

§§2, 6, 7, 9,
14-29,
34, 35, 38
C.52:7-10.1 to
52:7-10.23
§37
Repealer
§39
Note

P.L. 2021, CHAPTER 179, *approved July 22, 2021*
Assembly, No. 4250 (*Third Reprint*)

1 AN ACT concerning notaries, ²and² amending ¹**[and]** ¹
2 supplementing ², and repealing² various parts of the statutory
3 law.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

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

10 1. Short title.

11 This act shall be known and may be cited as the **["Notaries**
12 **Public Act of 1979."]** "New Jersey Law on Notarial Acts."
13 (cf: P.L.1979, c.460, s.1)
14

15 2. (New section) Definitions.

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

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

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

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

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

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted July 20, 2020.

²Senate SJU committee amendments adopted December 14, 2020.

³Senate SBA committee amendments adopted June 17, 2021.

- 1 (1) An authorized officer, agent, partner, trustee, or other
2 representative for a person other than an individual;
- 3 (2) A public officer, personal representative, guardian, or other
4 representative, in the capacity stated in a record;
- 5 (3) An agent or attorney-in-fact for a principal; or
- 6 (4) An authorized representative of another in any other
7 capacity.
- 8 e. ³“Non-attorney applicant” means an applicant for an initial or
9 renewal commission as a notary public who is not also a licensed
10 attorney-at-law in this State.
- 11 f. ³ “Notarial act” means an act, whether performed with respect
12 to a tangible or electronic record, that a notarial officer may
13 perform under the laws of New Jersey. The term includes:
- 14 (1) taking an acknowledgment,
15 (2) administering an oath or affirmation,
16 (3) taking a verification on oath or affirmation,
17 (4) witnessing or attesting a signature,
18 (5) certifying or attesting a copy or deposition, and
19 (6) noting a protest of a negotiable instrument.
- 20 ³[f.] g. ³ “Notarial officer” means a notary public or other
21 individual authorized by law to perform a notarial act.
- 22 ³[g.] h. ³ “Notary public” means an individual commissioned
23 by the State Treasurer to perform a notarial act.
- 24 ³[h.] i. ³ “Official stamp” means a physical image affixed to or
25 embossed on a tangible record or an electronic image attached to, or
26 logically associated with, an electronic record.
- 27 ³[i.] j. ³ “Person” has the meaning ascribed to it in R.S.1:1-2.
- 28 ³[j.] k. ³ “Record” means information that is inscribed on a
29 tangible medium or that is stored in an electronic or other medium
30 and is retrievable in perceivable form.
- 31 ³[k.] l. ³ “Sign” means, with present intent to authenticate or
32 adopt a record:
- 33 (1) To execute or adopt a tangible symbol; or
34 (2) To attach to or logically associate with the record an
35 electronic symbol, sound, or process.
- 36 ³[l.] m. ³ “Signature” means a tangible symbol or an electronic
37 signature that evidences the signing of a record.
- 38 ³[m.] n. ³ “Stamping device” means:
- 39 (1) A physical device capable of affixing to or embossing on a
40 tangible record an official stamp; or
41 (2) An electronic device or process capable of attaching to or
42 logically associating with an electronic record an official stamp.
- 43 ³[n.] o. ³ “State” means the State of New Jersey; “other state”
44 or “another state” means any state, the District of Columbia, the
45 Commonwealth of Puerto Rico, the United States Virgin Islands,
46 and any other insular possession or territory of the United States
47 other than the State of New Jersey.

1 ³[o.] p.³ “Verification on oath or affirmation” means a
2 declaration, made by an individual on oath or affirmation before a
3 notarial officer, that a statement in a record is true.

4
5 3. Section 2 of P.L.1979, c.460 (C.52:7-11) is amended to read
6 as follows:

7 2. Commission; Term; Application; Renewal.

8 a. The State Treasurer ~~shall appoint~~ may commission so
9 many notaries public as the State Treasurer ~~shall deem~~ deems
10 necessary to commission ~~[, who]~~. Notaries public shall hold their
11 respective offices for ~~the~~ a term of five years ~~[, but may be~~
12 removed from office at the pleasure of the State Treasurer ~~]~~.

13 b. ~~【A person desiring to be appointed and commissioned】~~ An
14 applicant for commission as a notary public shall make application
15 to the State Treasurer on a form prescribed by the State Treasurer
16 ~~【and endorsed by a member of the Legislature】~~ ¹and endorsed by a
17 member of the Legislature¹. Renewals ~~【thereof】~~ shall be made in
18 the same manner as the original application. ¹All applications shall
19 be submitted electronically.¹

20 The application form shall provide a notice to the applicant that a
21 notary public who is not licensed as an attorney-at-law shall not use
22 or advertise the title of lawyer or attorney-at-law, or equivalent
23 terms, in ~~the English language or~~ any ~~other~~ language, which
24 mean or imply that the notary public is licensed as an attorney-at-
25 law in the State of New Jersey or in any other jurisdiction of the
26 United States. The application form shall also state that a notary
27 public who advertises ~~his~~ the notary public’s services in ~~the~~
28 English language or any ~~other~~ language is required to provide
29 with such advertisement a notice in the language of the
30 advertisement which contains the following statement or translation
31 of the following statement if the advertisement is not in English: "I
32 am not an attorney licensed to practice law and may not give legal
33 advice about immigration or any other legal matter or accept fees
34 for legal advice."

35 c. The ~~fee to be collected by the~~ State Treasurer shall collect
36 a nonrefundable fee ~~for that appointment or renewal shall be~~
37 ~~\$25.00~~ of ¹~~【\$25】~~ ³~~【\$50】~~ \$25³ for each commission or renewal.
38 In collecting the fee, the State Treasurer shall accept the use of a
39 credit card, debit card, or electronic funds transfer.

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

41
42 4. Section 3 of P.L.1979, c.460 (C.52:7-12) is amended to read
43 as follows:

44 ¹3.¹ Qualifications.

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

1 (1) be at the time of appointment at least [unless he is] 18 years
2 of age [or older] ¹[and a citizen of the United States]¹;

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

5 (3) not be disqualified to receive a commission under section
6 ¹[⁹] ³[⁷] ⁹ of P.L. , c. (C.) (pending before the
7 Legislature as this bill).

8 b. ³[An] A non-attorney³ applicant for an initial ³[¹or
9 renewed¹]³ commission as a notary public shall ¹[provide
10 satisfactory proof that the applicant has:

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

14 (2) passed an examination prescribed by the State Treasurer
15 pursuant to section 7 of P.L. , c. (C.) (pending before the
16 Legislature as this bill).

17 c. A commissioned notary public applying to renew a
18 commission who has satisfactorily completed the six-hour course of
19 study required pursuant to subsection b. of section 6 of P.L. ,
20 c. (C.) (pending before the Legislature as this bill) at least
21 one time, or who was commissioned for the first time before the
22 effective date of P.L. , c. (C.) shall complete the three-
23 hour continuing education course as set forth in subsection b. of
24 section 6 of P.L. , c. (C.) (pending before the Legislature
25 as this bill) and provide satisfactory proof of such completion]
26 ³[comply with all educational requirements that the Treasurer sets
27 forth in the New Jersey Notary Public Manual. The Treasurer shall
28 provide the necessary process for documenting compliance with
29 educational requirements through the online application required by
30 subsection b. of section 2 of P.L.1979, c.460 (C.52:7-11)¹] provide
31 satisfactory proof that the applicant has:

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

35 (2) passed an examination prescribed by the State Treasurer
36 pursuant to section 7 of P.L. , c. (C.) (pending before the
37 Legislature as this bill).

38 d. A non-attorney commissioned notary public applying to
39 renew a commission who has satisfactorily completed a course of
40 study required pursuant to subsection b. of section 6 of P.L. , c.
41 (C.) (pending before the Legislature as this bill) at least one
42 time, or who was commissioned for the first time before the
43 effective date of P.L. , c. (C.) shall complete a continuing
44 education course as set forth in subsection c. of section 6 of
45 P.L. , c. (C.) (pending before the Legislature as this bill)
46 and provide satisfactory proof of such completion³.

