

52:7-10 to 52:7-19

LEGISLATIVE HISTORY CHECKLIST

WJA 52:7-10 to 52:7-19; Repeals ("Notaries Public Act of 1979")

LAWS OF 52:7-1 to 52:7-9
1979 CHAPTER 460

Bill No. S3028

Sponsor(s) Weiss and others

Date Introduced January 16, 1979

Committee: Assembly Commerce, Industry and Professions

Senate State Govt., Federal & Interstate Relations & Veterans Affairs

Amended during passage Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly June 28, 1979

Senate February 13, 1979

Date of approval February 27, 1980

Following statements are attached if available:

Sponsor statement Yes (Below)

Committee Statement: Assembly Yes

Senate No

Fiscal Note No

Veto message No

Message on signing No

Following were printed.

Reports No

Hearings No

Sponsor's statement:

This bill revises the antiquated sections of the notary public law. The bill also requires the Department of State to prepare a manual for each notary setting out duties and responsibilities. Additionally, the bill eliminates the requirement that a married woman must use both her surname, followed by the surname of her husband. The bill leaves the choice of surname to the individual notary.

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SENATE, No. 3028

STATE OF NEW JERSEY

INTRODUCED JANUARY 16, 1979

By Senators WEISS, DWYER, HAMILTON, DUMONT, HAGE DORN, VREELAND, A. RUSSO, HERBERT, GAGLIANO, GRAVES and GREENBERG

Referred to Committee on State Government, Federal and Interstate Relations and Veterans Affairs

AN ACT concerning notaries public, providing for their appointment and qualification and supplementing Title 52 of the Revised Statutes.

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

1 1. This act shall be known and may be cited as the "Notaries
2 Public Act of 1979."

1 2. a. The Secretary of State shall appoint so many notaries
2 public as the Governor shall deem necessary to commission, who
3 shall hold their respective offices for the term of 5 years, but may
4 be removed from office at the pleasure of the Governor.

5 b. A person desiring to be appointed and commissioned a notary
6 public shall make application to the Secretary of State on a form
7 prescribed by him and endorsed by a member of the Legislature
8 or the Secretary of State or Assistant Secretary of State. Renewals
9 thereof shall be made in the same manner as the original appli-
10 cation.

1 3. No person shall be appointed a notary public unless he is 18
2 years of age or older.

1 4. No person shall be denied appointment as a notary public on
2 account of residence outside of this State, provided such person
3 resides in a State adjoining this State and maintains, or is regularly
4 employed in, an office in this State. Before any such nonresident
5 shall be appointed and commissioned as a notary public, he shall
6 file with the Secretary of State an affidavit setting forth his resi-
7 dence and the address of his office or place of employment in this

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

8 State. Any such nonresident notary public shall file with the
9 Secretary of State a certificate showing any change of residence
10 or of his office or place of employment address in this State.

1 5. a. Within 3 months of the receipt of his commission, each
2 notary public shall take and subscribe an oath before the clerk of
3 the county in which he resides, faithfully and honestly to discharge
4 the duties of his office, and that he will make and keep a true
5 record of all such matters as are required by law, which oath shall
6 be filed with said clerk. The oath of office of a nonresident notary
7 public shall be taken and subscribed before the clerk of the county
8 in which he maintains his office or is employed in this State.

9 b. Upon the administration of said oath, the said clerk shall
10 cause the notary public to indorse a certificate of commission and
11 qualification and shall transmit said certificate to the Secretary
12 of State within 10 days of the administration of said oath.

13 c. The Secretary of State shall cancel and revoke the appoint-
14 ment of any notary public who fails to take and subscribe said oath
15 within 3 months of the receipt of his commission and any appoint-
16 ment so canceled and revoked shall be null, void and of no effect.

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

3 b. Any notary public, after having been duly commissioned and
4 qualified, shall, upon request, receive from the clerk of the county
5 where he has qualified, as many certificates of his commission and
6 qualification as he shall require for filing with other county clerks
7 of this State, and upon receipt of such certificates the notary public
8 may present the same, together with his autograph signature, to
9 such county clerks as he may desire, for filing.

