

Regulatory Analysis Form (Completed by Promulgating Agency) (All Comments submitted on this regulation will appear on IRRC's website)		INDEPENDENT REGULATORY REVIEW COMMISSION RECEIVED Independent Regulatory Review Commission October 8, 2025	
(1) Agency Department of State, Office of Notaries, Commissions and Legislation		IRRC Number: 3424	
(2) Agency Number: 16 Identification Number: 61			
(3) PA Code Cite: 4 Pa. Code §§ 161.1, 163.1, 165.1 and 167.1—167.125			
(4) Short Title: Revised Uniform Law on Notarial Acts (RULONA)			
(5) Agency Contacts (List Telephone Number and Email Address): Primary Contact: Martha H. Brown, Deputy Chief Counsel, 717-783-2804, martbrown@pa.gov Secondary Contact: Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 787-0251) (jawolfgang@pa.gov).			
(6) Type of Rulemaking (check applicable box): ☐ Proposed Regulation ☒ Final Regulation ☐ Final Omitted Regulation		☐ Emergency Certification Regulation ☐ Certification by the Governor ☐ Certification by the Attorney General	
(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less) The regulations implement the provisions of the Revised Uniform Law on Notarial Acts (act or RULONA) (57 Pa.C.S. §§ 301—331). The regulations provide a comprehensive framework for notary public practice and procedure in Pennsylvania and provide necessary detail to implement provisions of the law. The regulations reflect modern notary practice and mandate currently-optional best practices. The regulations provide detail on qualifications for appointment and commission, the official notary public stamp, stamping device and optional embosser, the notary journal, standards of practice, notarial acts and certificates, electronic and remote notarization, the fees notaries may charge, the examination for first-time notaries, basic and continuing education, as well as prohibited acts and sanctions.			
(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation. The amendments to §§ 161.1, 163.1 and 165.1 are authorized under section 506 of The Administrative Code of 1929 (71 P.S. § 186), which states that the heads of administrative departments are empowered to prescribe rules and regulations, not inconsistent with law, for the government of their respective departments, the conduct of their employees and clerks, the distribution and performance of their business, and the custody, use and preservation of the records, books, documents, and property pertaining thereto.			

Furthermore, section 802(b) of The Administrative Code of 1929 (71 P.S. § 272(b)) grants the Department the power and the duty “to furnish to any person, upon request and the payment of such charges as may be required and fixed by law, certificates of matters of public record in the department, or certified copies of public papers or documents on file therein.” Concurrently, the Department is authorized under section 3 of The Administrative Code of 1929 (71 P.S. § 282) to adopt rules and regulations pertaining to its powers and duties under The Administrative Code of 1929.

The Department has broad authority under section 327(a) of the act (relating to regulations) to prescribe the manner of performing all notarial acts, including provisions to prevent fraud or mistake in the performance of notarial acts, and to prescribe the process of granting, renewing, conditioning, denying, suspending or revoking a notary public commission and assuring the competence and trustworthiness of an individual holding a commission as notary public. Chapter 167 is authorized under section 327(a) of the act, which authorizes the Department to promulgate regulations to implement the act, and section 329.1(a) of the act (relating to fees of notaries public), which states that the fees of notaries public shall be fixed by the Department by regulation. Additionally, the Department is required to promulgate regulations regarding performance of a notarial act performed under section 306.1 (relating to notarial act performed for remotely located individual).

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

These regulations are required by RULONA.

The majority of the provisions of RULONA came into effect 180 days after the publication of notice of the approval of basic and continuing education courses under 57 Pa.C.S. § 322(b) and (c). This occurred on October 26, 2017. These regulations will be effective on the date of final-form publication.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The regulation is needed because the General Assembly adopted the Revised Uniform Law on Notarial Acts (RULONA). The compelling need for these regulations is to implement the law passed by the General Assembly and provide implementation details for the new statutory requirements.

The Commonwealth’s approximately 75,000 commissioned notaries will benefit from these regulations, because the rulemaking implements a modernized notary law. The former notary law dates back to 1953 and there have never been comprehensive notary regulations in the Commonwealth. These regulations parallel the provisions of RULONA – they do not broaden the scope of the statute. The regulations reflect current practices and mandate currently-optional best practices, while taking into account different and new technologies. These regulations will provide rules and certainty for notaries. The notaries of Pennsylvania will benefit by being more prepared and familiar with the specifics of notary practice. They may be less subject to discipline and commit errors less frequently.

The 13 million citizens of this Commonwealth (among them the many users of notarial services) will benefit from these regulations by having more competent notaries. The rulemaking implements new statutory requirements such as testing for first-time notaries, which will ensure that notaries public are knowledgeable about and qualified to perform notarial acts. Provisions on conflict of interest,

advertising, unauthorized practice of law and prohibitions against “notario public” practice will also enhance public protection.

Education providers have the opportunity to develop continuing education courses for notaries public, covering topics which assist notaries to maintain and enhance their skills. There are currently 19 education providers which have RULONA-compliant basic or continuing education courses approved by the Department of State. One examination vendor (PearsonVUE) was awarded a contract to develop and administer the examination required by RULONA. The estimated number of education and examination vendors’ employees, officers, and shareholders is 10,000.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no applicable Federal notary law or other Federal notary standards.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania’s ability to compete with other states?

The original Uniform Law on Notarial Acts (ULONA) was promulgated by the Uniform Law Commission (ULC) in 1982, and was designed to provide a consistent framework for notarial acts and officers among the states. The Revised Uniform Law on Notarial Acts is an update of the 1982 Act and was approved by the ULC at its 2010 Annual Meeting. The ULC made an update to RULONA in 2018, to provide the infrastructure for remote notarization (the performance of notarial acts by means of audio-visual technology). Another update was made in 2021 to refine the remote notarization process and address certain conflicts of interest issues. To date, 28 states have adopted the Uniform Law on Notarial Acts as completed by the Uniform Law Commission initially in 1982, revised in 2010, amended in 2018, or further amended in 2021. Currently 47 states and the District of Columbia have permanently authorized remote online notarization, either through RULONA or special act.

Of the six states physically surrounding the Commonwealth, West Virginia has enacted the 2010 RULONA, Maryland has enacted the 2018 RULONA, and Delaware and New Jersey have enacted the 2021 RULONA, with New Jersey also having adopted ULONA. Other RULONA states include Arizona, Colorado, Hawaii, Idaho, Iowa, Kansas, Kentucky, Minnesota, Montana, New Hampshire, New Mexico, North Dakota, Oregon, Rhode Island, South Dakota, Vermont, Washington, and Wisconsin.

These regulations are modeled after other RULONA/ULONA states including Oregon, District of Columbia, Kansas, Oklahoma, as well notary regulations found in similarly populous states of Florida, California and North Carolina. The Department of State deemed it necessary to promulgate comprehensive regulations to preserve the uniformity of RULONA/ULONA as enacted by 28 states.

The final-form regulations are generally in line with the regulations adopted in surrounding states and will not negatively affect Pennsylvania’s ability to compete with other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

These regulations will not conflict with or otherwise affect any other regulations.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and

drafting of the regulation. List the specific persons and/or groups who were involved. (“Small business” is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

An initial exposure draft of these regulations was released for public comment on December 16, 2014. Twenty-one commentators submitted responses to the draft rulemaking. These included organizations representing Pennsylvania notaries: the Pennsylvania Association of Notaries, National Notary Association, Pennsylvania On-Line Messenger Association, Notaries Equipment Company and American Society of Notaries. Other organizations include Pennsylvania Automotive Association and Friends of Farmworkers. Three individual notaries and five attorneys commented in their personal capacities.

The Department published notice of proposed rulemaking at 48 Pa.B. 5474 (September 1, 2018). Following extensive comments on the proposed regulation, the Department advised commentators on October 2, 2020 that it would not submit a final rulemaking and that it planned to submit a new proposed rulemaking package to ensure sufficient public notice and opportunity to comment. This determination was based on extensive revisions to the proposed rulemaking, the advent of temporary remote notarization as authorized by Act 15 of 2020 (effective April 20, 2020) and the limited time for review at the end of the 2019-2020 legislative session. Furthermore, on October 29, 2020, Act 97 amended the act to provide for permanent remote notarization.

The Department released a subsequent exposure draft of the new rulemaking for public comment on February 16, 2023. Written comments were received from the following commentators: Pennsylvania Association of Notaries, National Notary Association, Runkle’s Notary Tag Title, Electronic Signature & Records Association, Pennsylvania Land Title Association, Huckleberry Notary, American Society of Notaries, Gerard Ashton (a Vermont notary public) and KYS-Tech, Notarize and eNotaryLog (all remote online technology providers). The Department reviewed those comments and made several substantive revisions to the proposed rulemaking.

On December 21, 2024, the Department published notice of proposed rulemaking at 54 Pa.B. 8257. Written comments were received from the following commentators: Pennsylvania Association of Notaries, National Notary Association, Proof (a remote notarization technology provider) and Judy Berkman, Esquire, for the Fraudulent Conveyance Task Force of the Philadelphia Bar Association. The Department reviewed those comments, as well as the comments from the Independent Regulatory Review Commission, and now submits the final rulemaking.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

The Commonwealth’s approximately 75,000 commissioned notaries will be affected by these regulations, because the rulemaking implements a modernized notary law (RULONA). The law and regulations reflect current practices and mandate currently-optional best practices, while taking into account different and new technologies. These regulations will provide definitive rules and certainty for notaries, where many rules were previously uncodified. The notaries of Pennsylvania will benefit by being more prepared and familiar with the law and other rules for notary practice.

The definition of “small business” in Section 3 of the Regulatory Review Act points to “small businesses” as defined in 13 C.F.R. § 121.201. According to the Small Business Administration (SBA), there are approximately 1,082,000 small businesses in Pennsylvania, which is 99.6% of all Pennsylvania businesses. Of the 1,082,000 small businesses, 225,401 are small employers (those with fewer than 500

employees) and the remaining 872,647 are non-employers. Thus, the vast majority of businesses in Pennsylvania are considered small businesses. Many notaries may work for “small businesses” as defined in the Federal regulations; however, the Department of State does not collect this information and has no practical way of verifying how many notaries work for small businesses or otherwise. An informal survey of the Department’s records reveals that approximately 90% of notaries list an office address which appears to be an employer business address (as compared to a home address). Whether those employers fall under the definition of small business is unclear. Those 10% of notaries public who list what appears to be a home address as their office address could be considered as individually small businesses/sole proprietors.

According to the Pennsylvania Department of Labor and Industry, notaries public provide their services for a variety of private and public sector employers as “Office and Administrative Support Workers, All Other.”

The table below shows the industries that employed the largest number of Office and Support Workers, All Other in Pennsylvania for the data period 2022-2032 (Source: Pennsylvania Department of Labor and Industry).

Rank	Industry Title	Estimated Number of Office Support Workers, Other Employed	Percent of Total Employment
1	Employment Services	915	15.97%
2	Colleges, Universities, and Professional Schools	889	15.51%
3	Self-Employed Workers, Primary Job	497	8.67%
4	Federal Government	393	6.86%
5	Wholesale Trade Agents and Brokers	324	5.65%
6	Legal Services	295	5.15%
7	State Government, excluding Education and Hospitals	268	4.68%
8	Elementary and Secondary Schools	240	4.19%
9	Local Government, excluding Education and Hospitals	187	3.26%
10	Merchant Wholesalers, Durable Goods	135	2.36%

Anecdotally, notaries are often employed in the following specific fields: law, banking/mortgage lenders and vehicle sales/title and tag shops.

Small businesses are defined in Section 3 of the Regulatory Review Act, (71 P.S. § 745.3) which provides that a small business is defined by the SBA’s Small Business Size Regulations under 13 CFR Ch. 1 Part 121. These size standards have been established for types of businesses under the North American Industry Classification System (NAICS). In applying the current NAICS standards to the types of businesses where notaries may work, a small business in Subsector 541 (Professional, Scientific and Technical Services – which includes law offices, title abstract and settlement offices and all other legal services) is one that has \$20.5 million or less in average annual receipts.

For those notaries employed in commercial banking, a small business in Subsector 522 (Credit Intermediation and Related Activities) – which includes commercial banking, savings institutions and credit unions) is one that has \$850 million or less in assets. A small business in consumer lending, sales financing, real estate credit and secondary financing is one that has \$47 million or less in average annual receipts. Finally, mortgage and nonmortgage loan brokers are considered small businesses if they have \$15 million or less in average annual receipts.

For those notaries employed in vehicle sales, a small business in Subsector 441 (Motor Vehicle and Parts Dealers) – which includes new and used car dealers and recreational and motorcycle/ATV dealers – is one that ranges from \$30.5 million (for used car dealers) to \$40 million (for boat, motorcycle, ATV, and all other motor vehicle dealers) or less in average annual receipts. New car dealers with 200 or fewer employees qualify as small businesses.

Based on the variety of employers, the Department believes that many notaries public in Pennsylvania are employed in small businesses. As noted above, the Department does not collect information on the size of the businesses where notaries are employed. However, for purposes of determining the economic impact on small businesses, the Department will assume that a large number of its notaries work for small businesses as that term is defined by the SBA and Pennsylvania’s Regulatory Review Act.

Although many notaries public may work for “small businesses,” whether these small businesses will be impacted by the regulations depends on whether the businesses pay the fees and costs associated with obtaining a notary commission on behalf of employees. Those fees and costs include the exam fee (generally for new notaries only), education costs (for new and continuing notaries), the application fee, bond and notary equipment costs for the journal and notary stamping device. It should be noted that only the examination fee and the education costs for notaries previously grandfathered are new. All other fees and costs were required by the prior law. Because these fees are charged to individuals applying for initial or renewal appointment and commission, any business (small or otherwise) could avoid these costs by requiring employees to pay their own fees and costs.

The 13 million citizens of this Commonwealth (among them the many users of notarial services) will also be affected by the new law and regulations by having more competent notaries. The rulemaking implements new statutory requirements such as testing for first-time notaries, which will ensure that notaries public are knowledgeable about and qualified to perform notarial acts. Provisions on conflict of interest, advertising, unauthorized practice of law and prohibitions against “notario public” practice will also enhance public protection.

Education providers will be affected by the new law and regulations, because these companies will have the opportunity to develop new continuing education courses for notaries public, covering topics which assist notaries to maintain and enhance their skills. There are currently 19 education providers which have RULONA-compliant basic or continuing education courses approved by the Department of State. The vast majority of the 19 are considered to be small businesses by the Department.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

- The 75,000 currently-commissioned notaries, and all future notary applicants, will have to comply with the regulation. Please see question 15 for the analysis relating to “small businesses.”

- Any notary education provider which submits an application for approval of a basic or continuing education course will be affected. There are currently 19 approved education providers under RULONA.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

- The cost to sit for the notary examination is \$65, in addition to the application and education fees which currently exist. Approximately 7,000 new notaries apply annually and are required to take the examination. A new notary will have to pass the examination only once, and not with each commission, unless the notary allows their commission to expire. If 7,000 new applicants take the examination each year, the cost to the regulated community will be \$455,000. It is unknown how many notaries have gaps in the commissioning process, such that they would be required to take the examination. Please see question 15 for the analysis relating to “small businesses.”
- Both the former notary law and RULONA require three hours of approved notary education for all notaries every four years, so this is not a new cost. The notaries who were “grandfathered in” by the Pennsylvania Supreme Court ruling in *Tritt v. Cortés*, 578 Pa. 317 (June 22, 2004) and who were not obligated to comply with the education requirement imposed by 2002 amendments to the Notary Public Law, have already born these costs. The Department estimates that about 15-25% of the 75,000 currently commissioned notaries (11,250 - 18,750) were exempt from the prior education requirement. These notaries are no longer be exempt under RULONA and are required to complete three hours of education every four years. All have renewed their commissions at least once under RULONA and have completed the required education. The current cost of approved notary education courses is between \$39 and \$99 for a three-hour course.
- Since October 26, 2021, all notaries have been required to comply with the revised official stamp and journal formats of RULONA. The Department encourages all notaries to transition to the regulatory stamp format as soon as possible after the new regulations are in effect. However, in the interest of practicality, the regulations provide for a transitional provision on stamping devices wherein a notary public who holds a commission on the effective date of the law may continue to use their seal until the expiration of that commission, which may occur after the effective date of these regulations. The average cost for a notary stamping device ranges from \$13 to \$24. There is no such transitional provision for journals, as this rulemaking makes no changes to the fundamental journal entry requirements set forth in section 319 of the act. The cost for a notary journal ranges from \$9 to \$25.95.
- Both the former notary law and RULONA require all notaries to obtain a bond. The amount of the notary bond was \$3,000 from 1953 to 2002. The bond has been set at \$10,000 since 2003, with the current cost of a four-year bond costing \$30 for most notaries. Raising the bond amount to \$25,000 will result in all notaries bearing an additional estimated cost of \$5 per year.
- This rulemaking will not affect the optional cost of becoming an electronic/remote notary. There is no cost for the notary to notify the Department that the notary will be performing notarial acts electronically or remotely. The technology costs are set by the electronic and remote notarization providers and vary considerably, depending on the platform utilized by the notary. See

<https://www.nationalnotary.org/notary-bulletin/blog/2022/03/a-guide-to-remote-notarization-providers-for-notaries>. The cost can range from below \$100 to \$299 annually, depending on the company. There is often, but not always, a sign-up fee and the cost of digital supplies, including electronic seal and digital certificate. Some technology providers charge per notarial act, while others do not. All technologies require that a notary have compatible hardware (computer, webcam, microphone) and secure internet access.

- Notary education providers are assessed a \$1,013 approval fee for Departmental approval of notary education courses and \$525 for renewal of such approval every three years. Since course providers charge \$39-\$99 per three-hour course per notary, the Department does not consider this fee to be onerous. The Department relied on recommendations prepared by Department of State's Bureau of Finance and Procurement, including fee report forms that provide the breakdown of costs for application fees. (See Attachment "A").
- The financial, economic and social impact of this regulation on the general public is minimal, other than it will receive more competent notary services.
- There will be some costs to the Department of State as it implements RULONA and these regulations, including the cost of enhancements to the notary public database, reviewing notary education courses, revising forms and materials. The Department estimates this to be a one-time cost of \$10,000 to make the updates within the current notary public database.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The public protection benefits of uniformly-educated and competent notaries public will outweigh any costs or adverse effects. Notaries who lack training may make mistakes that cost consumers money and time. Failure to properly notarize deeds, vehicle titles, powers of attorney and other important records may cause the loss of a consumer's valuable personal and property rights.

(19) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Department estimates costs to the regulated community as follows:

Examination costs – \$65 exam fee x 7,000 new applicants = \$455,000 per year

Average cost for new stamping device – 75,000 notaries x \$18.50 average cost ÷ 4 years = \$346,875 per year for the next 4 years (if notaries do not take advantage of transitional provisions)

Bonding costs – 75,000 notaries x \$5 additional per year = \$375,000 per year

See answer to question 17 for more details on the costs to the regulated community.

(20) Provide a specific estimate of the costs and/or savings to the local governments associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no direct costs or savings to local governments, but to the extent local governments employ notaries and pay their application, education, examination and equipment fees and costs, those may be

affected indirectly by the examination requirement for new notaries and the education requirement for previously-grandfathered notaries.

(21) Provide a specific estimate of the costs and/or savings to the state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There will be some costs to the Department of State as it implements RULONA and these regulations, including the cost of enhancements to the notary public database, reviewing notary education courses, revising forms and materials and revising the notary public examination. The Department estimates this to be a one-time cost of \$10,000, which is offset by the fees charged by the Department. However, the actual process of appointing and commissioning notaries public would change little under the new law and regulations. The Department already maintains a public searchable database of all notaries public and this public database display has already been upgraded to indicate on the notary record whether a notary public is authorized to notarize electronically and remotely. The database has already been upgraded so that examination scores can be reported directly and electronically to the Department of State as part of the application process. These enhancements to the current notary public database have been completed under an existing contract and have not cost the Department additional funds.

There are no direct costs or savings to other departments of state government otherwise, except to the extent such state governments employ notaries and pay their application, education, examination and equipment fees. State governments paying those fees may be affected indirectly by the examination requirement for new notaries and the education requirement for previously-grandfathered notaries.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

Notary applicants taking the examination must continue to schedule a time for exam administration with the examination vendor, and successfully complete the exam, passing with an approved number of correct questions. The Department of State and the examination vendor will continue to log the progress of the examination, including applicant passage and failure.