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

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

3 4. Commission of Nonresidents; Additional Requirements.

4 a. No person shall be denied **【appointment】** a commission as a
5 notary public on account of residence outside **【of】** this State,
6 provided such person **【resides in a State adjoining this State and】**
7 maintains, or is regularly employed in, an office in this State ¹or is
8 an employee of a business with its domicile or primary place of
9 business in this State and performs his employment duties remotely
10 from a home office or a co-working space ²**【located in a state**
11 **adjoining this State¹】².**

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

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

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

24

25 ¹**【6. (New section) Course of Study; Continuing Education.**

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

31 b. An applicant for renewal of a commission pursuant to
32 section 2 of P.L.1979, c.460 (C.52:7-11) who has previously
33 completed the six-hour course of study required pursuant to
34 subsection a. of this section at least one time, or who was
35 commissioned for the first time before the effective date of P.L. ,

36 c. (C.) (pending before the Legislature as this bill) shall
37 complete a three-hour continuing education course prescribed and
38 approved by the State Treasurer. The continuing education course
39 shall be completed within the six-month period immediately
40 preceding the application.

41 c. The State Treasurer shall prescribe an application form and
42 certificate of approval for any notary public course of study and any
43 notary public continuing education course proposed by a provider.
44 The State Treasurer may also provide a notary public course of
45 study and continuing education course.

1 d. The State Treasurer shall compile a list of all persons
2 offering an approved course of study and continuing education
3 course pursuant to this section and shall provide the list on the
4 website of the State Treasurer.

5 e. The six-hour course of study shall cover the statutes,
6 regulations, procedures, and ethics for notaries public as described
7 in the manual issued by the State Treasurer, and shall include the
8 duties and responsibilities of a notary public. The course of study
9 shall be provided by classroom instruction.

10 f. The three-hour continuing education course shall cover
11 topics which ensure maintenance and enhancement of skill,
12 knowledge, and competency necessary to perform notarial acts. The
13 continuing education course may be provided by either online or
14 classroom instruction. ¹

15
16 ¹7. (New section) Examination.

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

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

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

26 b. The State Treasurer shall charge a nonrefundable fee which
27 shall be payable at the examination site. Such fee shall be
28 established or changed by the State Treasurer to defray any proper
29 expenses incurred by the Department of the Treasury in
30 administering the examination. The fee shall not be fixed at a level
31 that will raise amounts in excess of the amount estimated to be so
32 required. ¹

33
34 ³6. (New section) Course of Study; Continuing Education.

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

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

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

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

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

21 f. The State Treasurer shall compile a list of all independent
22 vendors offering an approved course of study and continuing
23 education course pursuant to this section and shall provide the list
24 on the website of the State Treasurer.

25 g. Any course of study for a non-attorney applicant for an
26 initial commission shall cover the statutes, regulations, procedures,
27 and ethics for notaries public as described in the manual issued by
28 the State Treasurer, and shall include the duties and responsibilities
29 of a notary public. The course of study may be provided by
30 classroom instruction, by online instruction, or by any other method
31 approved by the State Treasurer.

32 h. Any continuing education course for a non-attorney
33 applicant for renewal of a commission shall cover topics which
34 ensure maintenance and enhancement of skill, knowledge, and
35 competency necessary to perform notarial acts. The continuing
36 education course may be provided by online instruction, classroom
37 instruction, or by any other method approved by the State
38 Treasurer.

39 i. The Treasurer shall regularly assess the efficacy of the State’s
40 notarial education program. The Treasurer shall adjust the
41 program’s content as notarial technologies and processes evolve,
42 and publish on the Treasury website, on or before September 30
43 each year, a report on the state of notary education in New Jersey.
44 The report shall contain a summary of commissioning activity, an
45 assessment regarding the need for new or changed educational
46 content, and the estimated timelines for delivering the new or
47 changed content. ³

1 ³7. (New section) Examination.

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

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

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

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

13 c. The examination required by subsection b. may be given by
14 the State Treasurer or by an independent vendor under contract to
15 the State Treasurer. If a contract vendor is utilized, the contract
16 vendor shall develop and administer the examination in accordance
17 with specifications approved by the State Treasurer. The State
18 Treasurer shall have the sole responsibility for establishing
19 minimum qualifications and passing requirements of candidates
20 taking the examination.

21 d. The State Treasurer shall establish a nonrefundable fee
22 which shall be payable at the examination site. Such fee shall be
23 established or changed by the State Treasurer taking into
24 consideration the fee charged by any independent contract vendor to
25 develop and administer the examination, and consideration of the
26 need to defray any proper expenses incurred by the Department of
27 the Treasury in its administration of any independent contract
28 vendor administering the examination. The fee shall not be fixed at
29 a level that will raise amounts in excess of the amount estimated to
30 be so required.³

31

32 ¹[8.] ³[6.] ¹ 8.³ Section 5 of P.L.1979, c.460 (C.52:7-14) is
33 amended to read as follows:

34 5. Oath; Filing; Certificate of Commission.

35 a. Within ¹[three months] ²[45 days¹] three months² of the
36 receipt of a commission, each notary public shall take and subscribe
37 an oath before [the clerk of the county in which he resides] ¹[any
38 officer authorized to administer oaths pursuant to R.S.41:2-1] the
39 clerk of the county in which ²[he] the notary public² resides ²[or a
40 member of the Legislature¹]², to²[; (1)]² faithfully and honestly
41 [to] discharge the duties of [his] the office[.]; and ²[(2)]² [that
42 he will] make and keep a true record of all such matters as are
43 required by law, [which oath shall be filed with said clerk. The
44 oath of office of a nonresident notary public shall be taken and
45 subscribed before the clerk of the county in which he maintains his
46 office or is employed in this State] ²[including the requirement to
47 maintain a journal of all notarial acts performed, as set forth in

1 section ¹[27] ²⁵ of P.L. _____, c. _____ (C. _____) (pending before the
2 Legislature as this bill),] which oath shall be filed with ³[said] the³
3 clerk. The oath of office of a nonresident notary public shall be
4 taken and subscribed before the clerk of the county in which the
5 nonresident notary public maintains ³[his] the notary public's³
6 office or ³[is employed] the county in which the nonresident
7 notary public is an employee of a business with its domicile or
8 primary place of business³ in this State².

9 b. Upon the administration of [said] the oath, the [said clerk]
10 ²[officer] ³[said]³ clerk² shall cause the notary public to [indorse
11 a] endorse the certificate of commission and qualification and shall
12 transmit [said] the certificate to the State Treasurer within 10 days
13 of the administration of [said] the oath. [After the administration
14 of the oath, the clerk shall provide a notice to the person that a
15 notary public who is not licensed as an attorney-at-law shall not use
16 or advertise the title of lawyer or attorney-at-law, or equivalent
17 terms, in the English language or any other language, which mean
18 or imply that the notary public is licensed as an attorney-at-law in
19 the State of New Jersey or in any other jurisdiction of the United
20 States. The notice shall also state that a notary public who
21 advertises his services, in the English language or any other
22 language, is required to provide with such advertisement a notice
23 which contains the following statement: "I am not an attorney
24 licensed to practice law and may not give legal advice about
25 immigration or any other legal matter or accept fees for legal
26 advice."] ²After the administration of the oath, the clerk shall
27 provide a notice to the person that a notary public who is not
28 licensed as an attorney-at-law shall not use or advertise the title of
29 lawyer or attorney-at-law, or equivalent terms, in ³[the English
30 language or]³ any ³[other]³ language, which mean or imply that
31 the notary public is licensed as an attorney-at-law in the State of
32 New Jersey or in any other jurisdiction of the United States. The
33 notice shall also state that a notary public who advertises ³[his] the
34 notary public's³ services, in ³[the English language or]³ any
35 ³[other]³ language, is required to provide with such advertisement
36 a notice ³in the language of the advertisement³ which contains the
37 following statement ³or translation of the following statement if the
38 advertisement is not in English³: "I am not an attorney licensed to
39 practice law and may not give legal advice about immigration or
40 any other legal matter or accept fees for legal advice." ²

