

[Third Reprint]

ASSEMBLY, No. 4250

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 11, 2020

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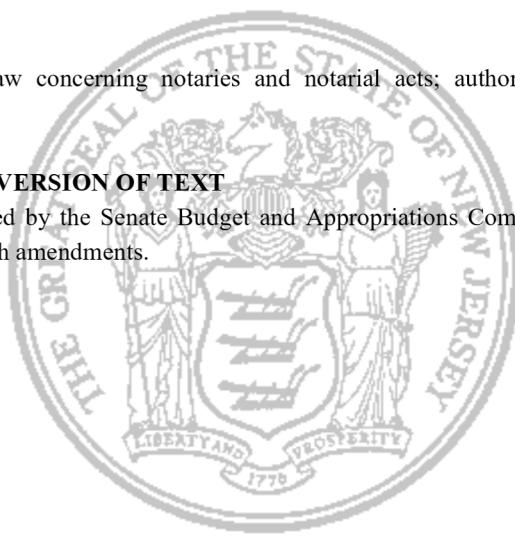
Senators Singleton, Pou and Diegnan

SYNOPSIS

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

CURRENT VERSION OF TEXT

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



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

1 **AN ACT** concerning notaries, ²and² amending ¹1 **[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:

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

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

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

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

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

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

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

Matter underlined **thus** is new matter

Matter enclosed in superscript numerals has been adopted as follows:

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) taking an acknowledgment,
- 2 (2) administering an oath or affirmation,
- 3 (3) taking a verification on oath or affirmation,
- 4 (4) witnessing or attesting a signature,
- 5 (5) certifying or attesting a copy or deposition, and
- 6 (6) noting a protest of a negotiable instrument.

7 ³f. g.³ “Notarial officer” means a notary public or other
8 individual authorized by law to perform a notarial act.

9 ³g.³ “Notary public” means an individual commissioned
10 by the State Treasurer to perform a notarial act.

11 ³h.³ “Official stamp” means a physical image affixed to or
12 embossed on a tangible record or an electronic image attached to, or
13 logically associated with, an electronic record.

14 ³i.³ “Person” has the meaning ascribed to it in R.S.1:1-2.

15 ³j.³ “Record” means information that is inscribed on a
16 tangible medium or that is stored in an electronic or other medium
17 and is retrievable in perceivable form.

18 ³k.³ “Sign” means, with present intent to authenticate or
19 adopt a record:

- 20 (1) To execute or adopt a tangible symbol; or
- 21 (2) To attach to or logically associate with the record an
22 electronic symbol, sound, or process.

23 ³l.³ “Signature” means a tangible symbol or an electronic
24 signature that evidences the signing of a record.

25 ³m.³ “Stamping device” means:

- 26 (1) A physical device capable of affixing to or embossing on a
27 tangible record an official stamp; or
- 28 (2) An electronic device or process capable of attaching to or
29 logically associating with an electronic record an official stamp.

30 ³n.³ “State” means the State of New Jersey; “other state”
31 or “another state” means any state, the District of Columbia, the
32 Commonwealth of Puerto Rico, the United States Virgin Islands,
33 and any other insular possession or territory of the United States
34 other than the State of New Jersey.

35 ³o.³ “Verification on oath or affirmation” means a
36 declaration, made by an individual on oath or affirmation before a
37 notarial officer, that a statement in a record is true.

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

40 2. Commission; Term; Application; Renewal.

41 a. The State Treasurer shall appoint may commission so
42 many notaries public as the State Treasurer shall deem deems
43 necessary to commission], who]. Notaries public shall hold their
44 respective offices for thea term of five years], but may be
45 removed from office at the pleasure of the State Treasurer].

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

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

23 c. The [fee to be collected by the] State Treasurer shall collect
24 a nonrefundable fee [for that appointment or renewal shall be
25 \$25.00] of '\$25' ³[\$50'] \$25³ for each commission or renewal.
26 In collecting the fee, the State Treasurer shall accept the use of a
27 credit card, debit card, or electronic funds transfer.

28 (cf: P.L.2014, c.48, s.3)
29

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

32 ¹3. Qualifications.

33 [No] a. A person [shall be appointed] commissioned as a
34 notary public in this State shall:

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

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

39 (3) not be disqualified to receive a commission under section
40 '[2] 3[7'] 9³ of P.L. , c. (C.) (pending before the
41 Legislature as this bill).

42 b. ³[An] A non-attorney³ applicant for an initial ³[or
43 renewed']³ commission as a notary public shall '[provide
44 satisfactory proof that the applicant has:

1 (1) completed a six-hour course of study approved by the State
2 Treasurer pursuant to subsection a. of section 6 of P.L. ,
3 c. (C.) (pending before the Legislature as this bill); and
4 (2) passed an examination prescribed by the State Treasurer
5 pursuant to section 7 of P.L. , c. (C.) (pending before the
6 Legislature as this bill).

