

[First Reprint]

**ASSEMBLY, No. 4250**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED JUNE 11, 2020

**Sponsored by:**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**SYNOPSIS**

Revises law concerning notaries and notarial acts; authorizes electronic signatures.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Judiciary Committee on July 20, 2020, with amendments.



**(Sponsorship Updated As Of: 7/30/2020)**

1 AN ACT concerning notaries, amending and supplementing various  
2 parts of the statutory law.

3

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

6

7 1. Section 1 of P.L.1979, c.460 (C.52:7-10) is amended to read  
8 as follows:

9 1. Short title.

10 This act shall be known and may be cited as the **["Notaries**  
11 **Public Act of 1979."]** "New Jersey Law on Notarial Acts."  
12 (cf: P.L.1979, c.460, s.1)

13

14 2. (New section) Definitions.

15 As used in P.L. , c. (C. ) (pending before the Legislature  
16 as this bill):

17 a. "Acknowledgment" means a declaration by an individual  
18 before a notarial officer that the individual has signed a record for  
19 the purpose stated in the record and, if the record is signed in a  
20 representative capacity, that the individual signed the record with  
21 proper authority and signed it as the act of the individual or entity  
22 identified in the record.

23 b. "Electronic" means relating to technology having electrical,  
24 digital, magnetic, wireless, optical, electromagnetic, or similar  
25 capabilities.

26 c. "Electronic signature" means an electronic symbol, sound,  
27 or process attached to, or logically associated with, a record and  
28 executed or adopted by an individual with the intent to sign the  
29 record.

30 d. "In a representative capacity" means acting as:

31 (1) An authorized officer, agent, partner, trustee, or other  
32 representative for a person other than an individual;

33 (2) A public officer, personal representative, guardian, or other  
34 representative, in the capacity stated in a record;

35 (3) An agent or attorney-in-fact for a principal; or

36 (4) An authorized representative of another in any other  
37 capacity.

38 e. "Notarial act" means an act, whether performed with respect  
39 to a tangible or electronic record, that a notarial officer may  
40 perform under the laws of New Jersey. The term includes:

41 (1) taking an acknowledgment,

42 (2) administering an oath or affirmation,

43 (3) taking a verification on oath or affirmation,

44 (4) witnessing or attesting a signature,

**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

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AJU committee amendments adopted July 20, 2020.

- 1 (5) certifying or attesting a copy or deposition, and  
2 (6) noting a protest of a negotiable instrument.  
3 f. "Notarial officer" means a notary public or other individual  
4 authorized by law to perform a notarial act.  
5 g. "Notary public" means an individual commissioned by the  
6 State Treasurer to perform a notarial act.  
7 h. "Official stamp" means a physical image affixed to or  
8 embossed on a tangible record or an electronic image attached to, or  
9 logically associated with, an electronic record.  
10 i. "Person" has the meaning ascribed to it in R.S.1:1-2.  
11 j. "Record" means information that is inscribed on a tangible  
12 medium or that is stored in an electronic or other medium and is  
13 retrievable in perceivable form.  
14 k. "Sign" means, with present intent to authenticate or adopt a  
15 record:  
16 (1) To execute or adopt a tangible symbol; or  
17 (2) To attach to or logically associate with the record an  
18 electronic symbol, sound, or process.  
19 l. "Signature" means a tangible symbol or an electronic  
20 signature that evidences the signing of a record.  
21 m. "Stamping device" means:  
22 (1) A physical device capable of affixing to or embossing on a  
23 tangible record an official stamp; or  
24 (2) An electronic device or process capable of attaching to or  
25 logically associating with an electronic record an official stamp.  
26 n. "State" means the State of New Jersey; "other state" or  
27 "another state" means any state, the District of Columbia, the  
28 Commonwealth of Puerto Rico, the United States Virgin Islands,  
29 and any other insular possession or territory of the United States  
30 other than the State of New Jersey.  
31 o. "Verification on oath or affirmation" means a declaration,  
32 made by an individual on oath or affirmation before a notarial  
33 officer, that a statement in a record is true.

34  
35 3. Section 2 of P.L.1979, c.460 (C.52:7-11) is amended to read  
36 as follows:

37 2. Commission; Term; Application; Renewal.

38 a. The State Treasurer **【shall appoint】** may commission so  
39 many notaries public as the State Treasurer **【shall deem】** deems  
40 necessary to commission**【, who】**. Notaries public shall hold their  
41 respective offices for **【the】** a term of five years**【, but may be**  
42 removed from office at the pleasure of the State Treasurer**】**.

43 b. **【A person desiring to be appointed and commissioned】** An  
44 applicant for commission as a notary public shall make application  
45 to the State Treasurer on a form prescribed by the State Treasurer  
46 **【and endorsed by a member of the Legislature】** <sup>1</sup>and endorsed by a  
47 member of the Legislature<sup>1</sup>. Renewals **【thereof】** shall be made in

1 the same manner as the original application. <sup>1</sup>All applications shall  
2 be submitted electronically.<sup>1</sup>

3 The application form shall provide a notice to the applicant that a  
4 notary public who is not licensed as an attorney-at-law shall not use  
5 or advertise the title of lawyer or attorney-at-law, or equivalent  
6 terms, in **【the English language or】** any **【other】** language, which  
7 mean or imply that the notary public is licensed as an attorney-at-  
8 law in the State of New Jersey or in any other jurisdiction of the  
9 United States. The application form shall also state that a notary  
10 public who advertises **【his】** the notary public's services in **【the**  
11 **English language or】** any **【other】** language is required to provide  
12 with such advertisement a notice in the language of the  
13 advertisement which contains the following statement or translation  
14 of the following statement if the advertisement is not in English: "I  
15 am not an attorney licensed to practice law and may not give legal  
16 advice about immigration or any other legal matter or accept fees  
17 for legal advice."

18 c. The **【fee to be collected by the】** State Treasurer shall collect  
19 a nonrefundable fee **【for that appointment or renewal shall be**  
20 **\$25.00】** of <sup>1</sup>**【\$25】** <sup>1</sup>**\$50** for each commission or renewal. In  
21 collecting the fee, the State Treasurer shall accept the use of a credit  
22 card, debit card, or electronic funds transfer.

23 (cf: P.L.2014, c.48, s.3)

24

25 4. Section 3 of P.L.1979, c.460 (C.52:7-12) is amended to read  
26 as follows:

27 <sup>1</sup>3. <sup>1</sup>Qualifications.

28 **【No】** a. A person **【shall be appointed】** commissioned as a  
29 notary public in this State shall:

30 (1) be at the time of appointment at least **【unless he is】** 18 years  
31 of age **【or older】** <sup>1</sup>**【and a citizen of the United States】**<sup>1</sup>;

32 (2) be at the time of appointment a legal resident of this State or  
33 have a place of employment or practice in this State; and

34 (3) not be disqualified to receive a commission under section  
35 <sup>1</sup>**【9】** <sup>1</sup>**7** of P.L. , c. (C. ) (pending before the Legislature as  
36 this bill).

37 b. An applicant for an initial <sup>1</sup>or renewed<sup>1</sup> commission as a  
38 notary public shall <sup>1</sup>**【provide satisfactory proof that the applicant**  
39 has:

40 (1) completed a six-hour course of study approved by the State  
41 Treasurer pursuant to subsection a. of section 6 of P.L. ,  
42 c. (C. ) (pending before the Legislature as this bill); and

43 (2) passed an examination prescribed by the State Treasurer  
44 pursuant to section 7 of P.L. , c. (C. ) (pending before the  
45 Legislature as this bill)<sup>1</sup>**【.】**<sup>1</sup>

1 c. A commissioned notary public applying to renew a  
2 commission who has satisfactorily completed the six-hour course of  
3 study required pursuant to subsection a. of section 6 of P.L. \_\_\_\_\_,  
4 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill) at least  
5 one time, or who was commissioned for the first time before the  
6 effective date of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) shall complete the three-  
7 hour continuing education course as set forth in subsection b. of  
8 section 6 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature  
9 as this bill) and provide satisfactory proof of such completion]  
10 comply with all educational requirements that the Treasurer sets  
11 forth in the New Jersey Notary Public Manual. The Treasurer shall  
12 provide the necessary process for documenting compliance with  
13 educational requirements through the online application required by  
14 subsection b. of section 2 of P.L.1979, c.460 (C.52:7-11)<sup>1</sup>.

15 (cf: P.L.1979, c.460, s.3)

16  
17 5. Section 4 of P.L.1979, c.460 (C.52:7-13) is amended to read  
18 as follows:

19 4. Commission of Nonresidents; Additional Requirements.

