 P.L. , c. (C. ) (pending before the Legislature as this bill)  
42 and subsections a. and b. of R.S.46:14-2.1 by using communication  
43 technology to appear before a notarial officer.

44 d. A notarial officer located in this State may perform a notarial  
45 act using communication technology for a remotely located  
46 individual if:

47 (1) the notarial officer:

48 (a) has personal knowledge of the identity of the individual;

1 (b) has satisfactory evidence of the identity of the remotely  
2 located individual by oath or affirmation from a credible witness  
3 appearing before the notarial officer; or

4 (c) has obtained satisfactory evidence of the identity of the  
5 remotely located individual by using at least two different types of  
6 identity proofing;

7 (2) the notarial officer is able reasonably to confirm that a record  
8 before the notarial officer is the same record in which the remotely  
9 located individual made a statement or on which the remotely  
10 located individual executed a signature;

11 (3) the notarial officer, or a person acting on behalf of the  
12 notarial officer, creates an audio-visual recording of the  
13 performance of the notarial act; and

14 (4) for a remotely located individual who is located outside the  
15 United States:

16 (a) the record:

17 (i) is to be filed with or relates to a matter before a public official  
18 or court, governmental entity, or other entity subject to the  
19 jurisdiction of the United States; or

20 (ii) involves property located in the territorial jurisdiction of the  
21 United States or involves a transaction substantially connected with  
22 the United States; and

23 (b) the act of making the statement or signing the record is not  
24 prohibited by the foreign state in which the remotely located  
25 individual is located.

26 e. If a notarial act is performed under this section, the certificate  
27 of notarial act required by section 10 of P.L.1979, c.460 (C.52:7-  
28 19), the certificate required by section c. of R.S.46:14-2.1, or the  
29 short-form certificate provided in section 21 of P.L. , c.  
30 (C. ) (pending before the Legislature as this bill) must indicate  
31 that the notarial act was performed using communication  
32 technology.

33 f. A short-form certificate provided in section 21 of P.L. , c.  
34 (C. ) (pending before the Legislature as this bill) for a notarial  
35 act subject to this section is sufficient if it:

36 (1) complies with any rules or regulations adopted by the State  
37 Treasurer under paragraph (1) of subsection j. of this section or  
38 section 29 of P.L. , c. (C. ) (pending before the Legislature  
39 as this bill); or

40 (2) is in the form provided by section 21 of P.L. , c. (C. )  
41 (pending before the Legislature as this bill) and contains a statement  
42 substantially as follows: "This notarial act involved the use of  
43 communication technology."

44 g. A notarial officer, a guardian, conservator, or agent of a  
45 notarial officer, or a personal representative of a deceased notarial  
46 officer, shall retain the audio-visual recording created under  
47 paragraph (3) of subsection d. of this section or cause the recording  
48 to be retained by a repository designated by or on behalf of the

1 person required to retain the recording. Unless a different period is  
2 required by any rule or regulation adopted by the State Treasurer  
3 under paragraph (4) of subsection j. of this section, the recording  
4 must be retained for a period of at least 10 years after the recording  
5 is made.

6 h. Before a notary public performs his initial notarial act under  
7 this section, the notary public must notify the State Treasurer that  
8 the notary public will be performing such notarial acts and identify  
9 the technologies the notary public intends to use.

10 i. If the State Treasurer has established standards under  
11 subsection j. of this section and section 29 of P.L. , c.  
12 (C. ) (pending before the Legislature as this bill) for approval  
13 of communication technology or identity proofing, the  
14 communication technology and identity proofing must conform to  
15 those standards.

16 j. In addition to adopting rules and regulations pursuant to the  
17 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
18 seq.) under section 29 of P.L. , c. (C. ) (pending before the  
19 Legislature as this bill), the State Treasurer may adopt rules and  
20 regulations pursuant to the “Administrative Procedure Act,”  
21 P.L.1968, c.410 (C.52:14B-1 et seq.) under this section regarding  
22 the performance of a notarial act. The rules and regulations may:

23 (1) prescribe the means of performing a notarial act involving a  
24 remotely located individual using communication technology;

25 (2) establish standards for communication technology and  
26 identity proofing;

27 (3) establish requirements or procedures to approve providers of  
28 communication technology and the process of identity proofing; and

29 (4) establish standards and a period for the retention of an audio-  
30 visual recording created under paragraph (3) of subsection d. of this  
31 section.

32 k. Before adopting, amending, or repealing a rule or regulation  
33 governing performance of a notarial act with respect to a remotely  
34 located individual, the State Treasurer must consider:

35 (1) the most recent standards regarding the performance of a  
36 notarial act with respect to a remotely located individual  
37 promulgated by national standard-setting organizations such as the  
38 Mortgage Industry Standards Maintenance Organization and the  
39 recommendations of the National Association of Secretaries of  
40 State;

41 (2) standards, practices, and customs of other jurisdictions that  
42 have laws substantially similar to this section; and

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

45  
46 20. (New section) Signature if Individual Unable to Sign.

47 If an individual is physically unable to sign a record, the  
48 individual may direct an individual other than the notarial officer to

1 sign the record with the individual’s name. The notarial officer shall  
2 insert “Signature affixed by (name of other individual) at the  
3 direction of (name of individual)” or words of similar import.

4

5 21. (New section) Certificate Form.

6 The following short form certificates of notarial acts are  
7 sufficient for the purposes indicated, if the requirements of section  
8 10 of P.L.1979, c.460 (C.52:7-19) are satisfied. Certificates of  
9 notarial acts are deemed sufficient for the purposes indicated if  
10 substantially all of the requirements of section 10 of P.L.1979,  
11 c.460 (C.52:7-19) and this section are satisfied:

12

13 a. For an acknowledgment in an individual capacity:

14 State of \_\_\_\_\_

15 County of \_\_\_\_\_

16 This record was acknowledged before me on \_\_\_\_\_ (date) by

17 \_\_\_\_\_

18 (Name(s) of individual(s))

19 \_\_\_\_\_

20 Signature of notarial officer

21

22 Stamp

23 \_\_\_\_\_

24 Title of office

25

26 (My commission expires: \_\_\_\_\_)

27

28 b. For an acknowledgment in a representative capacity:

29 State of \_\_\_\_\_

30 County of \_\_\_\_\_

31 This record was acknowledged before me on \_\_\_\_\_(date) by

32 \_\_\_\_\_

33 (Name(s) of individual(s))

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

36 \_\_\_\_\_

37

38 Signature of notarial officer

39

40 Stamp

41 \_\_\_\_\_

42 Title of office

43

44 (My commission expires: \_\_\_\_\_)

45

46 c. For a verification on oath or affirmation:

47 State of \_\_\_\_\_

48 County of \_\_\_\_\_

1 Signed and sworn to (or affirmed) before me on \_\_\_\_\_ (date) by

2 \_\_\_\_\_

3 (Name(s) of individual(s) making statement)

4

5 \_\_\_\_\_

6 Signature of notarial officer

7

8 Stamp

9

10 [\_\_\_\_\_]

11 Title of office

12

13 (My commission expires: \_\_\_\_\_)

14

15 d. For witnessing or attesting a signature:

16 State of \_\_\_\_\_

17 County of \_\_\_\_\_

18 Signed (or attested) before me on \_\_\_\_\_(date) by

19 \_\_\_\_\_

20 (Name(s) of individual(s))

21

22 \_\_\_\_\_

23 Signature of notarial officer

24

25 Stamp

26

27 [\_\_\_\_\_]

28 Title of office

29 (My commission expires: \_\_\_\_\_)

30

31 e. For certifying a copy of a record:

32 State of \_\_\_\_\_

33 County of \_\_\_\_\_

34 I certify that this is a true and correct copy of a record in the  
35 possession of \_\_\_\_\_(name).

36

37 Dated \_\_\_\_\_

38 \_\_\_\_\_

39

40 Signature of notarial officer

41

42 Stamp

43 \_\_\_\_\_

44 Title of office

45

46 (My commission expires: \_\_\_\_\_ )

47

48 22. (New section) Notarial Act in this State.