7 c. A commissioned notary public applying to renew a
8 commission who has satisfactorily completed the six-hour course of
9 study required pursuant to subsection b. of section 6 of P.L. ,
10 c. (C.) (pending before the Legislature as this bill) at least
11 one time, or who was commissioned for the first time before the
12 effective date of P.L. , c. (C.) shall complete the three-
13 hour continuing education course as set forth in subsection b. of
14 section 6 of P.L. , c. (C.) (pending before the Legislature
15 as this bill) and provide satisfactory proof of such completion¹
16 comply with all educational requirements that the Treasurer sets
17 forth in the New Jersey Notary Public Manual. The Treasurer shall
18 provide the necessary process for documenting compliance with
19 educational requirements through the online application required by
20 subsection b. of section 2 of P.L.1979, c.460 (C.52:7-11)¹ provide
21 satisfactory proof that the applicant has:

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

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

28 d. A non-attorney commissioned notary public applying to
29 renew a commission who has satisfactorily completed a course of
30 study required pursuant to subsection b. of section 6 of P.L. , c.
31 (C.) (pending before the Legislature as this bill) at least one
32 time, or who was commissioned for the first time before the
33 effective date of P.L. , c. (C.) shall complete a continuing
34 education course as set forth in subsection c. of section 6 of P.L.
35 , c. (C.) (pending before the Legislature as this bill) and
36 provide satisfactory proof of such completion³.

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

38

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

41 4. Commission of Nonresidents; Additional Requirements.

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

1 from a home office or a co-working space ²located in a state
2 adjoining this State¹².

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

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

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

15

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

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

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

27 c. (C.) (pending before the Legislature as this bill) shall
28 complete a three-hour continuing education course prescribed and
29 approved by the State Treasurer. The continuing education course
30 shall be completed within the six-month period immediately
31 preceding the application.

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

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

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

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

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

4

5 ¹7. (New section) Examination.

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

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

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

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

22

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

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

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

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

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

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

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

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

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

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

36

37 ³7. (New section) Examination.

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

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

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

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

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

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

19

20 ~~'[8.] 3[6.] 1]~~ 8.³ Section 5 of P.L.1979, c.460 (C.52:7-14) is
21 amended to read as follows:

22 5. Oath; Filing; Certificate of Commission.

23 a. Within ~~'[three months]~~ ~~'[45 days]~~ three months² of the
24 receipt of a commission, each notary public shall take and subscribe
25 an oath before ~~the clerk of the county in which he resides]~~ ~~'[any~~
26 ~~officer authorized to administer oaths pursuant to R.S.41:2-1]~~ the
27 ~~clerk of the county in which~~ ~~'[he]~~ the notary public² resides ~~'[or a~~
28 ~~member of the Legislature']~~, to²~~'[~~(1)~~]~~² faithfully and honestly
29 ~~[to]~~ discharge the duties of ~~[his]~~ the office~~]~~, and ~~'[~~(2)~~]~~² [that
30 he will] make and keep a true record of all such matters as are
31 required by law, ~~[which oath shall be filed with said clerk.~~ The
32 oath of office of a nonresident notary public shall be taken and
33 subscribed before the clerk of the county in which he maintains his
34 office or is employed in this State] ~~'[including the requirement to~~
35 ~~maintain a journal of all notarial acts performed, as set forth in~~
36 ~~section '27]~~ ~~'[25]~~ of P.L. , c. (C.) (pending before the
37 Legislature as this bill),] which oath shall be filed with ~~'[said]~~ the³
38 clerk. The oath of office of a nonresident notary public shall be
39 taken and subscribed before the clerk of the county in which the
40 nonresident notary public maintains ~~'[his]~~ the notary public's³
41 office or ~~'[is employed]~~ the county in which the nonresident
42 notary public is an employee of a business with its domicile or
43 primary place of business³ in this State².

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

1 transmit 【said】 the certificate to the State Treasurer within 10 days
2 of the administration of 【said】 the oath. 【After the administration
3 of the oath, the clerk shall provide a notice to the person that a
4 notary public who is not licensed as an attorney-at-law shall not use
5 or advertise the title of lawyer or attorney-at-law, or equivalent
6 terms, in the English language or any other language, which mean
7 or imply that the notary public is licensed as an attorney-at-law in
8 the State of New Jersey or in any other jurisdiction of the United
9 States. The notice shall also state that a notary public who
10 advertises his services, in the English language or any other
11 language, is required to provide with such advertisement a notice
12 which contains the following statement: "I am not an attorney
13 licensed to practice law and may not give legal advice about
14 immigration or any other legal matter or accept fees for legal
15 advice." 】 2After the administration of the oath, the clerk shall

16 provide a notice to the person that a notary public who is not
17 licensed as an attorney-at-law shall not use or advertise the title of
18 lawyer or attorney-at-law, or equivalent terms, in 3【the English

19 language or】³ any 3【other】³ language, which mean or imply that
20 the notary public is licensed as an attorney-at-law in the State of
21 New Jersey or in any other jurisdiction of the United States. The
22 notice shall also state that a notary public who advertises 3【his】 the