20 a. No person shall be denied **[appointment]** a commission as a  
21 notary public on account of residence outside **[of]** this State,  
22 provided such person **[resides in a State adjoining this State and]**  
23 maintains, or is regularly employed in, an office in this State <sup>1</sup>or is  
24 an employee of a business with its domicile or primary place of  
25 business in this State and performs his employment duties remotely  
26 from a home office or a co-working space located in a state  
27 adjoining this State<sup>1</sup>.

28 b. **[Before]** In addition to the requirements of section 3 of  
29 P.L.1979, c.460 (C.52:7-12), any **[such]** nonresident shall **[be**  
30 appointed and commissioned as a notary public, he shall] file with  
31 the State Treasurer **[an affidavit]** at the time of application a  
32 certificate setting forth **[his]** the residence and the address of the  
33 applicant, and the **[address of his]** office or place of employment  
34 of the applicant in this State.

35 c. **[Any]** Once commissioned, any such nonresident notary  
36 public shall file with the State Treasurer a certificate showing any  
37 change of residence or change of **[his]** the office or place of  
38 employment **[address]** of the notary public in this State.

39 (cf: P.L.2014, c.48, s.4)

40  
41 <sup>1</sup>**[6. (New section) Course of Study; Continuing Education.**

42 a. An applicant for an initial commission as a notary public  
43 pursuant to section 2 of P.L.1979, c.460 (C.52:7-11) shall complete  
44 a six-hour course of study prescribed and approved by the State  
45 Treasurer. The course of study shall be completed within the six-  
46 month period immediately preceding the application.

1       b. An applicant for renewal of a commission pursuant to  
2 section 2 of P.L.1979, c.460 (C.52:7-11) who has previously  
3 completed the six-hour course of study required pursuant to  
4 subsection a. of this section at least one time, or who was  
5 commissioned for the first time before the effective date of P.L.    ,  
6 c.    (C.    ) (pending before the Legislature as this bill) shall  
7 complete a three-hour continuing education course prescribed and  
8 approved by the State Treasurer. The continuing education course  
9 shall be completed within the six-month period immediately  
10 preceding the application.

11       c. The State Treasurer shall prescribe an application form and  
12 certificate of approval for any notary public course of study and any  
13 notary public continuing education course proposed by a provider.  
14 The State Treasurer may also provide a notary public course of  
15 study and continuing education course.

16       d. The State Treasurer shall compile a list of all persons  
17 offering an approved course of study and continuing education  
18 course pursuant to this section and shall provide the list on the  
19 website of the State Treasurer.

20       e. The six-hour course of study shall cover the statutes,  
21 regulations, procedures, and ethics for notaries public as described  
22 in the manual issued by the State Treasurer, and shall include the  
23 duties and responsibilities of a notary public. The course of study  
24 shall be provided by classroom instruction.

25       f. The three-hour continuing education course shall cover  
26 topics which ensure maintenance and enhancement of skill,  
27 knowledge, and competency necessary to perform notarial acts. The  
28 continuing education course may be provided by either online or  
29 classroom instruction.】<sup>1</sup>

30

31       <sup>1</sup>【7. (New section) Examination.

32       a. The State Treasurer shall prescribe and administer an  
33 examination to determine the fitness of an applicant to exercise the  
34 functions of a notary public as provided in section 2 of P.L.1979,  
35 c.460 (C.52:7-11). The examination shall:

36       (1) be based on the statutes, rules, regulations, procedures, and  
37 ethical requirements for notaries public as described in the manual  
38 issued by the State Treasurer; and

39       (2) include the requirements, functions, duties, and  
40 responsibilities of a notary public.

41       b. The State Treasurer shall charge a nonrefundable fee which  
42 shall be payable at the examination site. Such fee shall be  
43 established or changed by the State Treasurer to defray any proper  
44 expenses incurred by the Department of the Treasury in  
45 administering the examination. The fee shall not be fixed at a level  
46 that will raise amounts in excess of the amount estimated to be so  
47 required.】<sup>1</sup>

1       <sup>1</sup>**[8.] 6.**<sup>1</sup> Section 5 of P.L.1979, c.460 (C.52:7-14) is amended  
2 to read as follows:

3       5. Oath; Filing; Certificate of Commission.

4       a. Within <sup>1</sup>**[three months]** 45 days<sup>1</sup> of the receipt of a  
5 commission, each notary public shall take and subscribe an oath  
6 before **[the clerk of the county in which he resides]** <sup>1</sup>**[any officer**  
7 authorized to administer oaths pursuant to R.S.41:2-1] **the clerk of**  
8 the county in which he resides or a member of the Legislature<sup>1</sup>, to:

9       (1) faithfully and honestly **[to]** discharge the duties of **[his]** the  
10 office**[,]**; and

11       (2) **[that he will]** make and keep a true record of all such  
12 matters as are required by law, **[which oath shall be filed with said**  
13 **clerk. The oath of office of a nonresident notary public shall be**  
14 **taken and subscribed before the clerk of the county in which he**  
15 **maintains his office or is employed in this State]** including the  
16 requirement to maintain a journal of all notarial acts performed, as  
17 set forth in section <sup>1</sup>**[27]** 25<sup>1</sup> of P.L. , c. (C. ) (pending  
18 before the Legislature as this bill).

19       b. Upon the administration of **[said]** the oath, the **[said clerk]**  
20 officer shall cause the notary public to **[indorse a]** endorse the  
21 certificate of commission and qualification and shall transmit  
22 **[said]** the certificate to the State Treasurer within 10 days of the  
23 administration of **[said]** the oath. **[After the administration of the**  
24 **oath, the clerk shall provide a notice to the person that a notary**  
25 **public who is not licensed as an attorney-at-law shall not use or**  
26 **advertise the title of lawyer or attorney-at-law, or equivalent terms,**  
27 **in the English language or any other language, which mean or imply**  
28 **that the notary public is licensed as an attorney-at-law in the State**  
29 **of New Jersey or in any other jurisdiction of the United States. The**  
30 **notice shall also state that a notary public who advertises his**  
31 **services, in the English language or any other language, is required**  
32 **to provide with such advertisement a notice which contains the**  
33 **following statement: "I am not an attorney licensed to practice law**  
34 **and may not give legal advice about immigration or any other legal**  
35 **matter or accept fees for legal advice." ]**

36       c. **[The State Treasurer shall cancel and revoke the**  
37 **appointment of any notary public who fails to take and subscribe**  
38 **said oath within three months of the receipt of his commission and**  
39 **any appointment so canceled and revoked shall be null, void and of**  
40 **no effect]** A commission authorizes the notary public to perform  
41 notarial acts. The commission does not provide the notary public  
42 any immunity or benefit conferred by the law of this State on public  
43 officials or employees<sup>1</sup>**[.]**<sup>1</sup>

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

1 **1[9.] 7.1** (New section) Grounds for State Treasurer to Deny  
2 Application, Refuse to Renew Commission, or Revoke, Suspend, or  
3 Limit Commission.

4 a. The State Treasurer may deny an application for commission  
5 as **1a1** notary public; refuse to renew a commission of a notary  
6 public; or suspend, revoke, or otherwise limit the commission of a  
7 notary public for any act or omission that demonstrates the  
8 individual lacks the honesty, integrity, competence, or reliability  
9 necessary to act as a notary public, including:

10 (1) failure to comply with P.L.1979, c.460 (C.52:7-10 et seq.),  
11 as amended and supplemented by P.L. , c. (C. ) (pending  
12 before the Legislature as this bill);

13 (2) a fraudulent, dishonest, or deceitful misstatement or  
14 omission in the application for commission as a notary public  
15 submitted to the State Treasurer;

16 (3) a finding against, or admission of liability by, the applicant  
17 or notary public in any legal proceeding or disciplinary action based  
18 on fraud, dishonesty, or deceit, including but not limited to a  
19 violation of section 1 of P.L.1997, c.1 (C.2C:21-31) or section 1 of  
20 P.L.1994, c.47 (C.2C:21-22), but nothing in this paragraph shall be  
21 deemed to supersede P.L.1968, c.282 (C.2A:168A-1 et seq.);

22 (4) a conviction of a crime of the second degree or above, but  
23 nothing in this paragraph shall be deemed to supersede P.L.1968,  
24 c.282 (C.2A:168A-1 et seq.);

25 (5) failure by the notary public to discharge any duty required  
26 by any law, including P.L.1979, c.460 (C.52:7-10 et seq.), any rules  
27 or regulations promulgated thereunder by the State Treasurer, and  
28 any other State or federal law;

