

## NEW PENNSYLVANIA NOTARY PUBLIC LAW

House Bill 25 was signed into law on October 9, 2013 and became [Act 73](#) of 2013. Act 73 adopts the Revised Uniform Law on Notarial Acts (RULONA) and completely replaces the former Notary Public Law and Uniform Acknowledgment Act with modern language and best practices.

Act 73 will be implemented in several phases.

**Effective immediately** on October 9, 2013 is the Department's authority to make regulations to implement the new law; the Department's authority to approve basic and continuing notary education courses; and section 329.1(a) of the Act (relating to the authority of the Department of fix the fees of notaries public by regulation).

**The remainder of RULONA impacting Pennsylvania notary public practice and procedure will most likely not take effect until 2015.** Prior to approving new education courses and implementing RULONA in full, the Department of State plans to adopt comprehensive regulations to implement the new law. Until the regulations are finalized and the Department has approved new notary education courses that include the content of the new regulations, the remainder of RULONA will not go into effect.

After the Department has approved basic and continuing notary education courses, which will prepare notaries public for the requirements of the new law, it will issue public notice that the remainder of RULONA will take effect in 180 days from the date of the notice.

Notaries who hold or have held commissions on the date of the notice will have six months to comply with the revised education requirement if they are seeking reappointment after the 180 days has passed. New applicants for appointment and commission who apply 180 days after the date of the notice will be required to comply with the new law, including a new requirement to pass an examination covering the statutes, regulations, procedures and ethics relevant to notarial acts.

Important changes included in Act 73/RULONA which will take effect 180 days from the date of the notice that the Department has approved new notary education courses include:

- New notaries will be required to pass an examination to obtain their first commission
- All notaries seeking reappointment must complete continuing education (even those previously exempt) but will have the option of more varied continuing education courses to ensure the maintenance and enhancement of skill, knowledge and competency
- Application fee will be \$42
- A new notarial act of witnessing or attesting a signature is defined in the law
- Basic forms of certificates for most notarial acts are set forth in the law
- Specific prohibitions on use of the term "notario publico" and practicing law and related new advertising requirements
- Increased enforcement and administrative penalties available to the Department for violation of the Act

What remains the same:

- The appointment and commissioning process, including:
  - Notary commission is four years in length

- Senatorial endorsement of applicant is required
- \$10,000 bond is required (unless changed by regulation of the Department)
- A notary must record bond, oath and commission with the county Recorder of Deeds prior to entering into duties as notary public
- A notary must register his official signature with the county Prothonotary (Clerk of Courts in counties of the second class)
- The Department will maintain a public searchable notary database (includes notaries authorized for electronic notarization)
- A notary must maintain a register of all notarial acts (now called a journal)
- A notary must require the personal appearance of a document signer before the notary
- A notary must have personal knowledge or satisfactory evidence of identity of the individual appearing before the notary
- A notary must use a notary seal (now called official stamp) on all official acts of the notary

The regulations promulgated by the Department will provide more detail on both new and unchanged statutory requirements. Please look for more information on this webpage as the Department implements Act 73 of 2013.

December 5, 2013