1 a. The signature and title of an individual performing a notarial  
2 act are prima facie evidence that the signature is genuine and that  
3 the individual holds the designated title.

4 b. A notarial act may be performed in this State by an  
5 individual authorized by the applicable law to perform the notarial  
6 act.

7 c. The signature and title of a notarial officer authorized by the  
8 applicable law to perform the notarial act conclusively establishes  
9 the authority of the officer to perform the notarial act.

10

11 23. (New section) Notarial Acts Outside this State.

12 a. In Another State.

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

16 (a) a notary public of that state;

17 (b) a judge, clerk, or deputy clerk of that state; or

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

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

23 (3) The signature and title of a notarial officer described in  
24 subparagraph (a) or (b) of paragraph (1) of this subsection  
25 conclusively establish the authority of the officer to perform the  
26 notarial act.

27 b. Under Authority of Federally Recognized Indian Tribe.

28 (1) A notarial act performed under the authority and in the  
29 jurisdiction of a federally recognized Indian tribe has the same  
30 effect as if performed by a notarial officer of this State, if the act  
31 performed in the jurisdiction of the tribe is performed by:

32 (a) a notary public of the tribe;

33 (b) a judge, clerk, or deputy clerk of a court of the tribe; or

34 (c) any other individual authorized by the law of the tribe to  
35 perform the notarial act.

36 (2) The signature and title of an individual performing a notarial  
37 act under the authority of and in the jurisdiction of a federally  
38 recognized Indian tribe are prima facie evidence that the signature  
39 is genuine and that the individual holds the designated title.

40 (3) The signature and title of a notarial officer described in  
41 subparagraph (a) or (b) of paragraph (1) of this subsection  
42 conclusively establish the authority of the officer to perform the  
43 notarial act.

44 c. Under Federal Authority.

45 (1) A notarial act performed under federal law has the same  
46 effect under the law of this State as if performed by a notarial  
47 officer of this State, if the performed under federal law is performed  
48 by:

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

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

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

7 (d) any other individual authorized by federal law to perform the  
8 notarial act.

9 (2) The signature and title of an individual acting under federal  
10 authority and performing a notarial act are prima facie evidence that  
11 the signature is genuine and that the individual holds the designated  
12 title.

13 (3) The signature and title of an officer described in  
14 subparagraph (a), (b), or (c) of paragraph (1) of this subsection  
15 conclusively establish the authority of the officer to perform the  
16 notarial act.

17 d. Foreign Notarial Acts.

18 (1) As used in this subsection, "foreign state" means a  
19 jurisdiction other than the United States, a state, or a federally  
20 recognized Indian tribe.

21 (2) If a notarial act is performed under authority and in the  
22 jurisdiction of a foreign state or constituent unit of the foreign state  
23 or is performed under the authority of a multinational or  
24 international governmental organization, the act has the same effect  
25 under the law of this State as if performed by a notarial officer of  
26 this State.

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

32 (4) The signature and official stamp of an individual holding an  
33 office described in paragraph (3) of this subsection are prima facie  
34 evidence that the signature is genuine and the individual holds the  
35 designated title.

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

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

1 24. (New section) Notification Regarding Performance of  
2 Notarial Act on Electronic Record; Selection of Technology;  
3 Acceptance of Tangible Copy of Electronic Record.

4 a. A notarial officer may select one or more tamper-evident  
5 technologies to perform notarial acts with respect to electronic  
6 records. A person may not require a notarial officer to perform a  
7 notarial act with respect to an electronic record with a technology  
8 that the notarial officer has not selected.

9 b. Before a notarial officer performs his initial notarial act with  
10 respect to an electronic record, the notarial officer shall notify the  
11 State Treasurer that he will be performing notarial acts with respect  
12 to electronic records and identify the technology that the notarial  
13 officer intends to use. If the State Treasurer has established  
14 standards for approval of technology pursuant to section 29 of  
15 P.L. , c. (C. ) (pending before the Legislature as this bill),  
16 the technology must conform to those standards. If the technology  
17 conforms to the standards, the State Treasurer shall approve the use  
18 of the technology.

19 c. A county clerk or register of deeds and mortgages may  
20 accept for recording a tangible copy of an electronic record  
21 containing a notarial certificate as satisfying any requirement that a  
22 record accepted for recording be an original, if the notarial officer  
23 executing the notarial certificate certifies that the tangible copy is  
24 an accurate copy of the electronic record.

25

26 25. (New section) Database of Notaries Public.

27 The State Treasurer shall maintain an electronic database of  
28 current and former notaries public, including the dates that the  
29 notary public was commissioned and authorized to perform notarial  
30 acts:

31 a. through which a person may verify the authority of a notary  
32 public to perform notarial acts; and

33 b. which indicates whether a notary public has notified the  
34 State Treasurer that the notary public will be performing notarial  
35 acts on electronic records.

36

37 26. (New section) Authority to Refuse to Perform Notarial Act.

38 a. A notarial officer may refuse to perform a notarial act if the  
39 officer is not satisfied that:

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

42 (2) the individual's signature is knowingly and voluntarily  
43 made;

44 (3) the individual's signature on the record or statement  
45 substantially conforms to the signature on a form of identification  
46 used to determine the identity of the individual; or

1 (4) the physical appearance of the individual signing the record  
2 or statement substantially conforms to the photograph on a form of  
3 identification used to determine the identity of the individual.

4 b. A notarial officer may refuse to perform a notarial act unless  
5 refusal is prohibited by law other than P.L.1979, c.460 (C.52:7-10  
6 et seq.), as amended and supplemented by P.L. , c. (C. )  
7 (pending before the Legislature as this bill).

8

9 27. (New section) Journal.

10 a. A notary public shall maintain a journal of all notarial acts  
11 performed.

12 (1) The journal may be created and maintained on a tangible  
13 medium or in an electronic format.

14 (2) A notary public shall maintain only one journal at a time to  
15 chronicle all notarial acts, whether those notarial acts are performed  
16 regarding tangible or electronic records.

17 (3) If the journal is maintained on a tangible medium, it shall be  
18 a permanent, bound register with consecutively numbered lines and  
19 consecutively numbered pages.

20 (4) If the journal is maintained in an electronic format, it shall  
21 be in a permanent, tamper-evident electronic format complying with  
22 any rules and regulations promulgated by the State Treasurer.

23 b. For each notarial act, the notary public shall record in the  
24 journal:

25 (1) the date and time of the notarial act;

26 (2) the type of notarial act, including but not limited to the  
27 taking of an acknowledgment, the taking of a proof of a deed, the  
28 administration of an oath, or the taking of an affidavit;

29 (3) the name and address of each person for whom the notarial  
30 act is performed;

31 (4) if the identity of the individual is based on personal  
32 knowledge, a statement to that effect;

33 (5) if the identity of the individual is based on satisfactory  
34 evidence, a brief description of the method of identification and the  
35 identification credential presented, if any, including, if applicable,  
36 the type, date of issuance, and date of expiration of an identification  
37 document, or the name and signature of any identifying witness and,  
38 if applicable, the type, date of issuance, and date of expiration of a  
39 document identifying the witness; and

40 (6) an itemized list of all fees charged for the notarial act.

41 c. If a notary public's journal is lost or stolen, the notary public  
42 shall notify the State Treasurer within 10 days of the loss or theft.

43 d. The notary public shall either:

44 (1) retain the journal for 10 years after the performance of the  
45 last notarial act chronicled in the journal; or

46 (2) transmit the journal to the Department of the Treasury,  
47 Division of Revenue and Enterprise Services, or a repository  
48 approved by the State Treasurer.

1 e. On resignation from, or the revocation or suspension of, a  
2 notary public's commission, the notary public shall either:

3 (1) retain the journal in accordance with paragraph (1) of  
4 subsection d. of this section and inform the State Treasurer where  
5 the journal is located; or

6 (2) transmit the journal to the Department of the Treasury,  
7 Division of Revenue and Enterprise Services, or a repository  
8 approved by the State Treasurer.