29 (6) use of false or misleading advertising or representation by  
30 the notary public representing that the notary is commissioned,  
31 licensed, or authorized to practice or engage in work that the notary  
32 is not commissioned, licensed, or authorized to engage in;

33 (7) in the case of a notary public who is not an attorney licensed  
34 to practice law, any of the following:

35 (a) giving legal advice;

36 (b) acting as an immigration consultant or an expert on  
37 immigration matters;

38 (c) otherwise performing the duties of an attorney licensed to  
39 practice law in New Jersey;

40 (d) a disciplinary or other administrative action resulting in a  
41 finding of culpability if the applicant holds any professional license  
42 regulated by the State; or

43 (e) creating or reinforcing, by any means, a false impression that  
44 the person is licensed to engage in the practice of law in this State  
45 or any other **1[State] state1**, including, but not limited to,  
46 committing a violation of P.L.1994, c.47 (C.2C:21-22) or P.L.1997,  
47 c.1 (C.2C:21-31);



1 (8) failure to take and subscribe to the oath pursuant to section 5  
2 of P.L.1979, c.460 (C.52:7-14) within 45 days of the receipt of a  
3 notary public commission;

4 (9) withholding access to or possession of an original record or  
5 photocopy provided by a person who seeks performance of a  
6 notarial act by the notary public, except where allowed by law; or

7 (10) the denial of an application for notary public in another  
8 state; the refusal to renew in another state; or the suspension,  
9 revocation, or other limitation of the commission of the notary  
10 public in another state.

11 b. If the State Treasurer denies an application for notary public;  
12 refuses to renew a commission of a notary public; or suspends,  
13 revokes, or otherwise limits the commission of a notary public, the  
14 applicant or the notary public is entitled to timely notice and  
15 hearing in accordance with the “Administrative Procedure Act,”  
16 P.L.1968, c.410 (C.52:14B-1 et seq.).

17 c. The authority of the State Treasurer to deny an application  
18 for notary public; refuse to renew a commission of a notary public;  
19 or suspend, revoke, or otherwise limit the commission of a notary  
20 public shall not prevent a person aggrieved by the actions of a  
21 notary public from seeking other criminal or civil remedies  
22 provided by law.

23

24 <sup>1</sup>**[10.] 8.**<sup>1</sup> Section 6 of P.L.1979, c.460 (C.52:7-15) is amended  
25 to read as follows:

26 6. Statewide authority.

27 **[a.]** A notary public who has been duly commissioned and  
28 qualified is authorized to perform **[his]** the duties of a notary public  
29 throughout the State.

30 **[b.]** Any notary public, after having been duly commissioned and  
31 qualified, shall, upon request, receive from the clerk of the county  
32 where he has qualified, as many certificates of his commission and  
33 qualification as he shall require for filing with other county clerks  
34 of this State, and upon receipt of such certificates the notary public  
35 may present the same, together with his autograph signature, to  
36 such county clerks as he may desire, for filing. **]**

37 (cf: P.L.1979, c.460, s.6)

38

39 <sup>1</sup>**[11.] 9.**<sup>1</sup> Section 8 of P.L.1979, c.460 (C.52:7-17) is amended  
40 to read as follows:

41 8. Manual.

42 **[The State Treasurer shall, by regulation, fix a fee to be charged**  
43 **to each notary for the costs of printing and distribution to each**  
44 **applicant of a manual prescribing the powers, duties and**  
45 **responsibilities of a notary. **]****

46 a. The State Treasurer shall maintain a manual on the  
47 Department of the Treasury’s website that sets forth the

1 requirements, functions, duties, and responsibilities of a notary  
2 public. The manual shall include, but not be limited to, the statutes,  
3 rules, regulations, procedures, and ethical requirements governing a  
4 notary public.

5 b. The manual shall specify that a notary public who is not  
6 licensed as an attorney-at-law shall not use or advertise the title of  
7 lawyer or attorney-at-law, or equivalent terms, in **【the English**  
8 **language or】** any **【other】** language, which mean or imply that the  
9 notary public is licensed as an attorney **【or counselor at law】** in the  
10 State of New Jersey or in any other jurisdiction of the United States.  
11 The manual shall also state that a notary public who advertises  
12 **【his】** the notary's services in **【the English language or】** any  
13 **【other】** language is required to provide with such advertisement a  
14 notice which contains the following statement or translation of the  
15 following statement if the advertisement is not in English: "I am not  
16 an attorney licensed to practice law and may not give legal advice  
17 about immigration or any other legal matter or accept fees for legal  
18 advice." The manual shall also state that no person shall be  
19 **【appointed or reappointed】** commissioned a notary public or  
20 receive a renewal of a notary public commission if **【he】** that  
21 person<sup>1</sup> has been convicted under the laws of this State of an  
22 offense involving dishonesty, including but not limited to a  
23 violation of section 1 of P.L.1997, c.1 (C.2C:21-31) or section 1 of  
24 P.L.1994, c.47 (C.2C:21-22), or a substantially similar crime under  
25 the laws of another state or the United States or of a crime of the  
26 second degree or above, but nothing in this paragraph shall be  
27 deemed to supersede P.L.1968, c.282 (C.2A:168A-1 et seq.).

28 c. The State Treasurer shall update the information contained  
29 in the manual and the Department of the Treasury's Internet website  
30 **【as appropriate】** <sup>1</sup>**【at least quarterly】** periodically<sup>1</sup>.  
31 (cf: P.L.2014, c.48, s.6)

32  
33 <sup>1</sup>**【12.】** 10.<sup>1</sup> Section 9 of P.L.1979, c.460 (C.52:7-18) is amended  
34 to read as follows:

35 9. Statement by Notary Public after Change in Name; Filing;  
36 Evidence of Continuance of Powers and Privileges.

37 **【After】** a. If a notary public adopts a name different from that  
38 which **【he】** the notary public used at the time<sup>1</sup>**【he】** the notary  
39 public<sup>1</sup> was commissioned, **【and】** before **【he signs his name】** the  
40 notary public provides a signature to any **【document】** record which  
41 **【he】** the notary public is authorized or required to sign as notary  
42 public, <sup>1</sup>**【he】** the notary public<sup>1</sup> shall make and sign a statement in  
43 writing and under oath, on a form prescribed and furnished by the  
44 State Treasurer, setting out the circumstances under which **【he】** the  
45 notary public has adopted the new name. <sup>1</sup>The statement shall state  
46 whether the new name has been adopted through marriage or civil

1 union or by a change of name proceeding or otherwise, and such  
 2 other information as the State Treasurer shall require.<sup>1</sup>

3 b. <sup>1</sup>【The statement shall 【set forth】 state whether the new  
 4 name has been adopted through marriage or civil union or by a  
 5 change of name proceeding or otherwise, and such other  
 6 information as the State Treasurer shall require.

7 c.<sup>1</sup>【The statement shall be filed in the office of the State  
 8 Treasurer 【and in the office of the clerk of the county where he  
 9 qualified as a notary public and in the office of the clerk of any  
 10 county in which he may have filed a certificate of his commission  
 11 and qualification】. Such statement, or a certified copy 【thereof】,  
 12 shall be evidence of the right of 【said】 the notary public to continue  
 13 to exercise the powers and privileges and perform the duties of a  
 14 notary public in 【his】 the changed 【and】 or new name.

15 (cf: P.L.2014, c.48, s.7)

16  
 17 <sup>1</sup>【13.】 11.<sup>1</sup> Section 10 of P.L.1979, c.460 (C.52:7-19) is  
 18 amended to read as follows:

19 10. Certificate of Notarial Act.

20 【Each notary public, in addition to subscribing his autograph  
 21 signature to any jurat upon the administration of any oath or the  
 22 taking of any acknowledgement or proof, shall affix thereto his  
 23 name in such a manner and by such means, including, but not  
 24 limited to, printing, typing, or impressing by seal or mechanical  
 25 stamp, as will enable the State Treasurer easily to read said name.】

26 a. A notarial act shall be evidenced by a certificate. The  
 27 certificate shall:

28 (1) be executed contemporaneously with the performance of the  
 29 notarial act;

30 (2) be signed and dated by the notarial officer;

31 (3) identify the jurisdiction in which the notarial act is  
 32 performed;

33 (4) contain the title of office of the notarial officer; and

34 (5) if the notarial officer is a notary public, indicate the date of  
 35 expiration of the officer's commission.

