

[Third Reprint]

**ASSEMBLY, No. 4250**

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

INTRODUCED JUNE 11, 2020

**Sponsored by:**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

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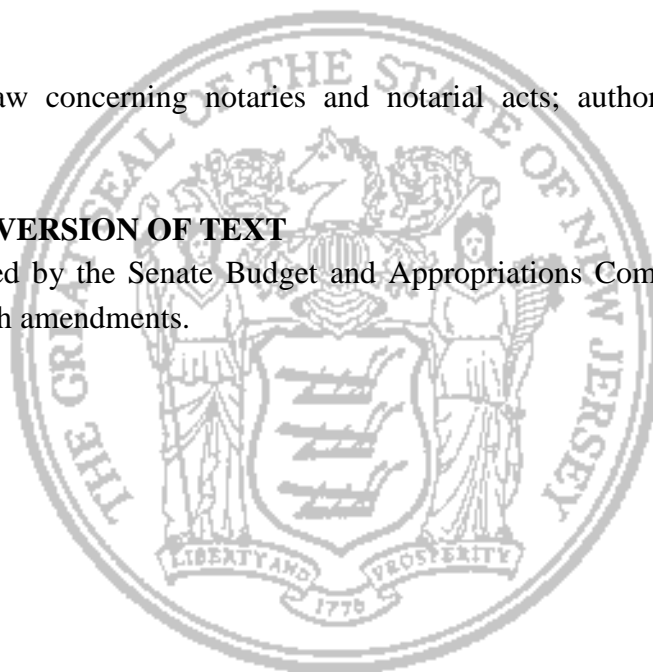
**Senators Singleton, Pou and Diegnan**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on June 17, 2021, with amendments.



**(Sponsorship Updated As Of: 6/21/2021)**

1 AN ACT concerning notaries, <sup>2</sup>and<sup>2</sup> amending <sup>1</sup>[and] <sup>1</sup>  
2 supplementing <sup>2</sup>, and repealing<sup>2</sup> various parts of the statutory  
3 law.

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

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

10 1. Short title.

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

14  
15 2. (New section) Definitions.

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

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

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

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

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

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

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

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

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

39 e. <sup>3</sup>"Non-attorney applicant" means an applicant for an initial or  
40 renewal commission as a notary public who is not also a licensed  
41 attorney-at-law in this State.

42 f.<sup>3</sup> "Notarial act" means an act, whether performed with respect  
43 to a tangible or electronic record, that a notarial officer may  
44 perform under the laws of New Jersey. The term includes:

**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.

<sup>2</sup>Senate SJU committee amendments adopted December 14, 2020.

<sup>3</sup>Senate SBA committee amendments adopted June 17, 2021.

- 1 (1) taking an acknowledgment,
  - 2 (2) administering an oath or affirmation,
  - 3 (3) taking a verification on oath or affirmation,
  - 4 (4) witnessing or attesting a signature,
  - 5 (5) certifying or attesting a copy or deposition, and
  - 6 (6) noting a protest of a negotiable instrument.
- 7 <sup>3</sup>[f.] g.<sup>3</sup> “Notarial officer” means a notary public or other  
8 individual authorized by law to perform a notarial act.
- 9 <sup>3</sup>[g.] h.<sup>3</sup> “Notary public” means an individual commissioned  
10 by the State Treasurer to perform a notarial act.
- 11 <sup>3</sup>[h.] i.<sup>3</sup> “Official stamp” means a physical image affixed to or  
12 embossed on a tangible record or an electronic image attached to, or  
13 logically associated with, an electronic record.
- 14 <sup>3</sup>[i.] j.<sup>3</sup> “Person” has the meaning ascribed to it in R.S.1:1-2.
- 15 <sup>3</sup>[j.] k.<sup>3</sup> “Record” means information that is inscribed on a  
16 tangible medium or that is stored in an electronic or other medium  
17 and is retrievable in perceivable form.
- 18 <sup>3</sup>[k.] l.<sup>3</sup> “Sign” means, with present intent to authenticate or  
19 adopt a record:
- 20 (1) To execute or adopt a tangible symbol; or
  - 21 (2) To attach to or logically associate with the record an  
22 electronic symbol, sound, or process.
- 23 <sup>3</sup>[l.] m.<sup>3</sup> “Signature” means a tangible symbol or an electronic  
24 signature that evidences the signing of a record.
- 25 <sup>3</sup>[m.] n.<sup>3</sup> “Stamping device” means:
- 26 (1) A physical device capable of affixing to or embossing on a  
27 tangible record an official stamp; or
  - 28 (2) An electronic device or process capable of attaching to or  
29 logically associating with an electronic record an official stamp.
- 30 <sup>3</sup>[n.] o.<sup>3</sup> “State” means the State of New Jersey; “other state”  
31 or “another state” means any state, the District of Columbia, the  
32 Commonwealth of Puerto Rico, the United States Virgin Islands,  
33 and any other insular possession or territory of the United States  
34 other than the State of New Jersey.
- 35 <sup>3</sup>[o.] p.<sup>3</sup> “Verification on oath or affirmation” means a  
36 declaration, made by an individual on oath or affirmation before a  
37 notarial officer, that a statement in a record is true.
- 38
- 39 3. Section 2 of P.L.1979, c.460 (C.52:7-11) is amended to read  
40 as follows:
- 41 2. Commission; Term; Application; Renewal.
  - 42 a. The State Treasurer **[shall appoint]** may commission so  
43 many notaries public as the State Treasurer **[shall deem]** deems  
44 necessary to commission**[, who]**. Notaries public shall hold their  
45 respective offices for **[the]** a term of five years**[, but may be**  
46 removed from office at the pleasure of the State Treasurer**]**.

1        b. ~~【A person desiring to be appointed and commissioned】~~ An  
 2 applicant for commission as a notary public shall make application  
 3 to the State Treasurer on a form prescribed by the State Treasurer  
 4 ~~【and endorsed by a member of the Legislature】~~ <sup>1</sup>and endorsed by a  
 5 member of the Legislature<sup>1</sup>. Renewals ~~【thereof】~~ shall be made in  
 6 the same manner as the original application. <sup>1</sup>All applications shall  
 7 be submitted electronically.<sup>1</sup>

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

23        c. The ~~【fee to be collected by the】~~ State Treasurer shall collect  
 24 a nonrefundable fee ~~【for that appointment or renewal shall be~~  
 25 ~~\$25.00】~~ <sup>1</sup>~~【\$25】~~ <sup>3</sup>~~【\$50】~~ <sup>3</sup>\$25<sup>3</sup> for each commission or renewal.  
 26 In collecting the fee, the State Treasurer shall accept the use of a  
 27 credit card, debit card, or electronic funds transfer.

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

29

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

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

33        ~~【No】~~ a. A person ~~【shall be appointed】~~ commissioned as a  
 34 notary public in this State shall:

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

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

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

42        <sup>3</sup>~~【An】~~ A non-attorney<sup>3</sup> applicant for an initial <sup>3</sup>~~【or~~  
 43 renewed<sup>1</sup><sup>3</sup> commission as a notary public shall <sup>1</sup>~~【provide~~  
 44 satisfactory proof that the applicant has:

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

4 (2) passed an examination prescribed by the State Treasurer  
 5 pursuant to section 7 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the  
 6 Legislature as this bill).

7 c. A commissioned notary public applying to renew a  
 8 commission who has satisfactorily completed the six-hour course of  
 9 study required pursuant to subsection b. of section 6 of P.L. \_\_\_\_\_,  
 10 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill) at least  
 11 one time, or who was commissioned for the first time before the  
 12 effective date of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) shall complete the three-  
 13 hour continuing education course as set forth in subsection b. of  
 14 section 6 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature  
 15 as this bill) and provide satisfactory proof of such completion<sup>3</sup>

16 <sup>3</sup>comply with all educational requirements that the Treasurer sets  
 17 forth in the New Jersey Notary Public Manual. The Treasurer shall  
 18 provide the necessary process for documenting compliance with  
 19 educational requirements through the online application required by  
 20 subsection b. of section 2 of P.L.1979, c.460 (C.52:7-11)<sup>1</sup> provide  
 21 satisfactory proof that the applicant has:

22 (1) completed a course of study approved by the State Treasurer  
 23 pursuant to subsection b. of section 6 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)  
 24 (pending before the Legislature as this bill); and

25 (2) passed an examination prescribed by the State Treasurer  
 26 pursuant to section 7 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the  
 27 Legislature as this bill).

28 d. A non-attorney commissioned notary public applying to  
 29 renew a commission who has satisfactorily completed a course of  
 30 study required pursuant to subsection b. of section 6 of P.L. \_\_\_\_\_, c.  
 31 (C. \_\_\_\_\_) (pending before the Legislature as this bill) at least one  
 32 time, or who was commissioned for the first time before the  
 33 effective date of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) shall complete a continuing  
 34 education course as set forth in subsection c. of section 6 of P.L.  
 35 \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this bill) and  
 36 provide satisfactory proof of such completion<sup>3</sup>.

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

38  
 39 5. Section 4 of P.L.1979, c.460 (C.52:7-13) is amended to read  
 40 as follows:

41 4. Commission of Nonresidents; Additional Requirements.

42 a. No person shall be denied **[appointment]** a commission as a  
 43 notary public on account of residence outside **[of]** this State,  
 44 provided such person **[resides in a State adjoining this State and]**  
 45 maintains, or is regularly employed in, an office in this State <sup>1</sup>or is  
 46 an employee of a business with its domicile or primary place of  
 47 business in this State and performs his employment duties remotely

1 from a home office or a co-working space <sup>2</sup>[located in a state  
2 adjoining this State<sup>1</sup>].