9 f. On the death or adjudication of incompetency of a current or  
10 former notary public, the notary public's personal representative or  
11 guardian or any other person knowingly in possession of the journal  
12 shall, within 45 days, transmit it to the Department of the Treasury,  
13 Division of Revenue and Enterprise Services, or a repository  
14 approved by the State Treasurer.

15 g. In lieu of maintaining a journal, a notary public who is an  
16 attorney-at-law admitted to practice in this State, or who is  
17 employed by an attorney-at-law, or who is employed by or acting as  
18 an agent for a title insurance company licensed to do business in  
19 this State pursuant to P.L.2001, c.210 (C.17:22A-26 et seq.), may  
20 maintain a record of notarial acts in the form of files regularly  
21 maintained for the attorney's law practice or the title insurance  
22 company's business activities, as the case may be.

23

24 28. (New section) Validity of Notarial Acts.

25 a. Except as otherwise provided in section 9 of P.L. ,

26 c. (C. ) (pending before the Legislature as this bill), the  
27 failure of a notarial officer to perform a duty or meet a requirement  
28 specified in P.L.1979, c.460 (C.52:7-10 et seq.), as amended and  
29 supplemented by P.L. , c. (C. ) (pending before the  
30 Legislature as this bill), does not invalidate a notarial act performed  
31 by the notarial officer.

32 b. The validity of a notarial act under P.L.1979, c.460 (C.52:7-  
33 10 et seq.), as amended and supplemented by P.L. ,

34 c. (C. ) (pending before the Legislature as this bill), does not  
35 prevent an aggrieved person from seeking to invalidate the record  
36 or transaction that is the subject of the notarial act or from seeking  
37 other remedies available by law and as provided in P.L.1979, c.460  
38 (C.52:7-10 et seq.), as amended and supplemented by P.L. ,  
39 c. (C. ) (pending before the Legislature as this bill).

40 c. P.L.1979, c.460 (C.52:7-10 et seq.), as amended and  
41 supplemented by P.L. , c. (C. ) (pending before the  
42 Legislature as this bill), shall not validate any purported notarial act  
43 performed by an individual who does not have the authority to  
44 perform notarial acts.

45

46 29. (New section) Rules and Regulations.

47 a. The State Treasurer shall adopt rules and regulations  
48 pursuant to the "Administrative Procedure Act," P.L.1968, c.410

1 (C.52:14B-1 et seq.) to implement the provisions of P.L.1979, c.460  
2 (C.52:7-10 et seq.), as amended and supplemented by P.L. ,  
3 c. (C. ) (pending before the Legislature as this bill). Any  
4 rules and regulations regarding the performance of notarial acts  
5 with respect to electronic records shall not require, or accord greater  
6 legal status or effect to, the implementation or application of a  
7 specific technology or technical specification. The rules and  
8 regulations may:

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

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

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

16 (4) prescribe the process of granting, renewing, conditioning,  
17 denying, suspending, revoking, or otherwise limiting a notary  
18 public commission and assuring the trustworthiness of an individual  
19 holding a commission as notary public;

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

22 (6) provide for the administration of the examination under  
23 section 7 of P.L. , c. (C. ) (pending before the Legislature  
24 as this bill) and the course of study under section 6 of P.L. ,  
25 c. (C. ) (pending before the Legislature as this bill).

26 b. In adopting, amending, or repealing rules and regulations  
27 concerning notarial acts with respect to electronic records, the State  
28 Treasurer shall consider, consistent with the provisions of P.L.1979,  
29 c.460 (C.52:7-10 et seq.), as amended and supplemented by  
30 P.L. , c. (C. ) (pending before the Legislature as this bill):

31 (1) the most recent standards regarding electronic records  
32 promulgated by national bodies, such as the Mortgage Industry  
33 Standards Maintenance Organization and the National Association  
34 of Secretaries of State;

35 (2) standards, practices, and customs of other jurisdictions that  
36 substantially enact the Revised Uniform Law on Notarial Acts, as  
37 embodied in P.L.1979, c.460 (C.52:7-10 et seq.), as amended and  
38 supplemented by P.L. , c. (C. ) (pending before the  
39 Legislature as this bill); and

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

42

43 30. R.S.46:14-2.1 is amended to read as follows:

44 46:14-2.1. Acknowledgment and proof.

45 a. To acknowledge a deed or other instrument the maker of the  
46 instrument shall appear before an officer specified in R.S.46:14-6.1  
47 and acknowledge that it was executed as the maker's own act. To  
48 acknowledge a deed or other instrument made on behalf of a

1 corporation or other entity, the maker shall appear before an officer  
2 specified in R.S.46:14-6.1 and state that the maker was authorized  
3 to execute the instrument on behalf of the entity and that the maker  
4 executed the instrument as the act of the entity.

5 b. To prove a deed or other instrument, a subscribing witness  
6 shall appear before an officer specified in R.S.46:14-6.1 and swear  
7 that he or she witnessed the maker of the instrument execute the  
8 instrument as the maker's own act. To prove a deed or other  
9 instrument executed on behalf of a corporation or other entity, a  
10 subscribing witness shall appear before an officer specified in  
11 R.S.46:14-6.1 and swear that the representative was authorized to  
12 execute the instrument on behalf of the entity, and that he or she  
13 witnessed the representative execute the instrument as the act of the  
14 entity.

15 c. The officer taking an acknowledgment or proof shall sign a  
16 certificate stating that acknowledgment or proof. The certificate  
17 shall also state:

18 (1) that the maker or the witness personally appeared before the  
19 officer;

20 (2) that the officer was satisfied that the person who made the  
21 acknowledgment or proof was the maker of or the witness to the  
22 instrument;

23 (3) the jurisdiction in which the acknowledgment or proof was  
24 taken;

25 (4) the officer's name and title;

26 (5) the date on which the acknowledgment was taken.

27 d. The seal of the officer taking the acknowledgment or proof  
28 need not be affixed to the certificate stating that acknowledgment or  
29 proof.

30 e. A short form certificate that is substantially in the form  
31 provided in section 21 of P.L. , c. (C. ) (pending before the  
32 Legislature as this bill) satisfies the requirements of this section.  
33 (cf: P.L.1991, c.308, s.1)

34

35 31. N.J.S.22A:4-14 is amended to read as follows:

36 22A:4-14. For **[a service specified in this section]** administering  
37 oaths, taking affidavits, taking proofs of a deed, and taking  
38 acknowledgements, foreign commissioners of deeds, notaries  
39 public, judges and other officers authorized by law to perform such  
40 **[service,]** services shall receive a fee as **[follows:**

41 For administering an oath or taking an affidavit, \$2.50.

42 For taking proof of a deed, \$2.50.

43 For taking all acknowledgments, \$2.50.

44 For administering oaths, taking affidavits, taking proofs of a  
45 deed, and taking acknowledgments of the grantors in the transfer of  
46 real estate, regardless of the number of such services performed in a  
47 single transaction to transfer real estate, \$15.00.

1 For administering oaths, taking affidavits and taking  
2 acknowledgments of the mortgagors in the financing of real estate,  
3 regardless of the number of such services performed in a single  
4 transaction to finance real estate, \$25.00] shall be fixed by the State  
5 Treasurer by regulation.

6 (cf: P.L.2002, c.34, s.48)

7

8 32. R.S.41:2-17 is amended to read as follows:

9 41:2-17. Officers authorized to administer or take; jurat;  
10 certificate.

11 Any oath, affirmation, or affidavit required or authorized to be  
12 taken in any suit or legal proceeding in this [state] State, or for any  
13 lawful purpose whatever, except official oaths and depositions  
14 required to be taken upon notice, when taken out of this [state]  
15 State, may be taken before any notary public of the state, territory,  
16 nation, kingdom, or country in which the same shall be taken, or  
17 before any officer who may be authorized by the laws of this  
18 [state] State to take the acknowledgment of deeds in such state,  
19 territory, nation, kingdom, or country; and a recital that he is such  
20 notary or officer in the jurat or certificate of such oath, affirmation,  
21 or affidavit, and his official designation annexed to his signature,  
22 and attested under his official seal, shall be sufficient proof that the  
23 person before whom the same is taken is such notary or officer.  
24 [When, however, any other certificate is required by law to be  
25 annexed to the certificate of such officer, other than a notary public,  
26 for the recording of a deed acknowledged before him, a like  
27 certificate shall be annexed to his certificate of the taking of such  
28 oath.]