36 b. A certificate of a notarial act is sufficient if it meets the  
 37 requirements of subsection a. of this section and:

38 (1) is in a short form set forth in section 21 of P.L. \_\_\_\_\_,  
 39 c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill);

40 (2) is in a form otherwise permitted by the law of this State;

41 (3) is in a form permitted by the law applicable in the  
 42 jurisdiction in which the notarial act was performed; or

43 (4) sets forth the actions of the notarial officer which shall meet  
 44 the requirements provided in P.L.1979, c.460 (C.52:7-10 et seq.), as  
 45 amended and supplemented by P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending  
 46 before the Legislature as this bill) and any other applicable laws of  
 47 this State.

- 1       c. By executing a certificate of a notarial act, a notarial officer  
2 certifies that the officer has made the determinations specified by  
3 P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented  
4 by P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this  
5 bill).
- 6       d. A notarial officer may not affix the officer’s signature to, or  
7 logically associate it with, a certificate until the notarial act has  
8 been performed.
- 9       e. If a notarial act is performed regarding a tangible record, a  
10 certificate shall be part of, or attached to, the record.
- 11       f. If a notarial act is performed regarding an electronic record,  
12 the certificate shall be affixed to, or logically associated with, the  
13 electronic record.
- 14       g. If the State Treasurer has established standards pursuant to  
15 P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented  
16 by P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this  
17 bill) for attaching, affixing, or logically associating the certificate,  
18 the process shall conform to the standards.  
19 (cf: P.L.2014, c.48, s.8)

20  
21       <sup>1</sup>**【14.】 12.**<sup>1</sup> (New section) Official Stamp.

- 22       a. The official stamp of a notary public shall:  
23       (1) include the name of the notary public, the title “Notary  
24 Public, State of New Jersey,” and the notary public’s commission  
25 expiration date; and  
26       (2) be capable of being copied together with the record to which  
27 it is affixed or attached or with which it is logically associated.
- 28       b. If a notarial act regarding a tangible record is performed by a  
29 notary public, an official stamp shall be affixed to or embossed on  
30 the certificate near the signature of the notary public so as to be  
31 clear and readable. If a notarial act regarding an electronic record is  
32 performed by a notary public and the certificate contains the  
33 information specified in subsection a. of this section, an official  
34 stamp <sup>1</sup>**【may】 must**<sup>1</sup> be attached to or logically associated with the  
35 certificate.

36  
37       <sup>1</sup>**【15.】 13.**<sup>1</sup> (New section) Stamping Device.

- 38       a. A notary public is responsible for the security of the  
39 stamping device used by the notary public and may not allow  
40 another individual to use the device to perform a notarial act, except  
41 at the specific instruction of a notary public who cannot physically  
42 use the stamping device.
- 43       b. The stamping device is the property of the notary public and  
44 not of the notary public’s employer, even if the employer paid for  
45 the stamping device.
- 46       c. If the stamping device used by the notary public is lost or  
47 stolen, the notary public or <sup>1</sup>**【his】 the notary public’s**<sup>1</sup> personal

1 representative shall notify the State Treasurer of the loss or theft  
2 within 10 days.

3

4 <sup>1</sup>**[16.] 14.**<sup>1</sup> (New section) Authority to Perform Notarial Act.

5 a. A notarial officer may perform a notarial act authorized by  
6 P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented  
7 by P.L. , c. (C. ) (pending before the Legislature as this  
8 bill), and any other applicable law.

9 b. A notarial officer may not perform a notarial act with respect  
10 to a record to which the officer or the officer's spouse or civil union  
11 partner is a party, or in which either of them has a direct beneficial  
12 interest. A notarial act performed in violation of this subsection is  
13 voidable.

14 c. A notarial officer may certify that a tangible copy of an  
15 electronic record is an accurate copy of the electronic record.

16

17 <sup>1</sup>**[17.] 15.**<sup>1</sup> (New section) Requirements for Certain Notarial  
18 Acts.

19 a. A notarial officer who takes an acknowledgment of a record  
20 shall determine, from personal knowledge or satisfactory evidence  
21 of the identity of the individual, that the individual appearing before  
22 the officer and making the acknowledgment has the identity  
23 claimed and that the signature on the record is the signature of the  
24 individual.

25 b. A notarial officer who takes a verification of a statement on  
26 oath or affirmation shall determine, from personal knowledge or  
27 satisfactory evidence of the identity of the individual, that the  
28 individual appearing before the officer and making the verification  
29 has the identity claimed and that the signature on the statement  
30 verified is the signature of the individual.

31 c. A notarial officer who witnesses or attests to a signature  
32 shall determine, from personal knowledge or satisfactory evidence  
33 of the identity of the individual, that the individual appearing before  
34 the officer and signing the record has the identity claimed.

35 d. A notarial officer who certifies or attests a copy of a record  
36 or an item that was copied shall determine that the copy is a full,  
37 true, and accurate transcription or reproduction of the record or  
38 item.

39 e. A notarial officer who makes or notes a protest of a  
40 negotiable instrument shall determine the matters set forth in  
41 subsection b. of N.J.S.12A:3-505.

42 f. For the purposes of this section:

43 (1) A notarial officer has personal knowledge of the identity of  
44 an individual appearing before the notarial officer if the individual  
45 is personally known to the notarial officer through dealings  
46 sufficient to provide reasonable certainty that the individual has the  
47 identity claimed.

1 (2) A notarial officer has satisfactory evidence of the identity of  
2 an individual appearing before the notarial officer if the notarial  
3 officer can identify the individual by means of:

4 (a) A passport, driver's license, or government-issued, non-  
5 driver identification card, which is current or expired not more than  
6 three years before the performance of the notarial act; or

7 (b) Another form of government-issued identification, which is  
8 current or expired not more than three years before the performance  
9 of the notarial act, and which:

10 (i) contains the individual's signature or a photograph of the  
11 individual's face; and

12 (ii) is satisfactory to the notarial officer; or

13 (c) A verification of oath or affirmation of a credible witness  
14 personally appearing before the notarial officer <sup>1</sup>or using  
15 communication technology to appear before the notarial officer  
16 pursuant to section 17 of P.L. , c. (C. ) (pending before the  
17 Legislature as this bill)<sup>1</sup> and personally known to the notarial  
18 officer or whom the notarial officer can identify on the basis of a  
19 passport, driver's license, or government-issued, non-driver  
20 identification card, which is current or expired not more than three  
21 years before the performance of the notarial act.

22 (3) A notarial officer may require an individual to provide  
23 additional information or identification credentials necessary to  
24 assure the notarial officer of the identity of the individual.

25

26 <sup>1</sup>**[18.] 16.**<sup>1</sup> (New section) Personal Appearance<sup>1</sup>**[Required];**  
27 **Use of Communication Technology**<sup>1</sup>.

28 If a notarial act relates to a statement made in, or a signature  
29 executed on, a record, the individual making the statement or  
30 executing the signature shall appear personally before the notarial  
31 officer <sup>1</sup>or shall use communication technology to appear before the  
32 notarial officer pursuant to section 17 of P.L. , c. (C. )  
33 (pending before the Legislature as this bill)<sup>1</sup>.

34

35 <sup>1</sup>**[19.] 17.**<sup>1</sup> (New section) Notarial Act Performed by Remotely  
36 Located Individual.

37 a. As used in this section:

38 (1) "Communication technology" means an electronic device or  
39 process that:

40 (a) allows a notarial officer and a remotely located individual to  
41 communicate with each other simultaneously by sight and sound;  
42 and

43 (b) when necessary and consistent with other applicable law,  
44 facilitates communication with a remotely located individual who  
45 has a vision, hearing, or speech impairment.

46 (2) "Foreign state" means a jurisdiction other than the United  
47 States, a state, or a federally recognized Indian tribe.

1 (3) “Identity proofing” means a process or service by which a  
2 third person provides a notarial officer with a means to verify the  
3 identity of a remotely located individual by a review of personal  
4 information from public or private data sources.

5 (4) “Outside the United States” means a location outside the  
6 geographic boundaries of the United States, Puerto Rico, the United  
7 States Virgin Islands, and any territory, insular possession, or other  
8 location subject to the jurisdiction of the United States.

9 (5) “Remotely located individual” means an individual who is  
10 not in the physical presence of a notarial officer performing a  
11 notarial act under subsection c.

12 b. This section does not apply to a record to the extent it is  
13 governed by:

14 (1) <sup>1</sup>[a law governing the creation and execution of wills or  
15 codicils;

16 (2) <sup>1</sup>the “Uniform Commercial Code,” N.J.S.12A:1-101 et seq.,  
17 other than N.J.S.12A:1-107, N.J.S.12A:1-206, the provisions of the  
18 “Uniform Commercial Code – Sales,” chapter 2 of Title 12A of the  
19 New Jersey Statutes, and the provisions of the “Uniform  
20 Commercial Code – Leases,” chapter 2A of Title 12A of the New  
21 Jersey Statutes; or

22 <sup>1</sup>[(3)] <sup>1</sup>(2) a statute, regulation, or other rule of law governing  
23 adoption, divorce, or other matters of family law.