3 b. **【Before】** In addition to the requirements of section 3 of  
4 P.L.1979, c.460 (C.52:7-12), any 【such】 nonresident shall 【be  
5 appointed and commissioned as a notary public, he shall】 file with  
6 the State Treasurer 【an affidavit】 at the time of application a  
7 certificate setting forth 【his】 the residence and the address of the  
8 applicant, and the 【address of his】 office or place of employment  
9 of the applicant in this State.

10 c. **【Any】** Once commissioned, any such nonresident notary  
11 public shall file with the State Treasurer a certificate showing any  
12 change of residence or change of **【his】** the office or place of  
13 employment **【address】** of the notary public in this State.

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

15

16 <sup>1</sup>**【6.** (New section) Course of Study; Continuing Education.

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

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

32 c. The State Treasurer shall prescribe an application form and  
33 certificate of approval for any notary public course of study and any  
34 notary public continuing education course proposed by a provider.  
35 The State Treasurer may also provide a notary public course of  
36 study and continuing education course.

37 d. The State Treasurer shall compile a list of all persons  
38 offering an approved course of study and continuing education  
39 course pursuant to this section and shall provide the list on the  
40 website of the State Treasurer.

41 e. The six-hour course of study shall cover the statutes,  
42 regulations, procedures, and ethics for notaries public as described  
43 in the manual issued by the State Treasurer, and shall include the  
44 duties and responsibilities of a notary public. The course of study  
45 shall be provided by classroom instruction.

46 f. The three-hour continuing education course shall cover  
47 topics which ensure maintenance and enhancement of skill,

1 knowledge, and competency necessary to perform notarial acts. The  
2 continuing education course may be provided by either online or  
3 classroom instruction.】<sup>1</sup>

4  
5 <sup>1</sup>【7. (New section) Examination.

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

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

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

15 b. The State Treasurer shall charge a nonrefundable fee which  
16 shall be payable at the examination site. Such fee shall be  
17 established or changed by the State Treasurer to defray any proper  
18 expenses incurred by the Department of the Treasury in  
19 administering the examination. The fee shall not be fixed at a level  
20 that will raise amounts in excess of the amount estimated to be so  
21 required.】<sup>1</sup>

22  
23 <sup>3</sup>6. (New section) Course of Study; Continuing Education.

24 a. The provisions of this section do not apply to notaries public  
25 who are also licensed attorneys-at-law in this State.

26 b. A non-attorney applicant for an initial commission as a  
27 notary public pursuant to section 2 of P.L.1979, c.460 (C.52:7-11)  
28 shall comply with all educational requirements that the State  
29 Treasurer shall set forth in rules adopted pursuant to the  
30 “Administrative Procedure Act,” P.L.1969, c.410 (C.52:14B-1 et  
31 seq.). The State Treasurer shall prescribe and approve a course of  
32 study to foster and confirm applicants’ understanding of the  
33 principles and standards that govern notarial practices. Applicants  
34 shall be required to acknowledge that they have read and  
35 understood the Notary Public Manual and complete any other  
36 educational programs that the Treasurer may require.

37 c. A non-attorney applicant for renewal of a commission  
38 pursuant to section 2 of P.L.1979, c.460 (C.52:7-11) who has  
39 previously completed the educational requirements required  
40 pursuant to subsection b. of this section at least one time, or who  
41 was commissioned for the first time before the effective date of  
42 P.L. , c. (C. ) (pending before the Legislature as this bill)  
43 shall comply with any additional educational requirements that the  
44 State Treasurer sets forth in rules adopted pursuant to the  
45 “Administrative Procedure Act,” P.L.1969, c.410 (C.52:14B-1 et  
46 seq.). The State Treasurer shall prescribe and approve a continuing  
47 education course for non-attorney applicants seeking a renewal of a  
48 commission pursuant to section 2 of P.L.1979, c.460 (C.52:7-11).

1 d. The State Treasurer shall prescribe an application form and  
2 certificate of approval for any notary public course of study and any  
3 notary public continuing education course proposed by a provider.  
4 The State Treasurer may also provide a notary public course of  
5 study and continuing education course.

6 e. Any course of study developed pursuant to subsections b.  
7 and c. of this section may be given by the State Treasurer or by  
8 independent vendors.

9 f. The State Treasurer shall compile a list of all independent  
10 vendors offering an approved course of study and continuing  
11 education course pursuant to this section and shall provide the list  
12 on the website of the State Treasurer.

13 g. Any course of study for a non-attorney applicant for an  
14 initial commission shall cover the statutes, regulations, procedures,  
15 and ethics for notaries public as described in the manual issued by  
16 the State Treasurer, and shall include the duties and responsibilities  
17 of a notary public. The course of study may be provided by  
18 classroom instruction, by online instruction, or by any other method  
19 approved by the State Treasurer.

20 h. Any continuing education course for a non-attorney  
21 applicant for renewal of a commission shall cover topics which  
22 ensure maintenance and enhancement of skill, knowledge, and  
23 competency necessary to perform notarial acts. The continuing  
24 education course may be provided by online instruction, classroom  
25 instruction, or by any other method approved by the State  
26 Treasurer.

27 i. The Treasurer shall regularly assess the efficacy of the State's  
28 notarial education program. The Treasurer shall adjust the  
29 program's content as notarial technologies and processes evolve,  
30 and publish on the Treasury website, on or before September 30  
31 each year, a report on the state of notary education in New Jersey.  
32 The report shall contain a summary of commissioning activity, an  
33 assessment regarding the need for new or changed educational  
34 content, and the estimated timelines for delivering the new or  
35 changed content.<sup>3</sup>

36  
37 <sup>3</sup>7. (New section) Examination.

38 a. The provisions of this section do not apply to applicants who  
39 are licensed attorneys-at-law in this State.

40 b. The State Treasurer shall prescribe an examination to  
41 determine the fitness of a non-attorney applicant to exercise the  
42 functions of a notary public as provided in section 2 of P.L.1979,  
43 c.460 (C.52:7-11). The examination shall:

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

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



1       c. The examination required by subsection b. may be given by  
 2 the State Treasurer or by an independent vendor under contract to  
 3 the State Treasurer. If a contract vendor is utilized, the contract  
 4 vendor shall develop and administer the examination in accordance  
 5 with specifications approved by the State Treasurer. The State  
 6 Treasurer shall have the sole responsibility for establishing  
 7 minimum qualifications and passing requirements of candidates  
 8 taking the examination.

9       d. The State Treasurer shall establish a nonrefundable fee  
 10 which shall be payable at the examination site. Such fee shall be  
 11 established or changed by the State Treasurer taking into  
 12 consideration the fee charged by any independent contract vendor to  
 13 develop and administer the examination, and consideration of the  
 14 need to defray any proper expenses incurred by the Department of  
 15 the Treasury in its administration of any independent contract  
 16 vendor administering the examination. The fee shall not be fixed at  
 17 a level that will raise amounts in excess of the amount estimated to  
 18 be so required.<sup>3</sup>

19  
 20       <sup>1</sup>[8.] <sup>3</sup>[6.1] <sup>8.</sup><sup>3</sup> Section 5 of P.L.1979, c.460 (C.52:7-14) is  
 21 amended to read as follows:

22       5. Oath; Filing; Certificate of Commission.

23       a. Within <sup>1</sup>[three months] <sup>2</sup>[45 days<sup>1</sup>] three months<sup>2</sup> of the  
 24 receipt of a commission, each notary public shall take and subscribe  
 25 an oath before **[the clerk of the county in which he resides]** <sup>1</sup>[any  
 26 officer authorized to administer oaths pursuant to R.S.41:2-1] **the**  
 27 clerk of the county in which <sup>2</sup>[**he**] the notary public<sup>2</sup> resides <sup>2</sup>[**or a**  
 28 member of the Legislature<sup>1</sup>]<sup>2</sup>, to<sup>2</sup>[**:(1)**]<sup>2</sup> faithfully and honestly  
 29 **[to]** discharge the duties of **[his]** the office[.] ; and <sup>2</sup>[**(2)**]<sup>2</sup> **[that**  
 30 **he will]** make and keep a true record of all such matters as are  
 31 required by law, **[which oath shall be filed with said clerk. The**  
 32 **oath of office of a nonresident notary public shall be taken and**  
 33 **subscribed before the clerk of the county in which he maintains his**  
 34 **office or is employed in this State]** <sup>2</sup>[**including the requirement to**  
 35 **maintain a journal of all notarial acts performed, as set forth in**  
 36 **section** <sup>1</sup>[**27]** <sup>25</sup><sup>1</sup> **of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the**  
 37 **Legislature as this bill).]** **which oath shall be filed with** <sup>3</sup>[**said**] **the**<sup>3</sup>  
 38 **clerk. The oath of office of a nonresident notary public shall be**  
 39 **taken and subscribed before the clerk of the county in which the**  
 40 **nonresident notary public maintains** <sup>3</sup>[**his**] **the notary public's**<sup>3</sup>  
 41 **office or** <sup>3</sup>[**is employed**] **the county in which the nonresident**  
 42 **notary public is an employee of a business with its domicile or**  
 43 **primary place of business**<sup>3</sup> **in this State**<sup>2</sup>.

