ASSEMBLY, No. 3772

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

Authorizes notaries public to take oath of office before any official generally authorized to take oaths.

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 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**]** any officer authorized to administer oaths pursuant to R.S.41:2-1, 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, with **[**said**]** the clerk of the county in which the notary public resides. The oath of office of a nonresident notary public shall be taken and subscribed before any officer authorized to administer oaths pursuant to R.S.41:2-1 and shall be filed with the clerk of the county in which **[**he**]** the nonresident notary public maintains his office or is employed in this State.

b. Upon the administration of said oath, the said **[**clerk**]** officer 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 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

Currently, under P.L.1979, c.460 (C.52:7-14), each notary public must take an oath of office before the clerk of the county in which

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.

he resides. This bill would allow the oath of office to be taken before any public official authorized by R.S.41:2-1 to administer oaths.

R.S.41:2-1 grants general authority to administer oaths, affirmations and affidavits to a number of different officials. These officials include, among others, justices of the New Jersey Supreme Court, judges and clerks of all courts of record of the State, mayors, surrogates, municipal clerks, members and clerks of boards of chosen freeholders, county sheriffs, notaries public, members of the State Legislature, attorneys, and certified court reporters.