24 c. A remotely located individual may comply with section  
25 <sup>1</sup>[18] <sup>1</sup>16 of P.L. , c. (C. ) (pending before the Legislature  
26 as this bill) and subsections a. and b. of R.S.46:14-2.1 by using  
27 communication technology to appear before a notarial officer.

28 d. A notarial officer located in this State may perform a  
29 notarial act using communication technology for a remotely located  
30 individual if:

31 (1) the notarial officer:

32 (a) has personal knowledge of the identity of the individual;

33 (b) has satisfactory evidence of the identity of the remotely  
34 located individual by oath or affirmation from a credible witness  
35 appearing before the notarial officer <sup>1</sup>or using communication  
36 technology to appear before the notarial officer pursuant to this  
37 section<sup>1</sup>; or

38 (c) has obtained satisfactory evidence of the identity of the  
39 remotely located individual by using at least two different types of  
40 identity proofing;

41 (2) the notarial officer is able reasonably to confirm that a  
42 record before the notarial officer <sup>1</sup>[is] <sup>1</sup>is the same record in which  
43 the remotely located individual made a statement or on which the  
44 remotely located individual executed a signature;

45 (3) the notarial officer, or a person acting on behalf of the  
46 notarial officer, creates an audio-visual recording of the  
47 performance of the notarial act; and

- 1 (4) for a remotely located individual who is located outside the  
2 United States:
- 3 (a) the record:
- 4 (i) is to be filed with or relates to a matter before a public  
5 official or court, governmental entity, or other entity subject to the  
6 jurisdiction of the United States; or
- 7 (ii) involves property located in the territorial jurisdiction of the  
8 United States or involves a transaction substantially connected with  
9 the United States; and
- 10 (b) the act of making the statement or signing the record is not  
11 prohibited by the foreign state in which the remotely located  
12 individual is located.
- 13 e. If a notarial act is performed under this section, the  
14 certificate of notarial act required by section 10 of P.L.1979, c.460  
15 (C.52:7-19), the certificate required by section c. of R.S.46:14-2.1,  
16 or the short-form certificate provided in section <sup>1</sup>**[21]** 19<sup>1</sup> of  
17 P.L. , c. (C. ) (pending before the Legislature as this bill)  
18 must indicate that the notarial act was performed using  
19 communication technology.
- 20 f. A short-form certificate provided in section <sup>1</sup>**[21]** 19<sup>1</sup> of  
21 P.L. , c. (C. ) (pending before the Legislature as this bill)  
22 for a notarial act subject to this section is sufficient if it:
- 23 (1) complies with any rules or regulations adopted by<sup>1</sup>, or  
24 provision published by,<sup>1</sup> the State Treasurer under paragraph (1) of  
25 subsection j. of this section or section <sup>1</sup>**[29]** 27<sup>1</sup> of P.L. ,  
26 c. (C. ) (pending before the Legislature as this bill); or
- 27 (2) is in the form provided by section <sup>1</sup>**[21]** 19<sup>1</sup> of P.L. ,  
28 c. (C. ) (pending before the Legislature as this bill) and  
29 contains a statement substantially as follows: “This notarial act  
30 involved the use of communication technology.”
- 31 g. A notarial officer, a guardian, conservator, or agent of a  
32 notarial officer, or a personal representative of a deceased notarial  
33 officer, shall retain the audio-visual recording created under  
34 paragraph (3) of subsection d. of this section or cause the recording  
35 to be retained by a repository designated by or on behalf of the  
36 person required to retain the recording. Unless a different period is  
37 required by any rule or regulation adopted by the State Treasurer  
38 <sup>1</sup>or any provision published by the State Treasurer,<sup>1</sup> under  
39 paragraph (4) of subsection j. of this section, the recording must be  
40 retained for a period of at least 10 years after the recording is made.
- 41 h. Before a notary public performs <sup>1</sup>**[his]** the notary public’s<sup>1</sup>  
42 initial notarial act under this section, the notary public must notify  
43 the State Treasurer that the notary public will be performing such  
44 notarial acts and identify the technologies the notary public intends  
45 to use.
- 46 i. If the State Treasurer has established standards under  
47 subsection j. of this section and section <sup>1</sup>**[29]** 27<sup>1</sup> of P.L. ,



1 c. (C. ) (pending before the Legislature as this bill) for  
 2 approval of communication technology or identity proofing, the  
 3 communication technology and identity proofing must conform to  
 4 those standards.

5 j. <sup>1</sup> [In addition to adopting rules and regulations pursuant to  
 6 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1  
 7 et seq.) under section 29 of P.L. , c. (C. ) (pending before  
 8 the Legislature as this bill), the State Treasurer may adopt rules and  
 9 regulations pursuant to the “Administrative Procedure Act,”  
 10 P.L.1968, c.410 (C.52:14B-1 et seq.) under this section regarding  
 11 the performance of a notarial act. The rules and regulations may] **The Treasurer may also publish provisions in the New Jersey**  
 12 **Notary Manual that**<sup>1</sup>:

14 (1) prescribe the means of performing a notarial act involving a  
 15 remotely located individual using communication technology;

16 (2) establish standards for communication technology and  
 17 identity proofing;

18 (3) establish requirements or procedures to approve providers of  
 19 communication technology and the process of identity proofing; and

20 (4) establish standards and a period for the retention of an  
 21 audio-visual recording created under paragraph (3) of subsection d.  
 22 of this section.

23 k. Before adopting, amending, or repealing a rule or regulation  
 24 <sup>1</sup> or publishing a provision in the New Jersey Notary Public Manual<sup>1</sup>  
 25 governing performance of a notarial act with respect to a remotely  
 26 located individual, the State Treasurer must consider:

27 (1) the most recent standards regarding the performance of a  
 28 notarial act with respect to a remotely located individual  
 29 promulgated by national standard-setting organizations such as the  
 30 Mortgage Industry Standards Maintenance Organization and the  
 31 recommendations of the National Association of Secretaries of  
 32 State;

33 (2) standards, practices, and customs of other jurisdictions that  
 34 have laws substantially similar to this section; and

35 (3) the views of governmental officials and entities and other  
 36 interested persons.

37

38 <sup>1</sup> **[20.] 18.**<sup>1</sup> (New section) Signature if Individual Unable to  
 39 Sign.

40 If an individual is physically unable to sign a record, the  
 41 individual may direct an individual other than the notarial officer to  
 42 sign the record with the individual’s name. The notarial officer shall  
 43 insert “Signature affixed by (name of other individual) at the  
 44 direction of (name of individual)” or words of similar import.

45

46 <sup>1</sup> **[21.] 19.**<sup>1</sup> (New section) Certificate Form.

1 The following short form certificates of notarial acts are  
2 sufficient for the purposes indicated, if the requirements of section  
3 10 of P.L.1979, c.460 (C.52:7-19) are satisfied. Certificates of  
4 notarial acts are deemed sufficient for the purposes indicated if  
5 substantially all of the requirements of section 10 of P.L.1979,  
6 c.460 (C.52:7-19) and this section are satisfied:

7  
8 a. For an acknowledgment in an individual capacity:  
9 State of \_\_\_\_\_  
10 County of \_\_\_\_\_  
11 This record was acknowledged before me on \_\_\_\_\_ (date) by  
12 \_\_\_\_\_  
13 (Name(s) of individual(s))  
14 \_\_\_\_\_  
15 Signature of notarial officer  
16  
17 Stamp  
18 \_\_\_\_\_  
19 Title of office  
20  
21 (My commission expires: \_\_\_\_\_)  
22

23 b. For an acknowledgment in a representative capacity:  
24 State of \_\_\_\_\_  
25 County of \_\_\_\_\_  
26 This record was acknowledged before me on \_\_\_\_\_ (date) by  
27 \_\_\_\_\_  
28 (Name(s) of individual(s))  
29 as (type of authority, such as officer or trustee) of (name of party on  
30 behalf of whom record was executed).  
31 \_\_\_\_\_  
32  
33 Signature of notarial officer  
34  
35 Stamp  
36 \_\_\_\_\_  
37 Title of office  
38  
39 (My commission expires: \_\_\_\_\_)  
40