44       b. Upon the administration of **[said]** the oath, the **[said clerk]**  
 45 <sup>2</sup>[**officer**] <sup>3</sup>[**said**]<sup>3</sup> **clerk**<sup>2</sup> shall cause the notary public to **[indorse**  
 46 **a]** endorse the certificate of commission and qualification and shall

1 transmit **【said】** the certificate to the State Treasurer within 10 days  
 2 of the administration of **【said】** the oath. **【**After the administration  
 3 of the oath, the clerk shall provide a notice to the person 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 mean  
 7 or imply that the notary public is licensed as an attorney-at-law in  
 8 the State of New Jersey or in any other jurisdiction of the United  
 9 States. The notice shall also state that a notary public who  
 10 advertises his services, in the English language or any other  
 11 language, is required to provide with such advertisement a notice  
 12 which contains the following statement: "I am not an attorney  
 13 licensed to practice law and may not give legal advice about  
 14 immigration or any other legal matter or accept fees for legal  
 15 advice." **】** <sup>2</sup>After the administration of the oath, the clerk shall  
 16 provide a notice to the person that a notary public who is not  
 17 licensed as an attorney-at-law shall not use or advertise the title of  
 18 lawyer or attorney-at-law, or equivalent terms, in <sup>3</sup>**【**the English  
 19 language or<sup>3</sup> any <sup>3</sup>**【**other<sup>3</sup> language, which mean or imply that  
 20 the notary public is licensed as an attorney-at-law in the State of  
 21 New Jersey or in any other jurisdiction of the United States. The  
 22 notice shall also state that a notary public who advertises <sup>3</sup>**【**his<sup>3</sup> the  
 23 notary public's<sup>3</sup> services, in <sup>3</sup>**【**the English language or<sup>3</sup> any  
 24 <sup>3</sup>**【**other<sup>3</sup> language, is required to provide with such advertisement  
 25 a notice <sup>3</sup>in the language of the advertisement<sup>3</sup> which contains the  
 26 following statement <sup>3</sup>or translation of the following statement if the  
 27 advertisement is not in English<sup>3</sup>: "I am not an attorney licensed to  
 28 practice law and may not give legal advice about immigration or  
 29 any other legal matter or accept fees for legal advice." <sup>2</sup>

30 c. **【**The State Treasurer shall cancel and revoke the  
 31 appointment of any notary public who fails to take and subscribe  
 32 said oath within three months of the receipt of his commission and  
 33 any appointment so canceled and revoked shall be null, void and of  
 34 no effect<sup>】</sup> <sup>2</sup>The State Treasurer shall cancel and revoke the  
 35 appointment of any notary public who fails to take and subscribe  
 36 <sup>3</sup>**【**said<sup>3</sup> the<sup>3</sup> oath within three months of the receipt of <sup>3</sup>**【**his<sup>3</sup> the<sup>3</sup>  
 37 commission and any appointment so canceled and revoked shall be  
 38 null, void and of no effect<sup>2</sup>. A commission authorizes the notary  
 39 public to perform notarial acts. The commission does not provide  
 40 the notary public any immunity or benefit conferred by the law of  
 41 this State on public officials or employees<sup>1</sup>**【**.<sup>1</sup>

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

43  
 44 <sup>1</sup>**【**9.<sup>3</sup>**】** <sup>3</sup>**【**7.<sup>1</sup>**】** <sup>9</sup>.<sup>3</sup> (New section) Grounds for State Treasurer to  
 45 Deny Application, Refuse to Renew Commission, or Revoke,  
 46 Suspend, or Limit Commission.

- 1 a. The State Treasurer may deny an application for commission  
2 as <sup>1</sup>a notary public; refuse to renew a commission of a notary  
3 public; or suspend, revoke, or otherwise limit the commission of a  
4 notary public for any act or omission that demonstrates the  
5 individual lacks the honesty, integrity, competence, or reliability  
6 necessary to act as a notary public, including:
- 7 (1) failure to comply with P.L.1979, c.460 (C.52:7-10 et seq.),  
8 as amended and supplemented by P.L. , c. (C. ) (pending  
9 before the Legislature as this bill);
- 10 (2) a fraudulent, dishonest, or deceitful misstatement or  
11 omission in the application for commission as a notary public  
12 submitted to the State Treasurer;
- 13 (3) a finding against, or admission of liability by, the applicant  
14 or notary public in any legal proceeding or disciplinary action based  
15 on fraud, dishonesty, or deceit, including but not limited to a  
16 violation of section 1 of P.L.1997, c.1 (C.2C:21-31) or section 1 of  
17 P.L.1994, c.47 (C.2C:21-22), but nothing in this paragraph shall be  
18 deemed to supersede P.L.1968, c.282 (C.2A:168A-1 et seq.);
- 19 (4) a conviction of a crime of the second degree or above, but  
20 nothing in this paragraph shall be deemed to supersede P.L.1968,  
21 c.282 (C.2A:168A-1 et seq.);
- 22 (5) failure by the notary public to discharge any duty required  
23 by any law, including P.L.1979, c.460 (C.52:7-10 et seq.), any rules  
24 or regulations promulgated thereunder by the State Treasurer, and  
25 any other State or federal law;
- 26 (6) use of false or misleading advertising or representation by  
27 the notary public representing that the notary is commissioned,  
28 licensed, or authorized to practice or engage in work that the notary  
29 is not commissioned, licensed, or authorized to engage in;
- 30 (7) in the case of a notary public who is not an attorney licensed  
31 to practice law, any of the following:
- 32 (a) giving legal advice;
- 33 (b) acting as an immigration consultant or an expert on  
34 immigration matters;
- 35 (c) otherwise performing the duties of an attorney licensed to  
36 practice law in New Jersey;
- 37 (d) a disciplinary or other administrative action resulting in a  
38 finding of culpability if the applicant holds any professional license  
39 regulated by the State; or
- 40 (e) creating or reinforcing, by any means, a false impression that  
41 the person is licensed to engage in the practice of law in this State  
42 or any other <sup>1</sup>**【State】** state<sup>1</sup>, including, but not limited to,  
43 committing a violation of P.L.1994, c.47 (C.2C:21-22) or P.L.1997,  
44 c.1 (C.2C:21-31);
- 45 (8) failure to take and subscribe to the oath pursuant to section 5  
46 of P.L.1979, c.460 (C.52:7-14) within <sup>3</sup>**【45 days】** three months<sup>3</sup> of  
47 the receipt of a notary public commission;

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

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

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

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

21 <sup>1</sup>[10.] <sup>3</sup>[8.1] <sup>10.</sup><sup>3</sup> Section 6 of P.L.1979, c.460 (C.52:7-15) is  
22 amended to read as follows:

23 6. Statewide authority.

24 **[a.] <sup>3</sup>[a.1]<sup>3</sup>** A notary public who has been duly commissioned  
25 and qualified is authorized to perform **[his]** the duties of a notary  
26 public throughout the State.

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

34 <sup>3</sup>[**2b. Any notary public, after having been duly commissioned**  
35 and qualified, shall, upon request, receive from the clerk of the  
36 county where the notary public has qualified, as many certificates  
37 of commission and qualification as the notary public shall require  
38 for filing with other county clerks of this State, and upon receipt of  
39 such certificates the notary public may present the same, together  
40 with the notary public’s autograph signature, to such county clerks  
41 as the notary public may desire, for filing.<sup>2</sup> ]<sup>3</sup>

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

43  
44 <sup>1</sup>[11.] <sup>3</sup>[9.1] <sup>11.</sup><sup>3</sup> Section 8 of P.L.1979, c.460 (C.52:7-17) is  
45 amended to read as follows:

46 8. Manual.

1       **【The State Treasurer shall, by regulation, fix a fee to be charged**  
2 to each notary for the costs of printing and distribution to each  
3 applicant of a manual prescribing the powers, duties and  
4 responsibilities of a notary.】

5       a. The State Treasurer shall maintain a manual on the  
6 Department of the Treasury's website that sets forth the  
7 requirements, functions, duties, and responsibilities of a notary  
8 public. The manual shall include, but not be limited to, the statutes,  
9 rules, regulations, procedures, and ethical requirements governing a  
10 notary public.

11       b. The manual shall specify that a notary public who is not  
12 licensed as an attorney-at-law shall not use or advertise the title of  
13 lawyer or attorney-at-law, or equivalent terms, in 【the English  
14 language or】 any 【other】 language, which mean or imply that the  
15 notary public is licensed as an <sup>3</sup>【attorney】 attorney-at-law<sup>3</sup> 【or  
16 counselor at law】 in the State of New Jersey or in any other  
17 jurisdiction of the United States. The manual shall also state that a  
18 notary public who advertises 【his】 the <sup>3</sup>【notary's】 notary public's<sup>3</sup>  
19 services in 【the English language or】 any 【other】 language is  
20 required to provide with such advertisement a notice which contains  
21 the following statement or translation of the following statement if  
22 the advertisement is not in English: "I am not an attorney licensed  
23 to practice law and may not give legal advice about immigration or  
24 any other legal matter or accept fees for legal advice." The manual  
25 shall also state that no person shall be 【appointed or reappointed】  
26 commissioned a notary public or receive a renewal of a notary  
27 public commission if <sup>1</sup>【he】 that person<sup>1</sup> has been convicted under  
28 the laws of this State of an offense involving dishonesty, including  
29 but not limited to a violation of section 1 of P.L.1997, c.1 (C.2C:21-  
30 31) or section 1 of P.L.1994, c.47 (C.2C:21-22), or a substantially  
31 similar crime under the laws of another state or the United States or  
32 of a crime of the second degree or above, but nothing in this  
33 paragraph shall be deemed to supersede P.L.1968, c.282  
34 (C.2A:168A-1 et seq.).