Notary education providers will need to update their approved courses to include new material encompassed by this rulemaking. Electronic notarization technology providers and remote online notarization technology providers will need to submit changes to their information or technology to the Department. These technology providers must also communicate with the Department and notaries who have used or are using these technologies, should the technology provider cease operations.

The Department does not expect there will be further legal, accounting or consulting procedures, or additional reporting, recordkeeping or other paperwork for local government, state government or the regulated community.

(22a) Are forms required for implementation of the regulation?

Yes. All existing forms must be modified to implement certain provisions of RULONA. In addition, a new form for notary public education provider approval or amendment is required.

(22b) If forms are required for implementation of the regulation, attach copies of the forms here. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.

Copies of relevant forms are attached hereto as (Attachment “B”).

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY 2024-25	FY +1 2025-26	FY +2 2026-27	FY +3 2027-28	FY +4 2028-29	FY +5 2029-30
SAVINGS:						
Regulated Community						
Local Government						
State Government						
Total Savings	\$0	\$0	\$0	\$0	\$0	\$0
COSTS:						
Regulated Community	\$0	\$1,176,875	\$1,176,875	\$1,176,875	\$1,176,875	\$830,000
Local Government						
State Government	\$0	\$10,000	\$0	\$0	\$0	\$0
Total Costs	\$0	\$1,186,875	\$1,176,875	\$1,176,875	\$1,176,875	\$830,000
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	\$0	\$0	\$0	\$0	\$0	\$0

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY – 1 FY2021-22	FY – 2 FY2022-23	FY – 1 FY2023-24	Current FY FY2024-25
Office of Notaries, Commissions and Legislation	\$861,736.37	\$1,117,631.95	\$1,544,226.98	\$1,653,000.00

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.**
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.**
- (c) A statement of probable effect on impacted small businesses.**
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.**

- (a) As noted in the answer to question 15, the Department believes that many notaries public in Pennsylvania are employed in small businesses. Many of those businesses are in following specific fields: law, banking/mortgage lenders and vehicle sales/title and tag shops.
- (b) As stated in the answer to questions 17 and 19, the projected reporting, recordkeeping and other administrative costs required for compliance with the final-form regulation will be limited to new notaries and notaries who have previously been exempted from the education requirement.
- (c) While many notaries public may work for “small businesses,” whether these small businesses will be impacted by the new law and regulations depends on whether the businesses pay the fees and costs associated with obtaining a notary commission on behalf of employees. Those fees include the exam fee (for new notaries and previously-commissioned notaries who allow their commissions to lapse or expire), education costs (for new and continuing notaries), the application fee and notary equipment costs for the journal and notary stamping device. It should be noted that only the examination fee and the education costs for notaries previously grandfathered are new. All other fees and costs were required by the prior law. Therefore, it is the opinion of the Department that the final-form regulation will have a *de minimis* adverse impact on any small business, especially because these fees and costs can be amortized over each four-year commission and over the duration of a notary’s career with the business.
- (d) There are no less intrusive or less costly alternative methods of achieving the purpose of the final-form regulation.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

The provisions of RULONA and the final-form regulations at § 167.43 (relating to Identification of individual appearing before notary public – satisfactory evidence) to include other forms of government identification and identification by a credible witness will mitigate the effect on minority communities and the elderly, insofar as those groups are less likely to have current, unexpired forms of photo identification such as driver’s licenses and passports. The provisions of § 167.43 will, to some degree, alleviate that issue.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative provisions were considered. The provisions of the regulations are dictated by RULONA.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

No exemptions for small businesses were considered. Notaries and notary applicants are considered individually, rather than as employees or owners of businesses (small or large). To the extent businesses of any size are affected, it is only because (1) they employ, or wish to employ, one or more notaries and are paying the associated fees, and/or (2) the notary himself or herself, is the proprietor of their own small business as a notary. To have less stringent requirements for notaries who are employed by small businesses would be contrary to the law's goals of public protection and would not be consistent with the legislative intent of RULONA.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

The Consumer Price Index calculator on the website of the Bureau of Labor Statistics (BLS) of the United States Department of Labor was used for calculations in contemplation of changing the maximum permissible fees notaries may charge.

This rulemaking is not based upon any scientific data, reports, studies or research.

(29) Include a schedule for review of the regulation including:

- A. The length of the public comment period: 60 days from the date of publication as proposed
- B. The date or dates on which any public meetings or hearings will be held: N/A
- C. The expected date of delivery of the final-form regulation: Summer 2025

D. The expected effective date of the final-form regulation: Upon final-form publication in the *Pennsylvania Bulletin*

E. The expected date by which compliance with the final-form regulation will be required: Upon final-form publication in the *Pennsylvania Bulletin*

F. The expected date by which required permits, licenses or other approvals must be obtained: Upon final-form publication in the *Pennsylvania Bulletin*

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Department will actively monitor the effectiveness of the regulations, as part of the annual review process under Executive Order 1996-1. To the extent that the General Assembly further amends the notary law, the Department will make necessary adaptations to the regulations.

Attachment A

**PA DEPARTMENT OF STATE
FEE REPORT FORM**

AGENCY: State - Bureau of Notaries, Commissions and Legislation

DATE: 2/22/2024

CONTACT: Julio C. Peña
Director, Bureau of Notaries, Commissions and Legislation

PHONE: 717.787.1605

FEE TITLE, RATE, AND ESTIMATED COLLECTIONS:

TITLE: Certifying matters of public record (includes issuing apostilles)

CURRENT FEE (if applicable): \$15.00

NUMBER OF APPLICATIONS ANNUALLY:

FEE DESCRIPTION:

The certification/apostille fee is for the authentication of the identity of Pennsylvania elected and appointed public officials, including notaries public, on documents bearing these public officials' seals and signatures that will be used outside the United States. Such authentications are pursuant to the Department's duties under the 1961 Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents and section 802(b) of The Administrative Code of 1929 (71 P.S. § 272(b)). Users of the service will pay the fee.

FEE OBJECTIVE:

This fee is to cover the Department's costs in issuing certifications and apostilles, as well as codify the current apostille/certification fee. The fee was mistakenly repealed from the statutory fee schedule by Acts 67 of 1990 and 198 of 1990). These acts, passed in quick succession, appear to have eliminated, certainly inadvertently, the previous \$15 fee for certifications at section 618-A(1)(viii)(B) of the Administrative Code of 1929, codified at 71 P.S. § 240.18A, as part of a repealer. The Bureau does not wish to increase the fee at this time.

FEE-RELATED ACTIVITIES AND COSTS:

JOB TYPE	JOB CLASSIFICATION	TIME SPENT	HOURLY RATE	TOTAL COST
CLERICAL REVIEW	Clerical Asst 2	0.30	\$48.15	\$14.45
				\$0.00
			TOTAL ESTIMATED COST:	\$14.45
			TRANSACTION FEE:	\$0.39
			PROPOSED FEE:	\$14.84

ANALYSIS, COMMENT, AND RECOMMENDATION:

RECOMMENDATION: It is recommended that a fee of \$15.00 be charged to every applicant for a Fee Report, Certifying Matter of Public Record Apostilles.

CLERICAL REVIEW: Intake of certification/apostille request (includes opening mail, sorting and entering request into database), checking public official name and position in database, generating and printing certification/apostille, processing payments and mailing.

**PA DEPARTMENT OF STATE
FEE REPORT FORM**

AGENCY: State - Bureau of Notaries, Commissions and Legislation

DATE: 2/22/2024

CONTACT: Julio C. Peña
Director, Bureau of Notaries, Commissions and Legislation

PHONE: 717.787.1605

FEE TITLE, RATE, AND ESTIMATED COLLECTIONS:

TITLE: Certifying copies of public papers or records

CURRENT FEE (if applicable): \$15.00

NUMBER OF APPLICATIONS ANNUALLY:

FEE DESCRIPTION:

This fee is similar to the certification/apostille fee. It is for the certification of copies of any public papers or documents on file with the Bureau of Notaries, Commissions and Legislation. Frequent certification requests are for the filed bonds of public officials or their commissions. Users of the services will pay the fee.

FEE OBJECTIVE:

This fee is to cover the Department's costs and expenses of locating filed documents and producing certified copies for those who request it. The Bureau does not wish to increase the fee at this time.

FEE-RELATED ACTIVITIES AND COSTS:

JOB TYPE	JOB CLASSIFICATION	TIME SPENT	HOURLY RATE	TOTAL COST
CLERICAL REVIEW	Clerical Asst 2	0.20	\$48.15	\$9.63
BUREAU DIRECTOR REVIEW	AO 4	0.10	\$92.50	\$9.25
TOTAL ESTIMATED COST:				\$18.88
TRANSACTION FEE:				\$0.51
PROPOSED FEE:				\$19.39

ANALYSIS, COMMENT, AND RECOMMENDATION:

RECOMMENDATION: It is recommended that a fee of \$19.00 be charged to every applicant for a Fee Report, Certifying of Public Records. However, because this fee is similar to the certification/apostille fee, it is recommended that the two fees be kept the same, e.g. at \$15.00, to avoid customer and staff confusion. Additionally, the Bureau annually does a great deal fewer of these slightly more specialized certifications than it does apostilles.

CLERICAL REVIEW: Intake of certification request (includes opening mail, sorting and entering request into database), processing payments and mailing.

BUREAU DIRECTOR REVIEW: Includes checking public official name and position in database, generating and printing certification.

**PA DEPARTMENT OF STATE
FEE REPORT FORM**

AGENCY: State - Bureau of Notaries, Commissions and Legislation

DATE: 2/22/2024

CONTACT: Julio C. Peña
Director, Bureau of Notaries, Commissions and Legislation

PHONE: 717.787.1605

FEE TITLE, RATE, AND ESTIMATED COLLECTIONS:

TITLE: Preapproval of new notary education course

CURRENT FEE (if applicable): n/a

NUMBER OF APPLICATIONS ANNUALLY: 10

FEE DESCRIPTION:

The preapproval of new notary education course is paid by the course provider. There are currently 22 approved education courses from 20 providers. The course providers charge from \$55 to \$99 per person for the three-hour course. All 75,000 notaries are required to take education every four years and the relatively minimal cost of course approval will be passed along to all Pennsylvania notaries.

FEE OBJECTIVE:

This fee is to recoup program area and legal expenses of reviewing and approving the content of new notary public education courses. Course approval is a mix of Director, Administrative Officer and Attorney time, with an estimated 16 hours per new course.

FEE-RELATED ACTIVITIES AND COSTS:

JOB TYPE	JOB CLASSIFICATION	TIME SPENT	HOURLY RATE	TOTAL COST
SUPERVISOR REVIEW	AO 2	7.50	\$73.71	\$552.83
BUREAU DIRECTOR REVIEW	AO 4	2.00	\$92.50	\$185.00
BUREAU COUNSEL REVIEW	Atty 4 OGC	2.00	\$124.24	\$248.48
TOTAL ESTIMATED COST:				\$986.31
TRANSACTION FEE:				\$26.24
PROPOSED FEE:				\$1,012.55

ANALYSIS, COMMENT, AND RECOMMENDATION:

RECOMMENDATION: It is recommended that a fee of \$1,013.00 be charged to every applicant for a Fee Report, Preapproval of New Notary Education Course.

SUPERVISOR REVIEW: First reviewer for approval process. Review time varies depending on the method used to submit application and materials. Paper applications/materials can take several hours, as you cannot search key words and have to manually go through the document looking for each relevant section. Uses review checklist. Initial submissions generally require several revisions and back-and-forth communication with provider.

BUREAU DIRECTOR REVIEW: Second reviewer for approval process. Uses review checklist. Initial submissions generally require several revisions and back-and-forth communication with provider.

BUREAU COUNSEL REVIEW: Reviews for legal compliance with current law/regulations. Uses review checklist. Initial submissions generally require several revisions and back-and-forth communication with provider.

**PA DEPARTMENT OF STATE
FEE REPORT FORM**

AGENCY: State - Bureau of Notaries, Commissions and Legislation

DATE: 2/22/2024

CONTACT: Julio C. Peña
Director, Bureau of Notaries, Commissions and Legislation

PHONE: 717.787.1605

FEE TITLE, RATE, AND ESTIMATED COLLECTIONS:

TITLE: Preapproval of revised notary education course

CURRENT FEE (if applicable): n/a

NUMBER OF APPLICATIONS ANNUALLY: 10

FEE DESCRIPTION:

Notary education courses must be reapprorved every three years to ensure content is compliant with the law, regulations and procedures of the Bureau. The preapproval of a revised notary education course is paid by the course provider. There are currently 22 approved education courses from 20 providers. The course providers charge from \$55 to \$99 per person for the three-hour course. All 75,000 notaries are required to take education every four years and the relatively minimal cost of course reapprorval will be passed along to all Pennsylvania notaries.

FEE OBJECTIVE:

This fee is to recoup program area and legal expenses of reviewing and approving the content of revised notary public education courses. Course approval is a mix of Director, Administrative Officer and Attorney time, with an estimated 8 hours per revised course.

FEE-RELATED ACTIVITIES AND COSTS:

JOB TYPE	JOB CLASSIFICATION	TIME SPENT	HOURLY RATE	TOTAL COST
SUPERVISOR REVIEW	AO 2	4.00	\$73.71	\$294.84
BUREAU DIRECTOR REVIEW	AO 4	1.00	\$92.50	\$92.50
BUREAU COUNSEL REVIEW	Atty 4 OGC	1.00	\$124.24	\$124.24
TOTAL ESTIMATED COST:				\$511.58
TRANSACTION FEE:				\$13.62
PROPOSED FEE:				\$525.20

ANALYSIS, COMMENT, AND RECOMMENDATION:

RECOMMENDATION: It is recommended that a fee of \$525.00 be charged to every applicant for a Fee Report, Preapproval of Revised Notary Education Course.

SUPERVISOR REVIEW: First reviewer for approval process. Review time varies depending on the method used to submit application and materials. Paper applications/materials can take several hours, as you cannot search key words and have to manually go through the document looking for each relevant section. Uses review checklist.

BUREAU DIRECTOR REVIEW: Second reviewer for approval process. Uses review checklist.

BUREAU COUNSEL REVIEW: Reviews for legal compliance with current law/regulations. Uses review checklist.

Attachment B



This form may be submitted online at www.notaries.pa.gov

PRINT OR TYPE CLEARLY. FILL OUT APPLICATION COMPLETELY. Do **not** leave any blanks.
Use "none" or "N/A" if applicable. **An incomplete application will delay your appointment.**
FEE: \$42 – make check or money order payable to: COMMONWEALTH OF PENNSYLVANIA.

CHECK ONE: ☐ **New Appointment**
☐ **Reappointment** (have been a notary in Pennsylvania before)

If you have ever been a notary in Pennsylvania before or used a different name:	
Notary commission expiration date	Full name on previous commission
Notary commission ID number	Other name used on previous commission or other/former name(s) you have used

PART I: Applicant Information (NOTE: Employer/Business contact information will be public record)			
First Name	Middle Name or Initial (if used)	Last Name	Suffix (if applicable)
Date of Birth (mm/dd/yyyy)	Social Security Number (xxx-xx-xxxx)	Email Address	
Name of Employer/Business where Notary Commission will be used (Do not leave blank. If not applicable, please indicate.)			
Employer/Business Street Address (P.O. Box alone is insufficient)		City	State Zip Code
Employer/Business Telephone (include area code)		County	
Home Street Address (P.O. Box alone is insufficient)		City	State Zip Code
Home Telephone (include area code)		County	

Part II: Education; Criminal, Disciplinary and Legal History (Check or mark appropriate boxes)	YES (✓)	NO (✓)
I am a notary applicant for initial appointment or reappointment and I have completed a three-hour notary public education course, pre-approved by the Department, within the six-month period immediately preceding this application. I have attached a copy of my course completion certificate and retained my original. Lack of proof of education will result in application rejection.		
Have you ever been convicted or accepted Accelerated Rehabilitative Disposition in resolution of a felony or misdemeanor preceding the date of this application? Conviction includes a finding of guilt by a court or jury, a plea of guilty or nolo contendere or a finding of not guilty due to insanity or of guilty but mentally ill. If yes, attach full details (name of court, plea/conviction/ARD, sentence and length of probation) and appropriate supporting documents with a signed and dated personal explanation.		
Have you ever resigned a notary commission or had a notary commission suspended, revoked or otherwise disciplined by the Commonwealth of Pennsylvania or any other state/jurisdiction preceding the date of this application? If yes, attach full details and appropriate supporting documents with a signed and dated personal explanation.		
Have you ever had any other professional or occupational license suspended, revoked or otherwise disciplined? If yes, attach full details and appropriate supporting documents with a signed and dated personal explanation.		
Have you ever had a judgment levied against you or admitted liability in a legal proceeding for your actions as a notary public? If yes, attach full details and appropriate supporting documents with a signed and dated personal explanation.		

Note that disclosing your social security number on this application is mandatory for the Department of State to comply with the requirements of the federal Social Security Act pertaining to child support enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa. C.S. § 4304.1(a). To enforce domestic child support orders, the Commonwealth's licensing boards must provide to the Department of Human Services (DHS) information prescribed by DHS about the licensee, including the social security number.

DECLARATION: I am at least 18 years of age; a citizen or permanent legal resident of the United States; a resident of or have a place of employment in Pennsylvania; able to read and write English. I meet all the qualifications for appointment and commission as prescribed by law and have the honesty, integrity, competence and reliability to act as a notary public. I shall furnish additional evidence of these statements, if requested, which shall be satisfactory to the Department of State. To the best of my knowledge and belief, this application contains no misrepresentations or falsifications, omission or concealments of material fact and the information given by me is true and complete. I understand that any false statement made is subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation, or denial of my notary commission.

Applicant Signature (must match name in Part I)

Applicant Printed Name (must match name in Part I)

Date

PENNSYLVANIA NOTARY PUBLIC APPLICATION – INSTRUCTIONS

To qualify for appointment and commission as a Pennsylvania Notary Public, you MUST:

- Be at least eighteen (18) years of age
- Be a citizen or permanent legal resident of the United States
- Be a resident of Pennsylvania or have a place of employment or practice within this Commonwealth
- Be able to read and write English
- Have completed at least three hours of approved notary education within the six months immediately preceding your application (see below for more information)
- Pass an examination (for applicants who do not hold a current and active commission – see below for more information)
- Have the honesty, integrity, competence and reliability to act as a notary public – this is generally the absence of a conviction of, or acceptance of Accelerated Rehabilitative Disposition, by the applicant for a felony or an offense involving fraud, dishonesty or deceit
- Not be otherwise disqualified to receive a commission

The following persons are NOT eligible to hold the office of Notary Public:

- Any member of the Congress of the United States, and any person, whether an officer, a subordinate officer or agent holding any office or appointment of profit or trust under the legislative, executive, or judicial departments of the government of the United States, to which a salary, fees or perquisites are attached.
- Any member of the General Assembly of Pennsylvania.

Notary Public Application Procedures

General Instructions: This application must be **TYPEWRITTEN or PRINTED legibly**. Applications will be accepted only on the form approved for use by Department of State. This form may not be altered in any way. Do not send a copy of your completed form; only the original will be accepted. All answers are subject to investigation and false statements (including omissions) will be deemed as adequate grounds for rejection.

PART I: Use your full name as you would like it to appear on your commission. Nicknames will not be accepted. You may use any of the following: full first name and last name; full first name, middle initial and last name; full first name, full middle name and last name; first name initial, full middle name and last name. Your signature at the bottom of the application must match the full name printed in this section. Your commission will be prepared and issued in this name. If applicable, employer business information may be the same as home address information (i.e., home office). Note that a home office address and telephone number listed in the employer/business address section of the application will become public information.

PART II: Answer all questions. Where “yes” is checked, supply full details and appropriate supporting documents with a signed and dated personal explanation.

Signature: The applicant’s signature on the application must exactly match the applicant’s name as provided on the application. The applicant shall use a legible, recognizable handwritten signature, which can be attributed to the applicant by anyone examining or authenticating the signature. A signature is legible and recognizable if it is distinct, easily readable and understandable, and the notary’s full name may be clearly discerned by looking at the signature. If an applicant’s preferred signature is not legible and recognizable, the applicant must also legibly print his or her name immediately adjacent to his or her preferred signature.