41 c. For a verification on oath or affirmation:  
42 State of \_\_\_\_\_  
43 County of \_\_\_\_\_  
44 Signed and sworn to (or affirmed) before me on \_\_\_\_\_ (date) by  
45 \_\_\_\_\_  
46 (Name(s) of individual(s) making statement)  
47  
48 \_\_\_\_\_

1 Signature of notarial officer

2

3 Stamp

4

5 [\_\_\_\_\_]

6 Title of office

7

8 (My commission expires: \_\_\_\_\_)

9

10 d. For witnessing or attesting a signature:

11 State of \_\_\_\_\_

12 County of \_\_\_\_\_

13 Signed (or attested) before me on \_\_\_\_\_(date) by

14 \_\_\_\_\_

15 (Name(s) of individual(s))

16

17 \_\_\_\_\_

18 Signature of notarial officer

19

20 Stamp

21

22 [\_\_\_\_\_]

23 Title of office

24 (My commission expires: \_\_\_\_\_)

25

26 e. For certifying a copy of a record:

27 State of \_\_\_\_\_

28 County of \_\_\_\_\_

29 I certify that this is a true and correct copy of a record in the  
30 possession of \_\_\_\_\_(name).

31

32 Dated \_\_\_\_\_

33 \_\_\_\_\_

34

35 Signature of notarial officer

36

37 Stamp

38

39 \_\_\_\_\_

40 Title of office

41 (My commission expires: \_\_\_\_\_ )

42

43 <sup>1</sup>**[22.] 20.**<sup>1</sup> (New section) Notarial Act in this State.

44 a. The signature and title of an individual performing a notarial  
45 act are prima facie evidence that the signature is genuine and that  
46 the individual holds the designated title.

1       b. A notarial act may be performed in this State by an  
2 individual authorized by the applicable law to perform the notarial  
3 act.

4       c. The signature and title of a notarial officer authorized by the  
5 applicable law to perform the notarial act conclusively establishes  
6 the authority of the officer to perform the notarial act.

7  
8       <sup>1</sup>~~23.~~ 21.<sup>1</sup> (New section) Notarial Acts Outside this State.

9       a. In Another State.

10       (1) A notarial act performed in another state has the same effect  
11 under the law of this State as if performed by a notarial officer of  
12 this State, if the act performed in that state is performed by:

13       (a) a notary public of that state;

14       (b) a judge, clerk, or deputy clerk of <sup>1</sup>a court of<sup>1</sup> that state; or

15       (c) any other individual authorized by the law of that state to  
16 perform the notarial act.

17       (2) The signature and title of an individual performing a notarial  
18 act in another state are prima facie evidence that the signature is  
19 genuine and that the individual holds the designated title.

20       (3) The signature and title of a notarial officer described in  
21 subparagraph (a) or (b) of paragraph (1) of this subsection  
22 conclusively establish the authority of the officer to perform the  
23 notarial act.

24       b. Under Authority of Federally Recognized Indian Tribe.

25       (1) A notarial act performed under the authority and in the  
26 jurisdiction of a federally recognized Indian tribe has the same  
27 effect as if performed by a notarial officer of this State, if the act  
28 performed in the jurisdiction of the tribe is performed by:

29       (a) a notary public of the tribe;

30       (b) a judge, clerk, or deputy clerk of a court of the tribe; or

31       (c) any other individual authorized by the law of the tribe to  
32 perform the notarial act.

33       (2) The signature and title of an individual performing a notarial  
34 act under the authority of and in the jurisdiction of a federally  
35 recognized Indian tribe are prima facie evidence that the signature  
36 is genuine and that the individual holds the designated title.

37       (3) The signature and title of a notarial officer described in  
38 subparagraph (a) or (b) of paragraph (1) of this subsection  
39 conclusively establish the authority of the officer to perform the  
40 notarial act.

41       c. Under Federal Authority.

42       (1) A notarial act performed under federal law has the same  
43 effect under the law of this State as if performed by a notarial  
44 officer of this State, if the performed under federal law is performed  
45 by:

46       (a) a judge, clerk, or deputy clerk of a court;

- 1 (b) an individual in military service or performing duties under  
2 the authority of military service who is authorized to perform  
3 notarial acts under federal law;
- 4 (c) an individual designated a notarizing officer by the United  
5 States Department of State for performing notarial acts overseas; or
- 6 (d) any other individual authorized by federal law to perform the  
7 notarial act.
- 8 (2) The signature and title of an individual acting under federal  
9 authority and performing a notarial act are prima facie evidence that  
10 the signature is genuine and that the individual holds the designated  
11 title.
- 12 (3) The signature and title of an officer described in  
13 subparagraph (a), (b), or (c) of paragraph (1) of this subsection  
14 conclusively establish the authority of the officer to perform the  
15 notarial act.
- 16 d. Foreign Notarial Acts.
- 17 (1) As used in this subsection, “foreign state” means a  
18 jurisdiction other than the United States, a state, or a federally  
19 recognized Indian tribe.
- 20 (2) If a notarial act is performed under authority and in the  
21 jurisdiction of a foreign state or constituent unit of the foreign state  
22 or is performed under the authority of a multinational or  
23 international governmental organization, the act has the same effect  
24 under the law of this State as if performed by a notarial officer of  
25 this State.
- 26 (3) If the title of office and indication of authority to perform  
27 notarial acts in a foreign state appears in a digest of foreign law or  
28 in a list customarily used as a source for that information, the  
29 authority of an officer with that title to perform notarial acts is  
30 conclusively established.
- 31 (4) The signature and official stamp of an individual holding an  
32 office described in paragraph (3) of this subsection are prima facie  
33 evidence that the signature is genuine and the individual holds the  
34 designated title.
- 35 (5) An apostille in the form prescribed by the Hague Convention  
36 of October 5, 1961 and issued by a foreign state party to the Hague  
37 Convention conclusively establishes that the signature of the  
38 notarial officer is genuine and that the notarial officer holds the  
39 indicated office.
- 40 (6) A consular authentication issued by an individual designated  
41 by the United States Department of State as a notarizing officer for  
42 performing notarial acts overseas and attached to the record with  
43 respect to which the notarial act is performed conclusively  
44 establishes that the signature of the notarial officer is genuine and  
45 that the notarial officer holds the indicated office.

1       **<sup>1</sup>[24.] 22.<sup>1</sup>** (New section) Notification Regarding Performance  
2 of Notarial Act on Electronic Record; Selection of Technology;  
3 Acceptance of Tangible Copy of Electronic Record.

4       a. A notarial officer may select one or more tamper-evident  
5 technologies to perform notarial acts with respect to electronic  
6 records. A person may not require a notarial officer to perform a  
7 notarial act with respect to an electronic record with a technology  
8 that the notarial officer has not selected.

9       b. Before a **<sup>1</sup>[notarial officer] notary public<sup>1</sup>** performs **<sup>1</sup>[his]**  
10 **the notary public's<sup>1</sup>** initial notarial act with respect to an electronic  
11 record, the **<sup>1</sup>[notarial officer] notary public<sup>1</sup>** shall notify the State  
12 Treasurer that **<sup>1</sup>[he] the notary public<sup>1</sup>** will be performing notarial  
13 acts with respect to electronic records and identify the technology  
14 that the **<sup>1</sup>[notarial officer] notary public<sup>1</sup>** intends to use. If the  
15 State Treasurer has established standards for approval of technology  
16 pursuant to section **<sup>1</sup>[29] 27<sup>1</sup>** of P.L. , c. (C. ) (pending  
17 before the Legislature as this bill), the technology must conform to  
18 those standards. If the technology conforms to the standards, the  
19 State Treasurer shall approve the use of the technology.

20       c. A county clerk or register of deeds and mortgages **<sup>1</sup>[may]**  
21 **shall<sup>1</sup>** accept for recording a tangible copy of an electronic record  
22 containing a notarial certificate as satisfying any requirement that a  
23 record accepted for recording be an original, if the notarial officer  
24 executing the notarial certificate certifies that the tangible copy is  
25 an accurate copy of the electronic record.

26  
27       **<sup>1</sup>[25.] 23.<sup>1</sup>** (New section) Database of Notaries Public.

28       The State Treasurer shall maintain an electronic database of  
29 current and former notaries public, including the dates that the  
30 notary public was commissioned and authorized to perform notarial  
31 acts:

32       a. through which a person may verify the authority of a notary  
33 public to perform notarial acts; and

34       b. which indicates whether a notary public has notified the  
35 State Treasurer that the notary public will be performing notarial  
36 acts on electronic records.

37

38       **<sup>1</sup>[26.] 24.<sup>1</sup>** (New section) Authority to Refuse to Perform  
39 Notarial Act.