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

39  
40       <sup>1</sup>【12.】 <sup>3</sup>【10.】 <sup>1</sup> 12.<sup>3</sup> Section 9 of P.L.1979, c.460 (C.52:7-18) is  
41 amended to read as follows:

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

44       **【After】** a. If a notary public adopts a name different from that  
45 which 【he】 the notary public used at the time<sup>1</sup>【he】 the notary  
46 public<sup>1</sup> was commissioned, 【and】 before 【he signs his name】 the

1 notary public provides a signature to any [document] record which  
 2 **[he] the notary public** is authorized or required to sign as notary  
 3 public, <sup>1</sup>**[he] the notary public**<sup>1</sup> shall make and sign a statement in  
 4 writing and under oath, on a form prescribed and furnished by the  
 5 State Treasurer, setting out the circumstances under which **[he] the**  
 6 notary public has adopted the new name. <sup>1</sup>The statement shall state  
 7 whether the new name has been adopted through marriage or civil  
 8 union or by a change of name proceeding or otherwise, and such  
 9 other information as the State Treasurer shall require.<sup>1</sup>

10 b. <sup>1</sup>**[The statement shall [set forth] state** whether the new  
 11 name has been adopted through marriage or civil union or by a  
 12 change of name proceeding or otherwise, and such other  
 13 information as the State Treasurer shall require.

14 c.<sup>1</sup> The statement shall be filed in the office of the State  
 15 Treasurer **[and in the office of the clerk of the county where he**  
 16 **qualified as a notary public and in the office of the clerk of any**  
 17 **county in which he may have filed a certificate of his commission**  
 18 **and qualification]**. Such statement, or a certified copy **[thereof]**,  
 19 shall be evidence of the right of **[said] the** notary public to continue  
 20 to exercise the powers and privileges and perform the duties of a  
 21 notary public in **[his] the** changed **[and]** or new name.

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

23  
 24 <sup>1</sup>**[13.]** <sup>3</sup>**[11.]** <sup>1</sup>13.<sup>3</sup> Section 10 of P.L.1979, c.460 (C.52:7-19)  
 25 is amended to read as follows:

26 10. Certificate of Notarial Act.

27 **[Each notary public, in addition to subscribing his autograph**  
 28 **signature to any jurat upon the administration of any oath or the**  
 29 **taking of any acknowledgement or proof, shall affix thereto his**  
 30 **name in such a manner and by such means, including, but not**  
 31 **limited to, printing, typing, or impressing by seal or mechanical**  
 32 **stamp, as will enable the State Treasurer easily to read said name.]**

33 a. A notarial act shall be evidenced by a certificate. The  
 34 certificate shall:

35 (1) be executed contemporaneously with the performance of the  
 36 notarial act;

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

38 (3) identify the jurisdiction in which the notarial act is  
 39 performed;

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

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

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

45 (1) is in a short form set forth in section <sup>2</sup>**[21]** <sup>3</sup>**[19']** <sup>1</sup>21<sup>3</sup> of  
 46 P.L. , c. (C. ) (pending before the Legislature as this bill);

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

28  
29       <sup>1</sup>~~[14.]~~ <sup>3</sup>~~[12.1]~~ <sup>3</sup>14. (New section) Official Stamp.

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

44  
45       <sup>1</sup>~~[15.]~~ <sup>3</sup>~~[13.1]~~ <sup>3</sup>15. (New section) Stamping Device.

- 46       a. A notary public is responsible for the security of the  
47 stamping device used by the notary public and may not allow  
48 another individual to use the device to perform a notarial act, except

1 at the specific instruction of a notary public who cannot physically  
2 use the stamping device.

3 b. The stamping device is the property of the notary public and  
4 not of the notary public's employer, even if the employer paid for  
5 the stamping device.

6 c. If the stamping device used by the notary public is lost or  
7 stolen, the notary public or <sup>1</sup>~~his~~ the notary public's<sup>1</sup> personal  
8 representative shall notify the State Treasurer of the loss or theft  
9 within 10 days.

10

11 <sup>1</sup>~~16.~~ <sup>3</sup>~~14.1~~ 16.<sup>3</sup> (New section) Authority to Perform  
12 Notarial Act.

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

17 b. A notarial officer may not perform a notarial act with respect  
18 to a record to which the officer or the officer's spouse or civil union  
19 partner is a party, or in which either of them has a direct beneficial  
20 interest. A notarial act performed in violation of this subsection is  
21 voidable.

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

24

25 <sup>1</sup>~~17.~~ <sup>3</sup>~~15.1~~ 17.<sup>3</sup> (New section) Requirements for Certain  
26 Notarial Acts.

27 a. A notarial officer who takes an acknowledgment of a record  
28 shall determine, from personal knowledge or satisfactory evidence  
29 of the identity of the individual, that the individual appearing before  
30 the officer and making the acknowledgment has the identity  
31 claimed and that the signature on the record is the signature of the  
32 individual.

33 b. A notarial officer who takes a verification of a statement on  
34 oath or affirmation shall determine, from personal knowledge or  
35 satisfactory evidence of the identity of the individual, that the  
36 individual appearing before the officer and making the verification  
37 has the identity claimed and that the signature on the statement  
38 verified is the signature of the individual.

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

43 d. A notarial officer who certifies or attests a copy of a record  
44 or an item that was copied shall determine that the copy is a full,  
45 true, and accurate transcription or reproduction of the record or  
46 item.



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

4 f. For the purposes of this section:

5 (1) A notarial officer has personal knowledge of the identity of  
6 an individual appearing before the notarial officer if the individual  
7 is personally known to the notarial officer through dealings  
8 sufficient to provide reasonable certainty that the individual has the  
9 identity claimed.

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

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

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

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

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

22 (c) A verification of oath or affirmation of a credible witness  
23 personally appearing before the notarial officer <sup>1</sup>or using  
24 communication technology to appear before the notarial officer  
25 pursuant to section <sup>3</sup>[17] 19<sup>3</sup> of P.L. , c. (C. ) (pending  
26 before the Legislature as this bill)<sup>1</sup> and personally known to the  
27 notarial officer or whom the notarial officer can identify on the  
28 basis of a passport, driver's license, or government-issued, non-  
29 driver identification card, which is current or expired not more than  
30 three years before the performance of the notarial act.

31 (3) A notarial officer may require an individual to provide  
32 additional information or identification credentials necessary to  
33 assure the notarial officer of the identity of the individual.

34  
35 <sup>1</sup>[18.] <sup>3</sup>[16.1] 18.<sup>3</sup> (New section) Personal  
36 Appearance<sup>1</sup>**[Required]**; Use of Communication Technology<sup>1</sup>.

37 If a notarial act relates to a statement made in, or a signature  
38 executed on, a record, the individual making the statement or  
39 executing the signature shall appear personally before the notarial  
40 officer <sup>1</sup>or shall use communication technology to appear before the  
41 notarial officer pursuant to section <sup>3</sup>[17] 19<sup>3</sup> of  
42 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>1</sup>.

43  
44 <sup>1</sup>[19.] <sup>3</sup>[17.1] 19.<sup>3</sup> (New section) Notarial Act Performed by  
45 Remotely Located Individual.

1 a. As used in this section:

2 (1) “Communication technology” means an electronic device or  
3 process that:

4 (a) allows a notarial officer and a remotely located individual to  
5 communicate with each other simultaneously by sight and sound;  
6 and

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

10 (2) “Foreign state” means a jurisdiction other than the United  
11 States, a state, or a federally recognized Indian tribe.

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

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

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

23 b. This section does not apply to a record to the extent it is  
24 governed by <sup>3</sup>1:

25 (1) <sup>3</sup>1 [a law governing the creation and execution of wills or  
26 codicils;

27 (2) <sup>1</sup> <sup>3</sup> [the “Uniform Commercial Code,” N.J.S.12A:1-101 et  
28 seq., other than N.J.S.12A:1-107, N.J.S.12A:1-206, the provisions  
29 of the “Uniform Commercial Code – Sales,” chapter 2 of Title 12A  
30 of the New Jersey Statutes, and the provisions of the “Uniform  
31 Commercial Code – Leases,” chapter 2A of Title 12A of the New  
32 Jersey Statutes; or

33 <sup>1</sup> [(3) <sup>1</sup> (2) a statute, regulation, or other rule of law governing  
34 adoption, divorce, or other matters of family law] a law governing  
35 the creation and execution of wills or codicils, except that  
36 subsections e., f., g., and h. of this section shall apply to notarial  
37 acts performed on a tangible record that is governed by a law  
38 governing the creation or execution of wills and codicils<sup>3</sup>.

39 c. A remotely located individual may comply with section  
40 <sup>1</sup> [18] <sup>3</sup> [16<sup>1</sup>] 18<sup>3</sup> of P.L. , c. (C. ) (pending before the  
41 Legislature as this bill) and subsections a. and b. of R.S.46:14-2.1  
42 by using communication technology to appear before a notarial  
43 officer.