To ensure uninterrupted “commissioned” status, completed applications for reappointment should be submitted to the Department of State **TWO to THREE MONTHS** prior to the expiration of the current commission. Renewal applicants should allow **TWO to FOUR WEEKS** for processing after submitting a completed renewal application to the Department.

New appointees should allow **TWO to FOUR WEEKS** for processing after submitting a completed application to the Department of State. If notice of appointment is not received within this time, contact the Office at the address at the top of the application.

Fee: Each application must be accompanied by a check or money order for \$42.00, made payable to “Commonwealth of Pennsylvania,” and mailed to 401 North St, Rm 201, Harrisburg, PA 17120. **The fee is non-refundable.** The Department of State is authorized to revoke the notary public commission of a notary public who issues an insufficient funds check to the order of the Commonwealth, the Department of State, a Recorder of Deeds or a Prothonotary.

Oath of Office, Bond, Recording, Signature: Upon appointment, the Department of State will email notice of appointment to the applicant, with further instructions and an official bond and oath form to be executed by the applicant. These materials will be sent to the applicant’s email address as provided on the application. The applicant must record the commission, executed bond and oath form in the Recorder of Deeds in the county where their office is located and register their official signature in the prothonotary’s office or the office of the recorder of deeds of the same county. This must be completed within **FORTY-FIVE (45) DAYS** after the date of appointment or **the commission becomes null and void. Extensions will not be given.**

All correspondence from the Department of State concerning your notary public application, notice of appointment to office and bond will be emailed to the email address you have provided on your application. Your name, employer/business name, employer/business address, employer/business telephone number and commissioning history will become public information. If you list your Pennsylvania home address only, with “N/A” or “None” in the employer/business address section of the application (or list employment outside of Pennsylvania), your home address and home telephone number will become public information.

Mandatory Education Requirement for all applicants – The Revised Uniform Law on Notarial Acts requires all applicants for both initial appointment and reappointment as a notary public to complete at least three hours of approved notary education within the six months immediately preceding the application for appointment or reappointment. Under the new law, the exemption previously available for notaries whose commission was in effect on July 1, 2003 is abolished. All notaries public are required to complete an approved notary education course in order to be appointed or reappointed, including those notaries previously “grandfathered” from the prior education requirement by court ruling.

Examination Requirement for applicants who do not hold a current notary commission – The Revised Uniform Law on Notarial Acts requires all applicants who do not hold a current commission in Pennsylvania to pass an examination. This includes applicants who have never held a notary commission and all applicants who previously held a notary commission but whose commission has expired at the time their application for appointment is received by the Department. Upon approval of the application, applicants who are required to take the examination will be provided with information on the computer-based testing procedures and sites.



A notary public must notify the Department of State within 30 days of any change in the information on file with the Department, including the notary's legal name. Such notice must be on a form prescribed by the Department and accompanied by evidence of the name change (such as marriage certificate, court order or divorce decree).

This form may be submitted online at www.notaries.pa.gov (link to "Update Notary Info").

Following notification to the Department, the notary may use the new name or continue to perform notarial acts in the name in which the notary was commissioned until the expiration of the notary's term. However, before using the new name on notarial work, the notary public must register the new signature with the prothonotary's office or the office of the recorder of deeds of the county where the notary's office address is located and purchase a new rubber seal/stamping device. Application for reappointment must be made in the new name.

For Official Use Only

PRINT OR TYPE CLEARLY. FILL OUT FORM COMPLETELY. Do **not** leave any blanks.
Use "none" or "N/A" if applicable. There is no fee for filing this form.

Notary commission expiration date	Date of Birth (mm/dd/yyyy)
Notary commission ID number	Email address where you can be contacted about this form

PART I: Full name as it appears on your current commission:

First Name	Middle Name or Initial (if used)	Last Name	Suffix (if any)
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PART II: Name has changed to:

First Name	Middle Name or Initial (if used)	Last Name	Suffix (if any)
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Effective date of name change (mm/dd/yyyy): _____/_____/_____

Reason for change of name (circle one): Marriage / Divorce / Court Order / Other

Please attach proof of name change (e.g. marriage certificate, court order, divorce decree)

DECLARATION: I shall furnish additional evidence of these statements, if requested, which shall be satisfactory to the Department of State. To the best of my knowledge and belief, this completed form contains no misrepresentations or falsifications, omission or concealments of material fact and the information given by me is true and complete. I understand that any false statement made is subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation, or denial of my notary commission.

Notary Signature (must exactly match new name in Part II)

Notary Printed Name (must match new name in Part II)

Date



A notary public must notify the Department of State within 30 days of any change in the information on file with the Department, including the notary's office address, home address or email address. Such notice may be made in writing or by email and shall state the effective date of such change.

This form may be submitted online at www.notaries.pa.gov (link to "Update Notary Info").

Where a notary public moves the notary's office address to a different county, the notary must register the notary's official signature in the prothonotary or recorder of deed's office of the new county within 30 days.

PRINT OR TYPE CLEARLY. FILL OUT FORM COMPLETELY. Do **not** leave any blanks. Use "none," "N/A" or cross out section if applicable. There is no fee for filing this form.

For Official Use Only

Notary commission expiration date	Notary commission ID number	Email address where you can be contacted about this form
Full name as commissioned	Date of birth (mm/dd/yyyy)	Effective date of address change (mm/mm/yyyy)

Office Address (place of employment or practice) currently on file with Department

Employer/Business Name

Employer/Business Street Address (P.O. Box alone is insufficient)

City

State

Zip Code

Employer/Business Telephone (include area code)

County

New Office Address (NOTE: Office address information is a public record)

Employer/Business Name

Employer/Business Street Address (P.O. Box alone is insufficient)

City

State

Zip Code

Employer/Business Telephone (include area code)

County

Home Address currently on file with Department

Home Street Address (P.O. Box alone is insufficient)

City

State

Zip Code

Home Telephone (include area code)

County

New Home Address

Home Street Address (P.O. Box alone is insufficient)

City

State

Zip Code

Home Telephone (include area code)

County

Email Address currently on file with Department

New Email Address

DECLARATION: I shall furnish additional evidence of these statements, if requested, which shall be satisfactory to the Department of State. To the best of my knowledge and belief, this completed form contains no misrepresentations or falsifications, omission or concealments of material fact and the information given by me is true and complete. I understand that any false statement made is subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation, or denial of my notary commission.

Notary Signature (must match name on commission)

Notary Printed Name (must match name on commission)

Date



**REPORT OF LOSS OR THEFT
OF STAMPING DEVICE
OR NOTARY JOURNAL**
(5/25/2025)

A notary public must promptly report the loss or theft of a stamping device or notary journal to the Department of State. The report must be made within fifteen (15) days of the discovery of the loss or theft. The term "loss" includes stamping devices and journals that are misplaced, destroyed or otherwise made unavailable. The terms "theft" includes compromised security and unauthorized access to electronic seals and journals.

A notary may wish to file a police report for stolen items and/or notify the Recorder of Deeds in counties where the notary's documents are frequently filed.

PRINT OR TYPE CLEARLY. FILL OUT FORM COMPLETELY. Do **not** leave any blanks. Use "none" or "N/A" if applicable. There is no fee for this filing.

This form may be completed and printed at

<https://www.pa.gov/agencies/dos/resources/notaries-resources-and-information/notary-public-equipment.html>

For Official Use Only

Full name as it appears on your current commission:			
First Name	Middle Name or Initial (if used)	Last Name	Suffix (if applicable)
Notary commission details as they appear on your current commission:			
Commission ID Number	Commission Expiration Date	Email Address	

Identify the item in question and its status (check all that apply):

☐ I do not possess the **STAMPING DEVICE**

It was: ☐ LOST

☐ STOLEN

☐ I do not possess the **JOURNAL**

It was: ☐ LOST

☐ STOLEN

Date loss or theft was discovered
Explain the loss or theft of the stamping device and/or journal (Attach additional pages, if needed. Attach any police report which has been filed for stolen items.)

DECLARATION: I shall furnish additional evidence of these statements, if requested, which shall be satisfactory to the Department of State. To the best of my knowledge and belief, this completed form contains no misrepresentations or falsifications, omission or concealments of material fact and the information given by me is true and complete. I understand that any false statement made is subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation or denial of my notary commission.

Notary Signature

Notary Printed Name

Date



If a notary public neither resides nor works in the Commonwealth, that notary public shall be deemed to have resigned from the office of notary public as of the date the residency ceases or employment within the Commonwealth terminates. A notary may also voluntarily resign from the duties of office at any time during the course of the notary commission. A notary public who resigns his or her commission shall notify the Department of State within 30 days of the effective date of the resignation.

This form may be completed and printed at
<https://www.pa.gov/agencies/dos/programs/notaries/update-your-information.html>

PRINT OR TYPE CLEARLY. FILL OUT FORM COMPLETELY. Do **not** leave any blanks.
Use "none" or "N/A" if applicable. There is no fee for this filing.

Notary commission expiration date	Date of Birth (mm/dd/yyyy)
Notary commission ID number	Telephone number (including area code)

For Official Use Only

Email address where you can be contacted about
this form: _____

PART I: Full name as it appears on your current commission:			
First Name	Middle Name or Initial (if used)	Last Name	Suffix (if applicable)

Effective date of resignation: _____ / _____ / _____
Month Day Year

Reason for resignation (check and complete one):

- ☐ I no longer live or work in the Commonwealth of Pennsylvania.
- ☐ Other (please specify): _____

NOTE: Pursuant to 57 Pa.C.S. § 319(e)(2), notaries public must deliver their journal to the office of the recorder of deeds in the county where the notary public last maintained an office within 30 days of resignation. Pursuant to 57 Pa.C.S. § 318(a)(2), on resignation of a notary public commission or on the expiration of the date set forth on the notary stamp/seal, the notary public shall disable the stamping device by destroying, defacing, damaging, erasing or securing it against use in a manner which renders it unusable. Do not send your journal or notary stamping device to the Department of State if you are resigning or when your commission expires.

DECLARATION: I shall furnish additional evidence of these statements, if requested, which shall be satisfactory to the Department of State. To the best of my knowledge and belief, this completed form contains no misrepresentations or falsifications, omission or concealments of material fact and the information given by me is true and complete. I understand that any false statement made is subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation, or denial of my notary commission.

Notary Signature (must match name on commission)

Notary Printed Name (must match name on commission)

Date



PRINT OR TYPE CLEARLY. FILL OUT APPLICATION COMPLETELY. Do not leave any blanks.
Use "none" or "N/A" if applicable. **An incomplete application will delay your approval.**
FEE: NONE

CHECK ONE: ☐ **New Approval**
☐ **Renewal of Approval** (have been an approved e-notary in Pennsylvania before)

Current notary commission information:		YES (✓)	NO (✓)
Are you currently a commissioned notary public in Pennsylvania? If YES and you wish to apply for electronic notary (e-notary) status, please complete the remainder of this application. If NO, then STOP . You <u>must</u> hold a current commission as a notary public prior to applying for electronic and/or remote notary status.			
Notary commission expiration date	Notary commission ID Number	Full name on current commission	

All information provided on this application must match the information on your current notary record.
If any of the information does not match, please provide the correct information on this application with an attached explanation regarding the change(s).

PART I: Applicant Information (NOTE: Employer/Business contact information will be public record)			
First Name	Middle Name or Initial (if used)	Last Name	Suffix (if applicable)
Date of Birth (mm/dd/yyyy)	Social Security Number (xxx-xx-xxxx)	Email Address (Required)	
Name of Employer/Business where Notary Commission is used (Do not leave blank. If not applicable, please indicate.)			
Employer/Business Street Address (P.O. Box alone is insufficient)		City	State
Employer/Business Telephone (include area code)		Zip Code	
Home Street Address (P.O. Box alone is insufficient)		City	State
Home Telephone (include area code)		Zip Code	

Part II: Criminal, Disciplinary and Legal History (Check or mark appropriate boxes)	YES (✓)	NO (✓)
Have you ever been convicted or accepted Accelerated Rehabilitative Disposition in resolution of a felony or misdemeanor preceding the date of this application? Conviction includes a finding of guilt by a court or jury, a plea of guilty or nolo contendere or a finding of not guilty due to insanity or of guilty but mentally ill. If yes, attach full details (name of court, plea/conviction/ARD, sentence and length of probation) and appropriate supporting documents with a signed and dated personal explanation.		
Have you ever resigned a notary commission or had a notary commission suspended, revoked or otherwise disciplined by the Commonwealth of Pennsylvania or any other state/jurisdiction preceding the date of this application? If yes, attach full details and appropriate supporting documents with a signed and dated personal explanation.		
Have you ever had any other professional or occupational license suspended, revoked or otherwise disciplined? If yes, attach full details and appropriate supporting documents with a signed and dated personal explanation.		
Have you ever had a judgment levied against you or admitted liability in a legal proceeding for your actions as a notary public? If yes, attach full details and appropriate supporting documents with a signed and dated personal explanation.		

Note that disclosing your social security number on this application is mandatory for the Department of State to comply with the requirements of the federal Social Security Act pertaining to child support enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa. C.S. § 4304.1(a). To enforce domestic child support orders, the Commonwealth's licensing boards must provide to the Department of Human Services (DHS) information prescribed by DHS about the licensee, including the social security number.

DECLARATION: To the best of my knowledge and belief, this application contains no misrepresentations or falsifications, omission or concealments of material fact and the information given by me is true and complete. I understand that any false statement made is subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation, or denial of my approval to act as an electronic notary.

Applicant Signature (must exactly match name in Part I)

Applicant Printed Name (must match name in Part I)

Date

IMPORTANT NOTICE

In order to obtain approval from the Department of State to electronically notarize or to perform notarial acts for remotely located individuals, you must first be a duly appointed and commissioned notary public in the Commonwealth of Pennsylvania, holding a current and unrestricted commission. DO NOT apply for electronic or remote notarization approval if you fail to meet this requirement. Please contact the Department of State or visit our website at dos.pa.gov/notaries for information on how to become a notary public in Pennsylvania.

General Instructions

- Use your name and business address as they appear on the notary public commission records of the Department of State.
- Use your notary commission ID number as it appears on your notary commission issued by the Department of State.
- Applications will be accepted only on the form approved for use by the Department and are also available [online](#).
- All answers are subject to investigation and false statements will be deemed as adequate grounds for rejection.
- **Filing Fee:** NONE.
- All correspondence, notices and reminders from the Department of State concerning your electronic/remote notary public application and approval will be sent to the e-mail address provided on this application and/or mailed to the business address as it appears on your notary public commission.
- Upon approval as an electronic/remote notary, the Department of State will notify the applicant by e-mail. The e/remoteNotary may then complete the process for obtaining approved electronic/remote technologies and notifying the Department which technology provider(s) they are using through the [Select Vendors portal](#).
- This application must be resubmitted after each renewal of the notary commission.
- The Department may, for good cause, reject any notary public application subject to the right of appeal.



CHECK ONE: ☐ **New Course Approval - \$1,013**
☐ **Course Revision / Course Reapproval - \$525**

PRINT OR TYPE CLEARLY. FILL OUT APPLICATION COMPLETELY.
Use "none" or "N/A" if applicable.

For Official Use Only

Name of Company or Organization			
State of Incorporation/Organization		PA Business Registration Number	
Mailing Address of Company Headquarters		City	State Zip Code
Name and Title of Principal Contact Person			
Mailing Address of Principal Contact Person		City	State Zip Code
Principal Contact Person Phone Number	Principal Contact Person Email		Principal Contact Person Fax
Name of notary education course			
Type of course (check one): ☐ Basic Education Course ☐ Continuing Education Course		How course offered (check at least one): ☐ Classroom instruction ☐ Correspondence course ☐ Online ☐ Other _____	
Checklist for submission: ☐ Completed and signed application ☐ Lesson Plan (see 4 Pa. Code § 167.93) ☐ Fee (make check or money order payable to "Commonwealth of Pennsylvania")			

DECLARATION: I certify that the information provided in this application, including all statements and attached documentation, is true and correct to the best of my knowledge, information and belief. I understand that the falsification of any statement or document made is subject to the penalties of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities) and may result in the denial of approval for this notary public education course or the termination of any certificate of approval issued for this course.

Signature of Principal/Duly Authorized Representative

Date

Printed Name of Principal/Duly Authorized Representative

Title of Principal/Duly Authorized Representative

CDL-1

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

RECEIVED

Independent Regulatory
Review Commission

October 8, 2025

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General BY: _____ (DEPUTY ATTORNEY GENERAL) _____ DATE OF APPROVAL ☐ Check if applicable Copy not approved. Objections attached.	Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by: <u>Department of State</u> (AGENCY) DOCUMENT/FISCAL NOTE NO. <u>16-61</u> DATE OF ADOPTION: _____ BY: <u></u> Al Schmidt TITLE <u>Secretary of the Commonwealth</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)	Copy below is hereby approved as to form and legality. Executive or Independent Agencies. BY: <u></u> (Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title) <u>9/30/2025</u> DATE OF APPROVAL ☐ Check if applicable. No Attorney General approval or objection within 30 days after submission.
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NOTICE OF FINAL RULEMAKING

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
OFFICE OF NOTARIES, COMMISSIONS AND LEGISLATION**

4 Pa. Code Part VIII, Subpart C (Chapters 161, 163, 165 and 167)

NOTARIES PUBLIC – REVISED UNIFORM LAW ON NOTARIAL ACTS

The Department of State (Department) amends §§ 161.1 163.1 (relating to schedule of fees; and applicability of general rules), deletes Chapter 165 (relating to notaries public) and adds Chapter 167 (relating to notaries public) to read as set forth in Annex A. This rulemaking implements 57 Pa.C.S. Chapter 3 (relating to Revised Uniform Law on Notarial Acts) (act).

Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

Statutory Authority

The amendments to §§ 161.1, 163.1 and 165.1 are authorized under section 506 of The Administrative Code of 1929 (71 P.S. § 186), which states that the heads of administrative departments are empowered to prescribe rules and regulations, not inconsistent with law, for the government of their respective departments, the conduct of their employees and clerks, the distribution and performance of their business, and the custody, use and preservation of the records, books, documents, and property pertaining thereto. Furthermore, section 802(b) of The Administrative Code of 1929 (71 P.S. § 272(b)) grants the Department the power and the duty “to furnish to any person, upon request and the payment of such charges as may be required and fixed by law, certificates of matters of public record in the department, or certified copies of public papers or documents on file therein.” Concurrently, the Department is authorized under section 3 of The Administrative Code of 1929 (71 P.S. § 282) to adopt rules and regulations pertaining to its powers and duties under The Administrative Code of 1929.

The Department has broad authority under 57 Pa.C.S. § 327(a) (relating to regulations) to prescribe the manner of performing all notarial acts, including provisions to prevent fraud or mistake in the performance of notarial acts, and to prescribe the process of granting, renewing,

conditioning, denying, suspending or revoking a notary public commission and assuring the competence and trustworthiness of an individual holding a commission as notary public. Chapter 167 is authorized under 57 Pa.C.S. § 327(a), which authorizes the Department to promulgate regulations to implement the act, and section 329.1(a) of the act (relating to fees of notaries public), which states that the fees of notaries public shall be fixed by the Department by regulation. Additionally, the Department is required to promulgate regulations regarding performance of a notarial act performed under 57 Pa.C.S. § 306.1 (relating to notarial act performed for remotely located individual).

Background and Need for Amendments

The office of notary public is an important position of public trust that has experienced many changes since Pennsylvania first enacted a law governing notaries public in 1791. Under that first law, the Governor had the authority to appoint six notaries for Philadelphia and three for the remaining counties. The authority to appoint notaries public was transferred to the Secretary of the Commonwealth by the Notary Public Law of 1953 (NPL), 57 P.S. § 147—169) (Repealed). With the enactment of the Revised Uniform Law on Notarial Acts (act), the Department of State continues the regulation of 75,000 notaries public in this Commonwealth, through the Office of Notaries, Commissions and Legislation (Office). Executive Board resolution number OR-20-018, effective September 28, 2020, reorganized the former Bureau of Commissions, Elections and Legislation and established the Bureau of Elections and Notaries. The Office of Administration granted interim approval on November 30, 2021, for a reorganization separating notary and election functions and creating the Bureau of Notaries, Commissions and Legislation. Further, Executive Board resolution number OR-24-028, effective October 11, 2024, reorganized the

Bureau of Notaries, Commissions, and Legislation into the Notaries, Commissions, and Legislation Office. Under the act, Pennsylvania notaries are empowered to administer oaths and affirmations, take acknowledgments, take verifications on oath or affirmation, witness or attest signatures, certify copies or depositions, and note protests of negotiable instruments. Notaries serve as impartial witnesses to the signing of important documents and verify the identity of the signer(s), their willingness to sign the documents, and their awareness of the contents of the document or transaction. Their official acts are called notarizations or notarial acts.

