

visions of the act, approved the ninth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1025).

(b) All other acts and parts of acts inconsistent herewith are hereby repealed.

Section 18. Existing Filings and Hearings Continued.—All title insurance manuals of classifications, rules and rates, rating plans and modifications thereof filed under such repealed act shall be deemed to have been filed under this act, and all title insurance rating organizations licensed under such repealed act shall be deemed to have been licensed under this act. All hearings and investigations pending under such repealed act shall be deemed to have been initiated under and shall be continued under this act.

Section 19. Effective Date.—The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 21st day of August, A. D. 1953.

JOHN S. FINE

No. 373

AN ACT

Concerning notaries public; and amending, revising, consolidating and changing the law relating thereto.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

“The Notary
Public Law.”

Section 1. Short Title.—This act shall be known and may be cited as “The Notary Public Law.”

Section 2. Appointment of Notaries.—The Secretary of the Commonwealth is hereby authorized to appoint and commission, for a term of four years from the date of appointment, as many notaries public as, in his judgment, the interest of the public may require, whose jurisdiction shall be co-extensive with the boundaries of the Commonwealth, irrespective of their place of residence within the Commonwealth.

Section 3. Eligibility.—Any citizen of Pennsylvania, being twenty-one (21) years of age or over, of known character, integrity and ability, shall be eligible to the office of notary public, if he shall have resided within this Commonwealth for at least two (2) years immediately preceding the date of his appointment, and if he shall be a registered elector in the Commonwealth.

Section 4. Disqualification; Exception.—The following persons shall be ineligible to hold the office of notary public:

(1) Any person holding any judicial office in this Commonwealth, except the office of justice of the peace, magistrate, or alderman.

(2) Every member of Congress, and any person, whether an officer, a subordinate officer, or agent, holding any office or appointment of profit or trust under the legislative, executive, or judiciary departments of the government of the United States, to which a salary, fees or perquisites are attached.

Section 5. Application to Become a Notary Public.—Applications for appointment to the office of notary public shall be made to the Secretary of the Commonwealth, on forms prescribed and furnished by him, and shall be accompanied by a fee of twenty-five dollars (\$25), payable to the order of "State Treasurer," by money order, certified check, or draft. Each application shall bear the endorsement of the Senator of the district in which the applicant resides, or, in the case of a vacancy in that senatorial district, shall be endorsed by the Senator of an adjacent district.

Before issuing to any applicant a commission as notary public, the Secretary of the Commonwealth shall satisfy himself that the applicant is of good moral character, and is familiar with the duties and responsibilities of a notary public. Such qualifying requirements may be waived in the case of reappointment or appointments of persons making application within six (6) months after the expiration of a previous term as notary public, or appointments of persons who were prevented from applying for reappointment or from applying for appointment, within the six (6) month extension period mentioned above, by reason of their induction or enlistment in the armed forces of the United States, if application is made within one (1) year after military discharge of the applicant, under conditions other than dishonorable.

Section 6. Application for Reappointment.—Applications for reappointment to the office of notary public shall be filed at least one month prior to the expiration of the commission under which the notary is acting.

Section 7. Vacation of Office; Change of Residence.—In event of any change of address within the Commonwealth, notice in writing shall be given the Secretary of the Commonwealth and the recorder of deeds of * the county of original appointment by a notary public within five (5) days of such change. For the purpose of this section, "address" means office address. A notary public vacates his office by removing from the Commonwealth, and such removal shall constitute a resignation from the office of notary public as of the date of removal.

* "of" repeated in original.

Section 8. Oath of Office; Bond; Recording.—Every notary, on his appointment and before he enters upon the duties of the office of notary public, shall take and subscribe the constitutional oath of office, and shall give a surety bond, payable to the Commonwealth of Pennsylvania, in such amount as shall be fixed by the Secretary of the Commonwealth, which bond shall, after being recorded, be approved by and filed with the Secretary of the Commonwealth. Every such bond shall have as surety a duly authorized surety company or two sufficient individual sureties, to be approved by the Secretary of the Commonwealth, conditioned for the faithful performance of the duties of the office of notary public and for the delivery of his register and all other public papers into the office of the recorder of deeds of the proper county in case of his death, resignation, disqualification, or removal. Such bond, as well as his commission and oath of office, shall be recorded in the office of the recorder of deeds of the county in which he maintains an office at the time of appointment or reappointment. The commission of any notary hereafter appointed who shall, for the space of thirty (30) days after the beginning of his term, neglect to give bond and cause the same and his commission and oath to be recorded, as above directed, shall be null and void.

Section 9. Registration of Notary's Signature; Fee.—The official signature of each notary public shall be registered, in the "Notary Register" provided for such purpose in the prothonotary's office of the county wherein he maintains an office, within thirty (30) days after appointment or reappointment, and in any county to which he may subsequently move his office, within ten (10) days thereafter. The fee to be charged by the prothonotary for recording a notary's signature shall be fifty (\$.50) cents.

Section 10. Change of Name.—Whenever the name of any notary is changed by decree of court, or whenever any female notary shall marry, or is divorced and assumes her maiden name thereafter, such notary may continue to perform official acts, in the name in which he or she was commissioned, until the expiration of his or her term, but he or she shall, within thirty (30) days after entry of such decree, or after marriage or divorce, notify the Secretary of the Commonwealth and the recorder of deeds of the county in which he or she maintains an office of such change of name. Application for reappointment of such notary shall be made in the new name.