44 d. A notarial officer located in this State may perform a notarial  
45 act using communication technology for a remotely located  
46 individual if:

47 (1) the notarial officer:

- 1 (a) has personal knowledge <sup>3</sup>pursuant to paragraph (1) of  
2 subsection f. of section 17 of P.L. , c. (C. ) (pending before  
3 the Legislature as this bill)<sup>3</sup> of the identity of the individual;
- 4 (b) has satisfactory evidence of the identity of the remotely  
5 located individual by oath or affirmation from a credible witness  
6 appearing before the notarial officer <sup>3</sup>pursuant to paragraph (2) of  
7 subsection f. of section 17 of P.L. , c. (C. ) (pending before  
8 the Legislature as this bill)<sup>3</sup> <sup>1</sup>or using communication technology  
9 to appear before the notarial officer pursuant to this section<sup>1</sup>; or
- 10 (c) has obtained satisfactory evidence of the identity of the  
11 remotely located individual by using at least two different types of  
12 identity proofing;
- 13 (2) the notarial officer is able reasonably to confirm that a  
14 record before the notarial officer <sup>1</sup>**[is]** is<sup>1</sup> the same record in which  
15 the remotely located individual made a statement or on which the  
16 remotely located individual executed a signature;
- 17 (3) the notarial officer, or a person acting on behalf of the  
18 notarial officer, creates an audio-visual recording of the  
19 performance of the notarial act; and
- 20 (4) for a remotely located individual who is located outside the  
21 United States:
- 22 (a) the record:
- 23 (i) is to be filed with or relates to a matter before a public  
24 official or court, governmental entity, or other entity subject to the  
25 jurisdiction of the United States; or
- 26 (ii) involves property located in the territorial jurisdiction of the  
27 United States or involves a transaction substantially connected with  
28 the United States; and
- 29 (b) the act of making the statement or signing the record is not  
30 prohibited by the foreign state in which the remotely located  
31 individual is located.
- 32 e.<sup>3</sup>A notarial officer in this State may use communication  
33 technology under subsection d. of this section to take an  
34 acknowledgement of a signature on a tangible record that is in the  
35 possession of the notary public if the record is displayed to and  
36 identified by the remotely located individual during the audio-visual  
37 session required by paragraph (3) of subsection d. of this section.
- 38 f. A notarial officer's obligation under paragraph (2) of  
39 subsection d. of this section for the performance of a notarial act  
40 with respect to a tangible record not physically present before the  
41 notarial officer is satisfied if:
- 42 (1) the remotely located individual:
- 43 (a) during the audio-visual session required by paragraph (3) of  
44 subsection d. of this section, signs:
- 45 (i) the record; and
- 46 (ii) a declaration, substantially in the following form, which is  
47 part of or securely attached to the record:

1 “I declare under penalty of perjury that the record to which this  
 2 declaration is attached is the same record on which [name of  
 3 notarial officer] performed a notarial act and before whom I  
 4 appeared by means of communication technology on [date].

5 \_\_\_\_\_ Printed name of remotely located  
 6 individual  
 7 \_\_\_\_\_ Signature of remotely located  
 8 individual”; and

9 (b) sends the record and declaration to the notarial officer not  
 10 later than three days after the notarial act was performed; and

11 (2) the notarial officer:

12 (a) in the audio-visual recording required by paragraph (3) of  
 13 subsection d. of this section, records the individual signing the  
 14 record and declaration; and

15 (b) after receipt of the record and declaration from the  
 16 individual, executes the certificate of notarial act required by  
 17 section 13 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) pending before the  
 18 Legislature as this bill), which must include the following statement  
 19 or words of similar import:

20 “I [name of notarial officer] witnessed, by means of  
 21 communication technology, [name of remotely located individual]  
 22 sign the attached record and declaration on [date]”.

23 g. A notarial act performed in compliance with subsection f. of  
 24 this section complies with paragraph (1) of subsection a. of section  
 25 13 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) pending before the Legislature as this  
 26 bill) and is effective as of the date on which the declaration was  
 27 signed by the remotely located individual.

28 h. Subsections f. and g. of this section are not intended to  
 29 exclude other procedures to satisfy the requirements of this section  
 30 for a notarial act performed with respect to a tangible record.

31 i. A notarial officer in this State may administer an oath to a  
 32 remotely located individual using communication technology.  
 33 Except as required or permitted by rule or law of this State, the  
 34 notarial officer shall identify the individual under paragraph (1) of  
 35 subsection d. of this section, create an audio-visual recording under  
 36 paragraph (3) of subsection d. of this section of the individual  
 37 taking the oath, and preserve a copy of the audio-visual recording  
 38 under subsection l. of this section.<sup>3</sup>

39 <sup>3</sup>**[e.] j.**<sup>3</sup> If a notarial act is performed under this section, the  
 40 certificate of notarial act required by section 10 of P.L.1979, c.460  
 41 (C.52:7-19), the certificate required by section c. of R.S.46:14-2.1,  
 42 or the short-form certificate provided in section <sup>1</sup>**[21]** <sup>3</sup>**[19<sup>1</sup>]** <sup>21</sup>**3**  
 43 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill)  
 44 must indicate that the notarial act was performed using  
 45 communication technology.

1       <sup>3</sup>[f.] k.<sup>3</sup> A short-form certificate provided in section <sup>1</sup>[21]  
2 <sup>3</sup>[19<sup>1</sup>] 21<sup>3</sup> of P.L. , c. (C. ) (pending before the Legislature  
3 as this bill) for a notarial act subject to this section is sufficient if it:

4       (1) complies with any rules or regulations adopted by <sup>3</sup>[1, or  
5 provision published by, 1]<sup>3</sup> the State Treasurer under paragraph (1)  
6 of subsection <sup>3</sup>[j.] o.<sup>3</sup> of this section or section <sup>1</sup>[29] <sup>3</sup>[27<sup>1</sup>] 29<sup>3</sup>  
7 of P.L. , c. (C. ) (pending before the Legislature as this  
8 bill); or

9       (2) is in the form provided by section <sup>1</sup>[21] <sup>3</sup>[19<sup>1</sup>] 21<sup>3</sup> of P.L.  
10 , c. (C. ) (pending before the Legislature as this bill) and  
11 contains a statement substantially as follows: “This notarial act  
12 involved the use of communication technology.”

13       <sup>3</sup>[g.] l.<sup>3</sup> A notarial officer, a guardian, conservator, or agent  
14 of a notarial officer, or a personal representative of a deceased  
15 notarial officer, shall retain the audio-visual recording created under  
16 paragraph (3) of subsection d. of this section or cause the recording  
17 to be retained by a repository designated by or on behalf of the  
18 person required to retain the recording. Unless a different period is  
19 required by any rule or regulation adopted by the State Treasurer  
20 <sup>3</sup>[1 or any provision published by the State Treasurer, 1]<sup>3</sup> under  
21 paragraph (4) of subsection <sup>3</sup>[j.] o.<sup>3</sup> of this section, the recording  
22 must be retained for a period of at least 10 years after the recording  
23 is made.

24       <sup>3</sup>[h.] m.<sup>3</sup> Before a notary public performs <sup>1</sup>[his] the notary  
25 public’s<sup>1</sup> initial notarial act under this section, the notary public  
26 must notify the State Treasurer that the notary public will be  
27 performing such notarial acts and identify the technologies the  
28 notary public intends to use.

29       <sup>3</sup>[i.] n.<sup>3</sup> If the State Treasurer has established standards under  
30 subsection <sup>3</sup>[j.] i.<sup>3</sup> of this section and section <sup>1</sup>[29] <sup>3</sup>[27<sup>1</sup>] 29<sup>3</sup> of  
31 P.L. , c. (C. ) (pending before the Legislature as this bill)  
32 for approval of communication technology or identity proofing, the  
33 communication technology and identity proofing must conform to  
34 those standards.

35       <sup>3</sup>[j.] o.<sup>3</sup> <sup>1</sup>[In addition to adopting rules and regulations pursuant  
36 to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-  
37 1 et seq.) under section 29 of P.L. , c. (C. ) (pending before  
38 the Legislature as this bill), the State Treasurer may adopt rules and  
39 regulations pursuant to the “Administrative Procedure Act,”  
40 P.L.1968, c.410 (C.52:14B-1 et seq.) under this section regarding  
41 the performance of a notarial act. The rules and regulations may]  
42 <sup>3</sup>[The Treasurer may also publish provisions in the New Jersey  
43 Notary Manual that 1] In addition to adopting rules and regulations  
44 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410  
45 (C.52:14B-1 et seq.) under section 29 of P.L. , c. (C. )  
46 (pending before the Legislature as this bill), the State Treasurer may

1 adopt rules and regulations pursuant to the “Administrative  
2 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) under this  
3 section regarding the performance of a notarial act. The rules and  
4 regulations may<sup>3</sup>:

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

7 (2) establish standards for communication technology and  
8 identity proofing;

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

11 <sup>3</sup>[and]<sup>3</sup>

12 (4) establish standards and a period for the retention of an  
13 audio-visual recording created under paragraph (3) of subsection d.  
14 of this section<sup>3</sup>; and

15 (5) prescribe methods for confirmation of a tangible record by a  
16 notarial officer permitted under subsection e. of this section<sup>3</sup>.

17 <sup>3</sup>[k.] p.<sup>3</sup> Before adopting, amending, or repealing a rule or  
18 regulation <sup>3</sup>[<sup>1</sup>or publishing a provision in the New Jersey Notary  
19 Public Manual<sup>1</sup>]<sup>3</sup> governing performance of a notarial act with  
20 respect to a remotely located individual, the State Treasurer must  
21 consider:

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

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

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

32 <sup>3</sup>q. (1) A notarial officer may perform a notarial act using  
33 communication technology for a remotely located individual that  
34 meets the requirements of section 19 of P.L. , c. (C. )  
35 (pending before the Legislature as this bill) and subsections a. and  
36 b. of R.S.46:14-2.1 regardless of whether the remotely located  
37 individual is physically located in this State.

38 (2) A notarial act performed using communication technology  
39 for a remotely located individual is deemed performed in New  
40 Jersey and is governed by New Jersey law.

41 r. It is the intent of the Legislature that, to the fullest extent  
42 allowed by the Full Faith and Credit Clause of the United States  
43 Constitution and the laws of the 50 states and the District of  
44 Columbia, a notarial act performed in this State shall be recognized,  
45 be enforceable, and have the same effect under the law of the 50  
46 states as if performed by a notarial officer of those jurisdictions.

