ASSEMBLY, No. 3758

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:
Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)
Assemblywoman CAROL A. MURPHY
District 7 (Burlington)

SYNOPSIS

Establishes 180 days from receipt of notary public commission as deadline for taking oath of office.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 3/16/2020)

AN ACT concerning notaries public and amending P.L.1979, c.460.

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

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

5. a. Within **[**three months**]** 180 days of the receipt of his commission, each notary public shall take and subscribe an oath before the clerk of the county in which he resides, faithfully and honestly to discharge the duties of his office, and that he will make and keep a true record of all such matters as are required by law, which oath shall be filed with said clerk. The oath of office of a nonresident notary public shall be taken and subscribed before the clerk of the county in which he maintains his office or is employed in this State.

b. Upon the administration of said oath, the said clerk shall cause the notary public to indorse a certificate of commission and qualification and shall transmit said certificate to the State Treasurer within 10 days of the administration of said 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 the English language or any other 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 his services, in the English language or any other language, is required to provide with such advertisement a notice which contains the following statement: "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 said oath within **[**three months**]** 180 days of the receipt of his commission and any appointment so canceled and revoked shall be null, void and of no effect.

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

2. This act shall take effect immediately.

STATEMENT

Presently, pursuant to the requirements of P.L.1979, c.460, the "Notaries Public Act of 1979," each notary public is required to

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.

take and subscribe an oath before the clerk of the county in which he resides within three months of the receipt of his commission. The failure to take the oath within the prescribed period can result in the cancellation and revocation of the appointment as notary public, and, the sponsor has learned, the loss of the application fee for the notary public commission. This bill would extend and clarify the permitted period within which the notary public is required to take and subscribe the oath of office to 180 days from the receipt of the commission.

It is the sponsor's view that establishing a specified number of days eliminates uncertainty as to the deadline by which the oath of office must be taken, and extending the time period further aids in (1) avoiding revocation, (2) the loss of the initial application fees, and (3) the payment of application fees a second time upon reapplication, as is currently required.