The Revised Uniform Law on Notarial Acts applies to all Pennsylvania notarial officers, which include both notaries public and other individuals authorized to perform notarial acts. Additional provisions of the act, such as appointment and commission by the Department, bond and journal requirements, apply only to notaries public. This rulemaking applies only to notaries public.

This rulemaking serves to preserve the uniformity of the Revised Uniform Law on Notarial Acts (and its predecessor the Uniform Law on Notarial Acts), as promulgated by the Uniform Law Commission. To date, 28 states have adopted the Uniform Law on Notarial Acts as completed by the Uniform Law Commission initially in 1982, revised in 2010 and amended in 2018 and 2021. When appropriate, the Department incorporated the details and explanations provided by the Uniform Law Commission's comments to the Revised Uniform Law on Notarial Acts, dated November 15, 2010. The act is a comprehensive and robust statute that details specific requirements with regard to qualifications, standards of practice, prohibitions, electronic and remote notarization. Because of the comprehensive nature of the statute, the Department's regulations supplement the requirements of the act. Thus, throughout the regulations, the

Department incorporates by reference the statutory requirements to avoid repeating statutory requirements.

The act of October 9, 2013 (P.L. 609, No. 73) (Act 73 of 2013) adopted the act. After the enactment of Act 73, the act of July 9, 2014 (P.L. 1035, No. 119) (Act 119 of 2014) revised the act with regard to appointment and commission as notary public, qualifications and applications. The act became fully effective on October 26, 2017, as described below. The act completely replaced the former Notary Public Law and Uniform Acknowledgment Act with modern language and best practices.

The act has been implemented in several phases. Under section 5 of Act 73 of 2013, immediately effective on October 9, 2013, was the Department's authority to promulgate regulations to implement the act, the Department's authority to approve basic and continuing notary education courses, and the Department's authority to fix the fees of notaries public by regulation. Under the act, the Department was also required to have an examination in place for first-time applicants and those applicants with expired commissions. A contract for development, administration and maintenance of the exam was awarded in June 2016, with a requirement that the notary public examination be available in summer 2017. The Department issued a call for new notary education courses on September 13, 2016, and began the process of reviewing and approving notary education which was compliant with the then-new law. The Department published notice at 47 Pa.B. 2518 (April 29, 2017) that it had approved a sufficient number of new notary education courses and that the remainder of the act would take effect on October 26, 2017, 180 days after publication of the notice.

Summary and Response to Comments

Notice of the proposed rulemaking was published at 54 Pa.B. 8257 (December 21, 2024).

Publication was followed by a 60-day public comment period, during which the Department received comments from the following four organizations and individuals: Pennsylvania Association of Notaries, National Notary Association, Proof (a remote notarization technology provider) and Judy Berkman, Esquire, for the Fraudulent Conveyance Task Force of the Philadelphia Bar Association. The Department received no comments on the proposed regulation from the House or Senate State Government Committees. The Independent Regulatory Review Commission (IRRC) submitted comments to the proposed rulemaking on March 20, 2025. The following represents the Department's response to comments received.

Fees

The Department received comments from the National Notary Association (NNA) and IRRC regarding the maximum fees for notarial acts in § 167.3. These comments namely discussed the possible need for increasing most maximum fees outlined in these sections. IRRC correctly outlines that a significant amount of time has passed between the initial drafting of this rulemaking (2018) and receiving comment on the same. NNA also provides additional information from limited research regarding surrounding states and their maximum notary fee regulations. The Department acknowledges that notary fees were set at \$2 in 1984 and were last raised to \$5 on May 28, 2005. The Department also acknowledges that the Act imposes additional costs on some notaries—an examination cost for first-time notary applicants and continuing education costs for those notaries who were “grandfathered in” by the Pennsylvania Supreme Court ruling in *Tritt v. Cortés*, 578 Pa. 317 (2004) and not obligated to comply with the education requirement imposed by 2002 amendments to the former Notary Public Law. Notary operating expenses, such as the

option for professional liability insurance (errors and omissions), have also increased over the past 10 years. The Department agrees with the NNA and IRRC that a thorough review of the schedule of fees in proposed § 167.3 should ensue and in fact, the Department published Advance Notice of Public Rulemaking 16-66 (Notary Public Fee Schedule) on September 27, 2025. However, addressing fees at this time in the rulemaking process is neither practical nor feasible, as it would require additional stakeholder outreach and further delay this rulemaking. The Department intends to solicit input from stakeholders and review surrounding states' fee schedules to determine if an updated fee schedule under a new rulemaking is warranted.

IRRC commented regarding language in § 161.1(b) authorizing the Department to “charge equivalent fees for any service not specified.” The subsection has been amended to remove this sentence.

IRRC and the Pennsylvania Association of Notaries (PAN) submitted comments to the Department regarding § 167.3(b), asking for clarification on the permitted \$20 additional fee per notarial act performed with respect to electronic records or using communication technology. This subsection has been revised accordingly to clarify that the additional fee is considered a “notarial fee” under this regulation.

The Department also received comments from IRRC and PAN inquiring about possible guidance for § 167.3(c) and the requirement to provide an itemized receipt of “all fees charged by the notary.” This subsection of the regulation is intended to clarify Section 329.1(c)(1) of the Act, which dictates that “fees of the notary public shall be separately stated. If clerical and administrative fees directly related to the notarization are charged, being reasonable and customary based on the geographic location and practice setting of the notary, they should be separately

itemized in the journal and on any receipt provided.

PAN noted that the fee for taking a verification on oath or affirmation (commonly referred to as an affidavit) enumerated by § 167.3(a) appears to be intended to allow a notary to collect \$5 per individual and questioned whether notaries should be instructed to complete a separate notarial certificate and make a separate journal entry for each individual affiant. The Department concurs and recommends a separate certificate for each affiant, as well as separate journal entries for each individual. In the Department's experience, it is rare that the exact same sworn written statement contained in a verification on oath or affirmation is given by multiple people, such that using a single certificate is applicable.

Notary Public Application

The Department received comments from IRRC and PAN regarding § 167.12(e)'s requirement to have the applicant's signature match the applicant's name on the application. PAN expressed concern with the "matching" requirement with the increase in illegible signatures among adults, and IRRC requested an explanation of the requirement. IRRC further requested the Department explain why § 167.14(d) "provides for proof of name but not for proof of signature." In agreement with PAN's concern, the Department has amended § 167.12(e) and § 167.11(d) to simplify the signature requirement, solely requiring that the applicant's signature must appear on the application, and therefore harmonizing all three provisions.

PAN requested clarification on § 167.14(a)(3) and the name that can be used by a notary public applicant. PAN's concern stems from the knowledge that the professional testing provider used by the Department requires an applicant's government identification to match the name used on the notary public application. The Department has a procedure in place with the professional

testing provider to permit any name variations that are permitted under § 167.14(a) to be used by the applicant on the application while still complying with the professional testing provider's identification requirements; therefore, amendments to this provision are unnecessary.

Notary Public Examination

PAN requested clarification on the definition of “professional testing organization.” As used in this rulemaking, a professional testing organization is an organization that is in the business of administering examinations for professional licensees or commissioned professionals. The Department has added this definition for “professional testing organization” to § 167.2.

PAN also questioned whether or not the Department has considered limiting the number of times a notary public applicant may take the examination. While the Department does limit the timeframe that the applicant has to take the examination (six months), the Department also believes that limiting the number of times an applicant can sit for the examination would be too limiting for applicants. The examination is based on the course of study permitted by the Department and tests minimum competency for a commissioned notary public.

IRRC raised the concern that portions of § 167.15 potentially conflict with Section 322(b) of the Act, in that the regulation requires an applicant to apply to the Department for authorization to take the required examination, while the Act appears to require completion of the exam prior to making application for commission. Section 327(a)(7) of the Act gives broad authority to the Department to promulgate regulations that provide for the administration of the examination. Additionally, Section 321 of the Act lists the eligibility requirements for appointment and commission as a notary public, and these requirements include passing “the examination required under section 322(a).” Section 322(a) indicates that an “applicant for commission as notary public

who does not already hold a commission must pass an examination” based on information learned from a course required under Section 322(b) of the Act. This section of the Act thus presupposes that a person who is taking the exam is a current applicant, who has begun the application process but who has not yet been appointed or commissioned by the Department. The two provisions of Sections 321(a) and 322(a) of the Act, when read together, permit the Department to gather applicant information, review it for suitability for appointment and commission, then transmit it to the professional testing organization so that the applicant may immediately sit for the examination. The results are electronically transmitted back to the Department and the Department may then act nearly immediately to appoint the individual as a notary public. Importantly, the technical reality of the Department’s implementation of the required examination is that the professional testing organization under contract with the Department requires that candidate information be transmitted from the commissioning/licensing body and not by the candidate, in order that identifying information is consistent and so that examination results be transmitted back to the commissioning/licensing body accurately and efficiently. This process benefits the applicant. An applicant would be at a significant disadvantage if they paid \$65 to take and pass an examination, only to be informed that they do not meet the criteria for appointment and commission (e.g. they are not 18, they do not reside or have a place of employment or practice in Pennsylvania or have a disqualifying conviction).

Notary Public Appointment

IRRC requested clarification regarding the responsible party for providing the commission certificate to the county recorder of deeds or similar office. Pursuant to § 167.17(b), the Department provides the commission certificate to the recorder of deeds of the county listed in

the appointee's application. Subsection (b) has been divided into two additional sections to clarify this process. As specified by § 167.17(c), the responsibility then shifts to the appointee to appear before the recorder of deeds office and record the commission certificate in the recorder of deeds office. While the Department will send the commission certificate electronically to the recorder of deeds office, it will not be recorded without action from the appointee.

Stamping Device

NNA and IRRC provided comments related to the possibility of requiring proof of commissioning to be provided to the vendors of official stamping devices to assist in preventing fraud. The Department recognizes the concerns of NNA and IRRC, especially around deed fraud issues in the Commonwealth. However, the Department understands that the vendors would have to require or be required to only provide stamping devices to those that provide proof of commissioning for this requirement to be effective. The Department has no statutory authority to regulate the vendors or mandate such a requirement from stamp vendors under the Act. While the Department does not dissuade a vigilant vendor from requiring such proof of commissioning or reviewing the Department's website before providing a stamping device, the Department is not able to force such a requirement on the vendors. Additionally, a requirement on notaries public to provide proof of commissioning to seal vendors does not prevent fraudsters from obtaining stamping devices, but only makes it more difficult for law-abiding notaries.

NNA also requested clarification as to whether or not notaries public may keep multiple stamping devices at one time. Section 167.22 has been amended to clarify and specify that more than one stamping device may be kept by a notary public for the same commission.

Lastly, PAN requested clarification regarding § 167.22 and the security of a stamping

device, specifically whether or not security features may be utilized or included. The Act and this rulemaking specify that the stamping device is the exclusive property of the notary public and that it is the notary public's sole duty to secure the device and maintain control of it at all times. Nothing in the Act or this regulation prohibits the use of additional security features in order to carry out these duties.

Journal

The Department added § 167.33(3) and § 167.34(a)(2) to clarify that journal entries must be consecutively numbered from the beginning to the end of the journal.

Both IRRC and NNA comments regarding the use of terminal numbers of an individual's social security number in the notary public's journal entries. We agree with the concerns expressed by IRRC and NNA as to the reasonableness of allowing any portion of these numbers to be captured in the journal. Therefore, § 167.32 has been amended accordingly to remove the authorization to use the terminal numbers of a social security number and instead now prohibits the use of any portion of an individual's social security number in the journal.

IRRC and NNA requested clarification from the Department on the custody and control requirement of journals and how § 167.35 relates to electronic records and electronically kept notary journals. This rulemaking does not distinguish between a tangible (paper) journal and an electronically-stored journal in § 167.35, or any other sections, except when describing the difference between the two mediums. The requirements for custody and control, inspections, and entry information for a notary journal under the Act and this regulation are the same for tangible and electronic journals. Moreover, Section 319 of the Act makes clear a "journal" may be created and kept on a tangible medium or in an electronic format but does not distinguish between the two

mediums for the purpose of any subsection.

IRRC requested that the Department define in this rulemaking the term “any person,” as used in § 167.36. Section 302 of the Act includes a definition for the term “person,” which is incorporated by reference by § 167.2 and has the same meaning when used in this chapter. “Person” is defined as follows: “Any of the following: (1) Any individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture or public corporation. (2) A government or governmental subdivision, agency or instrumentality. (3) Any other legal or commercial entity.”

NNA expressed concern that § 167.36 (relating to inspection and certified copies of journal) might be exploited by bad actors to mine notary journals for sensitive personal information. As discussed above, and more specifically found in Section 319 of the Act as well as § 167.32 of the regulation, journal entries may not include any personally identifiable information of any individual. The Department must also give weight to the need for journal inspection by customers of the notary public, as well as by law enforcement and other inspection agencies requiring information for investigations. Limiting the availability of these journal inspections as NNA suggests would significantly inhibit these legitimate uses of the journal inspection without much benefit to be derived from such limitation.

Similarly, PAN provided comment regarding the possibility of requiring any inspections of the notary journal to be at the notary public’s usual place of business or office of record. The Department notes that notaries public are increasingly listing their office of record as a personal residence and not with a business. The Department will not require inspections to be performed at an individual’s personal residence if the notary public does not choose to do so themselves.

Furthermore, these regulations do not compel or require a notary public to travel to a requestor's place of business or location.

Personal Appearance / Identification

IRRC and PAN both commented on § 167.43 (relating to identification of individual appearing before notary public – satisfactory evidence). IRRC suggests the Department identify criteria for forms of government identification that are acceptable to a notary public. PAN requested clarification on the example provided by the Department as a Pennsylvania Department of Corrections identification. Section 307(b)(1)(ii) of the Act provides the criteria for forms of government identification that are acceptable, and the Department has added this criteria to § 167.43(a)(2) for added clarity. This rulemaking at § 167.43 simply provides examples that meet the requirements set forth in the Act, but in no way provides an exhaustive list of those that are acceptable.

IRRC also suggested amending § 167.43(a)(2)(vii) to add clarifying language regarding consular identification documents, with qualifying language used in subsection (a)(1)(ii) and (a)(1)(iv). The Department agrees and has amended the rulemaking in this subsection to clarify that the identification presented must be in a language read, written and understood by the notary public.

Notarize, Inc. (dba Proof) and IRRC presented comments related to the identity proofing technology to be used by remote online notarization (RON) providers and the specific technology to be used. § 167.86 of this rulemaking specifies that RON providers must include two types of processes or services to verify the identity of a remotely located individual under the standards provided for in § 167.43. Proof urged the Department to require the use of credential analysis as

one of the two approved methods of identity proofing. The Department declines to do so. It understands that many RON providers include credential analysis as one of the two required identity verification devices. However, the Department also understands that there are many different type of identity verification process or services that may produce adequate verification of a remotely located individual's identity. Moreover, as technology continues to change and become more advanced, many RON providers may deem processes other than credential analysis to be superior. The same reasoning and "technology agnostic" approach is taken by the Uniform Electronic Transactions Act, enacted in Pennsylvania in 1999.

Proof also recommended reorganizing § 167.42 (relating to personal appearance) to clarify that personal appearance can be achieved by the use of communication technology for remotely located individuals. The applicability of personal appearance for remote online notarizations is sufficiently explained and described in Section 306.1 of the Act and therefore no additional clarification is required in this rulemaking.

The Department also received a comment regarding the use of an interpreter from NNA. NNA provided language from Colorado statutes that include indemnification for notaries that rely on an interpreter when there is a language barrier between the notary public and the individual requesting notarial services. The Department does not have the statutory authority to provide any indemnification of notaries public when utilizing an interpreter – that is solely the province of the General Assembly. The use of an interpreter during notarial services is explained and regulated in this rulemaking under § 167.44.

Notarial Acts

The Department added § 167.61(3) to clarify that photocopies of previously executed

documents may not be notarized by a notary public.

Electronic / Remote Notarization

The Department received comments from IRRC and NNA about the use of the term “tamper-evident technology.” IRRC suggested the term be defined. In response, the Department has amended § 167.2 of this rulemaking to provide a definition for the “tamper-evident technology.”

NNA’s and IRRC’s comments above sought further clarification of the need for tamper-evident technology language in § 167.86 (relating to standards for approval of remote notarization technology). Just as in § 167.84(2), the tamper-evident requirement is embedded in § 167.86(7), which requires the provider to provide communication technology that will “allow a person inspecting an electronic record to determine whether there has been any tampering with the integrity of a certificate of notarial act logically associated with a record or with the attachment or association of the notarial act with that electronic record.”

IRRC and NNA also commented relating to §§ 167.83 – 167.86 and the relation to digital certificate providers or other like providers. These providers provide a service to a notary public approved for electronic notarization or remote online notarization, but digital certificate providers are not an electronic notarization technology provider or remote notarization technology provider as defined in the regulation. It is not the intent of this rulemaking to regulate these providers, and no statutory authority has been granted to the Department to regulate providers. The rulemaking pertains specifically to electronic notarization technology providers (§§ 167.83 and 167.84) and remote notarization technology providers (§§ 167.85 and 167.86) as defined in § 167.2 of this rulemaking.

IRRC and Proof requested clarification on what is meant by the “notary public’s identifying and commissioning information” under § 167.86. The Department has amended § 167.86, as well as § 167.84, to clarify that a notary public performing a remote notarization or electronic notarization must include “all of the information required by § 167.21 (relating to official stamp).”

PAN requested clarification on the obligations of electronic and remote notarization technology providers when they go out of business. This is an important topic not previously addressed by the Department in the rulemaking. Therefore, the Department has added new § 167.88 (relating to notification to department – technology providers) to the rulemaking. Subsection (a), modelled after other notification sections, requires approved providers to promptly notify the Department of changes to provider contact information and types of technology used. As an example, this subsection would include a change in the provider’s direct contact information or a change in one of the two types of processes or services to verify the identity of a remotely located individual. Subsection (b) sets forth the obligations of the electronic and remote notarization technology providers when they go out of business and codifies the Department’s current practice. In addition to notifying the Department and providing a list of affected notaries, technology providers must also notify the notaries using their technologies and provide opportunity for notaries public to export both journals and audio visual recordings created using those platforms.

Sanctions

PAN expressed concern about § 167.121(a)(19), noting that it is not always possible for a notary public to place their official stamp in a blank space, unbothered by other text. While the Department acknowledges this issue, generally speaking, the official stamp should be placed

where it is unobstructed by text, lines, or other writing on a page, where possible.

The Fraudulent Conveyance Task Force of the Philadelphia Bar Association requested an increase of the maximum administrative fine imposed for each violation of the Act from \$1,000 to \$10,000. This administrative penalty is set by Section 323 of the Act and the Department has no statutory authority to change these amounts. Increasing these amounts is solely the province of the General Assembly.

Miscellaneous Clarifications

Part VIII of Title 4 of the Pennsylvania Code is renamed “Department of State” from “Bureau of Commissions, Elections and Legislation” to reflect reorganization within the Department over the years. The former Bureau of Commissions, Elections and Legislation has been divided into several bureaus, all still within the Department of State. All references to the Bureau of Notaries, Commissions and Legislation are amended to the Office of Notaries, Commissions and Legislation, due to reorganization of the Department of State in October 2024. Similarly, all references to the term “Bureau” are amended to the term “Office” for the same reason.

The Department deleted Chapter 165 (relating to Notaries Public) which contains only § 165.1 (Lesser offenses incompatible with the duties of a notary public—statement of policy). This statement of policy is outdated because it relates to former section 5 of the now-repealed Notary Public Law (57 P. S. § 151) and the crimes that were incompatible with the duties of a notary public. Section 165.1 is replaced by the list of crimes at new § 167.122 (Offenses involving fraud, dishonesty or deceit).

The Department amended § 167.32 to remove unnecessary language and § 167.87 to clarify

that no formal proceeding is needed to terminate the approval of a technology provider under § 167.84 or § 167.86.