1 s. By allowing its communication technology or identity  
2 proofing to facilitate a notarial act for a remotely located individual  
3 or by providing storage of the audio-visual recording created under  
4 paragraph (3) of subsection d. of this section, the provider of the  
5 communication technology, identity proofing, or storage appoints  
6 the State Treasurer as the provider’s agent for service of process in  
7 any civil action in this State related to the notarial act.<sup>3</sup>

8  
9 <sup>1</sup>[20.] <sup>3</sup>[18.<sup>1</sup>] 20.<sup>3</sup> (New section) Signature if Individual  
10 Unable to Sign.

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

16  
17 <sup>1</sup>[21.] <sup>3</sup>[19.<sup>1</sup>] 21.<sup>3</sup> (New section) Certificate Form.

18 The following short form certificates of notarial acts are  
19 sufficient for the purposes indicated, if the requirements of section  
20 10 of P.L.1979, c.460 (C.52:7-19) are satisfied. Certificates of  
21 notarial acts are deemed sufficient for the purposes indicated if  
22 substantially all of the requirements of section 10 of P.L.1979,  
23 c.460 (C.52:7-19) and this section are satisfied:

24  
25 a. For an acknowledgment in an individual capacity:  
26 State of \_\_\_\_\_  
27 County of \_\_\_\_\_  
28 This record was acknowledged before me on \_\_\_\_\_ (date) by  
29 \_\_\_\_\_  
30 (Name(s) of individual(s))  
31 \_\_\_\_\_  
32 Signature of notarial officer  
33  
34 Stamp  
35 \_\_\_\_\_  
36 Title of office  
37  
38 (My commission expires: \_\_\_\_\_)

39 b. For an acknowledgment in a representative capacity:  
40 State of \_\_\_\_\_  
41 County of \_\_\_\_\_  
42 This record was acknowledged before me on \_\_\_\_\_(date) by  
43 \_\_\_\_\_  
44 (Name(s) of individual(s))  
45 as (type of authority, such as officer or trustee) of (name of party on  
46 behalf of whom record was executed).  
47 \_\_\_\_\_

1 Signature of notarial officer

2

3 Stamp

4 \_\_\_\_\_

5 Title of office

6

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

8

9 c. For a verification on oath or affirmation:

10 State of \_\_\_\_\_

11 County of \_\_\_\_\_

12 Signed and sworn to (or affirmed) before me on \_\_\_\_\_ (date) by

13 \_\_\_\_\_

14 (Name(s) of individual(s) making statement)

15

16 \_\_\_\_\_

17 Signature of notarial officer

18

19 Stamp

20

21 [\_\_\_\_\_]

22 Title of office

23

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

25

26 d. For witnessing or attesting a signature:

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

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

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

30 \_\_\_\_\_

31 (Name(s) of individual(s))

32

33 \_\_\_\_\_

34 Signature of notarial officer

35

36 Stamp

37

38 [\_\_\_\_\_]

39 Title of office

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

41

42 e. For certifying a copy of a record:

43 State of \_\_\_\_\_

44 County of \_\_\_\_\_

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

47

48 Dated \_\_\_\_\_



1 \_\_\_\_\_

2

3 Signature of notarial officer

4

5 Stamp

6

7 \_\_\_\_\_

8 Title of office

9

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

11

12 <sup>1</sup>[22.] <sup>3</sup>[20.<sup>1</sup>] 22.<sup>3</sup> (New section) Notarial Act in this State.

13 a. The signature and title of an individual performing a notarial  
14 act are prima facie evidence that the signature is genuine and that  
15 the individual holds the designated title.

16 b. A notarial act may be performed in this State by an  
17 individual authorized by the applicable law to perform the notarial  
18 act.

19 c. The signature and title of a notarial officer authorized by the  
20 applicable law to perform the notarial act conclusively establishes  
21 the authority of the officer to perform the notarial act.

22

23 <sup>1</sup>[23.] <sup>3</sup>[21.<sup>1</sup>] 23.<sup>3</sup> (New section) Notarial Acts Outside this  
24 State.

25 a. In Another State.

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

29 (a) a notary public of that state;

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

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

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

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

40 b. Under Authority of Federally Recognized Indian Tribe.

41 (1) A notarial act performed under the authority and in the  
42 jurisdiction of a federally recognized Indian tribe has the same  
43 effect as if performed by a notarial officer of this State, if the act  
44 performed in the jurisdiction of the tribe is performed by:

45 (a) a notary public of the tribe;

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

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

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

5 (3) The signature and title of a notarial officer described in  
6 subparagraph (a) or (b) of paragraph (1) of this subsection  
7 conclusively establish the authority of the officer to perform the  
8 notarial act.

9 c. Under Federal Authority.

10 (1) A notarial act performed under federal law has the same  
11 effect under the law of this State as if performed by a notarial  
12 officer of this State, if the <sup>3</sup>act<sup>3</sup> performed under federal law is  
13 performed by:

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

15 (b) an individual in military service or performing duties under  
16 the authority of military service who is authorized to perform  
17 notarial acts under federal law;

18 (c) an individual designated a notarizing officer by the United  
19 States Department of State for performing notarial acts overseas; or

20 (d) any other individual authorized by federal law to perform the  
21 notarial act.

22 (2) The signature and title of an individual acting under federal  
23 authority and performing a notarial act are prima facie evidence that  
24 the signature is genuine and that the individual holds the designated  
25 title.

26 (3) The signature and title of an officer described in  
27 subparagraph (a), (b), or (c) of paragraph (1) of this subsection  
28 conclusively establish the authority of the officer to perform the  
29 notarial act.

30 d. Foreign Notarial Acts.

31 (1) As used in this subsection, “foreign state” means a  
32 jurisdiction other than the United States, a state, or a federally  
33 recognized Indian tribe.

34 (2) If a notarial act is performed under authority and in the  
35 jurisdiction of a foreign state or constituent unit of the foreign state  
36 or is performed under the authority of a multinational or  
37 international governmental organization, the act has the same effect  
38 under the law of this State as if performed by a notarial officer of  
39 this State.

40 (3) If the title of office and indication of authority to perform  
41 notarial acts in a foreign state appears in a digest of foreign law or  
42 in a list customarily used as a source for that information, the  
43 authority of an officer with that title to perform notarial acts is  
44 conclusively established.

45 (4) The signature and official stamp of an individual holding an  
46 office described in paragraph (3) of this subsection are prima facie  
47 evidence that the signature is genuine and the individual holds the  
48 designated title.

1 (5) An apostille in the form prescribed by the Hague Convention  
 2 of October 5, 1961 and issued by a foreign state party to the Hague  
 3 Convention conclusively establishes that the signature of the  
 4 notarial officer is genuine and that the notarial officer holds the  
 5 indicated office.

6 (6) A consular authentication issued by an individual designated  
 7 by the United States Department of State as a notarizing officer for  
 8 performing notarial acts overseas and attached to the record with  
 9 respect to which the notarial act is performed conclusively  
 10 establishes that the signature of the notarial officer is genuine and  
 11 that the notarial officer holds the indicated office.

12  
 13 <sup>1</sup>[24.] <sup>3</sup>[~~22.1~~] <sup>3</sup>24. (New section) Notification Regarding  
 14 Performance of Notarial Act on Electronic Record; Selection of  
 15 Technology; Acceptance of Tangible Copy of Electronic Record.

16 a. A notarial officer may select one or more tamper-evident  
 17 technologies to perform notarial acts with respect to electronic  
 18 records. A person may not require a notarial officer to perform a  
 19 notarial act with respect to an electronic record with a technology  
 20 that the notarial officer has not selected.

21 b. Before a <sup>1</sup>[notarial officer] notary public<sup>1</sup> performs <sup>1</sup>[his]  
 22 the notary public's<sup>1</sup> initial notarial act with respect to an electronic  
 23 record, the <sup>1</sup>[notarial officer] notary public<sup>1</sup> shall notify the State  
 24 Treasurer that <sup>1</sup>[he] the notary public<sup>1</sup> will be performing notarial  
 25 acts with respect to electronic records and identify the technology  
 26 that the <sup>1</sup>[notarial officer] notary public<sup>1</sup> intends to use. If the  
 27 State Treasurer has established standards for approval of technology  
 28 pursuant to section <sup>1</sup>[29] <sup>3</sup>[~~27.1~~] <sup>3</sup>29 of P.L. , c. (C. )  
 29 (pending before the Legislature as this bill), the technology must  
 30 conform to those standards. If the technology conforms to the  
 31 standards, the State Treasurer shall approve the use of the  
 32 technology.

33 c. A county clerk <sup>3</sup>[or], a <sup>3</sup>register of deeds and mortgages<sup>3</sup>,  
 34 and a county surrogate<sup>3</sup> <sup>1</sup>[may] shall<sup>1</sup> accept for recording a  
 35 tangible copy of an electronic record containing a notarial  
 36 certificate as satisfying any requirement that a record accepted for  
 37 recording be an original, if the notarial officer executing the notarial  
 38 certificate certifies that the tangible copy is an accurate copy of the  
 39 electronic record.

40  
 41 <sup>1</sup>[25.] <sup>3</sup>[~~23.1~~] <sup>3</sup>25. (New section) Database of Notaries Public.

42 The State Treasurer shall maintain an electronic database of  
 43 current and former notaries public, including the dates that the  
 44 notary public was commissioned and authorized to perform notarial  
 45 acts:

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

1 b. which indicates whether a notary public has notified the  
2 State Treasurer that the notary public will be performing notarial  
3 acts on electronic records.

4  
5 <sup>1</sup>[26.] <sup>3</sup>[24.<sup>1</sup>] 26.<sup>3</sup> (New section) Authority to Refuse to  
6 Perform Notarial Act.