40       a. A notarial officer may refuse to perform a notarial act if the  
41 officer is not satisfied that:

42       (1) the individual executing the record is competent or has the  
43 capacity to execute the record;

44       (2) the individual's signature is knowingly and voluntarily  
45 made;

1 (3) the individual's signature on the record or statement  
2 substantially conforms to the signature on a form of identification  
3 used to determine the identity of the individual; or

4 (4) the physical appearance of the individual signing the record  
5 or statement substantially conforms to the photograph on a form of  
6 identification used to determine the identity of the individual.

7 b. A notarial officer may refuse to perform a notarial act unless  
8 refusal is prohibited by law other than P.L.1979, c.460 (C.52:7-10  
9 et seq.), as amended and supplemented by P.L. , c. (C. )  
10 (pending before the Legislature as this bill).

11

12 <sup>1</sup>[27.] 25.<sup>1</sup> (New section) Journal.

13 a. A notary public shall maintain a journal of all notarial acts  
14 performed.

15 (1) The journal may be created and maintained on a tangible  
16 medium or in an electronic format.

17 (2) A notary public shall maintain only one journal at a time to  
18 chronicle all notarial acts, whether those notarial acts are performed  
19 regarding tangible or electronic records.

20 (3) If the journal is maintained on a tangible medium, it shall be  
21 a permanent, bound register with consecutively numbered lines and  
22 consecutively numbered pages.

23 (4) If the journal is maintained in an electronic format, it shall  
24 be in a permanent, tamper-evident electronic format complying with  
25 any <sup>1</sup>[rules and regulations promulgated] standards published<sup>1</sup> by  
26 the State Treasurer <sup>1</sup>in the New Jersey Notary Public Manual<sup>1</sup>.

27 b. For each notarial act, the notary public shall record in the  
28 journal:

29 (1) the date and time of the notarial act;

30 (2) the type of notarial act, including but not limited to the  
31 taking of an acknowledgment, the taking of a proof of a deed, the  
32 administration of an oath, or the taking of an affidavit;

33 (3) the name and address of each person for whom the notarial  
34 act is performed;

35 (4) if the identity of the individual is based on personal  
36 knowledge, a statement to that effect;

37 (5) if the identity of the individual is based on satisfactory  
38 evidence, a brief description of the method of identification and the  
39 identification credential presented, if any, including, if applicable,  
40 the type, date of issuance, and date of expiration of an identification  
41 document, or the name and signature of any identifying witness and,  
42 if applicable, the type, date of issuance, and date of expiration of a  
43 document identifying the witness; and

44 (6) an itemized list of all fees charged for the notarial act.

45 c. If a notary public's journal is lost or stolen, the notary public  
46 shall notify the State Treasurer within 10 days of the loss or theft.

47 d. The notary public shall either:

- 1 (1) retain the journal for 10 years after the performance of the  
2 last notarial act chronicled in the journal; or  
3 (2) transmit the journal to the Department of the Treasury,  
4 Division of Revenue and Enterprise Services, or a repository  
5 approved by the State Treasurer.
- 6 e. On resignation from, or the revocation or suspension of, a  
7 notary public's commission, the notary public shall either:  
8 (1) retain the journal in accordance with paragraph (1) of  
9 subsection d. of this section and inform the State Treasurer where  
10 the journal is located; or  
11 (2) transmit the journal to the Department of the Treasury,  
12 Division of Revenue and Enterprise Services, or a repository  
13 approved by the State Treasurer.
- 14 f. On the death or adjudication of incompetency of a current or  
15 former notary public, the notary public's personal representative or  
16 guardian or any other person knowingly in possession of the journal  
17 shall, within 45 days, transmit it to the Department of the Treasury,  
18 Division of Revenue and Enterprise Services, or a repository  
19 approved by the State Treasurer.
- 20 g. In lieu of maintaining a journal, a notary public who is an  
21 attorney-at-law admitted to practice in this State, or who is  
22 employed by an attorney-at-law, or who is employed by or acting as  
23 an agent for a title insurance company licensed to do business in  
24 this State pursuant to P.L.2001, c.210 (C.17:22A-26 et seq.), may  
25 maintain a record of notarial acts in the form of files regularly  
26 maintained for the attorney's law practice or the title insurance  
27 company's business activities, as the case may be.

28

29 <sup>1</sup>**[28.] 26.**<sup>1</sup> (New section) Validity of Notarial Acts.

- 30 a. Except as otherwise provided in section 9 of P.L. ,  
31 c. (C. ) (pending before the Legislature as this bill), the  
32 failure of a notarial officer to perform a duty or meet a requirement  
33 specified in P.L.1979, c.460 (C.52:7-10 et seq.), as amended and  
34 supplemented by P.L. , c. (C. ) (pending before the  
35 Legislature as this bill), does not invalidate a notarial act performed  
36 by the notarial officer.
- 37 b. The validity of a notarial act under P.L.1979, c.460 (C.52:7-  
38 10 et seq.), as amended and supplemented by P.L. ,  
39 c. (C. ) (pending before the Legislature as this bill), does not  
40 prevent an aggrieved person from seeking to invalidate the record  
41 or transaction that is the subject of the notarial act or from seeking  
42 other remedies available by law and as provided in P.L.1979, c.460  
43 (C.52:7-10 et seq.), as amended and supplemented by P.L. ,  
44 c. (C. ) (pending before the Legislature as this bill).
- 45 c. P.L.1979, c.460 (C.52:7-10 et seq.), as amended and  
46 supplemented by P.L. , c. (C. ) (pending before the  
47 Legislature as this bill), shall not validate any purported notarial act



1 performed by an individual who does not have the authority to  
2 perform notarial acts.

3

4 <sup>1</sup>**【29.】** 27.<sup>1</sup> (New section) Rules and Regulations.

5 a. The State Treasurer <sup>1</sup>**【shall】** may<sup>1</sup> adopt rules and  
6 regulations pursuant to the “Administrative Procedure Act,”  
7 P.L.1968, c.410 (C.52:14B-1 et seq.) <sup>1</sup>or publish procedures and  
8 standards in the New Jersey Notary Public Manual<sup>1</sup> to implement  
9 the provisions of P.L.1979, c.460 (C.52:7-10 et seq.), as amended  
10 and supplemented by P.L. , c. (C. ) (pending before the  
11 Legislature as this bill). Any rules and regulations <sup>1</sup>or procedures  
12 and standards<sup>1</sup> regarding the performance of notarial acts with  
13 respect to electronic records shall not require, or accord greater  
14 legal status or effect to, the implementation or application of a  
15 specific technology or technical specification. The rules and  
16 regulations <sup>1</sup>or procedures and standards<sup>1</sup> may:

17 (1) prescribe the manner of performing notarial acts regarding  
18 tangible and electronic records;

19 (2) include provisions to ensure that any change to or tampering  
20 with a record bearing a certificate of a notarial act is self-evident;

21 (3) include provisions to ensure integrity in the creation,  
22 transmittal, storage, or authentication of electronic records or  
23 signatures;

24 (4) prescribe the process of granting, renewing, conditioning,  
25 denying, suspending, revoking, or otherwise limiting a notary  
26 public commission and assuring the trustworthiness of an individual  
27 holding a commission as notary public; <sup>1</sup>and<sup>1</sup>

28 (5) include provisions to prevent fraud or mistake in the  
29 performance of notarial acts<sup>1</sup>**【**; and

30 (6) provide for the administration of the examination under  
31 section 7 of P.L. , c. (C. ) (pending before the Legislature  
32 as this bill) and the course of study under section 6 of P.L. ,  
33 c. (C. ) (pending before the Legislature as this bill)<sup>1</sup>**】**.

34 b. In adopting, amending, or repealing rules and regulations <sup>1</sup>or  
35 publishing procedures and standards<sup>1</sup> concerning notarial acts with  
36 respect to electronic records, the State Treasurer shall consider,  
37 consistent with the provisions of P.L.1979, c.460 (C.52:7-10 et  
38 seq.), as amended and supplemented by P.L. , c. (C. )  
39 (pending before the Legislature as this bill):

40 (1) the most recent standards regarding electronic records  
41 promulgated by national bodies, such as the Mortgage Industry  
42 Standards Maintenance Organization and the National Association  
43 of Secretaries of State;

44 (2) standards, practices, and customs of other jurisdictions that  
45 substantially enact the Revised Uniform Law on Notarial Acts, as  
46 embodied in P.L.1979, c.460 (C.52:7-10 et seq.), as amended and

1 supplemented by P.L. , c. (C. ) (pending before the  
2 Legislature as this bill); and

3 (3) the views of governmental officials and entities and other  
4 interested persons.