41 c. [The State Treasurer shall cancel and revoke the
42 appointment of any notary public who fails to take and subscribe
43 said oath within three months of the receipt of his commission and
44 any appointment so canceled and revoked shall be null, void and of
45 no effect] ²The State Treasurer shall cancel and revoke the
46 appointment of any notary public who fails to take and subscribe

1 ³[said] the³ oath within three months of the receipt of ³[his] the³
 2 commission and any appointment so canceled and revoked shall be
 3 null, void and of no effect². A commission authorizes the notary
 4 public to perform notarial acts. The commission does not provide
 5 the notary public any immunity or benefit conferred by the law of
 6 this State on public officials or employees¹[.].¹

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

8
 9 ¹[9.] ³[7.]¹ 9.³ (New section) Grounds for State Treasurer to
 10 Deny Application, Refuse to Renew Commission, or Revoke,
 11 Suspend, or Limit Commission.

12 a. The State Treasurer may deny an application for commission
 13 as ¹a¹ notary public; refuse to renew a commission of a notary
 14 public; or suspend, revoke, or otherwise limit the commission of a
 15 notary public for any act or omission that demonstrates the
 16 individual lacks the honesty, integrity, competence, or reliability
 17 necessary to act as a notary public, including:

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

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

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

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

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

37 (6) use of false or misleading advertising or representation by
 38 the notary public representing that the notary is commissioned,
 39 licensed, or authorized to practice or engage in work that the notary
 40 is not commissioned, licensed, or authorized to engage in;

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

43 (a) giving legal advice;

44 (b) acting as an immigration consultant or an expert on
 45 immigration matters;

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

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

4 (e) creating or reinforcing, by any means, a false impression that
5 the person is licensed to engage in the practice of law in this State
6 or any other ¹**【State】 state¹**, including, but not limited to,
7 committing a violation of P.L.1994, c.47 (C.2C:21-22) or P.L.1997,
8 c.1 (C.2C:21-31);

9 (8) failure to take and subscribe to the oath pursuant to section 5
10 of P.L.1979, c.460 (C.52:7-14) within ³**【45 days】** three months³ of
11 the receipt of a notary public commission;

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

15 (10) the denial of an application for notary public in another
16 state; the refusal to renew in another state; or the suspension,
17 revocation, or other limitation of the commission of the notary
18 public in another state.

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

25 c. The authority of the State Treasurer to deny an application
26 for notary public; refuse to renew a commission of a notary public;
27 or suspend, revoke, or otherwise limit the commission of a notary
28 public shall not prevent a person aggrieved by the actions of a
29 notary public from seeking other criminal or civil remedies
30 provided by law.

31
32 ¹**【10.】** ³**【8.1】** 10.3 Section 6 of P.L.1979, c.460 (C.52:7-15) is
33 amended to read as follows:

34 6. Statewide authority.

35 **【a.】** ³**【1.a.1】**³ A notary public who has been duly commissioned
36 and qualified is authorized to perform **【his】** the duties of a notary
37 public throughout the State.

38 **【b.】** Any notary public, after having been duly commissioned and
39 qualified, shall, upon request, receive from the clerk of the county
40 where he has qualified, as many certificates of his commission and
41 qualification as he shall require for filing with other county clerks
42 of this State, and upon receipt of such certificates the notary public
43 may present the same, together with his autograph signature, to
44 such county clerks as he may desire, for filing. **】**

45 ³**【2b.】** Any notary public, after having been duly commissioned
46 and qualified, shall, upon request, receive from the clerk of the
47 county where the notary public has qualified, as many certificates

1 of commission and qualification as the notary public shall require
2 for filing with other county clerks of this State, and upon receipt of
3 such certificates the notary public may present the same, together
4 with the notary public's autograph signature, to such county clerks
5 as the notary public may desire, for filing.² **3**

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

7
8 ¹**[11.]** ³**[9.1]** ^{11.}**3** Section 8 of P.L.1979, c.460 (C.52:7-17) is
9 amended to read as follows:

10 8. Manual.

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

15 a. The State Treasurer shall maintain a manual on the
16 Department of the Treasury's website that sets forth the
17 requirements, functions, duties, and responsibilities of a notary
18 public. The manual shall include, but not be limited to, the statutes,
19 rules, regulations, procedures, and ethical requirements governing a
20 notary public.

21 b. The manual shall specify that a notary public who is not
22 licensed as an attorney-at-law shall not use or advertise the title of
23 lawyer or attorney-at-law, or equivalent terms, in **[the English**
24 language or] any **[other]** language, which mean or imply that the
25 notary public is licensed as an ³**[attorney]** attorney-at-law³ **[or**
26 counselor at law] in the State of New Jersey or in any other
27 jurisdiction of the United States. The manual shall also state that a
28 notary public who advertises **[his]** the ³**[notary's]** notary public's³
29 services in **[the English language or]** any **[other]** language is
30 required to provide with such advertisement a notice which contains
31 the following statement or translation of the following statement if
32 the advertisement is not in English: "I am not an attorney licensed
33 to practice law and may not give legal advice about immigration or
34 any other legal matter or accept fees for legal advice." The manual
35 shall also state that no person shall be **[appointed or reappointed]**
36 commissioned a notary public or receive a renewal of a notary
37 public commission if ¹**[he]** that person¹ has been convicted under
38 the laws of this State of an offense involving dishonesty, including
39 but not limited to a violation of section 1 of P.L.1997, c.1 (C.2C:21-
40 31) or section 1 of P.L.1994, c.47 (C.2C:21-22), or a substantially
41 similar crime under the laws of another state or the United States or
42 of a crime of the second degree or above, but nothing in this
43 paragraph shall be deemed to supersede P.L.1968, c.282
44 (C.2A:168A-1 et seq.).

45 c. The State Treasurer shall update the information contained
46 in the manual and the Department of the Treasury's Internet website

1 **【as appropriate】** ¹**【at least quarterly】** periodically¹.
 2 (cf: P.L.2014, c.48, s.6)

3
 4 ¹**【12.】** ³**【10.1】** 12.³ Section 9 of P.L.1979, c.460 (C.52:7-18) is
 5 amended to read as follows:

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

8 **【After】** a. If a notary public adopts a name different from that
 9 which **【he】** the notary public used at the time¹**【he】** the notary
 10 public¹ was commissioned, **【and】** before **【he signs his name】** the
 11 notary public provides a signature to any **【document】** record which
 12 **【he】** the notary public is authorized or required to sign as notary
 13 public, ¹**【he】** the notary public¹ shall make and sign a statement in
 14 writing and under oath, on a form prescribed and furnished by the
 15 State Treasurer, setting out the circumstances under which **【he】** the
 16 notary public has adopted the new name. ¹The statement shall state
 17 whether the new name has been adopted through marriage or civil
 18 union or by a change of name proceeding or otherwise, and such
 19 other information as the State Treasurer shall require.¹

20 b. ¹**【The statement shall **【set forth】** state whether the new
 21 name has been adopted through marriage or civil union or by a
 22 change of name proceeding or otherwise, and such other
 23 information as the State Treasurer shall require.**

24 c.¹ The statement shall be filed in the office of the State
 25 Treasurer **【and in the office of the clerk of the county where he**
 26 qualified as a notary public and in the office of the clerk of any
 27 county in which he may have filed a certificate of his commission
 28 and qualification**】**. Such statement, or a certified copy **【thereof】**,
 29 shall be evidence of the right of **【said】** the notary public to continue
 30 to exercise the powers and privileges and perform the duties of a
 31 notary public in **【his】** the changed **【and】** or new name.