29

30 33. (New section) Relation to Electronic Signatures in Global  
31 and National Commerce Act.

32 P.L. , c. (C. ) (pending before the Legislature as this bill)  
33 modifies, limits, and supersedes the Electronic Signatures in Global  
34 and National Commerce Act, 15 U.S.C. s.7001 et seq., but does not  
35 modify, limit, or supersede section 101(c) of that act, 15 U.S.C.  
36 7001(c), or authorize electronic delivery of any of the notices  
37 described in section 103(b) of that act, 15 U.S.C. section 7003(b).

38

39 34. (New section) Savings Clause.

40 P.L.1979, c.460 (C.52:7-10 et seq.), as amended and  
41 supplemented by P.L. , c. (C. ) (pending before the  
42 Legislature as this bill), shall not affect the validity or effect of any  
43 notarial act performed before the effective date of P.L. ,  
44 c. (C. ) (pending before the Legislature as this bill).

45

46 35. The following are repealed:

47 Section 7 of P.L.1979, c.460 (C.52:7-16); and

1 Sections 1 and 2 of P.L.1981, c.487 (C.52:7-20 and C.52:7-21).

2

3 36. This act shall take effect on the 180<sup>th</sup> day following  
4 enactment.

5

6

7

#### STATEMENT

8

9 This bill revises the law concerning the qualifications and duties  
10 of notaries public and other notarial officers. The bill also  
11 authorizes electronic signatures.

12 In summary, the bill sets out a definitions section; a course of  
13 study requirement; an examination requirement; a continuing  
14 education requirement; a requirement that notaries maintain  
15 journals; and requirements for remote electronic notarizations.

16 More specific provisions of the bill are set out below.

17 DEFINITIONS. The bill provides definitions of terms, including,  
18 among others, “acknowledgment,” “electronic signature,” and  
19 “notarial act.” The term “electronic signature” is defined as an  
20 electronic symbol, sound, or process attached to or logically  
21 associated with a record and executed or adopted by an individual  
22 with the intent to sign the record.

23 APPOINTMENT. Under current law, a person desiring to be  
24 appointed and commissioned as a notary public must apply to the  
25 State Treasurer on a form endorsed by a member of the Legislature.  
26 The bill eliminates the requirement that a member of the Legislature  
27 endorse the form.

28 The bill provides that, in order to be commissioned as a notary  
29 public, among other provisions a person must be at least 18; must  
30 not be disqualified to receive a commission pursuant to other  
31 provisions of the bill; must be a legal resident of the State or have a  
32 place of employment or practice in the State; and must complete a  
33 six-hour course of study for a new application, or a three-hour  
34 continuing education course for a renewal application.

35 COURSE OF STUDY AND EXAMINATION. Under the bill, a person  
36 applying for an initial commission as a notary public must complete  
37 a six-hour course of study prescribed and approved by the State  
38 Treasurer. The course must be completed within the six-month  
39 period preceding the application. A person applying to renew his  
40 notary public commission who has previously completed the six-  
41 hour course of study must complete a three-hour continuing  
42 education course. The course of study and continuing education  
43 course would cover the statutes, regulations, procedures, and ethics  
44 for notaries public.

45 The State Treasurer would prescribe and administer an  
46 examination to each applicant, based on the statutes, rules,  
47 procedures, and ethical requirements for notaries, and include the  
48 applicable requirements, functions, duties, and responsibilities. The

1 Treasurer would charge a nonrefundable fee for the examination to  
2 defray any proper expenses incurred by the Department of the  
3 Treasury in administering the examination.

4 DISQUALIFICATION. The bill provides that the Treasurer may  
5 deny an application, refuse to renew a commission, or suspend,  
6 revoke, or otherwise limit the commission of a notary public for any  
7 act or omission demonstrating that the individual lacks the honesty,  
8 integrity, competence, or reliability necessary to act as a notary  
9 public. These grounds specifically include, among others, a  
10 fraudulent, dishonest, or deceitful misstatement or omission in the  
11 application; a finding against the applicant in a legal proceeding or  
12 disciplinary action based on fraud, dishonesty, or deceit, including  
13 but not limited to certain criminal convictions; the use of false or  
14 misleading advertising representing that the notary is authorized to  
15 engage in work that the notary is not so authorized to engage in;  
16 and, in the case of a notary who is not an attorney, giving legal  
17 advice or acting as an immigration consultant or expert on  
18 immigration matters.

19 MANUAL. The bill requires the State Treasurer to maintain an on-  
20 line manual setting forth the functions, duties, and responsibilities  
21 of a notary public, including the statutes, rules, regulations, and  
22 ethical requirements.

23 OFFICIAL STAMP. The bill sets various requirements concerning a  
24 notary public's official stamp, including a provision for an official  
25 stamp for a notarial act regarding an electronic record. The bill  
26 provides that if the stamping device is lost or stolen, the notary  
27 public must notify the State Treasurer within 10 days.

28 REQUIREMENTS FOR NOTARIAL ACTS. Under the bill, a notarial  
29 officer who takes a verification of a statement on oath or  
30 affirmation must determine from personal knowledge or satisfactory  
31 evidence of the identity of the individual that the individual making  
32 the verification has the identity claimed. If a notarial act relates to a  
33 statement made in, or a signature executed on, a record, the  
34 individual must appear personally before the notarial officer.

35 REMOTELY LOCATED INDIVIDUALS. A notarial officer may  
36 perform a notarial act using communications technology for a  
37 person who is not in his physical presence if the notarial officer has  
38 personal knowledge or satisfactory evidence of the individual's  
39 identity and if the officer creates an audio-visual recording of the  
40 performance of the notarial act. The bill provides that unless a  
41 different period is required by rule or regulation adopted by the  
42 State Treasurer, the recording must be retained for a period of at  
43 least 10 years.

44 The bill authorizes the Treasurer to adopt rules and regulations  
45 concerning the performance of a notarial act using communication  
46 technology. Before adopting, amending, or repealing such a rule or  
47 regulation, the Treasurer would be required to consider the  
48 standards promulgated by national standard-setting organizations

1 such as the Mortgage Industry Standards Maintenance Organization  
2 and the National Association of Secretaries of State, in addition to  
3 the standards, practices and customs of other jurisdictions and the  
4 views of governmental officials and entities and other interested  
5 persons.

6 CERTIFICATE FORM. The bill sets out short form certificates of  
7 notarial acts and specifies that the forms are sufficient for the  
8 purposes indicated if the other requirements of law are satisfied.

9 JOURNAL. Under the bill, notaries public must maintain a journal  
10 of all notarial acts performed, either in a tangible medium or  
11 electronic format. For each notarial act, the notary public must  
12 record the date and time, the type of notarial act, the name and  
13 address of each person for whom the notarial act is performed, a  
14 statement concerning the evidence of identity of the individual, and  
15 a list of all fees charged for the notarial act. If a notary public's  
16 journal is lost or stolen, the notary public must notify the State  
17 Treasurer within 10 days. The notary public must either retain the  
18 journal for 10 years after the performance of the last notarial act  
19 chronicled in the journal or transmit the journal to the Department  
20 of the Treasury or a repository approved by the Treasurer.

21 FEES. Under current law, fees for the services performed by a  
22 notarial officer are set by statute in N.J.S.22A:4-14. The bill  
23 provides that the fees for these services would instead be fixed by  
24 the State Treasurer by regulation.