5  
6 <sup>1</sup>**[30.] 28.** R.S.46:14-2.1 is amended to read as follows:

7 46:14-2.1. Acknowledgment and proof.

8 a. To acknowledge a deed or other instrument the maker of the  
9 instrument shall appear before an officer specified in R.S.46:14-6.1  
10 and acknowledge that it was executed as the maker's own act. To  
11 acknowledge a deed or other instrument made on behalf of a  
12 corporation or other entity, the maker shall appear before an officer  
13 specified in R.S.46:14-6.1 and state that the maker was authorized  
14 to execute the instrument on behalf of the entity and that the maker  
15 executed the instrument as the act of the entity.

16 b. To prove a deed or other instrument, a subscribing witness  
17 shall appear before an officer specified in R.S.46:14-6.1 <sup>1</sup>or use  
18 communication technology to appear before the officer pursuant to  
19 section 17 of P.L. , c. (C. ) (pending before the Legislature  
20 as this bill)<sup>1</sup> and swear that he or she witnessed the maker of the  
21 instrument execute the instrument as the maker's own act. To prove  
22 a deed or other instrument executed on behalf of a corporation or  
23 other entity, a subscribing witness shall appear before an officer  
24 specified in R.S.46:14-6.1 <sup>1</sup>or use communication technology to  
25 appear before the officer pursuant to section 17 of P.L. ,  
26 c. (C. ) (pending before the Legislature as this bill)<sup>1</sup> and  
27 swear that the representative was authorized to execute the  
28 instrument on behalf of the entity, and that he or she witnessed the  
29 representative execute the instrument as the act of the entity.

30 c. The officer taking an acknowledgment or proof shall sign a  
31 certificate stating that acknowledgment or proof. The certificate  
32 shall also state:

33 (1) that the maker or the witness personally appeared before the  
34 officer <sup>1</sup>or used communication technology to appear before the  
35 officer pursuant to section 17 of P.L. , c. (C. ) (pending  
36 before the Legislature as this bill)<sup>1</sup>;

37 (2) that the officer was satisfied that the person who made the  
38 acknowledgment or proof was the maker of or the witness to the  
39 instrument;

40 (3) the jurisdiction in which the acknowledgment or proof was  
41 taken;

42 (4) the officer's name and title;

43 (5) the date on which the acknowledgment was taken.

44 d. The seal of the officer taking the acknowledgment or proof  
45 need not be affixed to the certificate stating that acknowledgment or  
46 proof.

1       e. A short form certificate that is substantially in the form  
 2 provided in section 19 of P.L. , c. (C. ) (pending before the  
 3 Legislature as this bill) satisfies the requirements of this section.  
 4 (cf: P.L.1991, c.308, s.1)

5  
 6       <sup>1</sup>29. R.S.46:14-6.1 is amended to read as follows:

7       46:14-6.1. Officers authorized to take acknowledgments. a. The  
 8 officers of this State authorized to take acknowledgments or proofs  
 9 in this State, or in any other United States or foreign jurisdiction,  
 10 are:

- 11       (1) an attorney-at-law;
- 12       (2) a notary public;
- 13       (3) a county clerk or deputy county clerk;
- 14       (4) a register of deeds and mortgages or a deputy register;
- 15       (5) a surrogate or deputy surrogate.

16       b. The officers authorized to take acknowledgments or proofs,  
 17 in addition to those listed in subsection a., are:

18       (1) any officer of the United States, of a state, territory or  
 19 district of the United States, or of a foreign nation authorized at the  
 20 time and place of the acknowledgment or proof by the laws of that  
 21 jurisdiction to take acknowledgments or proofs. If the certificate of  
 22 acknowledgment or proof does not designate the officer as a justice,  
 23 judge or notary, the certificate of acknowledgment or proof, or an  
 24 affidavit appended to it, shall contain a statement of the officer's  
 25 authority to take acknowledgments or proofs;

26       (2) **【**a foreign commissioner of deeds for New Jersey within the  
 27 jurisdiction of the commission;

28       (3) **】** a foreign service or consular officer or other representative  
 29 of the United States to any foreign nation, within the territory of  
 30 that nation.<sup>1</sup>

31 (cf: P.L.1991, c.308, s.1)

32  
 33       <sup>1</sup>**【**31. 30.<sup>1</sup> N.J.S.22A:4-14 is amended to read as follows:

34       22A:4-14. For **【**a service specified in this section **】** administering  
 35 oaths, taking affidavits, taking proofs of a deed, and taking  
 36 acknowledgements, <sup>1</sup>**【**foreign commissioners of deeds,**】**<sup>1</sup> notaries  
 37 public, judges and other officers authorized by law to perform such  
 38 **【**service,**】** services shall receive a fee as **【**follows:

39       For administering an oath or taking an affidavit, \$2.50.

40       For taking proof of a deed, \$2.50.

41       For taking all acknowledgments, \$2.50.

42       For administering oaths, taking affidavits, taking proofs of a  
 43 deed, and taking acknowledgments of the grantors in the transfer of  
 44 real estate, regardless of the number of such services performed in a  
 45 single transaction to transfer real estate, \$15.00.

46       For administering oaths, taking affidavits and taking  
 47 acknowledgments of the mortgagors in the financing of real estate,

1 regardless of the number of such services performed in a single  
2 transaction to finance real estate, \$25.00] shall be fixed by the State  
3 Treasurer by regulation.

4 (cf: P.L.2002, c.34, s.48)

5

6 <sup>1</sup>**[32.] 31.** R.S.41:2-17 is amended to read as follows:

7 41:2-17. Officers authorized to administer or take; jurat;  
8 certificate,

9 Any oath, affirmation, or affidavit required or authorized to be  
10 taken in any suit or legal proceeding in this **[state]** State, or for any  
11 lawful purpose whatever, except official oaths and depositions  
12 required to be taken upon notice, when taken out of this **[state]**  
13 State, may be taken before any notary public of the state, territory,  
14 nation, kingdom, or country in which the same shall be taken, or  
15 before any officer who may be authorized by the laws of this  
16 **[state]** State to take the acknowledgment of deeds in such state,  
17 territory, nation, kingdom, or country; and a recital that he <sup>1</sup>or she<sup>1</sup>  
18 is such notary or officer in the jurat or certificate of such oath,  
19 affirmation, or affidavit, and his <sup>1</sup>or her<sup>1</sup> official designation  
20 annexed to his <sup>1</sup>or her<sup>1</sup> signature, and attested under his <sup>1</sup>or her<sup>1</sup>  
21 official seal, shall be sufficient proof that the person before whom  
22 the same is taken is such notary or officer. **[When, however, any**  
23 other certificate is required by law to be annexed to the certificate  
24 of such officer, other than a notary public, for the recording of a  
25 deed acknowledged before him, a like certificate shall be annexed  
26 to his certificate of the taking of such oath.]

27 (cf: R.S.41:2-17)

28

29 <sup>1</sup>**[33.] 32.** (New section) Relation to Electronic Signatures in  
30 Global and National Commerce Act.

31 P.L. , c. (C. ) (pending before the Legislature as this bill)  
32 modifies, limits, and supersedes the Electronic Signatures in Global  
33 and National Commerce Act, 15 U.S.C. s.7001 et seq., but does not  
34 modify, limit, or supersede section 101(c) of that act, 15 U.S.C.  
35 7001(c), or authorize electronic delivery of any of the notices  
36 described in section 103(b) of that act, 15 U.S.C. section 7003(b).

37

38 <sup>1</sup>**[34.] 33.** (New section) Savings Clause.

39 P.L.1979, c.460 (C.52:7-10 et seq.), as amended and  
40 supplemented by P.L. , c. (C. ) (pending before the  
41 Legislature as this bill), shall not affect the validity or effect of any  
42 notarial act performed before the effective date of P.L. ,  
43 c. (C. ) (pending before the Legislature as this bill).

44

45 <sup>1</sup>**[35.] 34.** The following are repealed:

46 <sup>1</sup>R.S.52:6-15 through R.S.52:6-22;<sup>1</sup>

1 Section 7 of P.L.1979, c.460 (C.52:7-16); and  
2 Sections 1 and 2 of P.L.1981, c.487 (C.52:7-20 and C.52:7-21).

3

4 <sup>1</sup>~~36.~~ 35.<sup>1</sup> This act shall take effect on the <sup>1</sup>~~180<sup>th</sup>~~ 90<sup>th</sup> day  
5 following enactment <sup>1</sup>except the Treasurer may take any  
6 anticipatory administrative action in advance as shall be necessary  
7 for the implementation of this act<sup>1</sup>.