

No. 2014-119

AN ACT

SB 1001

Amending Title 57 (Notaries Public) of the Pennsylvania Consolidated Statutes, in revised uniform law on notarial acts, further providing for appointment and commission as notary public, qualifications and no immunity or benefit and for regulations; and further providing for application for appointment to the office of notary public.

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

Section 1. Section 321(b) and (d.2) of Title 57 of the Pennsylvania Consolidated Statutes are amended to read:

§ 321. Appointment and commission as notary public; qualifications; no immunity or benefit.

* * *

(b) Application.—An individual qualified under subsection (a) may apply to the department for appointment and commission as a notary public. The application must comply with all of the following:

- (1) Be made to the department on a form prescribed by the department.
- (2) Be accompanied by a nonrefundable fee of \$42, payable to the Commonwealth of Pennsylvania. This amount shall include the application fee for notary public commission and fee for filing of the bond with the department.

[(3) Bear an endorsement as follows:

(i) Except as set forth in this paragraph, the endorsement of the senator of the district in which the applicant resides.

(ii) If the applicant does not reside in this Commonwealth, the endorsement of the senator of the district in which the applicant is employed.

(iii) If there is a vacancy in the senatorial district under subparagraph (i) or (ii), the endorsement of the senator of an adjacent district.]

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(d.2) Recording and filing.—

(1) **[Upon] *Within 45 days after*** appointment and prior to entering into the duties of a notary public, the bond, oath of office and commission must be recorded in the office of the recorder of deeds of the county in which the notary public maintains an office.

(2) Upon reappointment, the bond, oath of office and commission must be recorded in the office of the recorder of deeds of the county in which the notary public maintains an office.

(3) Within 90 days of recording under this subsection, a copy of the bond and oath of office must be filed with the department.

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Section 2. Section 327(a) of Title 57 is amended by adding a paragraph to read:

§ 327. Regulations.

(a) Authority.—Except as provided in section 329.1(a) (relating to fees of notaries public), the department may promulgate regulations to implement this chapter. Regulations regarding the performance of notarial acts with respect to electronic records may not require or accord greater legal status or effect to the implementation or application of a specific technology or technical specification. Regulations may:

* * *

(7.1) Require applicants for appointment and commission as notaries public to submit criminal history record information as provided in 18 Pa.C.S. Ch. 91 (relating to criminal history record information) as a condition of appointment.

* * *

Section 3. Notwithstanding section 5(a) of the act of August 21, 1953 (P.L.1323, No.373), known as The Notary Public Law, an application for appointment to the office of notary public shall not be required to bear:

(1) the endorsement of the Senator of the district in which the applicant for appointment to the office of notary public resides; or

(2) if the applicant for appointment to the office of notary public does not reside in this Commonwealth, the endorsement of the Senator of the district in which the applicant is employed.

Section 4. This act shall take effect as follows:

(1) This section shall take effect immediately.

(2) The addition of 57 Pa.C.S. § 327(a)(7.1) shall take effect immediately.

(3) Section 3 of this act shall take effect in 180 days.

(4) The remainder of this act shall take effect 180 days after publication of the notice under section 4 of the act of October 9, 2013 (P.L.609, No.73), entitled "An act amending Titles 42 (Judiciary and Judicial Procedure) and 57 (Notaries Public) of the Pennsylvania Consolidated Statutes, enacting uniform laws on attestation in the areas of unsworn foreign declarations and notarial acts; making editorial changes; making related repeals; and abrogating a regulation," or immediately, whichever is later.

APPROVED—The 9th day of July, A.D. 2014

TOM CORBETT