25 REPEALERS. The bill repeals three sections of law that would be  
26 obviated by the bill: section 7 of P.L.1979, c.460 (C.52:7-16)  
27 (concerning certain duties of the county clerk regarding notaries)  
28 and sections 1 and 2 of P.L.1981, c.487 (C.52:7-20 and C.52:7-21)  
29 (concerning criminal convictions that bar appointment and  
30 reappointment as a notary public).

31 BACKGROUND. This bill is based on a 2014 report of the New  
32 Jersey Law Revision Commission which, in turn, was based on the  
33 Uniform Law Commission's 2010 "Revised Uniform Law on  
34 Notarial Acts" (RULONA). This bill also incorporates the Uniform  
35 Law Commission's 2018 revision of the RULONA as well as  
36 various other provisions intended to improve the notarial process.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### **SENATE, No. 2508**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 14, 2020

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 2508.

This bill, as amended, revises the law concerning the qualifications and duties of notaries public and other notarial officers. The bill also authorizes electronic signatures for notarial acts as well as various notarial acts to be performed with remotely located individuals. The Assembly counterpart to this bill, Assembly Bill No. 4250, was also previously amended by the Assembly Judiciary Committee, adopted on July 20, 2020, as detailed in this statement.

**DEFINITIONS.** The bill provides definitions of terms, including, among others, “acknowledgment,” “electronic signature,” and “notarial act.” The term “electronic signature” is defined as “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.”

**APPOINTMENT AND QUALIFICATIONS.** A person desiring to be appointed and commissioned as a notary public is required to apply to the State Treasurer on a form endorsed by a member of the Legislature. As introduced, this bill and the Assembly counterpart bill had eliminated the requirement that a member of the Legislature endorse the form. The Assembly Judiciary Committee amendments restored the requirement that a member of the Legislature endorse the form. Those committee amendments also provided that all applications for commission as a notary public be submitted electronically. The Assembly committee amendments are incorporated into the Senate bill.

As amended, the bill provides that, in order to be commissioned as a notary public, among other provisions a person must be at least 18; must not be disqualified to receive a commission pursuant to other provisions of the bill; or must be a legal resident of the State, have a place of employment or practice in the State, or be an employee of a business with its domicile or primary place of business in this State and perform the duties of employment remotely from a home office or a co-working space.

The bill as introduced had required that a notary public complete a six-hour course of study for a new application, or a three-hour continuing education course for a renewal application. The Assembly Judiciary Committee amendments deleted these requirements in the counterpart bill, and the amendments to the Senate bill do the same.

**FEE FOR COMMISSION OR RENEWAL.** Under current law, the State Treasurer collects a fee of \$25 for each appointment or renewal. The Assembly Judiciary Committee amendments increased the fee for each commission or renewal to \$50, which is included in the Senate bill as well. The bill also requires that the State Treasurer accept the use of a credit card, debit card, or electronic funds transfer to pay the fee.

**OATH OF OFFICE.** Under current law, within three months of the receipt of a commission the notary public must take and subscribe an oath before the clerk of the county in which he resides. The bill as introduced had allowed the oath to be taken before any officer authorized to administer oaths pursuant to current law. See R.S.41:2-1. The Assembly Judiciary Committee amendments to the counterpart bill changed this, so that the oath could be taken either before the appropriate county clerk or before a member of the Legislature. Those amendments also provided that the oath be taken within 45 days of the receipt of the commission. However, the committee amendments to both bills adopted today restore the three-month period within which a notary public is required to take the oath, as well as the requirement to be sworn in only by a county clerk by eliminating the ability to be sworn into office by a member of the Legislature.

**DISQUALIFICATION.** The bill provides that the State Treasurer may deny an application, refuse to renew a commission, or suspend, revoke, or otherwise limit the commission of a notary public for any act or omission demonstrating that the individual lacks the honesty, integrity, competence, or reliability necessary to act as a notary public. These grounds specifically include, among others, a fraudulent, dishonest, or deceitful misstatement or omission in the application; a finding against the applicant or commissioned notary public in a legal proceeding or disciplinary action based on fraud, dishonesty, or deceit, including but not limited to certain criminal convictions; the use of false or misleading advertising representing that the notary is authorized to engage in work that the notary is not so authorized to engage in; and, in the case of a notary who is not an attorney, giving legal advice or acting as an immigration consultant or expert on immigration matters.

**MANUAL.** The bill requires the State Treasurer to maintain an on-line manual setting forth the functions, duties, and responsibilities of a notary public, including the statutes, rules, regulations, and ethical requirements.

**OFFICIAL STAMP.** The bill sets various requirements concerning a notary public's official stamp, including a provision for an official stamp for a notarial act regarding an electronic record. For a notarial act performed by a notary public involving a tangible record, an official stamp would be affixed to or embossed on a certificate evidencing details of the act near the signature of the notary public. For a notarial act involving an electronic record, the stamp would be attached to or logically associated with the certificate, so long as this certificate indicates the notary public's name and commission expiration date, and the title "Notary Public, State of New Jersey."

The stamping device for official stamps would be considered the property of the notary public, even if an employer purchased the device, and the notary public would be responsible for keeping it secure. If the stamping device was lost or stolen, the notary public would be required to notify the State Treasurer within 10 days of the loss or theft.

**REQUIREMENTS FOR NOTARIAL ACTS.** Under the bill, a notarial officer who takes an acknowledgment of a record, a verification of a statement on oath or affirmation, or witnesses a signature, could only do so based on personal knowledge or satisfactory evidence of the identity of the individual appearing before the notarial officer, whether in person or appearing before the notarial officer remotely through the use of communication technology. Additionally, the Assembly Judiciary Committee amendments to the counterpart bill provided that a verification of oath or affirmation of a credible witness could take place either by the witness personally appearing before the notarial officer or by the witness using communication technology to appear, and this is added to the Senate bill.

**NOTARIAL ACTS EXCLUDED FROM REMOTE EXECUTION.** As introduced, the bill had excluded certain records from notarization through the use of communication technology. These included certain provisions under the Uniform Commercial Code, laws governing the creation and execution of wills or codicils, and statutes, regulations, or other rules of law governing adoption, divorce, or other matters of family law. The Assembly Judiciary Committee amended the bill to remove the exclusion pertaining to wills and codicils, so that remote notarization through the use of communication technology could be used for executing these records, which is now being done in the Senate bill.

**REMOTELY LOCATED INDIVIDUALS.** The bill provides that a notarial officer may perform a notarial act using communications technology for a person who is not in the notarial officer's physical presence if the notarial officer has personal knowledge or satisfactory evidence of the individual's identity and if the notarial officer creates an audio-visual recording of the performance of the notarial act. The notarial officer would be required to retain the

recording, personally or through a designated repository, for a period of at least 10 years, unless a different period was required by any rule, regulation, or provision published by the State Treasurer.

As amended by the Assembly Judiciary Committee in the counterpart bill, and being incorporated into the Senate bill, there are provisions providing that the Treasurer may publish provisions in the New Jersey Notary Public Manual concerning requirements for carrying out notarial acts involving a remotely located individual, in addition to promulgating rules and regulations for carrying out such acts. Before adopting, amending, or repealing any such rule or regulation, or publishing a provision in the Notary Public Manual, the State Treasurer would be required to consider the standards promulgated by national standard-setting organizations such as the Mortgage Industry Standards Maintenance Organization and the National Association of Secretaries of State, in addition to the standards, practices and customs of other jurisdictions with substantial similar laws concerning remote act, along with the views of governmental officials and entities and other interested persons.

**CERTIFICATE FORM.** The bill sets out short form certificates of notarial acts and specifies that the forms are sufficient for the purposes indicated if the other requirements of law are satisfied.

**JOURNAL.** Under the bill, a notary public is required to maintain a journal of all notarial acts performed, either in a tangible medium or electronic format. For each notarial act, the notary public must record the date and time, the type of notarial act, the name and address of each individual for whom the notarial act is performed, information concerning evidence of identity of the individual, and a list of all fees charged for the notarial act. If a notary public's journal is lost or stolen, the notary public must notify the State Treasurer within 10 days of the loss or theft. The notary public must either retain the journal for 10 years after the performance of the last notarial act chronicled in the journal or transmit the journal to the Department of the Treasury or a repository approved by the State Treasurer.