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

33
 34 ¹**【13.】** ³**【11.1】** 13.³ Section 10 of P.L.1979, c.460 (C.52:7-19)
 35 is amended to read as follows:

36 10. Certificate of Notarial Act.

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

43 a. A notarial act shall be evidenced by a certificate. The
 44 certificate shall:

45 (1) be executed contemporaneously with the performance of the
 46 notarial act;

- 1 (2) be signed and dated by the notarial officer;
2 (3) identify the jurisdiction in which the notarial act is
3 performed;
4 (4) contain the title of office of the notarial officer; and
5 (5) if the notarial officer is a notary public, indicate the date of
6 expiration of the officer’s commission.
7 b. A certificate of a notarial act is sufficient if it meets the
8 requirements of subsection a. of this section and:
9 (1) is in a short form set forth in section ²[21] ³[19¹] 21³ of
10 P.L. , c. (C.) (pending before the Legislature as this bill);
11 (2) is in a form otherwise permitted by the law of this State;
12 (3) is in a form permitted by the law applicable in the
13 jurisdiction in which the notarial act was performed; or
14 (4) sets forth the actions of the notarial officer which shall meet
15 the requirements provided in P.L.1979, c.460 (C.52:7-10 et seq.), as
16 amended and supplemented by P.L. , c. (C.) (pending
17 before the Legislature as this bill) and any other applicable laws of
18 this State.
19 c. By executing a certificate of a notarial act, a notarial officer
20 certifies that the officer has made the determinations specified by
21 P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented
22 by P.L. , c. (C.) (pending before the Legislature as this
23 bill).
24 d. A notarial officer may not affix the officer’s signature to, or
25 logically associate it with, a certificate until the notarial act has
26 been performed.
27 e. If a notarial act is performed regarding a tangible record, a
28 certificate shall be part of, or attached to, the record.
29 f. If a notarial act is performed regarding an electronic record,
30 the certificate shall be affixed to, or logically associated with, the
31 electronic record.
32 g. If the State Treasurer has established standards pursuant to
33 P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented
34 by P.L. , c. (C.) (pending before the Legislature as this
35 bill) for attaching, affixing, or logically associating the certificate,
36 the process shall conform to the standards.
37 (cf: P.L.2014, c.48, s.8)

38
39 ¹[14.] ³[12.¹] 14.³(New section) Official Stamp.

- 40 a. The official stamp of a notary public shall:
41 (1) include the name of the notary public, the title “Notary
42 Public, State of New Jersey,” and the notary public’s commission
43 expiration date; and
44 (2) be capable of being copied together with the record to which
45 it is affixed or attached or with which it is logically associated.
46 b. If a notarial act regarding a tangible record is performed by a
47 notary public, an official stamp shall be affixed to or embossed on
48 the certificate near the signature of the notary public so as to be

1 clear and readable. If a notarial act regarding an electronic record is
2 performed by a notary public and the certificate contains the
3 information specified in subsection a. of this section, an official
4 stamp ¹~~may~~ must¹ be attached to or logically associated with the
5 certificate.

6
7 ¹~~[15.]~~ ³~~[13.]~~ 15.³ (New section) Stamping Device.

8 a. A notary public is responsible for the security of the
9 stamping device used by the notary public and may not allow
10 another individual to use the device to perform a notarial act, except
11 at the specific instruction of a notary public who cannot physically
12 use the stamping device.

13 b. The stamping device is the property of the notary public and
14 not of the notary public's employer, even if the employer paid for
15 the stamping device.

16 c. If the stamping device used by the notary public is lost or
17 stolen, the notary public or ¹~~his~~ the notary public's¹ personal
18 representative shall notify the State Treasurer of the loss or theft
19 within 10 days.

20
21 ¹~~[16.]~~ ³~~[14.]~~ 16.³ (New section) Authority to Perform
22 Notarial Act.

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

27 b. A notarial officer may not perform a notarial act with respect
28 to a record to which the officer or the officer's spouse or civil union
29 partner is a party, or in which either of them has a direct beneficial
30 interest. A notarial act performed in violation of this subsection is
31 voidable.

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

34
35 ¹~~[17.]~~ ³~~[15.]~~ 17.³ (New section) Requirements for Certain
36 Notarial Acts.

37 a. A notarial officer who takes an acknowledgment of a record
38 shall determine, from personal knowledge or satisfactory evidence
39 of the identity of the individual, that the individual appearing before
40 the officer and making the acknowledgment has the identity
41 claimed and that the signature on the record is the signature of the
42 individual.

43 b. A notarial officer who takes a verification of a statement on
44 oath or affirmation shall determine, from personal knowledge or
45 satisfactory evidence of the identity of the individual, that the
46 individual appearing before the officer and making the verification

1 has the identity claimed and that the signature on the statement
2 verified is the signature of the individual.

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

7 d. A notarial officer who certifies or attests a copy of a record
8 or an item that was copied shall determine that the copy is a full,
9 true, and accurate transcription or reproduction of the record or
10 item.

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

14 f. For the purposes of this section:

15 (1) A notarial officer has personal knowledge of the identity of
16 an individual appearing before the notarial officer if the individual
17 is personally known to the notarial officer through dealings
18 sufficient to provide reasonable certainty that the individual has the
19 identity claimed.

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

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

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

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

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

32 (c) A verification of oath or affirmation of a credible witness
33 personally appearing before the notarial officer ¹or using
34 communication technology to appear before the notarial officer
35 pursuant to section ³[17] 19³ of P.L. , c. (C.) (pending
36 before the Legislature as this bill)¹ and personally known to the
37 notarial officer or whom the notarial officer can identify on the
38 basis of a passport, driver's license, or government-issued, non-
39 driver identification card, which is current or expired not more than
40 three years before the performance of the notarial act.

41 (3) A notarial officer may require an individual to provide
42 additional information or identification credentials necessary to
43 assure the notarial officer of the identity of the individual.

44

45 ¹[18.] ³[16.¹] 18.³ (New section) Personal
46 Appearance¹[Required]; Use of Communication Technology¹.

1 If a notarial act relates to a statement made in, or a signature
 2 executed on, a record, the individual making the statement or
 3 executing the signature shall appear personally before the notarial
 4 officer or shall use communication technology to appear before the
 5 notarial officer pursuant to section ³[17] ¹⁹³ of
 6 P.L. , c. (C.) (pending before the Legislature as this bill)¹.
 7

8 ¹[19.] ³[17. ¹] ¹⁹.³ (New section) Notarial Act Performed by
 9 Remotely Located Individual.

10 a. As used in this section:

11 (1) “Communication technology” means an electronic device or
 12 process that:

13 (a) allows a notarial officer and a remotely located individual to
 14 communicate with each other simultaneously by sight and sound;
 15 and

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

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

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

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

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

32 b. This section does not apply to a record to the extent it is
 33 governed by ³[:

34 (1)]³ ¹[a law governing the creation and execution of wills or
 35 codicils;

36 (2)]¹ ³[the “Uniform Commercial Code,” N.J.S.12A:1-101 et
 37 seq., other than N.J.S.12A:1-107, N.J.S.12A:1-206, the provisions
 38 of the “Uniform Commercial Code – Sales,” chapter 2 of Title 12A
 39 of the New Jersey Statutes, and the provisions of the “Uniform
 40 Commercial Code – Leases,” chapter 2A of Title 12A of the New
 41 Jersey Statutes; or

42 ¹[(3)] (2)¹ a statute, regulation, or other rule of law governing
 43 adoption, divorce, or other matters of family law] a law governing
 44 the creation and execution of wills or codicils, except that
 45 subsections e., f., g., and h. of this section shall apply to notarial
 46 acts performed on a tangible record that is governed by a law
 47 governing the creation or execution of wills and codicils³.