PAN provided comments related to minor typographical errors or errors in terminology used. The Department agrees with the majority of such comments and has made amendments to § 167.2(b), § 167.63(2), § 167.121(a)(6), and § 167.121(a)(8). PAN suggested changing the term “fitness” to “suitability” in § 167.2(b) (relating to definition of the term “examination”). The Department declines to make this change. The examination tests solely whether an applicant has gained the information necessary from the basic education course to exercise the basic functions of the office of notary public. The term “suitability” appears to be based on an individual’s character or conduct, which is not what is being tested by the examination.

The Department also amended § 167.121(a)(21) in accordance with the comment received from IRRC.

In response to issues identified by IRRC relating to the Regulatory Analysis Form, the Department has included the “Notary Public Education Provider Application or Amendment” form in the submission of the final-form regulation as part of Attachment “B.” The Department also has updated the expected date of delivery of the final-form regulation to Summer 2025 in section 29 of the Regulatory Analysis Form.

Fiscal Impact and Paperwork Requirements

This rulemaking will have minimal adverse fiscal impact on the Department. The Department will incur additional costs in implementing this rulemaking, largely for enhancements and changes to the notary public database, staff and legal time in writing the regulations and altering all forms, materials and the web site. These will be one-time use costs. The Department

will need to communicate the regulatory changes to notaries public, notary education providers and those who deal regularly with notaries public, such as Recorders of Deeds. Additionally, the 19 approved notary education providers will be required to update their notary education courses with information contained in the final-form rulemaking. To comply with the examination required under the act, the Department had to establish a psychometrically sound and legally defensible notary public examination.

This rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. There will not be additional paperwork requirements upon the Commonwealth or the counties, because the actual process of appointing and commissioning notaries public does not change with this rulemaking. County Recorders of Deeds remain instrumental in recording the bond, oath and commission of each notary, while the Prothonotary's and Recorder's offices are the sites where each notary registers an official signature.

This rulemaking will have minimal adverse fiscal impact on currently commissioned notaries public, all of whom have already complied with education requirements and testing required by the Act. Since July 1, 2003, Pennsylvania notaries have been required under law to complete three hours of education with each four-year appointment. Those who had active commissions on July 1, 2003, were subsequently exempted from the education by a court decision. Those notaries who were “grandfathered” and excluded from notary education made up about 15%—25% of the current notary population. Since the remainder of the act went into effect on October 26, 2017, all notaries are required to complete three hours of notary education every four years, at an estimated cost of \$39—\$99 per course. The examination requirement imposed by the act predominantly affects the approximately 7,000 persons that are newly commissioned as

notaries public each year. The cost of the exam, which is set by Pearson VUE, the professional testing organization under contract with the Department to develop and administer the test, is \$65. All notaries will bear an additional estimated cost of \$5 per year to increase the bond amount from \$10,000 to \$25,000. The transitional provisions regarding procurement of the official stamp will not require a currently commissioned notary to procure a new stamping device or journal until the next commission, so there is no additional expense added for these items. The average cost for a notary stamping device ranges from \$13 to \$24. Since four years has elapsed since the effective date of the act, all notaries now should be using a RULONA-compliant journal. The cost for a notary journal ranges from \$9 to \$25.95. This rulemaking will not affect the cost of becoming an electronic/remote notary. There is no cost for the notary to notify the Department that the notary will be performing notarial acts electronically or remotely. The technology costs are set by the electronic and remote notarization providers and vary considerably, depending on the platform utilized by the notary. See <https://www.nationalnotary.org/notary-bulletin/blog/2022/03/a-guide-to-remote-notarization-providers-for-notaries>. The cost can range from below \$100 to \$299 annually, depending on the company. There is often, but not always, a sign-up fee and the cost of digital supplies, including electronic seal and digital certificate. Some technology providers charge per notarial act, while others do not. All technologies require that a notary have compatible hardware (computer, webcam, microphone) and secure internet access.

Sunset Date

The Secretary of the Commonwealth and the Department monitor the regulations of the Department on a continuing basis. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on December 21, 2024, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate State Government Committee (SSGC) and the House State Government Committee (HSGC). A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, the Department provided IRRC, SSGC and HSGC with copies of the comments received on the regulation, as well as other documents when requested. In preparing this final-form rulemaking, the Department considered all public comments and comments received from IRRC. The Department received no comments from the SSGC or HSGC.

Under section 5.1(a) of the Regulatory Review Act, on October 8, 2025 the Department delivered this final-form rulemaking to IRRC, the SSGC and HSGC. Under section 5.1(j.2) of the Regulatory Review Act, this final-form regulation was deemed approved by the Senate State Government Committee on _____, 2025 and deemed approved by the House State Government Committee on _____, 2025. Under section 5.1(e) of the Regulatory Review Act, IRRC met on _____, 2025 and approved the final-form regulation.

Additional Information

Individuals who require information about the final-form rulemaking may contact Martha H. Brown, Deputy Chief Counsel for the Department of State, Office of Chief Counsel, 401 North

Street, Room 306, Harrisburg, PA 17120 or email martbrown@pa.gov.

Findings

The Department finds that:

(1) Public notice of intention to adopt these regulations was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered in drafting this final-form rulemaking.

(3) The amendments made to the final-form rulemaking do not enlarge the original purpose of the proposed rulemaking as published at 54 Pa.B. 8257 (December 21, 2024).

(4) This regulation is necessary and appropriate for the administration of 57 Pa.C.S. Chapter 3 (relating to Revised Uniform Law on Notarial Acts).

Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department at 4 Pa. Code are amended to read as set forth in Annex A.

(b) The Department shall submit this order and Annex to the Office of General Counsel and the Office of Attorney General for approval as required by law.

(c) The Department shall submit this order and Annex A to the Independent Regulatory Review Commission, the Senate State Government Committee and the House State Government Committee as required by law.

(c) The Department shall certify this order and Annex and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on publication in the *Pennsylvania Bulletin*.

Al Schmidt
Secretary of the Commonwealth

16-61 Comments from Public on Proposed Rulemaking

#	Name	Title	Company	Address	Email
1	Marc L. Aronson	President and CEO	Pennsylvania Association of Notaries	One Gateway Center, Suite 401, 420 Fort Duquesne Boulevard Pittsburgh PA 15222-1498	maronson@notary.org
2	Bill Anderson	Vice President, Government Affairs	National Notary Association	9350 De Soto Ave. Chatsworth, CA 91311-4926	banderson@nationalnotary.org
2	Brooke Merritt	Sr. Manager, Policy Planning	National Notary Association	9350 De Soto Ave. Chatsworth, CA 91311-4926	bmeritt@nationalnotary.org
3	Dale Hardy	Senior Counsel, Government & Regulatory Affairs	Notarize, Inc. (dba Proof.com)	867 Boylston Street, Boston, MA 02116	dale.hardy@proof.com
4	Judy F. Berkman	Senior Counsel	Regional Housing Legal Services	123 S. Broad St., Suite 1330, Philadelphia, PA 19109	judy.berkman@rhls.org

TITLE 4. ADMINISTRATION

* * * * *

**PART VIII. ~~BUREAU OF [COMMISSIONS, ELECTIONS] NOTARIES,~~
COMMISSIONS AND LEGISLATION DEPARTMENT OF STATE**

Subpart C. COMMISSIONS AND NOTARIES PUBLIC

CHAPTER 161. FEES

§ 161.1. Schedule of fees.

(a) [The Bureau of Commissions fee schedule shall conform with the following table:

<i>Description</i>	<i>Fee (in dollars)</i>
COMMISSIONS	
Commissioner of Deeds	\$25
Railroad Police or Institutional Police Commission	\$5
Notice of Election of Sheriff (called Sheriff's Writ)	\$5
Treasures Commission	\$5
District Justices	\$3
Register of Wills Bond	\$2
Recorder of Deeds Bond	\$2
CERTIFICATES	
Great Seal Certificate	\$10
Certificate requiring Secretary's Seal	\$7
MISCELLANEOUS	
Writs including Great Seal	\$5
Filing Recognizance for any Public Office	\$2
Photocopies	\$1

Department of State may charge equivalent fees for any service not specified.

NOTARY PUBLIC FEE SCHEDULE

Executing affidavits (no matter how many signatures)	\$5
Executing acknowledgments	\$5
In executing acknowledgments each additional name	\$2
Executing certificates (per certified copy)	\$5
Administering oaths (per individual taking an oath)	\$5
Taking depositions, per page	\$3
Executing verifications	\$5
Executing protests, per page	\$3]

As used in this chapter, the term “~~Bureau~~” “OFFICE” means the ~~Bureau~~ OFFICE of Notaries, Commissions and Legislation or any successor OFFICE OR bureau of the Department of State.

(b) The following fees are charged for services provided by the ~~Bureau~~ OFFICE, relating to commissions, notaries public and the public acts and transactions of the Secretary of the Commonwealth and the Department of State:

<u>Description</u>	<u>Fee (in dollars)</u>
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CERTIFICATES

For certifying copies of any public papers or records on file

with the ~~Bureau~~ OFFICE, the copy fee (if the ~~Bureau~~ OFFICE furnished the copy),

<u>plus</u>	<u>\$15</u>
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For certifying matters of public record with the ~~Bureau~~ OFFICE

(including no record), the copy fee (if the ~~Bureau~~ OFFICE furnished the copy),

plus \$15

MISCELLANEOUS

Application for appointment and commission as a notary public \$42

Application for renewal of appointment and commission as a notary public \$42

Copies (per page) \$1

Master list of notaries public \$50

Other notary public-related lists and data requests \$25

Approval of notary public education course \$1,013

Renewal of approval of notary public education course \$525

The Bureau may charge equivalent fees for any service not specified.

**CHAPTER 163. SPECIAL RULES OF ADMINISTRATIVE PRACTICE AND
PROCEDURE**

§ 163.1. Applicability of general rules.

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) [are] is applicable to the activities of and proceedings before the [Commission Bureau] Department of State relating to commissions and notaries public.

CHAPTER 165. [NOTARIES PUBLIC]

§ 165.1. Lesser offenses incompatible with the duties of a notary public—statement of policy.

(a) The Secretary of the Commonwealth reviews applications for appointment to the office of notary public under section 5 of The Notary Public Law (act) (57 P. S. § 151). Section 5(b)(1) of the act requires that the applicant may not have been convicted of or pled

guilty or nolo contendere to a felony or a lesser offense incompatible with the duties of a notary public during the 5-year period preceding the date of the application.

(b) Misdemeanor crimes involving a lack of honesty or elements of falsehood and fraud (crimen falsi) are considered incompatible with the duties of a notary public, regardless of the jurisdiction in which crimes were committed.

(c) Under Pennsylvania law, misdemeanors include, but are not limited to, the following:

(1) Forgery and fraudulent practices which includes bad checks, insurance fraud and identity theft. See 18 Pa.C.S. Chapter 41 (relating to forgery and fraudulent practices).

(2) Theft which includes receiving stolen property and retail theft. See 18 Pa.C.S. Chapter 39 (relating to theft and related offenses).

(3) Criminal conspiracy if the underlying crime is incompatible. See 18 Pa.C.S. § 903 (relating to criminal conspiracy).

(4) Bribery. See 18 Pa.C.S. § 4701 (relating to bribery in official and political matters).

(5) Perjury or falsification in official matter which includes false swearing, unsworn falsification to authorities and tampering with evidence. See 18 Pa.C.S. Chapter 49, Subchapter A (relating to perjury and falsification in official matters).

(6) Obstructing governmental operations. See 18 Pa.C.S. Chapter 51, Subchapter A (relating to definition of offenses generally).

(d) The Secretary will consider all similar crimes committed in the courts of the United States or any other state, territory, possession or country to be incompatible with the duties of a notary public.] {Reserved.}

CHAPTER 167. NOTARIES PUBLIC

Subchapter A. GENERAL PROVISIONS

§ 167.1. Scope.

(a) This chapter implements and supplements 57 Pa.C.S. Chapter 3 (relating to the Revised Uniform Law on Notarial Acts) (act) and is to be read together with the applicable provisions of the act.

(b) This chapter governs the qualification, commissioning, notarial acts, conduct and discipline of notaries public in this Commonwealth.

§ 167.2. Definitions.

(a) The definitions in 57 Pa.C.S. § 302 (relating to definitions) are incorporated by reference and have the same meaning when used in this chapter.

(b) The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Applicant—An individual who seeks appointment or renewal of appointment to the office of notary public.

Appoint or Appointment—The naming of an individual to the office of notary public after determination that the individual has complied with 57 Pa.C.S. § 321(a) and (b) (relating to appointment and commission as notary public; qualifications; no immunity or benefit) and Subchapter B (relating to qualifications for appointment and commission), but prior to the

individual complying with 57 Pa.C.S. § 321(c), (d), (d.1) and (d.2). The term includes initial appointment, as well as renewal of appointment and commission.

Appointee—An individual who has been appointed or reappointed to the office of notary public but who has not yet recorded the bond, oath of office and commission in compliance with 57 Pa.C.S. § 321(d.2)(1) or (2).

Certificate of education—A certificate issued by an education provider under § 167.95 (relating to certificate of education) signifying that the person named therein has successfully completed the approved education program provided by the provider.

Department—The Department of State of the Commonwealth.

Direct or pecuniary interest—An interest in the transaction or record that results in actual or potential gain or advantage, financial or otherwise, other than receiving a regular salary, hourly wage or notarial fee. A regular salary or hourly wage includes bonuses, provided the bonus is not related to or contingent upon the completion of the notarized transaction.

Electronic notarization—The performance of notarial acts with respect to electronic records using tamper-evident technologies.

Electronic notarization technology provider—A provider of tamper-evident technology for performing notarial acts with respect to electronic records, which has been approved by the Department in accordance with § 167.84 (relating to standards for approval of electronic notarization technology).

Electronic notary public—A notary public who has notified the Department that the notary is performing notarial acts with respect to electronic records and who has notified the Department of each **ELECTRONIC NOTARIZATION** technology provider the notary intends to use to perform notarial acts electronically.

Examination—A proctored computer-based examination required by 57 Pa.C.S. § 322(a) (relating to examination, basic education and continuing education) and described in § 167.15 (relating to notary public examination), to determine the fitness of an applicant to exercise the functions of the office of notary public and administered by a professional testing organization under contract with the Department at times, places and costs established by the professional testing organization.

Home address—The residence address of an applicant or notary public, which must include street and number.

Non-inking embosser – A device that, when pressed into paper, creates a raised impression. Also referred to as a crimping embosser.

Office—The place of employment or practice in this Commonwealth of an applicant or notary public.

Office address—An applicant or notary public’s address of place of employment or practice in this Commonwealth, which must include street and number.

PROFESSIONAL TESTING ORGANIZATION—AN ORGANIZATION THAT IS IN THE BUSINESS OF ADMINISTERING EXAMINATIONS FOR PROFESSIONAL LICENSEES OR COMMISSIONED PROFESSIONALS.

Remote notarization—The performance of notarial acts facilitated by communication technology for a remotely located individual.

Remote notarization technology provider—A provider of communication technology and identity proofing for performing notarial acts with respect to remotely located individuals, which has been approved by the Department in accordance with § 167.86 (relating to standards for approval of remote notarization technology).

Remote notary public—A notary public who has notified the Department that the notary is performing notarial acts for a remotely located individual using communication technology and who has notified the Department of each **REMOTE NOTARIZATION** technology provider the notary intends to use to perform notarial acts remotely.

Renewal of appointment and commission—The process by which an individual who holds an active commission as a notary public in this Commonwealth is reappointed and obtains another 4-year commission to the office of notary public, in compliance with 57 Pa.C.S. § 321(a) – (e).

Spouse—An individual holding a marriage license issued or recognized under 23 Pa.C.S. Chapter 13 (relating to marriage license) who is married to a notary public.

TAMPER-EVIDENT TECHNOLOGY—A DEVICE, PROCESS OR PROCEDURE THAT ALLOWS A PERSON INSPECTING AN ELECTRONIC RECORD TO DETECT WHETHER THERE HAVE BEEN ANY ALTERATIONS TO THE RECORD.

Tangible—Perceptible by touch when used in conjunction with “record,” “medium” or “symbol.”

§ 167.3. Fees.

(a) The maximum fees **THAT ~~of~~ notaries public MAY CHARGE FOR NOTARIAL ACTS** may not exceed:

Taking acknowledgment

(per name of first individual making acknowledgment in certificate) \$ 5

(per each additional name in same certificate) \$ 2

Administering oath or affirmation

(per individual taking oath or affirmation) \$ 5

Taking verification on oath or affirmation

(per individual making declaration) \$ 5

Witnessing or attesting a signature

(per signature) \$ 5

Certifying or attesting a copy or deposition

(per certified copy) \$ 5

Noting a protest of a negotiable instrument

(per page) \$ 3

(b) In addition to the fees authorized in subsection (a), electronic notaries public and remote notaries public may charge a fee in an amount not to exceed \$20 per notarial act performed with respect to electronic records or using communication technology.

(c) A notary public shall provide an itemized receipt for all fees charged by the notary.

(d) A notary public may not charge any fee under subsection (a) for notarizing the supporting affidavit required in an Emergency Absentee Ballot or the affidavit of a person needing assistance to vote using an absentee ballot.

(e) A notary public may not charge a fee under subsection (a) when other applicable law dictates that no fee may be charged. For example, see 51 Pa.C.S. § 9101 (relating to acknowledgments and administering oaths without charge).

Subchapter B. QUALIFICATIONS FOR APPOINTMENT AND COMMISSION

§ 167.11. Eligibility and application requirements for initial appointment and commission.

(a) *Eligibility.* The requirements for eligibility are set forth in 57 Pa.C.S. §§ 321, 322 and 323(a) (relating to appointment and commission as notary public; qualifications; no immunity or benefit; examination, basic education and continuing education; and sanctions).

(b) *Application requirements.* An applicant for appointment and commission as a notary public who has never held a notary commission in this Commonwealth must:

- (1) Be 18 years of age or older.
- (2) Be a citizen or permanent legal resident of the United States.
- (3) Be a resident of or have a place of employment or practice in this Commonwealth.
- (4) Be able to read and write English.
- (5) Not be disqualified to receive a commission under 57 Pa.C.S. § 323(a).
- (6) Have completed a basic education course of at least 3 hours approved by the Department within the 6-month period immediately preceding submission of the application, as required by 57 Pa.C.S. § 322(b). The applicant shall submit a certificate of education evidencing successful completion of the basic education course.
- (7) Have passed the examination required by 57 Pa.C.S. § 322(a) within the 6-month period immediately following the Department's authorization to take the examination as specified in § 167.15(c)(1) (relating to notary public examination).
- (8) Submit the application on a form prescribed by the Department.
- (9) Pay the required fee as specified in § 161.1 (relating to schedule of fees).

(c) *Applicant not residing in this Commonwealth.* If an applicant is not a resident of this Commonwealth, the applicant must have an office in this Commonwealth. The office must be maintained on an ongoing basis and at an established location in this Commonwealth. The applicant must be able to receive mail at the office address.

(d) *Signature.* ~~The applicant's signature on the application must match the applicant's name as provided on the application.~~ THE APPLICANT'S SIGNATURE MUST APPEAR ON THE APPLICATION.

§ 167.12. Eligibility and application requirements for renewal of appointment and commission where there has been no lapse in commission.

(a) *Eligibility.* The requirements for eligibility are set forth in 57 Pa.C.S. §§ 321, 322 and 323(a) (relating to appointment and commission as notary public; qualifications; no immunity or benefit; examination, basic education and continuing education; and sanctions).

(b) *Application requirements.* An applicant for appointment and commission as a notary public who holds a notary commission in this Commonwealth at the time the application for renewal is received by the Department must:

(1) Be 18 years of age or older.

(2) Be a citizen or permanent legal resident of the United States.

(3) Be a resident of or have a place of employment or practice in this Commonwealth.

(4) Be able to read and write English.

(5) Not be disqualified to receive a commission under 57 Pa. C.S. § 323(a).

(6) Have completed at least 3 hours of Department-approved continuing education within the 6-month period immediately preceding submission of the application, as required by 57 Pa.C.S. § 322(c). The applicant shall submit a certificate of education evidencing successful completion of the continuing education course.

(7) Submit the application on a form prescribed by the Department.

(8) Pay the required fee as specified in § 161.1 (relating to schedule of fees).

