

SENATE, No. 2405

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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

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

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

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

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

34 c. The State Treasurer shall cancel and revoke the appointment
35 of any notary public who fails to take and subscribe said oath within
36 **【three months】** 180 days of the receipt of his commission and any
37 appointment so canceled and revoked shall be null, void and of no
38 effect.

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

40

41 2. This act shall take effect immediately.

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43 STATEMENT

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45 Presently, pursuant to the requirements of P.L.1979, c.460, the

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.

S2405 DIEGNAN

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1 “Notaries Public Act of 1979,” each notary public is required to
2 take and subscribe an oath before the clerk of the county in which
3 he resides within three months of the receipt of his commission.
4 The failure to take the oath within the prescribed period can result
5 in the cancellation and revocation of the appointment as notary
6 public, and, the sponsor has learned, the loss of the application fee
7 for the notary public commission. This bill would extend and
8 clarify the permitted period within which the notary public is
9 required to take and subscribe the oath of office to 180 days from
10 the receipt of the commission.

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