1 c. A remotely located individual may comply with section
2 ¹~~18~~ ³~~16~~ ¹18³ of P.L. , c. (C.) (pending before the
3 Legislature as this bill) and subsections a. and b. of R.S.46:14-2.1
4 by using communication technology to appear before a notarial
5 officer.

6 d. A notarial officer located in this State may perform a notarial
7 act using communication technology for a remotely located
8 individual if:

9 (1) the notarial officer:

10 (a) has personal knowledge ³pursuant to paragraph (1) of
11 subsection f. of section 17 of P.L. , c. (C.) (pending before
12 the Legislature as this bill)³ of the identity of the individual;

13 (b) has satisfactory evidence of the identity of the remotely
14 located individual by oath or affirmation from a credible witness
15 appearing before the notarial officer ³pursuant to paragraph (2) of
16 subsection f. of section 17 of P.L. , c. (C.) (pending before
17 the Legislature as this bill)³ ¹or using communication technology
18 to appear before the notarial officer pursuant to this section¹; or

19 (c) has obtained satisfactory evidence of the identity of the
20 remotely located individual by using at least two different types of
21 identity proofing;

22 (2) the notarial officer is able reasonably to confirm that a
23 record before the notarial officer ¹~~is~~ ¹is¹ the same record in which
24 the remotely located individual made a statement or on which the
25 remotely located individual executed a signature;

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

29 (4) for a remotely located individual who is located outside the
30 United States:

31 (a) the record:

32 (i) is to be filed with or relates to a matter before a public
33 official or court, governmental entity, or other entity subject to the
34 jurisdiction of the United States; or

35 (ii) involves property located in the territorial jurisdiction of the
36 United States or involves a transaction substantially connected with
37 the United States; and

38 (b) the act of making the statement or signing the record is not
39 prohibited by the foreign state in which the remotely located
40 individual is located.

41 e. ³A notarial officer in this State may use communication
42 technology under subsection d. of this section to take an
43 acknowledgement of a signature on a tangible record that is in the
44 possession of the notary public if the record is displayed to and
45 identified by the remotely located individual during the audio-visual
46 session required by paragraph (3) of subsection d. of this section.

1 f. A notarial officer's obligation under paragraph (2) of
2 subsection d. of this section for the performance of a notarial act
3 with respect to a tangible record not physically present before the
4 notarial officer is satisfied if:

5 (1) the remotely located individual:

6 (a) during the audio-visual session required by paragraph (3) of
7 subsection d. of this section, signs:

8 (i) the record; and

9 (ii) a declaration, substantially in the following form, which is
10 part of or securely attached to the record:

11 "I declare under penalty of perjury that the record to which this
12 declaration is attached is the same record on which [name of
13 notarial officer] performed a notarial act and before whom I
14 appeared by means of communication technology on [date].

15 _____ Printed name of remotely located
16 individual

17 _____ Signature of remotely located
18 individual"; and

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

21 (2) the notarial officer:

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

25 (b) after receipt of the record and declaration from the
26 individual, executes the certificate of notarial act required by
27 section 13 of P.L. _____, c. _____ (C. _____) pending before the
28 Legislature as this bill), which must include the following statement
29 or words of similar import:

30 "I [name of notarial officer] witnessed, by means of
31 communication technology, [name of remotely located individual]
32 sign the attached record and declaration on [date]".

33 g. A notarial act performed in compliance with subsection f. of
34 this section complies with paragraph (1) of subsection a. of section
35 13 of P.L. _____, c. _____ (C. _____) pending before the Legislature as this
36 bill) and is effective as of the date on which the declaration was
37 signed by the remotely located individual.

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

41 i. A notarial officer in this State may administer an oath to a
42 remotely located individual using communication technology.
43 Except as required or permitted by rule or law of this State, the
44 notarial officer shall identify the individual under paragraph (1) of
45 subsection d. of this section, create an audio-visual recording under
46 paragraph (3) of subsection d. of this section of the individual
47 taking the oath, and preserve a copy of the audio-visual recording
48 under subsection l. of this section.³

1 ³[e.] j.³ If a notarial act is performed under this section, the
 2 certificate of notarial act required by section 10 of P.L.1979, c.460
 3 (C.52:7-19), the certificate required by section c. of R.S.46:14-2.1,
 4 or the short-form certificate provided in section ¹[21] ³[19¹] 21³
 5 of P.L. , c. (C.) (pending before the Legislature as this bill)
 6 must indicate that the notarial act was performed using
 7 communication technology.

8 ³[f.] k.³ A short-form certificate provided in section ¹[21]
 9 ³[19¹] 21³ of P.L. , c. (C.) (pending before the Legislature
 10 as this bill) for a notarial act subject to this section is sufficient if it:

11 (1) complies with any rules or regulations adopted by ³[1, or
 12 provision published by, 1]³ the State Treasurer under paragraph (1)
 13 of subsection ³[j.] o.³ of this section or section ¹[29] ³[27¹] 29³
 14 of P.L. , c. (C.) (pending before the Legislature as this
 15 bill); or

16 (2) is in the form provided by section ¹[21] ³[19¹] 21³ of P.L.
 17 , c. (C.) (pending before the Legislature as this bill) and
 18 contains a statement substantially as follows: “This notarial act
 19 involved the use of communication technology.”

20 ³[g.] l.³ A notarial officer, a guardian, conservator, or agent
 21 of a notarial officer, or a personal representative of a deceased
 22 notarial officer, shall retain the audio-visual recording created under
 23 paragraph (3) of subsection d. of this section or cause the recording
 24 to be retained by a repository designated by or on behalf of the
 25 person required to retain the recording. Unless a different period is
 26 required by any rule or regulation adopted by the State Treasurer
 27 ³[1 or any provision published by the State Treasurer, 1]³ under
 28 paragraph (4) of subsection ³[j.] o.³ of this section, the recording
 29 must be retained for a period of at least 10 years after the recording
 30 is made.

31 ³[h.] m.³ Before a notary public performs ¹[his] the notary
 32 public’s¹ initial notarial act under this section, the notary public
 33 must notify the State Treasurer that the notary public will be
 34 performing such notarial acts and identify the technologies the
 35 notary public intends to use.

36 ³[i.] n.³ If the State Treasurer has established standards under
 37 subsection ³[j.] i.³ of this section and section ¹[29] ³[27¹] 29³ of
 38 P.L. , c. (C.) (pending before the Legislature as this bill)
 39 for approval of communication technology or identity proofing, the
 40 communication technology and identity proofing must conform to
 41 those standards.

42 ³[j.] o.³ ¹[In addition to adopting rules and regulations pursuant
 43 to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
 44 1 et seq.) under section 29 of P.L. , c. (C.) (pending before
 45 the Legislature as this bill), the State Treasurer may adopt rules and
 46 regulations pursuant to the “Administrative Procedure Act,”

1 P.L.1968, c.410 (C.52:14B-1 et seq.) under this section regarding
2 the performance of a notarial act. The rules and regulations may³
3 ³[The Treasurer may also publish provisions in the New Jersey
4 Notary Manual that¹] In addition to adopting rules and regulations
5 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
6 (C.52:14B-1 et seq.) under section 29 of P.L. , c. (C.)
7 (pending before the Legislature as this bill), the State Treasurer may
8 adopt rules and regulations pursuant to the “Administrative
9 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) under this
10 section regarding the performance of a notarial act. The rules and
11 regulations may³:

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

14 (2) establish standards for communication technology and
15 identity proofing;

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

18 ³[and]³

19 (4) establish standards and a period for the retention of an
20 audio-visual recording created under paragraph (3) of subsection d.
21 of this section³; and

22 (5) prescribe methods for confirmation of a tangible record by a
23 notarial officer permitted under subsection e. of this section³.