(c) *Timing of application.* A notary public must submit an application for renewal prior to the expiration of the commission under which the notary public is acting. A notary public may submit an application for renewal up to 90 days prior to the expiration of the commission under which the notary public is acting.

(d) Applicant not residing in this Commonwealth. If an applicant is not a resident of this Commonwealth, the applicant must have an office in this Commonwealth. The office must be maintained on an ongoing basis and at an established location in this Commonwealth. The applicant must be able to receive mail at the office address.

(e) Signature. ~~The applicant's signature on the application must match the applicant's name as provided on the application.~~ **THE APPLICANT'S SIGNATURE MUST APPEAR ON THE APPLICATION.**

§ 167.13. Eligibility and application requirements for renewal of appointment and commission where there has been a lapse in commission.

(a) The requirements for eligibility are set forth in 57 Pa.C.S. §§ 321, 322 and 323(a) (relating to appointment and commission as notary public; qualifications; no immunity or benefit; examination, basic education and continuing education; and sanctions).

(b) An applicant for appointment and commission as a notary public who previously held a notary commission in this Commonwealth, but the commission has expired at the time the application for renewal is received by the Department, must comply with § 167.11 (relating to eligibility and application requirements for initial appointment and commission).

§ 167.14. Name of notary public on application for appointment and commission.

(a) The name of a notary public on an application for appointment and commission shall consist of any one of the following:

- (1) A first personal name (first name), additional name or initial (middle name or initial) and surname (family or last name).
- (2) A first name and last name, omitting the middle name or middle initial.

- (3) A first initial, middle name and last name.
- (b) The name of a notary public may not consist of initials alone or nicknames.
- (c) The name of a notary public may include generational suffixes such as Junior, Senior, II, III, IV or any abbreviations thereof. The name of a notary public may not include prefixes or suffixes that denote a professional or occupational title such as “Doctor,” “Reverend,” “Esquire” or any abbreviations thereof.
- (d) Upon request of the Department, the name of the notary public as used in an application for appointment and commission must be proven by submission of satisfactory evidence including, a passport, driver’s license or government-issued nondriver identification card, which is current and unexpired, or other equivalent evidence as determined by the Department.

§ 167.15. Notary public examination.

- (a) Applicant who does not hold a commission as a notary public. The requirements for the examination are set forth in 57 Pa.C.S. § 322(a) (relating to examination, basic education and continuing education). The following apply:
 - (1) An applicant for appointment and commission as a notary public who does not hold a commission in this Commonwealth must pass an examination administered by the Department or a professional testing organization under contract with the Department.
 - (2) An applicant who does not hold a commission as a notary public includes an applicant who never held a commission as a notary public and an applicant who previously held a commission as a notary public but whose commission has since expired.
- (b) Administration of examination. An applicant may not take the examination prior to submission of and approval by the Department of an application for appointment.
- (c) Timing of examination.

(1) Upon approval by the Department of an application for appointment, an applicant will be authorized to take the examination for a period of 6 months.

(2) An applicant may retake the examination within the 6-month period, but no more than one time per 24-hour period.

(d) Examination results.

(1) An applicant shall attain a scaled score of 75 or higher to pass the examination.

(2) Examination results are valid for a period of 1 year from the date of the examination.

§ 167.16. Notary public bond.

(a) Requirements. The requirements for the notary public bond are set forth in 57 Pa.C.S. § 321(d) (relating to appointment and commission as notary public; qualifications; no immunity or benefit).

(b) Bond amount. An applicant shall obtain a surety bond in the amount of \$25,000.

(c) Transitional provision. A notary public who holds a commission on _____ may continue to use the notary public's bond until the expiration of that commission.

(*Editor's Note:* The blank space in subsection (c) refers to the date of publication of the final-form rulemaking in the *Pennsylvania Bulletin*.)

§ 167.17. Appointment and issuance of commission.

(a) The requirements for the oath of office, bond, official signature, recording and filing are set forth in 57 Pa.C.S. § 321 (relating to appointment and commission as notary public; qualifications; no immunity or benefit).

(b) Upon determination that an applicant has complied with the requirements for appointment under 57 Pa.C.S. Chapter 3 (relating to the Revised Uniform Law on Notarial Acts) and this subchapter, the Department will:

(1) Appoint the applicant to the office of notary public.

(2) Provide the commission certificate to the recorder of deeds of the county where the appointee maintains an office.

(c) Within 45 days after appointment and prior to entering into the duties of a notary public, the appointee shall:

(1) Obtain a bond in accordance with 57 Pa.C.S. § 321(d) and as set forth in § 167.16 (relating to notary public bond).

(2) Take the oath of office in accordance with 57 Pa.C.S. § 321(c).

(3) Appear before the recorder of deeds in the proper county and record the bond, oath and commission in the office of the recorder of deeds in accordance with 57 Pa.C.S. § 321(d.2).

(4) Register the appointee's official signature in the proper county office in accordance with 57 Pa.C.S. § 321(d.1).

(d) After recording the bond, oath and commission, the recorder of deeds shall deliver the commission certificate to the notary public.

§ 167.18. Effect of failure to record bond, oath and commission and register official signature within 45 days.

(a) In accordance with 57 Pa.C.S. § 321(f) (relating to appointment and commission as notary public; qualifications; no immunity or benefit), the commission of a notary public who fails to

record the bond, oath and commission or register the notary’s official signature within 45 days of appointment shall be null and void.

(b) An appointee whose commission becomes null and void under subsection (a) may apply for appointment and commission as set forth in § 167.13 (relating to eligibility and application requirements for renewal of appointment and commission where there has been a lapse in commission).

Subchapter C. OFFICIAL STAMP AND STAMPING DEVICE

§ 167.21. Official stamp.

(a) Requirements. The requirements for the official stamp are set forth in 57 Pa.C.S § 317 (relating to official stamp).

(b) Appearance of official stamp. The official stamp of a notary public must be rectangular in shape and show clearly all of the following information in the following order:

- (1) The words “Commonwealth of Pennsylvania – Notary Seal.”
- (2) The name of the notary public as it appears on the commission and the words “Notary Public.”
- (3) The name of the county in which the notary public maintains an office.
- (4) The date the notary public’s current commission expires.
- (5) The seven-digit commission identification number assigned by the Department.

Example of stamp:

Commonwealth of Pennsylvania – Notary Seal Jane Q. Doe, Notary Public Dauphin County My commission expires May 19, 2026 Commission number 1234567

(c) A word or term on the official stamp may not be abbreviated, except for name suffixes as specified in § 167.14(c) (relating to name of notary public on application for appointment and commission).

(d) Transitional provision. A notary public who holds a commission on _____ may continue to use the notary public's official stamp until the expiration of that commission.

(Editor's Note: The blank space in subsection (d) refers to the date of publication of the final-form rulemaking in the Pennsylvania Bulletin.)

§ 167.22. Stamping device.

(a) The requirements for the stamping device are set forth in 57 Pa.C.S. § 318 (relating to stamping device).

(b) A stamping device may not be a non-inking embosser.

(c) The stamping device is the exclusive property of the notary public. The notary public shall maintain sole custody and control of the stamping device at all times during the duration of the notary public's commission. The notary public shall keep the physical stamping device in a secure location and accessible only to the notary public. The notary public shall secure an electronic stamping device by a password or other means of personal authentication.

(d) A NOTARY PUBLIC MAY KEEP MORE THAN ONE STAMPING DEVICE FOR THE SAME COMMISSION.

~~(d)~~**(e)** Notification of loss or theft of ~~the~~ A stamping device under 57 Pa.C.S. § 318(b) shall be made in writing or by e-mail to the Department within 15 days after the date the notary public or personal representative or guardian discovers that the stamping device was lost or stolen. For the purpose of this section, the terms "loss" or "lost" include stamping devices that are misplaced, destroyed or otherwise made unavailable. The terms "loss" or "lost" do not include the destruction

of the stamping device on resignation, death or incompetency under 57 Pa.C.S. § 318(a)(2) and

(3). For the purpose of this section, the terms “theft” and “stolen” include compromised security and unauthorized access to a stamping device. The notification must include all of the following:

(1) A statement that the notary public does not possess the stamping device, stamping device security was compromised or the stamping device was accessed by an unauthorized person.

(2) The date the notary public discovered that the stamping device was lost or stolen.

~~(e)~~(f) In accordance with 57 Pa.C.S. § 318(a)(2.1), an individual whose notary public commission has been suspended or revoked shall deliver the stamping device to the Department within 15 days after notice of the suspension or revocation from the Department.

Subchapter D. JOURNAL

§ 167.31. Identification of notary public in journal.

(a) Each journal of a notary public, whether maintained on a tangible medium or in an electronic format, must contain all of the following information in any order:

(1) The notary public’s:

(i) Name as it appears on the commission.

(ii) Commission number.

(iii) Commission expiration date.

(iv) Office address.

(v) Signature.

(2) A statement that, in the event of the death or incompetency of the notary public, the journal shall be delivered within 30 days to the office of the recorder of deeds in the county where the notary public last maintained an office.

- (3) The meaning of any not commonly abbreviated word or symbol used in recording a notarial act in the journal.
- (b) If a notary public's name, commission expiration date or office address changes before the notary public ceases to use the journal, the notary public shall add the new information after the old information and the date which the information changed.

§ 167.32. Journal entries.

- (a) Journal entry requirements. The requirements for journal entries are set forth in 57 Pa.C.S. § 319(c) (relating to journal).
- (b) Separate entries. Each notarial act must be indicated as a separate entry in the journal. Blank lines between journal entries must be stricken.
- (c) Blanks spaces within entries. Each entry in a journal shall be completed fully, with no blank spaces or boxes.
- (d) Prohibited entries. A journal may not contain any personally identifiable information about any individual appearing before the notary public. As used in this subsection, personally identifiable information includes any of the following:
- (i) Information about an individual that can be used to distinguish or trace an individual's identity, such as ~~full~~ ANY PART OF Social Security number, full driver's license number or government-issued nondriver identification card number, date and place of birth, mother's maiden name or biometric records.
 - (ii) Other information that is linked or linkable to an individual, such as medical, educational, financial and employment information.
- (e) Optional entries. A journal may contain any of the following:

- (1) The signature of the individual for whom the notarial act is performed and any additional information about a specific transaction that might assist the notary public to recall the transaction, including the date of the record.
- (2) Terminal numbers **OF IDENTIFICATION CREDENTIALS**, including the last four digits of a driver's license, **OR** passport ~~or Social Security number~~.
- (f) Fees. When documenting fees in the journal, each fee charged must correspond to the notarial act performed. If a notary public waives the right to charge a fee, the notary shall indicate this fact in the journal entry using notations such as "n/c" (no charge), "0" (zero) or "—" (dash).

§ 167.33. Format of journal maintained on a tangible medium.

In addition to the format requirements set forth in 57 Pa.C.S. § 319(b) (relating to journal), journals maintained in a tangible medium must comply with all of the following:

- (1) The cover and pages inside the cover must be bound together by any binding method that is designed to prevent the insertion, removal or substitution of the cover or a page. This includes smyth sewing or stitching, glue, staples, grommets or another permanent binding, but does not include the use of tape, paperclips or binder clips.
- (2) Each page must be consecutively numbered from the beginning to the end of the journal. ~~A page number~~ **PAGE NUMBERS** must be preprinted.
- (3) **EACH ENTRY MUST BE CONSECUTIVELY NUMBERED, EITHER WITHIN EACH PAGE OR FROM THE BEGINNING TO THE END OF THE JOURNAL. ENTRY NUMBERS MUST BE PREPRINTED.**

§ 167.34. Format of journal maintained in an electronic format.

(a) In addition to format requirements set forth in 57 Pa.C.S. § 319(b) (relating to journal), a journal maintained in an electronic format must be tamper evident. The notary public must ensure all of the following:

(1) A journal maintained in electronic format is designed to prevent the insertion between existing entries, removal of an entry or substitution of an entry.

(2) **EACH ENTRY MUST BE CONSECUTIVELY NUMBERED FROM THE BEGINNING TO THE END OF THE JOURNAL.**

~~(2)~~ (3) A journal maintained in electronic format is securely stored and recoverable in the event of a hardware or software malfunction.

~~(3)~~ (4) The journal is available in a portable document format (PDF) upon request.

~~(4)~~ (5) If a signature is contained in an electronic journal entry, the signature must be all of the following:

(i) Attached to or logically associated with the electronic notarial journal entry.

(ii) Linked to the data in a manner so that any subsequent alterations to the electronic journal entry are detectable.

(b) A journal maintained in electronic format which is delivered to the office of the recorder of deeds in compliance with 57 Pa.C.S. § 319(e) and (g) must be delivered in PDF or other industry-standard readable format prescribed by the receiving recorder of deeds.

§ 167.35. Custody and control of journal; notification of lost or stolen journal.

(a) In addition to the requirements set forth in 57 Pa.C.S. § 319(h) (relating to journal), a notary public shall maintain custody and control of the journal at all times during the duration of the notary public's commission. The journal is the exclusive property of the notary public. The notary

public shall keep the journal in a secure location and accessible only to the notary. The notary public shall secure an electronic journal by a password or other means of personal authentication.

(b) Notification of loss or theft of the journal under 57 Pa.C.S. § 319(d) shall be made in writing or by e-mail to the Department within 15 days after the date the notary public or personal representative or guardian discovers that the journal was lost or stolen. For the purpose of this section, the terms “loss” or “lost” include journals that are misplaced, destroyed or otherwise made unavailable. The terms “loss” or “lost” do not include the delivery of the journal to the office of the recorder of deeds under 57 Pa.C.S. § 319(e) and (g). For the purpose of this section, the terms “theft” and “stolen” include compromised security and unauthorized access to a journal. The notification must include all of the following:

(1) A statement that the notary public does not possess the journal, journal security was compromised or the journal was accessed by an unauthorized person.

(2) The date the notary public discovered that the journal was lost or stolen.

§ 167.36. Inspection and certified copies of journal.

(a) *Inspection.* A notary public shall permit inspection of the journal to any person requesting to view the journal. The request for inspection may be oral or in writing. The inspection shall occur in the presence of the notary public.

(b) *Certified copies.* Requests for certified copies of the journal made in accordance with 57 Pa.C.S. § 319(g.1) (relating to journal) may be oral or in writing and shall specify the particular entry or time period sought. The notary public shall provide the certified copy within 15 days of receipt of the request.

Subchapter E. SCOPE OF PRACTICE

§ 167.41. Authority of notary public to perform notarial act.

- (a) A notary public may perform the notarial acts authorized under 57 Pa.C.S. Chapter 3 (relating to Revised Uniform Law on Notarial Acts) in any county in this Commonwealth.
- (b) Notaries public may not perform the notarial acts authorized under 57 Pa.C.S. Chapter 3 outside the geographical borders of this Commonwealth or in other states or jurisdictions, unless authorized by the other state or jurisdiction to perform the acts.

§ 167.42. Personal appearance.

- (a) To appear personally before a notary public under 57 Pa.C.S. § 306 (relating to personal appearance required) means that the individual making the statement or executing the signature and the notary public are all of the following:

- (1) Physically present before each other when the notarial act is executed.
- (2) Able to observe and interact with each other.
- (3) Able to see, hear, communicate with and give identification credentials to each other without the use of electronic devices such as telephones, computers, video cameras or facsimile machines. This does not preclude the use of adaptive technology which enables reasonable accommodations for an individual with a vision, hearing or speech impairment in accordance with law.

- (b) *Personal appearance:*

- (1) Does not include appearance by audio, video or computer technology, unless the notary public is performing notarial acts facilitated by communication technology for a remotely located individual under 57 Pa.C.S. § 306.1 (relating to notarial act performed for remotely located individual).

(2) Is not required when a notary public is certifying or attesting a copy or deposition.

(3) Is not required when a notary public is administering an oral oath or affirmation in a criminal, civil or administrative proceeding in this Commonwealth, as long as the notary and the individual taking the oath or affirmation are able to hear and communicate with each other by means of electronic devices such as telephones, computers or video cameras.

§ 167.43. Identification of individual appearing before notary public – satisfactory evidence.

(a) General.

(1) For purposes of 57 Pa.C.S. § 307(b)(1)(i) (relating to identification of individual), a passport, driver's license or government-issued nondriver identification card include any of the following:

(i) A passport or passport card or electronic equivalent issued by the United States Department of State which is current and unexpired.

(ii) A passport or electronic equivalent issued by a foreign government, which is current and unexpired, provided it uses letters, characters and a language that are read, written and understood by the notary public.

(iii) A driver's license or nondriver identification card or electronic equivalent issued by a state of the United States, which is current and unexpired.

(iv) A driver's license or nondriver identification card or electronic equivalent issued by a foreign government, which is current and unexpired, provided it uses letters, characters and a language that are read, written and understood by the notary public.

(2) For the purposes of 57 Pa.C.S. § 307(b)(1)(ii), other forms of government identification **THAT ARE CURRENT, CONTAIN THE SIGNATURE OR**

**PHOTOGRAPH OF THE INDIVIDUAL, AND ARE SATISFACTORY TO THE
NOTARIAL OFFICER may include any of the following:**

- (i) An identification card issued by any branch of the United States armed forces.
- (ii) An inmate identification card issued by the Department of Corrections for an inmate who is currently in the custody of the Department of Corrections.
- (iii) An identification card issued by the United States Department of Homeland Security.
- (iv) A Social Security card.
- (v) A Pennsylvania State university identification card or State-related university identification card.
- (vi) A Pennsylvania medical marijuana identification card.
- (vii) A consular identification document issued by a consulate from the individual's country of citizenship, **PROVIDED IT USES LETTERS, CHARACTERS AND A LANGUAGE THAT ARE READ, WRITTEN AND UNDERSTOOD BY THE NOTARY PUBLIC.**

(b) Credible Witness.

- (1) For purposes of 57 Pa.C.S. § 307(b)(2), the credible witness must do all of the following:
 - (i) Appear before the notary public contemporaneously with the individual appearing before the notary public.
 - (ii) Be personally known to the notary public.
 - (iii) Personally know the individual appearing before the notary public.

(iv) Not have a direct or pecuniary interest with respect to the record being notarized.

(2) The credible witness shall make a verification on oath or affirmation that all of the following are true:

(i) The individual appearing before the notary public is the person named in the record.

(ii) The credible witness personally knows the individual appearing before the notary public through dealings sufficient to provide the credible witness with reasonable certainty that the individual has the identity claimed.

(iii) The credible witness has no direct or pecuniary interest with respect to the record being notarized.

(3) The verification on oath or affirmation of a credible witness shall comply with § 167.63 (relating to verifications on oath or affirmation).

§ 167.44. Use of interpreter; language of record.

(a) A notary public shall be able to communicate directly with the individual for whom a notarial act is being performed in a language they both understand or indirectly through an interpreter. The interpreter must be able to communicate directly with the individual for whom the notarial act is being performed and with the notary public at the time of the notarization.

(b) A notary public may perform a notarial act on a record that is a translation of a record that is in a language that the notary public does not understand only if the person performing the translation makes a verification on oath or affirmation stating that the translation is accurate and complete. The translation and notarized verification must be attached to the record for which the notarial act is being performed.

§ 167.45. Notification of change in name or other information; effect of certain address changes.

(a) Requirements. A notary public shall notify the Department within 30 days of any change in the information on file with the Department, including all the following information related to the notary public:

- (1) Name.
- (2) Office address and phone number.
- (3) Home address and phone number.
- (4) E-mail address.
- (5) Selected electronic notarization technology provider, if applicable, and as required by § 167.81 (relating to notification to Department).
- (6) Selected remote notarization technology provider, if applicable, and as required by § 167.81.
- (7) Resignation from the office of notary public.

(b) Method of notice. The notice shall be made in writing, electronically or by e-mail and must state the effective date of the change.

(c) Name change.

- (1) Notice of a change in name under subsection (a)(1) must be on a form prescribed by the Department and accompanied by evidence of the name change, such as a marriage certificate, court order or divorce decree.
- (2) When the name of a notary public is changed, the notary public may continue to perform notarial acts in the name in which the notary was commissioned until the expiration of the notary public's term.

(3) Application for renewal of appointment of the notary public shall be made in the new name.

(d) Effect of certain address changes. A notary public who has neither a home address nor office address in this Commonwealth will be deemed to have resigned from the office of notary public as of the date the residency ceases or employment or practice within this Commonwealth terminates.

Subchapter F. NOTARIAL ACTS

§ 167.61. Acknowledgments.