Section 11. Refund of Fee.—(a) Whenever any person shall make application for a commission as notary public and shall pay into the State Treasury the fee for

the same, and for any reason such commission shall not issue, or shall not be received, or the applicant fails or neglects to properly qualify for his commission, the State Treasurer, upon receipt of the proper warrant from the Board of Finance and Revenue, shall refund to such person or his personal representative the amount so paid into the State Treasury.

(b) No such warrant shall be issued by the Board of Finance and Revenue until such person or his personal representatives shall have made application in writing to said board and, under oath or affirmation, on forms prescribed and furnished by said board therefor, setting forth such payment into the State Treasury, and averring that no commission has been received by such person, or that such person has failed or neglected to properly qualify for his commission; nor shall any such warrant issue until the Secretary of the Commonwealth shall have certified to the said board that a commission has not been issued to such applicant, or, if issued, has not been received by the applicant and has been cancelled, or that such person has failed or neglected to properly qualify for his commission.

Section 12. Notarial Seal.—Every notary shall provide a public notarial seal with which he shall authenticate all his acts, instruments and attestations. There shall be engraved on such seal the words "Notary Public, Commonwealth of Pennsylvania," and the name and surname of the notary.

Section 13. Date of Expiration of Commission.—Every notary public in this Commonwealth shall note upon each certificate, attestation, or official notarial act, either written, typed, or stamped, a statement, in plain, legible characters, in the English language, of the date upon which his commission expires, and the name of the political subdivision and the county in which he maintains his office.

Section 14. Position of Seal and Date of Expiration of Commission.—(a) The seal of a notary public shall be impressed opposite the jurat, and affixed in such manner as to make a legible impression on all documents executed.

(b) The date of expiration of a notary's commission and the location of his office shall be written, typed or stamped immediately below the signature of the notary.

Section 15. Register; Copies of Records.—(a) Every notary public shall keep an accurate register of all official acts by him done by virtue of his office, and shall, when thereunto required, give a certified copy of any record in his office to any person applying for same. Said register shall contain the date of the act, the character of the act, and the date and parties to the instrument, and the amount of fee collected for the service.

(b) The register and other public papers of such notary shall not in any case be liable to be seized, attached or taken in execution for debt or for any demand whatsoever.

Section 16. Power to Administer Oaths and Affirmations.—Notaries shall have power to administer oaths and affirmations, according to law, in all matters belonging or incident to the exercise of their notarial office. Any person who shall be convicted of having wilfully and knowingly made or taken a false oath or affirmation before any notary in any matters within their official duties shall be guilty of perjury and shall be subject to the penalties in such case made and provided.

Section 17. Power to Take Acknowledgment of Instruments of Writing Relating to Commerce or Navigation and to Make Declarations.—Notaries shall have the power to receive the proof of acknowledgment of all instruments of writing relating to commerce or navigation, such as bills of sale, bottomries, mortgages and hypothecations of ships or vessels, charter parties of affreightment, letters of attorney, and such other writings as have been usually proved or acknowledged before notaries within this Commonwealth, and also to make declarations and testify the truth thereof, under their seals of office, concerning all matters by them done in virtue of their respective offices.

Section 18. Power to Take Depositions, Affidavits and Acknowledgment of Writings Relative to Lands.—Notaries shall have power to take depositions and affidavits, to take and receive the acknowledgment or proof of all deeds, conveyances, mortgages, or other instruments or writing touching or concerning any lands, tenements or hereditaments, situate, lying and being in any part of this State.

Section 19. Limitation on Powers; Fees.—(a) No director or officer in any bank, banking institution or trust company, holding at the same time the office of notary public, shall do or perform any act or duty as notary public for any bank, banking institution or trust company in which he is a director or officer. Any act or duty performed by any such notary public for any such bank, banking institution or trust company is hereby declared invalid.

(b) No clerk in any bank, banking institution or trust company, holding at the same time the office of notary public, shall be authorized to protest checks, notes, drafts, bill of exchange, or any commercial paper, for any bank, banking institution or trust company in which he is employed.

(c) The fees of any such notary for other services rendered shall be the property of such notary and in no

case belong to or be received by the corporation of which he is a director or clerk.

(d) No justice of the peace, magistrate or alderman, holding at the same time the office of notary public, shall have jurisdiction in cases arising on papers or documents containing acts by him done in the office of notary public.

(e) No notary public may act as such in any transaction in which he is a party directly or pecuniarily interested.

Section 20. Admissibility in Evidence.—The official acts, protests and attestations of all notaries public, certified, according to law, under their respective hands and seals of office, including the dishonor of all bills and promissory notes, and of notice to the drawers, acceptors or endorsers thereof, may be received and read in evidence, as proof of the facts therein stated, in all suits now pending or hereafter to be brought. Any party may be permitted to contradict by other evidence any such certificate.

Section 21. Fees of Notaries Public.—The fees of notaries public shall be fixed by the Secretary of the Commonwealth with the approval of the Attorney General.

Section 22. Rejection of Application; Removal.—The Secretary of the Commonwealth may, for good cause, reject any application, or revoke the commission of any notary public, but such action shall be taken subject to the right of notice, hearing and adjudication, and the right of appeal therefrom, in accordance with the provisions of the Administrative Agency Law, approved the fourth day of June, one thousand nine hundred forty-five (Pamphlet Laws 1388), or any amendment or re-enactment thereof, relating to adjudication procedure.

Section 23. Specific Repeal.—The act, approved the eighteenth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1440), entitled “An act concerning notaries public and amending, revising, consolidating and changing the law relating thereto,” is hereby repealed absolutely.

Section 24. General Repeal.—All other acts and parts of acts are repealed in so far as they are inconsistent with the provisions of this act.

APPROVED—The 21st day of August, A. D. 1953.

JOHN S. FINE