24 ³[k.] p.³ Before adopting, amending, or repealing a rule or
25 regulation ³[¹or publishing a provision in the New Jersey Notary
26 Public Manual¹]³ governing performance of a notarial act with
27 respect to a remotely located individual, the State Treasurer must
28 consider:

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

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

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

39 ³q. (1) A notarial officer may perform a notarial act using
40 communication technology for a remotely located individual that
41 meets the requirements of section 19 of P.L. , c. (C.)
42 (pending before the Legislature as this bill) and subsections a. and
43 b. of R.S.46:14-2.1 regardless of whether the remotely located
44 individual is physically located in this State.

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

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

7 s. By allowing its communication technology or identity
 8 proofing to facilitate a notarial act for a remotely located individual
 9 or by providing storage of the audio-visual recording created under
 10 paragraph (3) of subsection d. of this section, the provider of the
 11 communication technology, identity proofing, or storage appoints
 12 the State Treasurer as the provider’s agent for service of process in
 13 any civil action in this State related to the notarial act.³

14
 15 ¹[20.] ³[18.1] 20.³ (New section) Signature if Individual
 16 Unable to Sign.

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

22
 23 ¹[21.] ³[19.1] 21.³ (New section) Certificate Form.

24 The following short form certificates of notarial acts are
 25 sufficient for the purposes indicated, if the requirements of section
 26 10 of P.L.1979, c.460 (C.52:7-19) are satisfied. Certificates of
 27 notarial acts are deemed sufficient for the purposes indicated if
 28 substantially all of the requirements of section 10 of P.L.1979,
 29 c.460 (C.52:7-19) and this section are satisfied:

30
 31 a. For an acknowledgment in an individual capacity:

32 State of _____

33 County of _____

34 This record was acknowledged before me on _____ (date) by

35 _____

36 (Name(s) of individual(s))

37 _____

38 Signature of notarial officer

39

40 Stamp

41 _____

42 Title of office

43

44 (My commission expires: _____)

45 b. For an acknowledgment in a representative capacity:

46 State of _____

47 County of _____

1 This record was acknowledged before me on _____(date) by
2 _____
3 (Name(s) of individual(s)
4 as (type of authority, such as officer or trustee) of (name of party on
5 behalf of whom record was executed).

6 _____
7 Signature of notarial officer

8
9 Stamp
10 _____
11 Title of office

12
13 (My commission expires: _____)

14
15 c. For a verification on oath or affirmation:
16 State of _____
17 County of _____
18 Signed and sworn to (or affirmed) before me on _____ (date) by

19 _____
20 (Name(s) of individual(s) making statement)
21
22 _____
23 Signature of notarial officer

24
25 Stamp
26
27 [_____]
28 Title of office

29
30 (My commission expires: _____)

31
32 d. For witnessing or attesting a signature:
33 State of _____
34 County of _____
35 Signed (or attested) before me on _____(date) by

36 _____
37 (Name(s) of individual(s))
38
39 _____
40 Signature of notarial officer

41
42 Stamp
43
44 [_____]
45 Title of office

46 (My commission expires: _____)

47
48 e. For certifying a copy of a record:

1 State of _____
2 County of _____
3 I certify that this is a true and correct copy of a record in the
4 possession of _____ (name).

5
6 Dated _____
7 _____

8
9 Signature of notarial officer

10
11 Stamp
12 _____

13 Title of office

14
15 (My commission expires: _____)

16
17 ¹[22.] ³[20.¹] 22.³ (New section) Notarial Act in this State.

18 a. The signature and title of an individual performing a notarial
19 act are prima facie evidence that the signature is genuine and that
20 the individual holds the designated title.

21 b. A notarial act may be performed in this State by an
22 individual authorized by the applicable law to perform the notarial
23 act.

24 c. The signature and title of a notarial officer authorized by the
25 applicable law to perform the notarial act conclusively establishes
26 the authority of the officer to perform the notarial act.

27
28 ¹[23.] ³[21.¹] 23.³ (New section) Notarial Acts Outside this
29 State.

30 a. In Another State.

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

34 (a) a notary public of that state;

35 (b) a judge, clerk, or deputy clerk of ¹a court of¹ that state; or

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

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

41 (3) The signature and title of a notarial officer described in
42 subparagraph (a) or (b) of paragraph (1) of this subsection
43 conclusively establish the authority of the officer to perform the
44 notarial act.

45 b. Under Authority of Federally Recognized Indian Tribe.

46 (1) A notarial act performed under the authority and in the
47 jurisdiction of a federally recognized Indian tribe has the same

1 effect as if performed by a notarial officer of this State, if the act
2 performed in the jurisdiction of the tribe is performed by:

- 3 (a) a notary public of the tribe;
4 (b) a judge, clerk, or deputy clerk of a court of the tribe; or
5 (c) any other individual authorized by the law of the tribe to
6 perform the notarial act.

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

11 (3) The signature and title of a notarial officer described in
12 subparagraph (a) or (b) of paragraph (1) of this subsection
13 conclusively establish the authority of the officer to perform the
14 notarial act.

15 c. Under Federal Authority.

16 (1) A notarial act performed under federal law has the same
17 effect under the law of this State as if performed by a notarial
18 officer of this State, if the ³act³ performed under federal law is
19 performed by:

- 20 (a) a judge, clerk, or deputy clerk of a court;
21 (b) an individual in military service or performing duties under
22 the authority of military service who is authorized to perform
23 notarial acts under federal law;
24 (c) an individual designated a notarizing officer by the United
25 States Department of State for performing notarial acts overseas; or
26 (d) any other individual authorized by federal law to perform the
27 notarial act.

28 (2) The signature and title of an individual acting under federal
29 authority and performing a notarial act are prima facie evidence that
30 the signature is genuine and that the individual holds the designated
31 title.

32 (3) The signature and title of an officer described in
33 subparagraph (a), (b), or (c) of paragraph (1) of this subsection
34 conclusively establish the authority of the officer to perform the
35 notarial act.

36 d. Foreign Notarial Acts.

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

40 (2) If a notarial act is performed under authority and in the
41 jurisdiction of a foreign state or constituent unit of the foreign state
42 or is performed under the authority of a multinational or
43 international governmental organization, the act has the same effect
44 under the law of this State as if performed by a notarial officer of
45 this State.

46 (3) If the title of office and indication of authority to perform
47 notarial acts in a foreign state appears in a digest of foreign law or
48 in a list customarily used as a source for that information, the

1 authority of an officer with that title to perform notarial acts is
2 conclusively established.

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

7 (5) An apostille in the form prescribed by the Hague Convention
8 of October 5, 1961 and issued by a foreign state party to the Hague
9 Convention conclusively establishes that the signature of the
10 notarial officer is genuine and that the notarial officer holds the
11 indicated office.

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

18

19 ¹[24.] ³[22.1] ^{24.3} (New section) Notification Regarding
20 Performance of Notarial Act on Electronic Record; Selection of
21 Technology; Acceptance of Tangible Copy of Electronic Record.

22 a. A notarial officer may select one or more tamper-evident
23 technologies to perform notarial acts with respect to electronic
24 records. A person may not require a notarial officer to perform a
25 notarial act with respect to an electronic record with a technology
26 that the notarial officer has not selected.

27 b. Before a ¹[notarial officer] notary public¹ performs ¹[his]
28 the notary public's¹ initial notarial act with respect to an electronic
29 record, the ¹[notarial officer] notary public¹ shall notify the State
30 Treasurer that ¹[he] the notary public¹ will be performing notarial
31 acts with respect to electronic records and identify the technology
32 that the ¹[notarial officer] notary public¹ intends to use. If the
33 State Treasurer has established standards for approval of technology
34 pursuant to section ¹[29] ³[271] ²⁹³ of P.L. , c. (C.)
35 (pending before the Legislature as this bill), the technology must
36 conform to those standards. If the technology conforms to the
37 standards, the State Treasurer shall approve the use of the
38 technology.

39 c. A county clerk ³[or], a³ register of deeds and mortgages³,
40 and a county surrogate³ ¹[may] shall¹ accept for recording a
41 tangible copy of an electronic record containing a notarial
42 certificate as satisfying any requirement that a record accepted for
43 recording be an original, if the notarial officer executing the notarial
44 certificate certifies that the tangible copy is an accurate copy of the
45 electronic record.