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

9 (1) the individual executing the record is competent or has the  
10 capacity to execute the record;

11 (2) the individual's signature is knowingly and voluntarily  
12 made;

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

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

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

23  
24 <sup>1</sup>[27.] <sup>3</sup>[25.<sup>1</sup>] 27.<sup>3</sup> (New section) Journal.

25 a. A notary public shall maintain a journal of all notarial acts  
26 performed.

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

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

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

35 (4) If the journal is maintained in an electronic format, it shall  
36 be in a permanent, tamper-evident electronic format complying with  
37 any <sup>1</sup>[rules and regulations promulgated] <sup>3</sup>[standards published<sup>1</sup>]  
38 rules and regulations promulgated<sup>3</sup> by the State Treasurer <sup>3</sup>[in the  
39 New Jersey Notary Public Manual<sup>1</sup>]<sup>3</sup>.

40 b. For each notarial act, the notary public shall record in the  
41 journal:

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

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

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

- 1 (4) if the identity of the individual is based on personal  
2 knowledge, a statement to that effect;
- 3 (5) if the identity of the individual is based on satisfactory  
4 evidence, a brief description of the method of identification and the  
5 identification credential presented, if any, including, if applicable,  
6 the type, date of issuance, and date of expiration of an identification  
7 document, or the name and signature of any identifying witness and,  
8 if applicable, the type, date of issuance, and date of expiration of a  
9 document identifying the witness; and
- 10 (6) an itemized list of all fees charged for the notarial act.
- 11 c. If a notary public's journal is lost or stolen, the notary public  
12 shall notify the State Treasurer within 10 days of the loss or theft.
- 13 d. The notary public shall either:
- 14 (1) retain the journal for 10 years after the performance of the  
15 last notarial act chronicled in the journal; or
- 16 (2) transmit the journal to the Department of the Treasury,  
17 Division of Revenue and Enterprise Services, or a repository  
18 approved by the State Treasurer.
- 19 e. On resignation from, or the revocation or suspension of, a  
20 notary public's commission, the notary public shall either:
- 21 (1) retain the journal in accordance with paragraph (1) of  
22 subsection d. of this section and inform the State Treasurer where  
23 the journal is located; or
- 24 (2) transmit the journal to the Department of the Treasury,  
25 Division of Revenue and Enterprise Services, or a repository  
26 approved by the State Treasurer.
- 27 f. On the death or adjudication of incompetency of a current or  
28 former notary public, the notary public's personal representative or  
29 guardian or any other person knowingly in possession of the journal  
30 shall, within 45 days, transmit it to the Department of the Treasury,  
31 Division of Revenue and Enterprise Services, or a repository  
32 approved by the State Treasurer.
- 33 g. In lieu of maintaining a journal, a notary public who is an  
34 attorney-at-law admitted to practice in this State, or who is  
35 employed by an attorney-at-law, or who is employed by or acting as  
36 an agent for a title insurance company licensed to do business in  
37 this State pursuant to P.L.2001, c.210 (C.17:22A-26 et seq.), may  
38 maintain a record of notarial acts in the form of files regularly  
39 maintained for the attorney's law practice or the title insurance  
40 company's business activities, as the case may be.

41

42 <sup>1</sup>[28.] <sup>3</sup>[26.1] 28.<sup>3</sup> (New section) Validity of Notarial Acts.

- 43 a. Except as otherwise provided in section 9 of P.L. ,  
44 c. (C. ) (pending before the Legislature as this bill), the  
45 failure of a notarial officer to perform a duty or meet a requirement  
46 specified in P.L.1979, c.460 (C.52:7-10 et seq.), as amended and  
47 supplemented by P.L. , c. (C. ) (pending before the

1 Legislature as this bill), does not invalidate a notarial act performed  
2 by the notarial officer.

3 b. The validity of a notarial act under P.L.1979, c.460 (C.52:7-  
4 10 et seq.), as amended and supplemented by P.L. ,  
5 c. (C. ) (pending before the Legislature as this bill), does not  
6 prevent an aggrieved person from seeking to invalidate the record  
7 or transaction that is the subject of the notarial act or from seeking  
8 other remedies available by law and as provided in P.L.1979, c.460  
9 (C.52:7-10 et seq.), as amended and supplemented by P.L. ,  
10 c. (C. ) (pending before the Legislature as this bill).

11 c. P.L.1979, c.460 (C.52:7-10 et seq.), as amended and  
12 supplemented by P.L. , c. (C. ) (pending before the  
13 Legislature as this bill), shall not validate any purported notarial act  
14 performed by an individual who does not have the authority to  
15 perform notarial acts.

16

17 <sup>1</sup>[29.] <sup>3</sup>[~~27.~~<sup>1</sup>] 29.<sup>3</sup> (New section) Rules and Regulations.

18 a. The State Treasurer <sup>1</sup>[shall] <sup>3</sup>[~~may~~<sup>1</sup>] shall<sup>3</sup> adopt rules and  
19 regulations pursuant to the “Administrative Procedure Act,”  
20 P.L.1968, c.410 (C.52:14B-1 et seq.) <sup>3</sup>[or publish procedures and  
21 standards in the New Jersey Notary Public Manual<sup>1</sup>]<sup>3</sup> to implement  
22 the provisions of P.L.1979, c.460 (C.52:7-10 et seq.), as amended  
23 and supplemented by P.L. , c. (C. ) (pending before the  
24 Legislature as this bill). Any rules and regulations <sup>3</sup>[or procedures  
25 and standards<sup>1</sup>]<sup>3</sup> regarding the performance of notarial acts with  
26 respect to electronic records shall not require, or accord greater  
27 legal status or effect to, the implementation or application of a  
28 specific technology or technical specification. The rules and  
29 regulations <sup>3</sup>[or procedures and standards<sup>1</sup>]<sup>3</sup> may:

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

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

34 (3) include provisions to ensure integrity in the creation,  
35 transmittal, storage, or authentication of electronic records or  
36 signatures;

37 (4) prescribe the process of granting, renewing, conditioning,  
38 denying, suspending, revoking, or otherwise limiting a notary  
39 public commission and assuring the trustworthiness of an individual  
40 holding a commission as notary public; <sup>3</sup>[and<sup>1</sup>]<sup>3</sup>

41 (5) include provisions to prevent fraud or mistake in the  
42 performance of notarial acts<sup>1</sup>; and

43 (6) provide for the administration of the examination under  
44 section 7 of P.L. , c. (C. ) (pending before the Legislature  
45 as this bill) and the course of study under section 6 of P.L. ,

46 c. (C. ) (pending before the Legislature as this bill)]<sup>1</sup> <sup>3</sup>;  
47 and

1 (6) provide for the administration of the examination under  
 2 section 7 of P.L. , c. (C. ) (pending before the Legislature  
 3 as this bill) and the course of study under section 6 of P.L. , c.  
 4 (C. ) (pending before the Legislature as this bill)<sup>3</sup>.

5 b. In adopting, amending, or repealing rules and regulations  
 6 <sup>3</sup>or publishing procedures and standards<sup>1</sup><sup>3</sup> concerning notarial  
 7 acts with respect to electronic records, the State Treasurer shall  
 8 consider, consistent with the provisions of P.L.1979, c.460 (C.52:7-  
 9 10 et seq.), as amended and supplemented by  
 10 P.L. , c. (C. ) (pending before the Legislature as this bill):

11 (1) the most recent standards regarding electronic records  
 12 promulgated by national bodies, such as the Mortgage Industry  
 13 Standards Maintenance Organization and the National Association  
 14 of Secretaries of State;

15 (2) standards, practices, and customs of other jurisdictions that  
 16 substantially enact the Revised Uniform Law on Notarial Acts, as  
 17 embodied in P.L.1979, c.460 (C.52:7-10 et seq.), as amended and  
 18 supplemented by P.L. , c. (C. ) (pending before the  
 19 Legislature as this bill); and

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

22  
 23 <sup>1</sup>~~[30.]~~ <sup>3</sup>~~[28.]~~ <sup>3</sup>30.<sup>3</sup> R.S.46:14-2.1 is amended to read as follows:  
 24 46:14-2.1. Acknowledgment and proof.

25 a. To acknowledge a deed or other instrument the maker of the  
 26 instrument shall appear before an officer specified in R.S.46:14-6.1  
 27 <sup>3</sup>or use communication technology to appear before the officer  
 28 pursuant to section 19 of P.L. , c. (C. ) (pending before the  
 29 Legislature as this bill)<sup>3</sup> and acknowledge that it was executed as  
 30 the maker's own act. To acknowledge a deed or other instrument  
 31 made on behalf of a corporation or other entity, the maker shall  
 32 appear before an officer specified in R.S.46:14-6.1 and state that the  
 33 maker was authorized to execute the instrument on behalf of the  
 34 entity and that the maker executed the instrument as the act of the  
 35 entity.

36 b. To prove a deed or other instrument, a subscribing witness  
 37 shall appear before an officer specified in R.S.46:14-6.1 <sup>1</sup>or use  
 38 communication technology to appear before the officer pursuant to  
 39 section <sup>3</sup>[17] 19<sup>3</sup> of P.L. , c. (C. ) (pending before the  
 40 Legislature as this bill)<sup>1</sup> and swear that he or she witnessed the  
 41 maker of the instrument execute the instrument as the maker's own  
 42 act. To prove a deed or other instrument executed on behalf of a  
 43 corporation or other entity, a subscribing witness shall appear  
 44 before an officer specified in R.S.46:14-6.1 <sup>1</sup>or use communication  
 45 technology to appear before the officer pursuant to section <sup>3</sup>[17]  
 46 19<sup>3</sup> of P.L. , c. (C. ) (pending before the Legislature as this  
 47 bill)<sup>1</sup> and swear that the representative was authorized to execute

1 the instrument on behalf of the entity, and that he or she witnessed  
2 the representative execute the instrument as the act of the entity.