**FEES.** Under current law, fees for the various services performed by a notarial officer are set by statute in N.J.S.22A:4-14. The bill provides that these fees would instead be fixed by the State Treasurer by regulation.

**REPEALERS.** The bill repeals several sections of law that would either be obviated by the bill or are currently obsolete: R.S.52:6-15 through R.S.52:6-22 (obsolete statutes concerning foreign commissioners of deeds); and sections 1 and 2 of P.L.1981, c.487 (C.52:7-20 and C.52:7-21) (concerning criminal convictions that bar appointment and reappointment as a notary public).

**BACKGROUND.** This bill is based on a 2014 report of the New Jersey Law Revision Commission which, in turn, was based on the

Uniform Law Commission's 2010 "Revised Uniform Law on Notarial Acts" (RULONA). This bill also incorporates the Uniform Law Commission's 2018 revision of the RULONA as well as various other provisions intended to improve the notarial process.

This bill, as amended by this committee, is identical to the Second Reprint of Assembly Bill No. 4250, also amended and reported by the committee today.

The committee amendments to the bill:

- restore the requirement in current law that a person desiring to be appointed and commissioned as a notary public must apply to the State Treasurer on a form endorsed by a member of the Legislature, and require all applications be submitted electronically;

- increase the fee for each commission or renewal from the current \$25 to \$50, and provide that the State Treasurer is required to accept the use of a credit card, debit card, or electronic funds transfer to pay the fee;

- eliminate the requirement for qualification as a notary public that a person be a citizen of the United States;

- permit a person who is an employee of a business with its domicile or primary place of business in this State, and who performs employment duties remotely from a home office or a co-working space to be eligible to be a notary public;

- eliminate the requirements for a mandatory six-hour course of study for a new application and an examination to become a notary public, and a three-hour continuing education course for a renewal application, and replacing these with a requirement to comply with any educational requirements that the State Treasurer includes in the Notary Public Manual;

- provide that a notary public take and subscribe the oath of office within three months of commission, by the clerk of the county in which the notary public resides, or where a nonresident maintains his office or is employed in this State, instead of allowing the taking of an oath before any officer lawfully authorized to administer oaths;

- reestablish the requirement, removed from the bill as introduced, that a county clerk, following an administration of the oath of office, give notice to any notary public who is also not a licensed attorney to refrain from using the title of lawyer or attorney-at-law, or equivalent terms in any language which mean or imply that the notary public is a lawyer or attorney-at-law, and a form of such notice is required with any advertising by that notary public;

- reestablish the ability of the State Treasurer, removed from the bill as introduced, to cancel and revoke a notary public's appointment if the notary public fails to take and subscribe the required oath of office within three months of receiving the commission of office;

- reestablish an existing process under current law, removed from the bill as introduced, that a commissioned notary public could request

and receive from the county clerk where the notary public was qualified certificates of commission and qualification for filing with other county clerks;

- for a notary public who adopts a new name, require that the statement filed with the State Treasurer regarding the new name indicate whether it was adopted through marriage, civil union, or by a change of name proceeding or otherwise, and any other information the State Treasurer requires;

- clarify the various notarial acts that may be performed with, and witnesses by, persons appearing before a notarial officer remotely using communication technology, and allowing the creation and execution of documents concerning wills and codicils;

- permit standards for remote notarial acts to be published in the Notary Public Manual, as well as other provisions to implement the re-titled "New Jersey Law on Notarial Act," P.L.1979, c.460 (C.52:7-10 et seq.);

- eliminate a foreign commissioner of deeds for New Jersey as an officer authorized to take acknowledgments or proofs in this State, or in any other state or foreign jurisdiction;

- save from repeal section 7 of P.L.1979, c.460 (C.52:7-16), which concern certain duties of county clerks regarding notaries public; and

- revise the title to reflect the repeal of several sections of law, as described in the statement above.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## **SENATE, No. 2508**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 17, 2021

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 2508 (1R).

This bill revises the law concerning the qualifications and duties of notaries public and other notarial officers. The bill also authorizes electronic signatures for notarial acts as well as various notarial acts to be performed with remotely located individuals.

**DEFINITIONS.** The bill provides definitions of terms, including, among others, “acknowledgment,” “electronic signature,” and “notarial act.” The term “electronic signature” is defined as “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.”

**APPOINTMENT AND QUALIFICATIONS.** A person desiring to be appointed and commissioned as a notary public is required to apply to the State Treasurer on a form endorsed by a member of the Legislature. The bill provides that, in order to be commissioned as a notary public, among other provisions a person must be at least 18; must not be disqualified to receive a commission pursuant to other provisions of the bill; or must be a legal resident of the State, have a place of employment or practice in the State, or be an employee of a business with its domicile or primary place of business in this State and perform the duties of employment remotely from a home office or a co-working space.

**COURSE OF STUDY.** The committee amendments require that a non-attorney applicant for an initial commission as a notary public would be required to comply with all educational requirements that the State Treasurer sets forth in rules adopted pursuant to the “Administrative Procedure Act,” P.L.1969, c.410 (C.52:14B-1 et seq.). The State Treasurer would prescribe and approve a course of study to foster and confirm applicants’ understanding of the principles and standards that govern notarial practices. Applicants would be required to acknowledge that they have read and understood the Notary Public Manual and complete any other educational programs that the Treasurer may require.

Under the amendments, the State Treasurer would also prescribe and approve a continuing education course for non-attorney applicants seeking a renewal of a commission.

**FEE FOR COMMISSION OR RENEWAL.** The bill as amended requires the State Treasurer to collect a fee of \$25 for each appointment or renewal. The bill also requires that the State Treasurer accept the use of a credit card, debit card, or electronic funds transfer to pay the fee.

**OATH OF OFFICE.** The bill provides that within three months of the receipt of a commission the notary public must take and subscribe an oath before the clerk of the county in which he resides.

**DISQUALIFICATION.** The bill provides that the State Treasurer may deny an application, refuse to renew a commission, or suspend, revoke, or otherwise limit the commission of a notary public for any act or omission demonstrating that the individual lacks the honesty, integrity, competence, or reliability necessary to act as a notary public. These grounds specifically include, among others, a fraudulent, dishonest, or deceitful misstatement or omission in the application; a finding against the applicant or commissioned notary public in a legal proceeding or disciplinary action based on fraud, dishonesty, or deceit, including but not limited to certain criminal convictions; the use of false or misleading advertising representing that the notary is authorized to engage in work that the notary is not so authorized to engage in; and, in the case of a notary who is not an attorney, giving legal advice or acting as an immigration consultant or expert on immigration matters.

**MANUAL.** The bill requires the State Treasurer to maintain an on-line manual setting forth the functions, duties, and responsibilities of a notary public, including the statutes, rules, regulations, and ethical requirements.

**OFFICIAL STAMP.** The bill sets various requirements concerning a notary public's official stamp, including a provision for an official stamp for a notarial act regarding an electronic record. For a notarial act performed by a notary public involving a tangible record, an official stamp would be affixed to or embossed on a certificate evidencing details of the act near the signature of the notary public. For a notarial act involving an electronic record, the stamp would be attached to or logically associated with the certificate, so long as this certificate indicates the notary public's name and commission expiration date, and the title "Notary Public, State of New Jersey."

The stamping device for official stamps would be considered the property of the notary public, even if an employer purchased the device, and the notary public would be responsible for keeping it secure. If the stamping device was lost or stolen, the notary public would be required to notify the State Treasurer within 10 days of the loss or theft.

**REQUIREMENTS FOR NOTARIAL ACTS.** Under the bill, a notarial officer who takes an acknowledgment of a record, a verification of a

statement on oath or affirmation, or witnesses a signature, could only do so based on personal knowledge or satisfactory evidence of the identity of the individual appearing before the notarial officer, whether in person or appearing before the notarial officer remotely through the use of communication technology. A verification of oath or affirmation of a credible witness could take place either by the witness personally appearing before the notarial officer or by the witness using communication technology to appear.