46

47 ¹[25.] ³[23.1] ^{25.3} (New section) Database of Notaries Public.

1 The State Treasurer shall maintain an electronic database of
 2 current and former notaries public, including the dates that the
 3 notary public was commissioned and authorized to perform notarial
 4 acts:

- 5 a. through which a person may verify the authority of a notary
 6 public to perform notarial acts; and
- 7 b. which indicates whether a notary public has notified the
 8 State Treasurer that the notary public will be performing notarial
 9 acts on electronic records.

10
 11 ¹[26.] ³[24.1] 26.³ (New section) Authority to Refuse to
 12 Perform Notarial Act.

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

15 (1) the individual executing the record is competent or has the
 16 capacity to execute the record;

17 (2) the individual's signature is knowingly and voluntarily
 18 made;

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

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

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

29
 30 ¹[27.] ³[25.1] 27.³ (New section) Journal.

31 a. A notary public shall maintain a journal of all notarial acts
 32 performed.

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

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

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

41 (4) If the journal is maintained in an electronic format, it shall
 42 be in a permanent, tamper-evident electronic format complying with
 43 any ¹[rules and regulations promulgated] ³[standards published¹]
 44 rules and regulations promulgated³ by the State Treasurer ³[in the
 45 New Jersey Notary Public Manual¹]³.

46 b. For each notarial act, the notary public shall record in the
 47 journal:

- 1 (1) the date and time of the notarial act;
- 2 (2) the type of notarial act, including but not limited to the
- 3 taking of an acknowledgment, the taking of a proof of a deed, the
- 4 administration of an oath, or the taking of an affidavit;
- 5 (3) the name and address of each person for whom the notarial
- 6 act is performed;
- 7 (4) if the identity of the individual is based on personal
- 8 knowledge, a statement to that effect;
- 9 (5) if the identity of the individual is based on satisfactory
- 10 evidence, a brief description of the method of identification and the
- 11 identification credential presented, if any, including, if applicable,
- 12 the type, date of issuance, and date of expiration of an identification
- 13 document, or the name and signature of any identifying witness and,
- 14 if applicable, the type, date of issuance, and date of expiration of a
- 15 document identifying the witness; and
- 16 (6) an itemized list of all fees charged for the notarial act.
- 17 c. If a notary public's journal is lost or stolen, the notary public
- 18 shall notify the State Treasurer within 10 days of the loss or theft.
- 19 d. The notary public shall either:
- 20 (1) retain the journal for 10 years after the performance of the
- 21 last notarial act chronicled in the journal; or
- 22 (2) transmit the journal to the Department of the Treasury,
- 23 Division of Revenue and Enterprise Services, or a repository
- 24 approved by the State Treasurer.
- 25 e. On resignation from, or the revocation or suspension of, a
- 26 notary public's commission, the notary public shall either:
- 27 (1) retain the journal in accordance with paragraph (1) of
- 28 subsection d. of this section and inform the State Treasurer where
- 29 the journal is located; or
- 30 (2) transmit the journal to the Department of the Treasury,
- 31 Division of Revenue and Enterprise Services, or a repository
- 32 approved by the State Treasurer.
- 33 f. On the death or adjudication of incompetency of a current or
- 34 former notary public, the notary public's personal representative or
- 35 guardian or any other person knowingly in possession of the journal
- 36 shall, within 45 days, transmit it to the Department of the Treasury,
- 37 Division of Revenue and Enterprise Services, or a repository
- 38 approved by the State Treasurer.
- 39 g. In lieu of maintaining a journal, a notary public who is an
- 40 attorney-at-law admitted to practice in this State, or who is
- 41 employed by an attorney-at-law, or who is employed by or acting as
- 42 an agent for a title insurance company licensed to do business in
- 43 this State pursuant to P.L.2001, c.210 (C.17:22A-26 et seq.), may
- 44 maintain a record of notarial acts in the form of files regularly
- 45 maintained for the attorney's law practice or the title insurance
- 46 company's business activities, as the case may be.

47

48 ¹[28.] ³[26.¹] 28.³ (New section) Validity of Notarial Acts.

1 a. Except as otherwise provided in section 9 of P.L. ,
 2 c. (C.) (pending before the Legislature as this bill), the
 3 failure of a notarial officer to perform a duty or meet a requirement
 4 specified in P.L.1979, c.460 (C.52:7-10 et seq.), as amended and
 5 supplemented by P.L. , c. (C.) (pending before the
 6 Legislature as this bill), does not invalidate a notarial act performed
 7 by the notarial officer.

8 b. The validity of a notarial act under P.L.1979, c.460 (C.52:7-
 9 10 et seq.), as amended and supplemented by P.L. ,

10 c. (C.) (pending before the Legislature as this bill), does not
 11 prevent an aggrieved person from seeking to invalidate the record
 12 or transaction that is the subject of the notarial act or from seeking
 13 other remedies available by law and as provided in P.L.1979, c.460
 14 (C.52:7-10 et seq.), as amended and supplemented by P.L. ,
 15 c. (C.) (pending before the Legislature as this bill).

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

21

22 ¹[29.] ³[27.1] ^{29.3} (New section) Rules and Regulations.

23 a. The State Treasurer ¹[shall] ³[may¹] shall³ adopt rules and
 24 regulations pursuant to the “Administrative Procedure Act,”
 25 P.L.1968, c.410 (C.52:14B-1 et seq.) ³[¹or publish procedures and
 26 standards in the New Jersey Notary Public Manual¹]³ to implement
 27 the provisions of P.L.1979, c.460 (C.52:7-10 et seq.), as amended
 28 and supplemented by P.L. , c. (C.) (pending before the
 29 Legislature as this bill). Any rules and regulations ³[¹or procedures
 30 and standards¹]³ regarding the performance of notarial acts with
 31 respect to electronic records shall not require, or accord greater
 32 legal status or effect to, the implementation or application of a
 33 specific technology or technical specification. The rules and
 34 regulations ³[¹or procedures and standards¹]³ may:

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

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

39 (3) include provisions to ensure integrity in the creation,
 40 transmittal, storage, or authentication of electronic records or
 41 signatures;

42 (4) prescribe the process of granting, renewing, conditioning,
 43 denying, suspending, revoking, or otherwise limiting a notary
 44 public commission and assuring the trustworthiness of an individual
 45 holding a commission as notary public; ³[¹and¹]³

46 (5) include provisions to prevent fraud or mistake in the
 47 performance of notarial acts¹; and

1 (6) provide for the administration of the examination under
 2 section 7 of P.L. , c. (C.) (pending before the Legislature
 3 as this bill) and the course of study under section 6 of P.L. ,
 4 c. (C.) (pending before the Legislature as this bill)]^{1 3};
 5 and

6 (6) provide for the administration of the examination under
 7 section 7 of P.L. , c. (C.) (pending before the Legislature
 8 as this bill) and the course of study under section 6 of P.L. ,
 9 c. (C.) (pending before the Legislature as this bill)]³.

10 b. In adopting, amending, or repealing rules and regulations
 11 ³[or publishing procedures and standards¹]³ concerning notarial
 12 acts with respect to electronic records, the State Treasurer shall
 13 consider, consistent with the provisions of P.L.1979, c.460 (C.52:7-
 14 10 et seq.), as amended and supplemented by
 15 P.L. , c. (C.) (pending before the Legislature as this bill):

16 (1) the most recent standards regarding electronic records
 17 promulgated by national bodies, such as the Mortgage Industry
 18 Standards Maintenance Organization and the National Association
 19 of Secretaries of State;

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

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

27
 28 ¹[~~30.~~]³[~~28.~~¹]³ 30.³ R.S.46:14-2.1 is amended to read as follows:
 29 46:14-2.1. Acknowledgment and proof.