3 c. The officer taking an acknowledgment or proof shall sign a  
4 certificate stating that acknowledgment or proof. The certificate  
5 shall also state:

6 (1) that the maker or the witness personally appeared before the  
7 officer <sup>3</sup>[<sup>1</sup>or used communication technology to appear before the  
8 officer pursuant to section 17 of P.L. , c. (C. ) (pending  
9 before the Legislature as this bill)]<sup>3</sup>;

10 (2) that the officer was satisfied that the person who made the  
11 acknowledgment or proof was the maker of or the witness to the  
12 instrument;

13 (3) the jurisdiction in which the acknowledgment or proof was  
14 taken;

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

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

17 d. The seal of the officer taking the acknowledgment or proof  
18 need not be affixed to the certificate stating that acknowledgment or  
19 proof.

20 e. A <sup>3</sup>[short form]<sup>3</sup> certificate that is substantially in the form  
21 provided in <sup>3</sup>subsection b. of<sup>3</sup> section <sup>3</sup>[19] 13<sup>3</sup> of  
22 P.L. , c. (C. ) (pending before the Legislature as this bill)  
23 satisfies the requirements of this section.

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

25

26 <sup>3</sup>[<sup>1</sup>29.] 31.<sup>3</sup> R.S.46:14-6.1 is amended to read as follows:

27 46:14-6.1. Officers authorized to take acknowledgments. a. The  
28 officers of this State authorized to take acknowledgments or proofs  
29 in this State, or in any other United States or foreign jurisdiction,  
30 are:

31 (1) an attorney-at-law;

32 (2) a notary public;

33 (3) a county clerk or deputy county clerk;

34 (4) a register of deeds and mortgages or a deputy register;

35 (5) a surrogate or deputy surrogate.

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

38 (1) any officer of the United States, of a state, territory or  
39 district of the United States, or of a foreign nation authorized at the  
40 time and place of the acknowledgment or proof by the laws of that  
41 jurisdiction to take acknowledgments or proofs. If the certificate of  
42 acknowledgment or proof does not designate the officer as a justice,  
43 judge or notary, the certificate of acknowledgment or proof, or an  
44 affidavit appended to it, shall contain a statement of the officer's  
45 authority to take acknowledgments or proofs;

46 (2) [a foreign commissioner of deeds for New Jersey within the  
47 jurisdiction of the commission;



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

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

5  
6 <sup>1</sup>[31.] <sup>3</sup>[30.<sup>1</sup>] 32.<sup>3</sup> N.J.S.22A:4-14 is amended to read as  
7 follows:

8 22A:4-14. For [a service specified in this section] administering  
9 oaths, taking affidavits, taking proofs of a deed, and taking  
10 acknowledgements, <sup>1</sup>[foreign commissioners of deeds,]<sup>1</sup> notaries  
11 public, judges and other officers authorized by law to perform such  
12 [service,] services shall receive a fee as [follows:

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

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

15 For taking all acknowledgments, \$2.50.

16 For administering oaths, taking affidavits, taking proofs of a  
17 deed, and taking acknowledgments of the grantors in the transfer of  
18 real estate, regardless of the number of such services performed in a  
19 single transaction to transfer real estate, \$15.00.

20 For administering oaths, taking affidavits and taking  
21 acknowledgments of the mortgagors in the financing of real estate,  
22 regardless of the number of such services performed in a single  
23 transaction to finance real estate, \$25.00] shall be fixed by the State  
24 Treasurer by regulation.

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

26  
27 <sup>1</sup>[32.] <sup>3</sup>[31.<sup>1</sup>] 33.<sup>3</sup> R.S.41:2-17 is amended to read as follows:

28 41:2-17. Officers authorized to administer or take; jurat;  
29 certificate,

30 Any oath, affirmation, or affidavit required or authorized to be  
31 taken in any suit or legal proceeding in this [state] State, or for any  
32 lawful purpose whatever, except official oaths and depositions  
33 required to be taken upon notice, when taken out of this [state]  
34 State, may be taken before any notary public of the state, territory,  
35 nation, kingdom, or country in which the same shall be taken, or  
36 before any officer who may be authorized by the laws of this  
37 [state] State to take the acknowledgment of deeds in such state,  
38 territory, nation, kingdom, or country; and a recital that he <sup>1</sup>or she<sup>1</sup>  
39 is such notary or officer in the jurat or certificate of such oath,  
40 affirmation, or affidavit, and his <sup>1</sup>or her<sup>1</sup> official designation  
41 annexed to his <sup>1</sup>or her<sup>1</sup> signature, and attested under his <sup>1</sup>or her<sup>1</sup>  
42 official seal, shall be sufficient proof that the person before whom  
43 the same is taken is such notary or officer. [When, however, any  
44 other certificate is required by law to be annexed to the certificate  
45 of such officer, other than a notary public, for the recording of a

1 deed acknowledged before him, a like certificate shall be annexed  
2 to his certificate of the taking of such oath. ]

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

4

5 <sup>1</sup>[33.] <sup>3</sup>[32.1] <sup>3</sup>34. (New section) Relation to Electronic  
6 Signatures in Global and National Commerce Act.

7 P.L. , c. (C. ) (pending before the Legislature as this bill)  
8 modifies, limits, and supersedes the Electronic Signatures in Global  
9 and National Commerce Act, 15 U.S.C. s.7001 et seq., but does not  
10 modify, limit, or supersede section 101(c) of that act, 15 U.S.C.  
11 7001(c), or authorize electronic delivery of any of the <sup>2</sup>[noties]  
12 notices<sup>2</sup> described in section 103(b) of that act, 15 U.S.C. section  
13 7003(b).

14

15 <sup>1</sup>[34.] <sup>3</sup>[33.1] <sup>3</sup>35. (New section) Savings Clause.

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

21

22 <sup>3</sup>36. Section 3 of P.L.2001, c.116 (C.12A:12-3) is amended to  
23 read as follows:

24 3. a. Except as provided in subsections b. and c. of this section,  
25 this act applies to electronic records and electronic signatures  
26 relating to a transaction.

27 b. This act does not apply to a transaction to the extent it is  
28 governed by[

29 (1)] a law governing the creation and execution of wills, codicils  
30 or testamentary trusts[;

31 (2) the Uniform Commercial Code other than sections 1-107 and  
32 1-206, Article 2 and Article 2A;

33 (3) a statute, regulation or other rule of law governing adoption,  
34 divorce or other matters of family law].

35 c. This act does not apply to:

36 (1) court orders or notices or official court documents (including  
37 briefs, pleadings and other writings) required to be executed in  
38 connection with court proceedings;

39 (2) any notice of:

40 (a) the cancellation or termination of utility services (including  
41 water, heat and power);

42 (b) the default, acceleration, repossession, foreclosure or  
43 eviction, or the right to cure, under a credit agreement secured by,  
44 or a rental agreement for, a primary residence of an individual;

45 (c) the cancellation or termination of health insurance benefits  
46 or life insurance benefits (excluding annuities); or

1 (d) the recall of a product, or material failure of a product, that  
2 risks endangering health or safety; or

3 (3) any document required to accompany any transportation or  
4 handling of hazardous materials, pesticides or other toxic or  
5 dangerous materials.

6 d. This act applies to an electronic record or electronic  
7 signature otherwise excluded from the application of this act under  
8 subsection b. of this section to the extent it is governed by a law  
9 other than those specified in subsection b. of this section.

10 e. A transaction subject to this act is subject also to other  
11 applicable substantive law. <sup>3</sup>

12 (cf: P.L.2001, c.116, s.3)

13

14 <sup>1</sup>[35.] <sup>3</sup>[34.<sup>1</sup>] 37.<sup>3</sup> The following are repealed:

15 <sup>3</sup>[<sup>1</sup>R.S.52:6-15 through R.S.52:6-22;<sup>1</sup>]<sup>3</sup>

16 <sup>2</sup>[Section 7 of P.L.1979, c.460 (C.52:7-16);]<sup>2</sup> <sup>3</sup>Section 7 of  
17 P.L.1979, c.460 (C.52:7-16);<sup>3</sup> and

18 Sections 1 and 2 of P.L.1981, c.487 (C.52:7-20 and C.52:7-21).

19

20 <sup>3</sup>38. (New section) Notwithstanding the provisions of the  
21 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
22 1 et seq.) to the contrary, the State Treasurer shall adopt, after  
23 notice, interim rules and regulations as shall be necessary for the  
24 implementation of this act within 90 days after the effective date of  
25 this act. The rules and regulations shall be effective as regulations  
26 immediately upon filing with the Office of Administrative Law and  
27 shall be effective for a period not to exceed 18 months, and may,  
28 thereafter, be amended, adopted or readopted by the Treasurer in  
29 accordance with the provisions of the "Administrative Procedure  
30 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).<sup>3</sup>

31

32 <sup>1</sup>[36.] <sup>3</sup>[35.<sup>1</sup>] 39.<sup>3</sup> <sup>3</sup>[This] Sections 6 and 7 of this<sup>3</sup> act shall  
33 take effect on the <sup>3</sup>365<sup>th</sup> day following enactment. Sections 1  
34 through 5 and sections 8 through 38 of this act shall take effect on  
35 the<sup>3</sup> <sup>1</sup>[180<sup>th</sup>] 90<sup>th</sup><sup>1</sup> day following enactment <sup>3</sup>[<sup>1</sup>except the] . The  
36 State<sup>3</sup> Treasurer may take any anticipatory administrative action in  
37 advance as shall be necessary for the implementation of this act<sup>1</sup>.