NOTARIAL ACTS EXCLUDED AND INCLUDED UNDER THIS BILL. As referred to committee, the bill excludes certain records from notarization through the use of communication technology. Excluded under the bill are certain provisions under the Uniform Commercial Code; laws governing the creation and execution of wills or codicils; and statutes, regulations, or other rules of law governing adoption, divorce, or other matters of family law. The committee amendments maintain these exclusions, but provide an exception for wills and codicils under certain circumstances. Under the amendments, a notarial act performed on a tangible record that is governed by a law governing the creation of wills and codicils may be performed through the use of communication technology if the notarial act is performed in accordance with the bill's requirements for remote notarization.

"PAPER REMOTE NOTARIZATION." The committee amendments clarify that a notarial officer may take an acknowledgement by means of communication technology of a signature on a tangible record that *is in the physical presence* of the notary. In this situation, the signatory fully executes the document and sends it to the notarial officer, who then proceeds with the remote session to take the acknowledgement and complete the certificate. This process is sometimes known as Paper Remote Notarization.

"PAPER REMOTE INK NOTARIZATION." The amendments provide that a notarial officer may also perform a notarial act by means of communication technology on a tangible record that *is not physically present* before the notarial officer, but instead is in the possession of the remote individual. This process is sometimes known as Paper Remote Ink Notarization.

REMOTE OATHS. The bill clarifies that, in addition to the remote notarization of acknowledgements, a notary may also administer an oath remotely.

ELECTRONIC RECORDS UNDER THE "UNIFORM ELECTRONIC TRANSACTIONS ACT." Currently, the "Uniform Electronic Transactions Act," P.L.2001, c.116 (C.12A:12-1 et seq.) applies to electronic records and electronic signatures relating to a transaction, with certain exceptions. These exceptions include, among others, certain provisions under the Uniform Commercial Code; laws governing the creation and execution of wills or codicils; and statutes, regulations, or other rules of law governing adoption,

divorce, or other matters of family law. The committee amendments delete these provisions. Thus, under the bill as amended, the Uniform Electronic Transaction Act would apply to electronic records and electronic signatures relating to provisions of the Uniform Commercial Code; wills or codicils; and adoption, divorce, or other matters of family law.

**REMOTELY LOCATED INDIVIDUALS.** The bill provides that a notarial officer may perform a notarial act using communications technology for a person who is not in the notarial officer's physical presence if the notarial officer has personal knowledge or satisfactory evidence of the individual's identity and if the notarial officer creates an audio-visual recording of the performance of the notarial act. The notarial officer would be required to retain the recording, personally or through a designated repository, for a period of at least 10 years, unless a different period was required by any rule, regulation, or provision published by the State Treasurer.

**RULES AND REGULATIONS.** As referred to committee, the bill had authorized the State Treasurer to publish provisions in the New Jersey Notary Public Manual concerning requirements for carrying out notarial acts involving a remotely located individual. The bill had also authorized the State Treasurer to promulgate rules and regulations for carrying out such notarial acts. The committee amendments delete the provision concerning publication of these requirements in the Notary Public Manual. Thus, as amended, the bill provides that any State Treasurer requirements for carrying out notarial acts involving a remotely located individual must be promulgated by rules and regulations. Under the bill as amended, before adopting, amending, or repealing any such rule or regulation, the State Treasurer would be required to consider the standards promulgated by national standard-setting organizations such as the Mortgage Industry Standards Maintenance Organization and the National Association of Secretaries of State, in addition to the standards, practices and customs of other jurisdictions with substantial similar laws concerning remote act, along with the views of governmental officials and entities and other interested persons.

**NOTARIAL ACTS ON BEHALF OF INDIVIDUAL PHYSICALLY LOCATED OUTSIDE THE STATE.** The committee amendments add a provision specifying that a notarial officer may perform a notarial act using communication technology for a remotely located individual that meets the requirements of the bill regardless of whether the remotely located individual is physically located in this State. The amendments also provide that a notarial act performed using communication technology for a remotely located individual is deemed performed in New Jersey and is governed by New Jersey law. In addition, the amendments provide that it is the intent of the Legislature that, to the fullest extent allowed by the Full Faith and Credit Clause of the United States Constitution and the laws of the

50 states and the District of Columbia, a notarial act performed in this State shall be recognized, be enforceable, and have the same effect under the law of the 50 states as if performed by a notarial officer of those jurisdiction.

**CERTIFICATE FORM.** The bill sets out short form certificates of notarial acts and specifies that the forms are sufficient for the purposes indicated if the other requirements of law are satisfied.

**JOURNAL.** Under the bill, a notary public is required to maintain a journal of all notarial acts performed, either in a tangible medium or electronic format. For each notarial act, the notary public must record the date and time, the type of notarial act, the name and address of each individual for whom the notarial act is performed, information concerning evidence of identity of the individual, and a list of all fees charged for the notarial act. If a notary public's journal is lost or stolen, the notary public must notify the State Treasurer within 10 days of the loss or theft. The notary public must either retain the journal for 10 years after the performance of the last notarial act chronicled in the journal or transmit the journal to the Department of the Treasury or a repository approved by the State Treasurer.

**FEES.** The bill as amended provides that the State Treasurer would collect a nonrefundable fee of \$25 for each commission or renewal. In collecting the fee, the Treasurer would be required to accept the use of a credit card, debit card, or electronic funds transfer.

**REPEALERS.** The bill repeals several sections of law that would be obviated by the bill: section 7 of P.L.1979, c.460 (C.52:7-16) (requiring the county clerk to attach a certificate of authority to notaries' certificates of proof, acknowledgements or affidavits); and sections 1 and 2 of P.L.1981, c.487 (C.52:7-20 and C.52:7-21) (concerning criminal convictions that bar appointment and reappointment as a notary public).

**BACKGROUND.** This bill is based on a 2014 report of the New Jersey Law Revision Commission which, in turn, was based on the Uniform Law Commission's 2010 "Revised Uniform Law on Notarial Acts" (RULONA). This bill also incorporates the Uniform Law Commission's 2018 revision of the RULONA as well as various other provisions intended to improve the notarial process.

**EFFECTIVE DATE.** The committee amendments modify several provisions in the effective date. Under the amendments, sections 6 and 7 of the bill (course of study, continuing education, and examination) would take effect on the 365<sup>th</sup> day following enactment. The remainder of the bill would take effect on the 90<sup>th</sup> day following enactment. The amended bill provides that the State Treasurer may take any anticipatory administrative action in advance as shall be necessary for the implementation of the bill.

This bill, as amended by this committee, this bill is identical to the Assembly Bill No. 4250 (3R), which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

-- Require that a non-attorney applicant for an initial commission as a notary public would be required to comply with all educational requirements that the State Treasurer sets forth in rules adopted pursuant to the "Administrative Procedure Act," P.L.1969, c.410 (C.52:14B-1 et seq.) concerning a course of study to foster and confirm applicants' understanding of the principles and standards that govern notarial practices. The State Treasurer would also prescribe and approve a continuing education course for non-attorney applicants seeking a renewal of a commission.

-- Require State Treasurer to collect a nonrefundable fee of \$25 for each appointment or renewal.

-- Allow records concerning wills and codicils to be notarized remotely under certain circumstances. The bill excludes certain records from notarization through the use of communication technology, such as certain provisions under the Uniform Commercial Code; laws governing the creation and execution of wills or codicils; and statutes, regulations, or other rules of law governing adoption, divorce, or other matters of family law. However, the committee amendments set out an exception for wills and codicils as follows: a notarial act performed on a tangible record that is governed by a law governing the creation of wills and codicils may be performed through the use of communication technology if the notarial act is performed in accordance with the bill's requirements for remote notarization.

-- Clarify that a notarial officer may take an acknowledgement by means of communication technology of a signature on a tangible record that *is in the physical presence* of the notary. In this situation, the signatory fully executes the document and sends it to the notarial officer, who then proceeds with the remote session to take the acknowledgement and complete the certificate. This process is sometimes known as Paper Remote Notarization.