In addition to the requirements for acknowledgements in 57 Pa.C.S. § 305(a) (relating to requirements for certain notarial acts), all of the following requirements apply:

(1) A record must be signed by the individual making the acknowledgment in the notary public's presence or prior to the acknowledgment. A record may not be signed subsequent to an acknowledgment.

(2) If the record is signed prior to appearance before the notary public, the individual making the acknowledgment shall acknowledge that the signature on the record is the individual's own when appearing before the notary.

(3) **IF THE RECORD IS SIGNED PRIOR TO APPEARANCE BEFORE THE NOTARY PUBLIC, THE RECORD PRESENTED TO THE NOTARY MAY NOT BE A PHOTOCOPY.**

§ 167.62. Oaths and affirmations.

(a) An oath or affirmation may be oral or in writing. If in writing, the individual making the oath or affirmation shall personally appear before the notary public when executing the individual's signature.

(b) In administering a testimonial oath or affirmation, the notary public shall require the individual taking the oath or affirmation to voluntarily swear or affirm that the statements the individual is giving are true and correct.

(c) In administering an oath of office, the notary public shall require the individual taking the oath or affirmation to voluntarily swear or affirm that the individual will perform the duties and acts of the office faithfully.

§ 167.63. Verifications on oath or affirmation.

In addition to the requirements for verifications on oaths and affirmations in 57 Pa.C.S. § 305(b) (relating to requirements for certain notarial acts), all of the following requirements apply:

(1) A record containing a statement that is being verified on oath or affirmation must be signed in the notary public's presence.

(2) A record containing a statement that is being verified may not be signed **PRIOR TO OR** subsequent to the verification on oath or affirmation.

(3) In taking a verification on oath or affirmation, the notary public shall administer an oath or affirmation to the individual making the statement by requiring that the individual swear or affirm that the statements contained in the record are true.

§ 167.64. Witnessing or attestation of signatures.

In addition to the requirements for witnessing or attestation of signatures in 57 Pa.C.S. § 305(c) of the act (relating to requirements for certain notarial acts), all of the following requirements apply:

- (1) A record containing a signature that is being witnessed or attested must be signed in the notary public's presence.
- (2) A record containing a signature that is being witnessed or attested may not be signed prior to or subsequent to the witnessing or attestation of the signature.

§ 167.65. Certified or attested copies and depositions.

In addition to the requirements for certifying or attesting a copy or deposition in 57 Pa.C.S. § 305(d) (relating to requirements for certain notarial acts), all of the following requirements apply:

- (1) The notary public shall compare the record to a copy of the record made by the requester or the notary public to determine that the copy is a complete and accurate transcription or reproduction of the record.
- (2) The notary public shall examine the record for alteration or tampering.
- (3) In issuing a certified or attested copy, the notary public does not guarantee the authenticity of the record, its contents or its effects.
- (4) Records for which a notary public may not issue a certified copy include all of the following:
 - (i) Vital records (birth and death certificates).
 - (ii) United States Naturalization Certificates.
 - (iii) A government-issued record that on its face states “do not copy,” “illegal to copy” or words of similar meaning.
 - (iv) A record that is prohibited by law to copy or certify.

(5) Records for which a notary public may issue a certified copy include all of the following:

- (i) Public records.
- (ii) Passports.
- (iii) Driver's licenses.
- (iv) Transcripts.
- (v) Diplomas.
- (vi) Contracts.
- (vii) Leases.
- (viii) Bills of sale.
- (ix) Medical records, consents or waivers.
- (x) Powers of attorney.

§ 167.66. Protests of negotiable instruments.

(a) As set forth in 57 Pa.C.S. § 305(e) (relating to requirements for certain notarial acts), a notary public who makes or notes a protest of a negotiable instrument shall determine the matters set forth in 13 Pa.C.S. § 3505(b) (relating to evidence of dishonor).

(b) For purposes of this section, a protest is a certificate of dishonor made by a United States consul or vice consul or a notary public or other person authorized to administer oaths by the law of the place where dishonor occurs.

(c) A protest may be made upon information satisfactory to the notary public and shall fulfill all of the following:

- (1) Identify the negotiable instrument.

- (2) Certify either that presentment has been made or, if not made, the reason it was not made.
- (3) State that the instrument has been dishonored by nonacceptance or nonpayment.
- (d) The protest may also certify that notice of dishonor has been given to some or all parties.
- (e) The individual requesting the protest shall be identified in the protest as the holder of the dishonored negotiable instrument.

Subchapter G. NOTARIAL CERTIFICATES

§ 167.71. Certificate of notarial act.

In addition to the requirements for certificates of notarial acts as under 57 Pa.C.S. §§ 306.1(c), 315 and 316 (relating to notarial act performed for remotely located individual, certificate of notarial act; and short form certificates), the following requirements apply:

- (1) The certificate of notarial act must be worded and completed using the English language. The certificate may be simultaneously worded and completed in another language that is read, written and understood by the notary public. The foreign language certificate must be immediately adjacent to the English-language certificate and the English-language certificate shall prevail in the event of any conflict between the translations.
- (2) “Commonwealth of Pennsylvania” may be used instead of “State of Pennsylvania” on certificates of notarial acts.
- (3) For the purposes of 57 Pa.C.S. § 315(f)(1), “securely attached” means stapled, grommated or otherwise bound to the tangible record. The term “securely attached” does not include the use of tape, paperclips or binder clips.

(4) The notary public's signature on a tangible or electronic certificate must match the notary's name on the commission.

Subchapter H. ELECTRONIC AND REMOTE NOTARIZATION

§ 167.81. Notification to Department – NOTARIES PUBLIC.

In addition to the requirements set forth in 57 Pa.C.S. §§ 306.1 and 320 (relating to notarial act performed for remotely located individual; and notification regarding performance of notarial act on electronic record; selection of technology), all of the following requirements apply:

(1) Prior to acting as an electronic notary public, a notary public shall notify the Department electronically at www.notaries.pa.gov that the notary will be performing notarial acts with respect to electronic records and shall identify each technology the notary intends to use.

(2) Prior to acting as a remote notary public, a notary public shall notify the Department electronically at www.notaries.pa.gov that the notary will be performing notarial acts for a remotely located individual using communication technology and shall identify each technology the notary intends to use.

(3) The notification required under paragraphs (1) and (2) must occur with the addition or deletion of each electronic or remote notarization technology provider during the course of a notary public's commission and at the beginning of each new commission.

§ 167.82. Use of technology.

An electronic notary public shall use an electronic notarization technology provider approved by the Department. A remote notary public shall use a remote notarization technology provider

approved by the Department. The list of approved electronic or remote technology providers can be found at <https://www.dos.pa.gov/OtherServices/Notaries>.

§ 167.83. Electronic notarization technology provider application.

(a) A person offering a tamper-evident technology that enables electronic notaries public to perform notarial acts with respect to electronic records shall be approved by the Department as an electronic notarization technology provider before offering the technology to electronic notaries commissioned in this Commonwealth.

(b) A person applying to the Department for approval as an electronic notarization technology provider must submit an application to the Department on a form prescribed by the Department.

The application shall include a description of the technology, including all of the following:

(1) Hardware and software specifications and requirements for the provider's electronic notarization technology.

(2) A description of the types of technology used in the provider's electronic notarization technology.

(3) A demonstration of how the technology is used to perform notarial acts with respect to electronic records.

(c) Upon a determination that the technology conforms to § 167.84 (relating to standards for approval of electronic notarization technology), the Department shall approve the person offering the technology as an electronic notarization technology provider.

§ 167.84. Standards for approval of electronic notarization technology.

In addition to the requirements set forth in 57 Pa.C.S. § 320 (relating to notification regarding performance of notarial act on electronic record; selection of technology), a tamper-

evident technology used to perform notarial acts with respect to electronic records must meet all of the following:

- (1) Comply with Federal and State law, including 57 Pa.C.S. Chapter 3 (relating to Revised Uniform Law on Notarial Acts) and this chapter.
- (2) Allow a person inspecting an electronic record to determine whether there has been any tampering with the integrity of a certificate of notarial act logically associated with a record or with the attachment or association of the notarial act with that electronic record.
- (3) Include all of the ~~electronic notary public's identifying and commissioning~~ information **REQUIRED BY § 167.21 (RELATING TO OFFICIAL STAMP)** as a part of, or a secure attachment to, the underlying notarized electronic record.
- (4) Verify the authorization of the electronic notary public to perform notarial acts with respect to electronic records by verifying the name, commission number and commission expiration date with the Department prior to offering the electronic notarization technology, and
- (5) Suspend the use of any electronic notarization technology for any electronic notary public whose commission has expired or has been revoked or suspended by the Department.

§ 167.85. Remote notarization technology provider application.

- (a) A person offering a communication technology that enables remote notaries public to perform notarial acts for remotely located individuals shall be approved by the Department as a remote notarization technology provider before offering the technology to remote notaries commissioned in this Commonwealth.

(b) A person applying to the Department for approval as a remote notarization technology provider must submit an application to the Department on a form prescribed by the Department.

The application shall include a description of the technology, including all of the following:

(1) Hardware and software specifications and requirements for the provider's remote notarization technology.

(2) A description of the types of technology used in the provider's remote notarization technology.

(3) A demonstration of how the technology is used to perform notarial acts with respect to remotely located individuals.

(c) Upon a determination that the technology conforms to § 167.86 (relating to standards for approval of remote notarization technology), the Department shall approve the person offering the technology as a remote notarization technology provider.

§ 167.86. Standards for approval of remote notarization technology.

In addition to the requirements set forth in 57 Pa.C.S. § 306.1 (relating to notarial act performed for remotely located individual), a communication technology used to perform notarial acts for remotely located individuals must meet all of the following:

(1) Comply with Federal and State law, including 57 Pa.C.S. Chapter 3 (relating to Revised Uniform Law on Notarial Acts) and this chapter.

(2) Allow the notary public to communicate with the remotely located individual simultaneously by sight and sound.

(3) Make reasonable accommodations for an individual with a vision, hearing or speech impairment in accordance with law.

- (4) Include two types of processes or services by which a third person provides a remote notary public with a means to verify the identity of the remotely located individual by a review of personal information from public or private data sources. Identity proofing methods may include the use of credential analysis, dynamic knowledge-based authentication, biometrics or other means of identification.
- (5) Create an audio-visual recording of all interactions between the remote notary public and the remotely located individual during the performance of the notarial act.
- (6) Retain the audio-visual recording for a period of 10 years as designated by the remote notary public or enable the remote notary public to download and retain the audio-visual recording.
- (7) Allow a person inspecting an electronic record to determine whether there has been any tampering with the integrity of a certificate of notarial act logically associated with a record or with the attachment or association of the notarial act with that electronic record.
- (8) Include all of the ~~electronic notary public's identifying and commissioning information~~ **REQUIRED BY § 167.21 (RELATING TO OFFICIAL STAMP)** as a part of, or a secure attachment to, the underlying notarized electronic record.
- (9) Verify the authorization of the remote notary public to perform notarial acts facilitated by communication technology by verifying the name, commission number and commission expiration date with the Department prior to offering the remote notarization technology.
- (10) Suspend the use of any remote notarization technology for any remote notary public whose commission has expired or has been revoked or suspended by the Department.

§ 167.87. Termination of approval of technology.

The Department may terminate the approval of an electronic notarization technology provider upon **a finding BECOMING AWARE** that the provider no longer meets the standards set forth in § 167.84 (relating to standards for approval of electronic notarization technology). The Department may terminate the approval of a remote notarization technology provider upon **a finding BECOMING AWARE** that the provider no longer meets the standards set forth in § 167.86 (relating to standards for approval of remote notarization technology).

§ 167.88. NOTIFICATION TO DEPARTMENT – TECHNOLOGY PROVIDERS.

(A) CHANGES TO TECHNOLOGY.

(1) REQUIREMENTS. ELECTRONIC NOTARIZATION TECHNOLOGY PROVIDERS AND REMOTE NOTARIZATION TECHNOLOGY PROVIDERS SHALL NOTIFY THE DEPARTMENT WITHIN 15 DAYS OF ANY CHANGE IN INFORMATION IN THE PROVIDER APPLICATION, INCLUDING ALL OF THE FOLLOWING INFORMATION RELATED TO ANY APPROVED ELECTRONIC NOTARIZATION TECHNOLOGY OR REMOTE NOTARIZATION TECHNOLOGY:

(I) TECHNOLOGY PROVIDER NAME.

(II) TECHNOLOGY PROVIDER OFFICE ADDRESS AND PHONE NUMBER.

(III) TECHNOLOGY PROVIDER E-MAIL ADDRESS.

(IV) TECHNOLOGY PROVIDER WEBSITE.

(V) HARDWARE AND SOFTWARE SPECIFICATIONS AND REQUIREMENTS FOR THE TECHNOLOGY.

**(VI) A CHANGE IN THE TYPES OF TECHNOLOGY USED IN THE
PROVIDER'S APPROVED ELECTRONIC NOTARIZATION
TECHNOLOGY OR REMOTE NOTARIZATION TECHNOLOGY.**

**(2) METHOD OF NOTICE. THE NOTICE SHALL BE MADE IN WRITING,
AND DELIVERED BY E-MAIL OR BY CERTIFIED OR REGISTERED U.S.
MAIL AND MUST STATE THE EFFECTIVE DATE OF THE CHANGE.**

(B) CEASING OPERATIONS.

**(1) REQUIREMENTS. BEFORE CEASING TO PROVIDE THE APPROVED
ELECTRONIC NOTARIZATION TECHNOLOGY OR REMOTE
NOTARIZATION TECHNOLOGY, PROVIDERS SHALL NOTIFY THE
DEPARTMENT AND EACH ELECTRONIC NOTARY PUBLIC OR REMOTE
NOTARY PUBLIC CURRENTLY USING OR WHO HAS PREVIOUSLY USED
THE TECHNOLOGY DURING THE PRECEDING TEN YEARS.**

**(2) NOTIFICATION TO NOTARIES PUBLIC. NOTIFICATION SHALL BE
GIVEN AT LEAST 60 DAYS IN ADVANCE OF CEASING OPERATIONS AND
SHALL INCLUDE ALL OF THE FOLLOWING:**

**(I) INSTRUCTIONS ON HOW TO OBTAIN AND EXPORT
JOURNALS CREATED USING THE PLATFORM.**

**(II) INSTRUCTIONS ON HOW TO OBTAIN AND EXPORT AUDIO-
VISUAL RECORDINGS CREATED USING THE PLATFORM, IN THE
CASE OF REMOTE NOTARIZATION TECHNOLOGY.**

**(3) NOTIFICATION TO THE DEPARTMENT. NOTIFICATION TO THE
DEPARTMENT SHALL INCLUDE ALL OF THE FOLLOWING:**

(I) A LIST OF ALL NOTARIES PUBLIC, BY NAME AND COMMISSION IDENTIFICATION NUMBER, WHO CURRENTLY USE OR HAVE PREVIOUSLY USED THE ELECTRONIC NOTARIZATION TECHNOLOGY OR REMOTE NOTARIZATION TECHNOLOGY DURING THE PRECEDING TEN YEARS.

(II) A SAMPLE OF THE NOTIFICATION TO NOTARIES PUBLIC REQUIRED BY SUBSECTION (B)(2).

(4) METHOD OF NOTICE. THE NOTICE SHALL BE MADE IN WRITING, AND DELIVERED BY E-MAIL OR BY CERTIFIED OR REGISTERED U.S. MAIL AND MUST STATE THE FINAL DATE THAT THE TECHNOLOGY WILL BE AVAILABLE.

Subchapter I. NOTARY PUBLIC EDUCATION

§ 167.91. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Certificate of approval—A certificate issued by the Department under § 167.92 (relating to provider certificate of approval) indicating that the education provider named therein offers an education program course of study approved by the Department.

Course of study—Basic or continuing education under 57 Pa.C.S. § 322(b) and (c) (relating to examination, basic and continuing education), offered by means of live classroom instruction or interactive education.

Interactive education—An education process based on the geographical separation of the learner and instructor, which provides synchronous interaction between the learner and instructor,

or which does not provide direct learner and instructor interaction but requires a learner to be actively and reciprocally engaged with the course content. Examples include live online webinars and asynchronous interactive online courses.

Pennsylvania business registration number—The number assigned by the Department’s Bureau of Corporations and Charitable Organizations to a business entity or fictitious name registrant that is authorized to conduct business in this Commonwealth.

Provider—An individual or business entity that offers, supplies or provides an approved course of study.

§ 167.92. Certificate of approval.

(a) In accordance with 57 Pa.C.S. § 322(d) (relating to examination, basic education and continuing education), a provider shall obtain a certificate of approval from the Department for each course of study offered.

(b) To apply for a certificate of approval, a provider shall submit all of the following to the Department:

(1) A completed “Notary Public Education Provider Application or Amendment” form.

(2) The fee required by § 161.1(b) (relating to schedule of fees).

(3) A course of study satisfying the requirements of § 167.93 (relating to course of study).

(c) A provider is responsible for all employees, agents, instructors, contractors and subcontractors providing or involved in providing an approved course of study on behalf of the provider and the acts of the employees, agents, instructors, contractors and subcontractors will be deemed the acts of the provider.

(d) The certificate of approval will expire 3 years from the date of issuance. A provider may apply for renewal of approval of a course of study up to 90 days before the expiration of the certificate of approval.

(e) A certificate of approval is non-transferable to another provider or course of study.

§ 167.93. Course of study.

(a) A course of study must meet all of the following requirements:

(1) Include instruction on the required topics as set forth in 57 Pa.C.S. § 322(b)(1) or (c)(1) (relating to examination, basic education and continuing education).

(2) Contain a table of contents, and the pages must be consecutively numbered.

(3) Contain procedures to establish the identity of a person physically attending a classroom course of study or virtually attending a course of study to whom proof of completion shall be issued in accordance with § 167.95 (relating to certificate of education).

(4) Contain procedures to ensure that a person physically attending a classroom course of study or virtually attending a course of study by interactive means is present for the required time.

(5) Include a schedule of the time allotted for all of the following:

(A) Break periods, if any.

(B) Each major subject area.

(C) Each student participation activity, if any.

(D) Completion, correction and discussion of any practice tests used, if any.

- (6) If any video is used for instruction, include a brief synopsis of the information presented therein. In addition, the provider shall include the video in the materials presented to the Department for review.
- (7) Copies of any handout materials, workbooks, visuals aids, description of student participation exercises and practice tests used during the course of study.
- (b) If the course of study provides for an instructor or course evaluation by the students, time to complete the evaluation may not be included as part of the course of study.
- (c) A provider shall revise an approved course of study as necessary to ensure that the information provided in an approved course of study reflects developments in the law and current notary practice.

§ 167.94. Notification of changes.

Within 30 days of any change in the approved course of study or any information contained in the most recent application approved by the Department, a provider must submit to the Department a “Notary Public Education Provider Application or Amendment” form identifying the changes.

§ 167.95. Certificate of education.

- (a) A provider shall issue a certificate of education to a notary public applicant upon successful completion of an approved course of study.
- (b) The certificate of education must consist of a certificate signed by a provider or an employee, agent, instructor, contractor or subcontractor of a provider, which contains all of the following information:

 - (1) The name of the education provider as it appears on the certificate of approval issued by the Department for the approved course of study.

(2) The name of the approved course of study and whether it is basic education or continuing education.

(3) The name of the notary public applicant who completed the approved course of study.

(4) The date the notary public applicant completed the approved course of study.

(5) The statement that the certificate of education is valid for a period of 6 months from the date of issuance.

§ 167.96. Record of attendees.

A provider shall maintain documentation of the persons who attend each session of an approved course of study for a period of 5 years.

§ 167.97. Representatives of the Department attending approved course of study.

A provider shall permit representatives of the Department to attend any approved course of study, without prior notice and at no charge, for the purpose of observation, monitoring, auditing and investigating the instruction given.

§ 167.98. Termination of certificate of approval.

The Department may terminate a certificate of approval upon any of the following grounds:

(1) Violation of any of the provisions of 57 Pa.C.S. Chapter 3 (relating to Revised Uniform Law on Notarial Acts) or this chapter.

(2) Misrepresentation of the laws of the Commonwealth concerning the duties and functions of a notary public.

(3) Deviation from the course of study approved by the Department.

(4) Failure to respond to a request for information from the Department.