1 7. The county clerk of the county in which a notary public resides
2 or the county clerk of any county where such notary public shall
3 have filed his autograph signature and certificate, as provided in
4 section 6 of this act, shall, upon request, subjoin to any certificate
5 of proof, acknowledgement or affidavit signed by the notary public,
6 a certificate under the clerk's hand and seal stating that the notary
7 public was at the time of taking such proof, acknowledgement or
8 affidavit duly commissioned and sworn and residing in this State,
9 and was as such an officer of this State duly authorized to take
10 and certify said proof, acknowledgement or affidavit as well as to
11 take and certify the proof or acknowledgement of deeds for the
12 conveyance of lands, tenements or hereditaments and other instru-
13 ments in writing to be recorded in this State; that said proof,
14 acknowledgement or affidavit is duly executed and taken according
15 to the laws of this State; that full faith and credit are and ought
16 to be given to the official acts of the notary public, and that the

17 county clerk is well acquainted with the handwriting of the notary
 18 public and believes the signature to the instrument to which the
 19 certificate is attached is his genuine signature.

1 8. ***Notwithstanding the provisions of N. J. S. 22A:4-1, the Sec-**
 2 **retary of State shall, by regulation, fix the fee for the granting of a**
 3 **commission of a notary public, which fee shall accompany the**
 4 **application therefor or renewal thereof and which shall be returned**
 5 **if a commission is not issued to the applicant. Said fee shall include**
 6 **the costs of printing and distribution to each applicant of a manual**
 7 **prescribing the powers, duties and responsibilities of a notary.]***
 8 **The Secretary of State shall, by regulation, fix a fee to be charged*
 9 *to each notary for the costs of printing and distribution to each*
 10 *applicant of a manual prescribing the powers, duties and responsi-*
 11 *bilities of a notary.**

1 9. After a notary public adopts a name different from that which
 2 he used at the time he was commissioned, and before he signs his
 3 name to any document which he is authorized or required to sign
 4 as notary public, he shall make and sign a statement in writing and
 5 under oath, on a form prescribed and furnished by the Secretary of
 6 State, setting out the circumstances under which he has adopted the
 7 new name. The statement shall set forth whether the new name has
 8 been adopted through marriage or by a change of name proceeding
 9 or otherwise, and such other information as the Secretary of State
 10 shall require.

11 The statement shall be filed in the office of the Secretary of State
 12 and in the office of the clerk of the county where he qualified as a
 13 notary public and in the office of the clerk of any county in which he
 14 may have filed a certificate of his commission and qualification.

15 Such statement, or a certified copy thereof, shall be evidence of
 16 the right of said notary public to continue to exercise the powers
 17 and privileges and perform the duties of a notary public in his
 18 changed and new name.

1 10. Each notary public, in addition to subscribing his autograph
 2 signature to any jurat upon the administration of any oath or the
 3 taking of any acknowledgement or proof, shall affix thereto his name
 4 in such a manner and by such means, including, but not limited to,
 5 printing, typing, or impressing by seal or mechanical stamp, as
 6 will enable the Secretary of State easily to read said name.

1 11. The following are repealed:

- 2 a. R. S. 52:7-1 to 52:7-8;
- 3 b. P. L. 1944, c. 243 (C. 52:7-1.1 and 52:7-1.2);
- 4 c. P. L. 1949, c. 19 (C. 52:7-1.3);
- 5 d. P. L. 1973, c. 121 (C. 52:7-9).

1 12. This act shall take effect 60 days after enactment.

ASSEMBLY COMMERCE, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

SENATE, No. 3028

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: APRIL 26, 1979

This bill repeals the present notary public law and enacts a new one. Most of the provisions of the bill are the same as those in the present law with the following changes:

a. The application of a notary public must be endorsed by a member of the Legislature or the Secretary of State or the Assistant Secretary of State. Such an endorsement is presently common practice but this is the first time it has been required by law.

b. The minimum age for a notary public has been reduced from 21 to 18 years of age.

c. As amended by the committee, the fee for a commission as a notary public will remain at its present level of \$15.00 for a 5-year term (N. J. S. 22A:4-1), but the Secretary of State will be allowed to fix an additional fee to cover the costs of printing and distributing to notaries a manual prescribing the powers, duties, and responsibilities of a notary.

d. Under R. S. 52:7-7 of the present law, a woman who married during her appointment as a notary had to use the surname, which she used at the time of her appointment, followed by a hyphen and the surname of her husband. The bill provides for a procedure by which either a man or woman who is a notary may change the name with which he or she signs.

e. The provision in the present law which prohibits sex discrimination in the appointment of a notary was not included in the bill because sex discrimination is prohibited by State and Federal law.