

SENATE, No. 2916

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2020

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Co-Sponsored by:

Senator Diegnan

SYNOPSIS

Permits notaries public to take oath before legislative members during declared state of emergency.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/24/2020)

1 AN ACT concerning oaths of notaries public during declared state of
2 emergency and amending P.L.1979, c.460.

3

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

6

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

9 5. a. Within three months of the receipt of his commission,
10 each notary public shall take and subscribe an oath before the clerk
11 of the county in which he resides, or, during a declared state of
12 emergency, before a member of the New Jersey Legislature for the
13 area covered by the public state of emergency, faithfully and
14 honestly to discharge the duties of his office, and that he will make
15 and keep a true record of all such matters as are required by law,
16 which oath shall be filed with said clerk. The oath of office of a
17 nonresident notary public shall be taken and subscribed before the
18 clerk of the county in which he maintains his office or is employed
19 in this State or, during a declared state of emergency, before a
20 member of the Legislature for the area covered by the state of
21 emergency.

22 A member of the Legislature before whom the oath of office is
23 taken shall retain and, within 30 days of the end of the declared
24 state of emergency, transmit the oath to the clerk of the county.

25 b. (1) Upon the administration of said oath, the said clerk, or,
26 during the period when a declared state of emergency exists, the
27 member of the Legislature, shall cause the notary public to indorse
28 a certificate of commission and qualification and shall transmit said
29 certificate to the State Treasurer within 10 days of the
30 administration of said oath.

31 After the administration of the oath, the clerk or member of the
32 New Jersey Legislature shall provide a notice to the person that a
33 notary public who is not licensed as an attorney-at-law shall not use
34 or advertise the title of lawyer or attorney-at-law, or equivalent
35 terms, in the English language or any other language, which mean
36 or imply that the notary public is licensed as an attorney-at-law in
37 the State of New Jersey or in any other jurisdiction of the United
38 States. The notice shall also state that a notary public who
39 advertises his services, in the English language or any other
40 language, is required to provide with such advertisement a notice
41 which contains the following statement: "I am not an attorney
42 licensed to practice law and may not give legal advice about
43 immigration or any other legal matter or accept fees for legal
44 advice."

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.

1 c. The State Treasurer shall cancel and revoke the appointment
2 of any notary public who fails to take and subscribe said oath within
3 three months of the receipt of his commission and any appointment
4 so canceled and revoked shall be null, void and of no effect.

5 d. The State Treasurer shall provide each member of the
6 Legislature with access to the certificates of commission and notice
7 described in subsection b. of this section.

8 e. It shall be the responsibility of the applicant to ensure that
9 within 30 days of the end of a declared state of emergency, the oath
10 of office recording fee is paid to the clerk of the county.

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

12
13 2. This act shall take effect on the 60th day after the date of
14 enactment.

15 16 17 STATEMENT

18
19 Presently, N.J.S.A. 52:7-14 directs that within three months of
20 the receipt of his commission, a notary public shall take and
21 subscribe an oath before the clerk of the county in which he resides.
22 The oath of office of a nonresident notary public should be taken
23 and subscribed before the clerk of the county in which he maintains
24 his office or is employed.

25 In the event of a declared state of emergency, such as the public
26 health emergency and state of emergency declared by the
27 Governor's Executive Order 103 of 2020, county level offices may
28 not function normally, potentially resulting in delays or interruption
29 to the vital services performed by notaries.

30 This bill provides an additional, alternative way for a notary
31 public to take the required oath. Under the bill, when a period of a
32 declared state of emergency exists, a notary public may take and
33 subscribe the oath before a member of the New Jersey Legislature
34 for the area covered by the state of emergency. Thus, if a local
35 state of emergency exists, a notary public may take and subscribe
36 an oath before any legislator whose district includes that local unit;
37 if a countywide state of emergency exists, a notary public may take
38 and subscribe an oath before any legislator whose district includes
39 that jurisdictional boundary, and if a statewide state of emergency
40 exists, a notary public may take and subscribe an oath before any
41 member of the New Jersey Legislature. The member of the
42 Legislature before whom the oath of office is taken shall retain and,
43 within 30 days of the end of the declared state of emergency, shall
44 transmit the oath to the clerk of the county for filing.

45 The bill directs the State Treasurer to provide each member of
46 the Legislature with access to certificates of commission, and the
47 notice concerning a notary public who is not licensed as an
48 attorney-at-law for distribution to the applicant. The applicant

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- 1 remains responsible for the payment of the notary public application
- 2 fee and oath of office recording fee.