(5) Representations by the provider that any other product, goods or services provided by the provider are endorsed or recommended by the Department.

(6) Failure to prepare course attendees to pass the notary public examination that an annual combined scaled score of all attendees of 60% or more is not maintained.

Subchapter J. STANDARDS OF CONDUCT

§ 167.111. Conflict of interest.

(a) In accordance with 57 Pa.C.S. § 304(b) (relating to authority to perform notarial act), a notary public may not perform a notarial act with respect to a record in which the notary public or the notary public's spouse has a direct or pecuniary interest.

(b) A notary public may not notarize a notary public's own signature.

(c) A notary public may perform a notarial act with respect to a record that the notary public's spouse is signing, only if the notary public and the notary public's spouse have no direct or pecuniary interest in the record.

§ 167.112. Duty of candor.

A notary public or an applicant for appointment and commission as a notary public shall comply with all requests of the Department for information related to an application for appointment, commissioning, required notifications to the Department, investigations and the performance of notarial acts.

§ 167.113. Refusal to perform notarial acts.

For the purposes of 57 Pa.C.S. § 308 (relating to authority to refuse to perform notarial act), a notary public may not refuse to provide notarial services on the basis of a customer's race, color,

national origin, religion, sexual orientation, sex, gender, pregnancy, gender identity, gender expression, disability or marital status.

Subchapter K. PROHIBITED ACTS AND SANCTIONS

§ 167.121. Acts or omissions providing the basis for sanctions.

(a) As set forth in 57 Pa.C.S. § 323(a) (relating to sanctions), the Department may deny, refuse to renew, revoke, suspend, reprimand or impose a condition on a commission as a notary public for an act or omission that demonstrates that the individual lacks the honesty, integrity, competence or reliability to act as a notary public. These acts or omissions include all of the following:

- (1) Notarizing the individual's own signature or statement.
- (2) Notarizing a spouse's signature or statement, when the notary public or the spouse has a direct or pecuniary interest in the record.
- (3) Affixing to or logically associating the notary's official stamp or signature with a record or notarial certificate before the notarial act has been performed.
- (4) Post-dating or predating notarial acts.
- (5) Altering a record after it has been notarized. This includes altering the notarial certificate for a purpose other than to correct a ministerial error.
- (6) Altering, inserting or deleting journal entries other than to correct a **ministerial CLERICAL** error.
- (7) Retaining a customer's record or identification credential or retaining a copy of a customer's record or identification credential, unless permitted by law.

- (8) Issuing to the order of the Commonwealth, the Department of State, a recorder of **deed** DEEDS or a prothonotary a personal check without sufficient funds on deposit in payment of any application, recording or registration required by the act.
- (9) Performing a notarial act within this Commonwealth when the person was not commissioned as a notary public or was otherwise not authorized to perform a notarial act.
- (10) Performing a notarial act in another state under the authority of the notary public's commission in this Commonwealth.
- (11) Making a representation that the notary public has powers, qualifications, rights or privileges that the notary public does not have.
- (12) Use of the term "notario," "notario publico," "notario publica" or any non-English equivalent term in a manner which misrepresents the authority of the notary public.
- (13) Engaging in the unauthorized practice of any regulated profession, including the practice of law.
- (14) Using the notary public's title or official stamp for a purpose other than to perform a notarial act.
- (15) Failure to require the personal appearance through physical presence of an individual making a statement in or executing a signature on a tangible record or with respect to an electronic record.
- (16) Failure to require the personal appearance of a remotely located individual when using communication technology to perform notarial acts.
- (17) Failure to have personal knowledge or satisfactory evidence of the identity of an individual appearing before the notary public.

- (18) Executing a notarial certificate that contains a statement known to the notary public to be false.
- (19) Placing the official stamp over any signature in the record to be notarized or over any writing in a notarial certificate.
- (20) Permitting any other person to use the notary public's official stamp or stamping device to perform a notarial act or for any other purpose.
- (21) Using another notary public's stamping device or **NON-INKING** embosser to perform a notarial act.
- (22) Violating a disciplinary order of the Department.
- (23) Issuance of a certificate of dishonor of a negotiable instrument, also known as a protest of commercial paper as defined in 13 Pa.C.S. § 3505(b) (relating to evidence of dishonor), that was owned or held for collection by a financial institution, trust company or investment company when the notary public was a party to the commercial paper in an individual capacity.
- (24) Issuance of a certificate of dishonor of a negotiable instrument, also known as a protest of commercial paper as defined in 13 Pa.C.S. § 3505(b), of a noncommercial or other record that does not fit the definition of negotiable instrument as defined in 13 Pa.C.S. § 3104 (relating to negotiable instrument).
- (25) Issuance of a certificate of dishonor of a negotiable instrument, also known as a protest of commercial paper as defined in 13 Pa.C.S. § 3505(b), in a manner not in accordance with 13 Pa.C.S. § 3505.

(26) Submission of any of the following types of records to the Department or Secretary of the Commonwealth in reply to correspondence from the Department or other government agency or initiating proceedings:

(i) Conditional acceptance, or a similar record purporting to conditionally accept presentment of an official record, and demanding proof of a list of claims to fully accept the official record.

(ii) Affidavit in support of conditional acceptance, or a similar record purporting to attest to the facts of a record and signed by the same notary public who is attesting.

(iii) Notice of dishonor, or a similar record purporting to give notice that a conditional acceptance has not been accepted by the government agency to which it was sent and thereby was dishonored.

(iv) Accepted for value, or similar stamp or certificate purporting to accept for a disclosed or undisclosed value an official record sent to the notary public by the Department, the Secretary of the Commonwealth or other governmental agency. The certificate claims to establish an amount of money payable or accrued to the signor of the certificate.

(v) Notice of protest, or a similar record purporting to be a protest of commercial paper that has been dishonored, when the commercial paper is not, in fact, a negotiable instrument under 13 Pa.C.S. Division 3 (relating to negotiable instruments) and subject to the laws stated therein regarding dishonor and protest.

(vi) Other records attempting to apply 13 Pa.C.S. Division 3 to non-negotiable instruments or other records not included in the scope of Division 3.

(vii) Other record types purporting to follow the Uniform Commercial Code and not related to a filing under 13 Pa.C.S. Division 9 (relating to secured transactions).

(b) For the purposes of 57 Pa.C.S. § 323(a) and this subchapter, an act or omission includes an act or omission occurring within or outside this Commonwealth.

§ 167.122. Offenses involving fraud, dishonesty or deceit.

(a) As set forth in 57 Pa.C.S. § 323(a)(3) (relating to sanctions), the Department may deny, refuse to renew, revoke, suspend, reprimand or impose a condition on a commission as a notary public for conviction of or acceptance of accelerated rehabilitative disposition by the applicant or notary public of an offense involving fraud, dishonesty or deceit. An offense involving fraud, dishonesty or deceit includes any of the following:

(1) The following offenses defined in 18 Pa.C.S. Chapter 39 Subchapter B (relating to definition of offenses):

§ 3921. Theft by unlawful taking or disposition.

§ 3922. Theft by deception.

§ 3922.1. Financial exploitation of an older adult or care-dependent person.

§ 3923. Theft by extortion.

§ 3924. Theft of property lost, mislaid, or delivered by mistake.

§ 3925. Receiving stolen property.

§ 3926. Theft of services.

§ 3927. Theft by failure to make required disposition of funds received.

§ 3929. Retail theft.

§ 3929.1. Library theft.

§ 3929.3. Organized retail theft.

§ 3930. Theft of trade secrets.

§ 3931. Theft of unpublished dramas and musical compositions.

§ 3932. Theft of leased property.

§ 3934. Theft from a motor vehicle.

§ 3935.1. Theft of secondary metal.

§ 3936. Theft of mail.

(2) The following offenses defined in 18 Pa.C.S. Chapter 41 (relating to forgery and fraudulent practices):

§ 4101. Forgery.

§ 4101.1. DIGITAL FORGERY.

§ 4102. Simulating objects of antiquity, rarity, etc.

§ 4103. Fraudulent destruction, removal or concealment of recordable instruments.

§ 4104. Tampering with records or identification.

§ 4105. Bad checks.

§ 4106. Access device fraud.

§ 4106.1. Unlawful device-making equipment.

§ 4107. Deceptive or fraudulent business practices.

§ 4107.1. Deception relating to kosher food products.

§ 4107.2. Deception relating to certification of minority business enterprise or women's business enterprise.

§ 4108. Commercial bribery and breach of duty to act disinterestedly.

§ 4109. Rigging publicly exhibited contest.

§ 4110. Defrauding secured creditors.

§ 4111. Fraud in insolvency.

§ 4112. Receiving deposits in a failing financial institution.

§ 4113. Misapplication of entrusted property and property of government or financial institutions.

§ 4114. Securing execution of documents by deception.

§ 4115. Falsely impersonating persons privately employed.

§ 4117. Insurance fraud.

§ 4118. Washing vehicle titles.

§ 4119. Trademark counterfeiting.

§ 4120. Identity theft.

§ 4121. Possession and use of unlawful devices.

(3) The following offenses defined in 18 Pa.C.S. Chapter 47 (relating to bribery and corrupt influence):

§ 4701. Bribery in official and political matters.

§ 4702. Threats and other improper influence in official and political matters.

§ 4703. Retaliation for past official action.

(4) The following offenses defined in 18 Pa.C.S. Chapter 49 (relating to falsification and intimidation):

§ 4902. Perjury.

§ 4903. False swearing.

§ 4904. Unsworn falsification to authorities.

§ 4905. False alarms to agencies of public safety.

§ 4906. False reports to law enforcement authorities.

§ 4906.1. False reports of child abuse.

§ 4909. Witness or informant taking bribe.

§ 4910. Tampering with or fabricating physical evidence.

§ 4911. Tampering with public records or information.

§ 4912. Impersonating a public servant.

§ 4913. Impersonating a notary public or a holder of a professional or occupational license.

§ 4914. False identification to law enforcement authorities.

§ 4915.1. Failure to comply with registration requirements.

§ 4915.2. Failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration requirements.

§ 4952. Intimidation of witnesses or victims.

§ 4958. Intimidation, retaliation or obstruction in child abuse cases.

(5) The following offenses defined in 18 Pa.C.S. Chapter 51 Subchapter A (relating to definition of offenses generally):

§ 5101. Obstructing administration of law or other governmental function.

§ 5105. Hindering apprehension or prosecution.

§ 5107. Aiding consummation of crime.

§ 5108. Compounding.

§ 5111. Dealing in proceeds of unlawful activities.

(6) The following offenses defined in 18 Pa.C.S. Chapter 53 (relating to abuse of office):

§ 5301. Official oppression.

§ 5302. Speculating or wagering on official action or information.

(7) Criminal attempt if the underlying crime involves fraud, dishonesty or deceit. See 18 Pa.C.S. § 901 (relating to criminal attempt).

(8) Criminal solicitation if the underlying crime involves fraud, dishonesty or deceit. See 18 Pa.C.S. § 902 (relating to criminal solicitation).

(9) Criminal conspiracy if the underlying crime involves fraud, dishonesty or deceit. See 18 Pa.C.S. § 903 (relating to criminal conspiracy).

(b) For the purposes of 57 Pa.C.S. § 323(a)(3) and this chapter, “conviction of or acceptance of Accelerated Rehabilitative Disposition” includes conviction or acceptance of Accelerated Rehabilitative Disposition or other similar diversionary program in any other state or jurisdiction.

§ 167.123. Factors considered in sanctions.

When imposing any action authorized under 57 Pa.C.S. § 323 (relating to sanctions), including denial of application, the Department may consider a variety of factors including:

(1) The nature, number and severity of any acts, offenses, official misconduct or crimes under consideration.

(2) Evidence pertaining to the honesty, credibility, truthfulness and integrity of the applicant or notary public.

(3) Actual or potential monetary or other harm to the general public, group, individual or customer.

(4) The history of complaints received by the Department.

(5) Prior disciplinary record or warning from the Department.

(6) Evidence in mitigation.

(7) Evidence in aggravation.

- (8) Other occupational, vocational or professional license disciplinary record.
- (9) Evidence of rehabilitation, such as reference letters and proof of class attendance.
- (10) A criminal record.
- (11) Reports from law enforcement agencies.
- (12) Willfulness.
- (13) Negligence.

§ 167.124. Unauthorized practice of law.

In determining whether a notary public has assisted a person in drafting legal records, gave legal advice or is otherwise practicing law in violation of 57 Pa.C.S. § 325 (relating to prohibited acts), the Department will take into consideration the factors in the Pennsylvania Bar Association Unauthorized Practice of Law Committee Formal Opinion 2006-01 or any successor opinion.

§ 167.125. Reporting requirements.

A notary public shall notify the Department of any of the following:

- (1) Conviction of or acceptance of Accelerated Rehabilitative Disposition in resolution of a felony or an offense involving fraud, dishonesty or deceit within 30 days of the disposition or on the next application for renewal of appointment and commission, whichever is sooner.
- (2) Disciplinary action taken against the notary public's commission by the commissioning authority of another state or jurisdiction within 30 days of receiving notice of the disciplinary action or on the next application for renewal of appointment and commission, whichever is sooner.

(3) Finding against, or admission of liability by, the notary public in any criminal, civil or administrative proceeding, based on the fraud, dishonesty or deceit of the notary public, within 30 days of conclusion of the legal proceeding or on the next application for renewal of appointment and commission, whichever is sooner.

(4) Finding by the Pennsylvania Bar Association or the courts of the Commonwealth or the bar or courts of any other state or jurisdiction finding that the notary public has engaged in the unauthorized practice of law within 30 days of conclusion of the proceeding or on the next application for renewal of appointment and commission, whichever is sooner.

(5) Payment to a claimant under the notary's bond within 30 days of the surety making the payment or on the next application for renewal of appointment and commission, whichever is sooner.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

October 8, 2025

Via Electronic Mail

The Honorable George D. Bedwick, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Final Rulemaking
Office of Notaries, Commissions and Legislation
16-61: Revised Uniform Law on Notarial Acts (RULONA)

Dear Chairman Bedwick:

Enclosed is a copy of a final rulemaking package of the Office of Notaries, Commissions and Legislation pertaining to Revised Uniform Law on Notarial Acts (RULONA).

The Office will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Schmidt".

Al Schmidt
Secretary of the Commonwealth

AS/JAW/jpp
Enclosure

cc: Jonathan Marks, Deputy Secretary for Elections and Commissions
Rachel Hadrick, Director, Office of Notaries, Commissions and Legislation
Andrew LaFratte, Deputy Policy Director, Department of State
Carolyn DeLaurentis, Chief Counsel, Department of State
Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State
Martha H. Brown, Deputy Chief Counsel, Office of Notaries, Commissions and Legislation

Porta, Jason

RECEIVED

Independent Regulatory
Review Commission

From: Smith, Timothy <Timothy.Smith@pasenate.com>
Sent: Wednesday, October 8, 2025 8:45 AM
To: Porta, Jason
Cc: Smith, Cory
Subject: RE: DELIVERY NOTICE: REGULATION 16-61 Revised Uniform Law on Notarial Acts (RULONA)

October 8, 2025

Jason,

Received.

Thank you,
Tim

Timothy P. Smith
Legal Counsel- Senate Democratic Caucus
Executive Director- State Government Committee to Chairman Senator Santarsiero
535 Main Capitol Building
Harrisburg, PA 17120

From: Porta, Jason <jporta@pa.gov>
Sent: Wednesday, October 8, 2025 8:37 AM
To: Smith, Timothy <timothy.smith@pasenate.com>; Smith, Cory <cory.smith@pasenate.com>
Subject: DELIVERY NOTICE: REGULATION 16-61 Revised Uniform Law on Notarial Acts (RULONA)
Importance: High

■ EXTERNAL EMAIL ■

Please provide a written (email) confirmation of receipt of delivery of the attached rulemaking

Please be advised that the Office of Notaries, Commissions and Legislation is delivering the below final rulemaking.

Thank you for your attention to this matter.

- **16-61 – Department of State, Office of Notaries, Commissions and Legislation – Revised Uniform Law on Notarial Acts (RULONA)**
 - This proposed rulemaking of the Department of State’s Office of Notaries, Commissions and Legislation relates to the appointment and commissioning of notaries public. The rulemaking proposes comprehensive regulations to implement the Revised Uniform Law on Notarial Acts (RULONA) (57 Pa.C.S. §§ 301 - 331).



Jason P. Porta | Legal Assistant 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
2400 Thea Drive
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.783.7200 | Fax: 717.787.0251
jporta@pa.gov | www.dos.pa.gov

RECEIVED

Independent Regulatory
Review Commission
October 8, 2025

Preferred Pronouns: Him/He

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This message and any attachment may contain privileged or confidential information intended solely for the use of

the person to whom it is addressed. If the reader is not the intended recipient then be advised that forwarding, communicating, disseminating, copying or using this message or its attachments is strictly prohibited. If you receive this message in error, please notify the sender immediately and delete the information without saving any copies.

Porta, Jason

RECEIVED

Independent Regulatory
Review Commission

From: Hepner, Cade <chepner@pasen.gov>
Sent: Wednesday, October 8, 2025 9:38 AM
To: Porta, Jason; Foust, Joseph
Subject: Re: DELIVERY NOTICE: REGULATION 16-61 Revised Uniform Law on Notarial Acts (RULONA)

October 8, 2025

Received. Thank you!

Cade T. Hepner

Executive Director, State Government Committee
Office of Senator Cris Dush
Pennsylvania Senate District 25
717-787-7084
chepner@pasen.gov
www.senatorcrisdushpa.com

From: Porta, Jason <jporta@pa.gov>
Sent: Wednesday, October 8, 2025 8:39 AM
To: Foust, Joseph <jfoust@pasen.gov>; Hepner, Cade <chepner@pasen.gov>
Subject: DELIVERY NOTICE: REGULATION 16-61 Revised Uniform Law on Notarial Acts (RULONA)

● CAUTION : External Email ●

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Review Commission

October 8, 2025

Preferred Pronouns: Him/He

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Porta, Jason

From: Himebaugh, Nicholas A. <NHimebaugh@pahouse.net>
Sent: Wednesday, October 8, 2025 8:51 AM
To: Porta, Jason; Terech, Sonia I.; Yu, Hanna Y.
Subject: RE: DELIVERY NOTICE: REGULATION 16-61 Revised Uniform Law on Notarial Acts (RULONA)

RECEIVED

Independent Regulatory
Review Commission

October 8, 2025

Received

From: Porta, Jason <jporta@pa.gov>
Sent: Wednesday, October 8, 2025 8:38 AM
To: Himebaugh, Nicholas A. <NHimebaugh@pahouse.net>; Terech, Sonia I. <STerech@pahouse.net>; Yu, Hanna Y. <HYu@pahouse.net>
Subject: DELIVERY NOTICE: REGULATION 16-61 Revised Uniform Law on Notarial Acts (RULONA)
Importance: High

Please provide a written (email) confirmation of receipt of delivery of the attached rulemaking

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Preferred Pronouns: Him/He

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From: Pamela Neugard <Pneugard@pahousegop.com>
Sent: Wednesday, October 8, 2025 8:59 AM
To: Porta, Jason; Michael Heckmann
Subject: RE: [EXTERNAL]: DELIVERY NOTICE: REGULATION 16-61 Revised Uniform Law on Notarial Acts (RULONA)

October 8, 2025

Received

From: Porta, Jason <jporta@pa.gov>
Sent: Wednesday, October 8, 2025 8:39 AM
To: Michael Heckmann <Mheckmann@pahousegop.com>; Pamela Neugard <Pneugard@pahousegop.com>
Subject: [EXTERNAL]: DELIVERY NOTICE: REGULATION 16-61 Revised Uniform Law on Notarial Acts (RULONA)
Importance: High

Please provide a written (email) confirmation of receipt of delivery of the attached rulemaking

Please be advised that the Office of Notaries, Commissions and Legislation is delivering the below final rulemaking.

Thank you for your attention to this matter.

• **16-61 – Department of State, Office of Notaries, Commissions and Legislation – Revised Uniform Law on Notarial Acts (RULONA)**

- This proposed rulemaking of the Department of State's Office of Notaries, Commissions and Legislation relates to the appointment and commissioning of notaries public. The rulemaking proposes comprehensive regulations to implement the Revised Uniform Law on Notarial Acts (RULONA) (57 Pa.C.S. §§ 301 - 331).



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Preferred Pronouns: Him/He

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