-- Clarify that a notarial officer may perform a notarial act by means of communication technology on a tangible record that is *not physically present* before the notary public, but instead is in the possession of the remote individual. This process is sometimes known as Paper Remote Ink Notarization.

-- Clarify that, in addition to performing the remote notarization of acknowledgements, a notary may also administer an oath remotely.

-- Remove the exclusion of certain matters under the Uniform Electronic Transactions Act. Under the amendments, the Uniform Electronic Transaction Act would apply to electronic records and electronic signatures concerning certain provisions under the

Uniform Commercial Code; laws governing the creation and execution of wills or codicils; and statutes, regulations, or other rules of law governing adoption, divorce, or other matters of family law.

-- Delete provision concerning publication of certain requirements for notaries in the Notary Public Manual, providing that any such requirements be promulgated by rule or regulation.

-- Specify that a notarial officer may perform a notarial act using communication technology for a remotely located individual regardless of whether the remotely located individual is physically located in this State. The amendments also provide that a notarial act performed using communication technology for a remotely located individual is deemed performed in New Jersey and is governed by New Jersey law.

-- Provide that it is the intent of the Legislature that, to the fullest extent allowed by the Full Faith and Credit Clause of the United States Constitution and the laws of the 50 states and the District of Columbia, a notarial act performed in this State shall be recognized, be enforceable, and have the same effect under the law of the 50 states as if performed by a notarial officer of those jurisdictions.

-- Provide that sections 6 and 7 of the bill (course of study, continuing education, and examination) would take effect on the 365th day following enactment; that the remainder of the bill would take effect on the 90th day following enactment; and that the State Treasurer may take any anticipatory administrative action in advance as shall be necessary for the implementation of the bill.

-- Make technical changes to clarify certain language and renumber certain provisions.

**FISCAL IMPACT:**

Fiscal information for this bill is currently unavailable.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 2508 STATE OF NEW JERSEY 219th LEGISLATURE

DATED: JANUARY 8, 2021

### SUMMARY

- Synopsis:** Revises law concerning notaries and notarial acts; authorizes electronic signatures.
- Type of Impact:** Annual revenue gain of \$1 million to \$2 million deposited into the State's General Fund.
- Agencies Affected:** Department of the Treasury

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>FY 2021 and Thereafter</u></b>
<b>Annual State Revenue Increase</b>	\$1 million to \$2 million

- The Office of Legislative Services (OLS) concludes that this bill could increase State General Fund revenues by between \$1 million and \$2 million annually. Like any source of revenue, the amounts generated will fluctuate annually. The bill's provisions alter various qualification requirements that could affect commissions or renewals. The OLS cannot conclude with reasonable certainty the impact those provisions will have on the population of notaries or future notaries.

### BILL DESCRIPTION

This bill revises the law concerning the qualifications and duties of notaries public and other notarial officers. The bill authorizes electronic signatures. The bill also increases the \$25 fee collected by the State Treasurer for each appointment or renewal to \$50 for each commission or renewal. The bill takes effect 90 days following enactment.

### FISCAL ANALYSIS

#### **EXECUTIVE BRANCH**

None received.

**OFFICE OF LEGISLATIVE SERVICES**

The OLS concludes that this bill could increase State General Fund revenues by between \$1 million and \$2 million annually. Based on information provided in the FY 2021 Governor's Budget Recommendation (page C-6), notary commissions generated \$1.2 million in FY 2019 for the Department of the Treasury. Notary commission revenue collections for FY 2020 and FY 2021 were projected to be about \$1.6 million annually. If the \$25 fee yielded \$1.2 million in revenue in FY 2019 than a \$50 fee should yield roughly \$2.4 million, a \$1.2 million net increase. Based on the Executive's projection for FY 2020 and FY 2021, the estimate would increase to \$1.6 million.

Like any source of revenue, the amounts generated will fluctuate annually. The bill's provisions alter various qualification requirements that could affect commissions or renewals. The OLS cannot conclude with reasonable certainty the impact those provisions will have on the population of notaries or future notaries. Lastly, the OLS is uncertain as to whether the information published in the FY 2021 Governor's Budget Recommendation includes renewals, so the amount generated by the bill could be greater.

*Section: Revenue, Finance and Appropriations*

*Analyst: Jordan M. DiGiovanni*  
*Revenue Analyst*

*Approved: Thomas Koenig*  
*Assistant Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

## SENATE, No. 2508 STATE OF NEW JERSEY 219th LEGISLATURE

DATED: JUNE 24, 2021

### SUMMARY

- Synopsis:** Revises law concerning notaries and notarial acts; authorizes electronic signatures.
- Type of Impact:** Annual revenue gain to State General Fund; Annual State expenditure increase.
- Agencies Affected:** Department of the Treasury

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>FY 2022 and Thereafter</u></b>
<b>Annual State Revenue Increase</b>	Indeterminate
<b>Annual State Expenditure Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) concludes that this bill could increase State General Fund revenues through various changes to existing fees and new fees. The bill could also result in an increase in State expenditures related to establishing and maintaining courses of study, continuing education programs, and examinations for notary applicants.

### BILL DESCRIPTION

This bill revises the law concerning the qualifications and duties of notaries public and other notarial officers. The bill authorizes electronic signatures for notarial acts as well as various notarial acts to be performed with remotely located individuals. The bill takes effect 90 days following enactment; provided, however, that course of study, continuing education, and examination requirements would go into effect on the 365<sup>th</sup> day follow enactment.

### FISCAL ANALYSIS

#### EXECUTIVE BRANCH

None received.

**OFFICE OF LEGISLATIVE SERVICES**

The OLS concludes that this bill could increase State General Fund revenues through various changes to existing fees and new fees. The bill could also result in an increase in State expenditures related to establishing and maintaining courses of study, continuing education programs, and examinations for notary applicants.

The bill does not alter the fee amount for commissions and renewals, but it does make the fee non-refundable and payable through more methods of payment. The State Treasurer is also required to establish a nonrefundable examination fee, which is to offset the cost of having an independent contract vendor develop and administer the examination. Like any source of revenue, the amounts generated will fluctuate annually. The bill's provisions alter various qualification requirements that could affect commissions or renewals. The OLS cannot conclude with reasonable certainty the impact those provisions will have on the population of notaries or future notaries.

The bill could also increase expenditures related to administrative costs, some of which would be offset by new fees established by the bill. The State Treasurer would be responsible for establishing and maintaining courses of study, continuing education programs, and examinations for notary applicants. The OLS cannot determine whether or not this bill will require the Department of the Treasury to hire additional staff or if the implementation of the bill could be managed with existing resources.

*Section: Revenue, Finance and Appropriations*

*Analyst: Jordan M. DiGiovanni*  
*Revenue Analyst*

*Approved: Thomas Koenig*  
*Assistant Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# Governor Murphy Takes Action on Legislation

07/22/2021

**TRENTON** – Today, Governor Murphy signed the following bills into law:

**S-1558/A-3444 (Scutari/Bramnick, Downey, Quijano)** – Requires automobile insurers to disclose policy limits upon request by an attorney under certain circumstances

**S-3926/A-5894 (Sweeney, Smith/Burzichelli, Kennedy, Karabinchak)** – Authorizes certain offshore wind projects to construct power lines and obtain real property interests; grants BPU authority to supersede certain local governmental powers upon petition from offshore wind project

**A-4250/S-2508 (Downey, Mukherji, Murphy/Gopal, Greenstein)** – Revises law concerning notaries and notarial acts; authorizes electronic signatures

**A-5310/S-3597 (Lopez/Vitale)** – Increases limit on number of social affairs permits that can be issued for one premises from 25 to 52 for designated premises owned by municipality or for event sponsored by municipality

**A-5758/S-3842 (Coughlin, Chiaravalloti, Mazzeo, Timberlake/Singleton, Turner)** – Provides funding for experiential housing advocacy programs to provide legal services for low- and moderate-income tenants in need of housing assistance; appropriates \$2 million