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

41 b. To prove a deed or other instrument, a subscribing witness
 42 shall appear before an officer specified in R.S.46:14-6.1 ¹or use
 43 communication technology to appear before the officer pursuant to
 44 section ³[~~17~~]³ 19³ of P.L. , c. (C.) (pending before the
 45 Legislature as this bill)]¹ and swear that he or she witnessed the
 46 maker of the instrument execute the instrument as the maker's own
 47 act. To prove a deed or other instrument executed on behalf of a

1 corporation or other entity, a subscribing witness shall appear
 2 before an officer specified in R.S.46:14-6.1 ¹or use communication
 3 technology to appear before the officer pursuant to section ³[17]
 4 19³ of P.L. , c. (C.) (pending before the Legislature as this
 5 bill)¹ and swear that the representative was authorized to execute
 6 the instrument on behalf of the entity, and that he or she witnessed
 7 the representative execute the instrument as the act of the entity.

8 c. The officer taking an acknowledgment or proof shall sign a
 9 certificate stating that acknowledgment or proof. The certificate
 10 shall also state:

11 (1) that the maker or the witness personally appeared before the
 12 officer ³[¹or used communication technology to appear before the
 13 officer pursuant to section 17 of P.L. , c. (C.) (pending
 14 before the Legislature as this bill)¹]³;

15 (2) that the officer was satisfied that the person who made the
 16 acknowledgment or proof was the maker of or the witness to the
 17 instrument;

18 (3) the jurisdiction in which the acknowledgment or proof was
 19 taken;

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

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

22 d. The seal of the officer taking the acknowledgment or proof
 23 need not be affixed to the certificate stating that acknowledgment or
 24 proof.

25 e. A ³[short form]³ certificate that is substantially in the form
 26 provided in ³subsection b. of³ section ³[19] ¹³ of
 27 P.L. , c. (C.) (pending before the Legislature as this bill)
 28 satisfies the requirements of this section.

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

30
 31 ³[¹29.] ³¹ R.S.46:14-6.1 is amended to read as follows:

32 46:14-6.1. Officers authorized to take acknowledgments. a. The
 33 officers of this State authorized to take acknowledgments or proofs
 34 in this State, or in any other United States or foreign jurisdiction,
 35 are:

36 (1) an attorney-at-law;

37 (2) a notary public;

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

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

40 (5) a surrogate or deputy surrogate.

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

43 (1) any officer of the United States, of a state, territory or
 44 district of the United States, or of a foreign nation authorized at the
 45 time and place of the acknowledgment or proof by the laws of that
 46 jurisdiction to take acknowledgments or proofs. If the certificate of
 47 acknowledgment or proof does not designate the officer as a justice,

1 judge or notary, the certificate of acknowledgment or proof, or an
 2 affidavit appended to it, shall contain a statement of the officer's
 3 authority to take acknowledgments or proofs;

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

6 (3) **】** a foreign service or consular officer or other representative
 7 of the United States to any foreign nation, within the territory of
 8 that nation.¹

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

10

11 ¹~~【31.】~~ ³~~【30.1】~~ 32.³ N.J.S.22A:4-14 is amended to read as
 12 follows:

13 22A:4-14. For **【a service specified in this section】** administering
 14 oaths, taking affidavits, taking proofs of a deed, and taking
 15 acknowledgements, ¹**【foreign commissioners of deeds,】**¹ notaries
 16 public, judges and other officers authorized by law to perform such
 17 **【service,】** services shall receive a fee as **【follows:**

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

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

20 For taking all acknowledgments, \$2.50.

21 For administering oaths, taking affidavits, taking proofs of a
 22 deed, and taking acknowledgments of the grantors in the transfer of
 23 real estate, regardless of the number of such services performed in a
 24 single transaction to transfer real estate, \$15.00.

25 For administering oaths, taking affidavits and taking
 26 acknowledgments of the mortgagors in the financing of real estate,
 27 regardless of the number of such services performed in a single
 28 transaction to finance real estate, \$25.00 **】** shall be fixed by the State
 29 Treasurer by regulation.

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

31

32 ¹~~【32.】~~ ³~~【31.1】~~ 33.³ R.S.41:2-17 is amended to read as follows:

33 41:2-17. Officers authorized to administer or take; jurat;
 34 certificate,

35 Any oath, affirmation, or affidavit required or authorized to be
 36 taken in any suit or legal proceeding in this **【state】** State, or for any
 37 lawful purpose whatever, except official oaths and depositions
 38 required to be taken upon notice, when taken out of this **【state】**
 39 State, may be taken before any notary public of the state, territory,
 40 nation, kingdom, or country in which the same shall be taken, or
 41 before any officer who may be authorized by the laws of this
 42 **【state】** State to take the acknowledgment of deeds in such state,
 43 territory, nation, kingdom, or country; and a recital that he ¹or she¹
 44 is such notary or officer in the jurat or certificate of such oath,
 45 affirmation, or affidavit, and his ¹or her¹ official designation
 46 annexed to his ¹or her¹ signature, and attested under his ¹or her¹

1 official seal, shall be sufficient proof that the person before whom
 2 the same is taken is such notary or officer. **【When, however, any**
 3 other certificate is required by law to be annexed to the certificate
 4 of such officer, other than a notary public, for the recording of a
 5 deed acknowledged before him, a like certificate shall be annexed
 6 to his certificate of the taking of such oath. **】**

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

8
 9 ¹**【33.】** ³**【32.1】** ³**34.3** (New section) Relation to Electronic
 10 Signatures in Global and National Commerce Act.

11 P.L. , c. (C.) (pending before the Legislature as this bill)
 12 modifies, limits, and supersedes the Electronic Signatures in Global
 13 and National Commerce Act, 15 U.S.C. s.7001 et seq., but does not
 14 modify, limit, or supersede section 101(c) of that act, 15 U.S.C.
 15 7001(c), or authorize electronic delivery of any of the ²**【noties】**
 16 **notices**² described in section 103(b) of that act, 15 U.S.C. section
 17 7003(b).

18
 19 ¹**【34.】** ³**【33.1】** ³**35.3** (New section) Savings Clause.

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

25
 26 ³36. Section 3 of P.L.2001, c.116 (C.12A:12-3) is amended to
 27 read as follows:

28 3. a. Except as provided in subsections b. and c. of this section,
 29 this act applies to electronic records and electronic signatures
 30 relating to a transaction.

31 b. This act does not apply to a transaction to the extent it is
 32 governed by**【**:

33 (1)**】** a law governing the creation and execution of wills, codicils
 34 or testamentary trusts**【**;

35 (2) the Uniform Commercial Code other than sections 1-107 and
 36 1-206, Article 2 and Article 2A;

37 (3) a statute, regulation or other rule of law governing adoption,
 38 divorce or other matters of family law **】**.

39 c. This act does not apply to:

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

43 (2) any notice of:

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

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

4 (c) the cancellation or termination of health insurance benefits
 5 or life insurance benefits (excluding annuities); or

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

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

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

15 e. A transaction subject to this act is subject also to other
 16 applicable substantive law. ³

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

18
 19 ¹[35.] ³[34.¹] 37.³ The following are repealed:

20 ³[¹R.S.52:6-15 through R.S.52:6-22;¹]³

21 ²[Section 7 of P.L.1979, c.460 (C.52:7-16);]² ³Section 7 of
 22 P.L.1979, c.460 (C.52:7-16);³ and

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

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

36
 37 ¹[36.] ³[35.¹] 39.³ ³[This] Sections 6 and 7 of this³ act shall
 38 take effect on the ³365th day following enactment. Sections 1
 39 through 5 and sections 8 through 38 of this act shall take effect on
 40 the³ ¹[180th] 90th¹ day following enactment ³[¹except the] . The
 41 State³ Treasurer may take any anticipatory administrative action in
 42 advance as shall be necessary for the implementation of this act¹.

43
 44
 45
 46 _____
 47 Revises law concerning notaries and notarial acts; authorizes
 electronic signatures.