23 notary public's³ services, in 3【the English language or】³ any

24 3【other】³ language, is required to provide with such advertisement
25 a notice 3in the language of the advertisement³ which contains the
26 following statement 3or translation of the following statement if the

27 advertisement is not in English³: "I am not an attorney licensed to
28 practice law and may not give legal advice about immigration or
29 any other legal matter or accept fees for legal advice." 】 2

30 c. 【The State Treasurer shall cancel and revoke the
31 appointment of any notary public who fails to take and subscribe
32 said oath within three months of the receipt of his commission and
33 any appointment so canceled and revoked shall be null, void and of
34 no effect】 2The State Treasurer shall cancel and revoke the
35 appointment of any notary public who fails to take and subscribe
36 3【said】 the³ oath within three months of the receipt of 3【his】 the³

37 commission and any appointment so canceled and revoked shall be
38 null, void and of no effect². A commission authorizes the notary
39 public to perform notarial acts. The commission does not provide
40 the notary public any immunity or benefit conferred by the law of
41 this State on public officials or employees¹【.】¹

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

43

44 ¹【9.¹】³【7.¹】³ (New section) Grounds for State Treasurer to
45 Deny Application, Refuse to Renew Commission, or Revoke,
46 Suspend, or Limit Commission.

1 a. The State Treasurer may deny an application for commission
2 as ~~1a~~¹ notary public; refuse to renew a commission of a notary
3 public; or suspend, revoke, or otherwise limit the commission of a
4 notary public for any act or omission that demonstrates the
5 individual lacks the honesty, integrity, competence, or reliability
6 necessary to act as a notary public, including:

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

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

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

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

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

26 (6) use of false or misleading advertising or representation by
27 the notary public representing that the notary is commissioned,
28 licensed, or authorized to practice or engage in work that the notary
29 is not commissioned, licensed, or authorized to engage in;

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

32 (a) giving legal advice;

33 (b) acting as an immigration consultant or an expert on
34 immigration matters;

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

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

40 (e) creating or reinforcing, by any means, a false impression that
41 the person is licensed to engage in the practice of law in this State
42 or any other ~~1~~¹ State ~~1~~¹, including, but not limited to,
43 committing a violation of P.L.1994, c.47 (C.2C:21-22) or P.L.1997,
44 c.1 (C.2C:21-31);

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

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

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

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

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

20

21 ~~'[10.]~~ ³~~[8.]~~ ¹ ~~10.~~ ³ Section 6 of P.L.1979, c.460 (C.52:7-15) is
22 amended to read as follows:

23 6. Statewide authority.

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

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

34 ~~3~~²~~b. Any notary public, after having been duly commissioned~~
35 ~~and qualified, shall, upon request, receive from the clerk of the~~
36 ~~county where the notary public has qualified, as many certificates~~
37 ~~of commission and qualification as the notary public shall require~~
38 ~~for filing with other county clerks of this State, and upon receipt of~~
39 ~~such certificates the notary public may present the same, together~~
40 ~~with the notary public's autograph signature, to such county clerks~~
41 ~~as the notary public may desire, for filing.~~ ² ~~1~~ ³

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

43

44 ~~'[11.]~~ ³~~[9.]~~ ¹ ~~11.~~ ³ Section 8 of P.L.1979, c.460 (C.52:7-17) is
45 amended to read as follows:

46 8. Manual.

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

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

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

35 c. The State Treasurer shall update the information contained
36 in the manual and the Department of the Treasury's Internet website
37 [as appropriate] 'at least quarterly' periodically¹.

38 (cf: P.L.2014, c.48, s.6)

39

40 '12.' ³[10.] ³12.³ Section 9 of P.L.1979, c.460 (C.52:7-18) is
41 amended to read as follows:

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

44 [After] a. If a notary public adopts a name different from that
45 which [he] the notary public used at the time¹[he] the notary
46 public¹ was commissioned, [and] before [he signs his name] the

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

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

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

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

23

24 '13.]³[11.¹] 13.³ Section 10 of P.L.1979, c.460 (C.52:7-19)
25 is amended to read as follows:

26 10. Certificate of Notarial Act.

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

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

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

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

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

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

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

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

45 (1) is in a short form set forth in section 2[21]³[19¹] 21³ of
46 P.L. , c. (C.) (pending before the Legislature as this bill);

1 (2) is in a form otherwise permitted by the law of this State;
2 (3) is in a form permitted by the law applicable in the
3 jurisdiction in which the notarial act was performed; or

4 (4) sets forth the actions of the notarial officer which shall meet
5 the requirements provided in P.L.1979, c.460 (C.52:7-10 et seq.), as
6 amended and supplemented by P.L. , c. (C.) (pending
7 before the Legislature as this bill) and any other applicable laws of
8 this State.

9 c. By executing a certificate of a notarial act, a notarial officer
10 certifies that the officer has made the determinations specified by
11 P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented
12 by P.L. , c. (C.) (pending before the Legislature as this
13 bill).

14 d. A notarial officer may not affix the officer's signature to, or
15 logically associate it with, a certificate until the notarial act has
16 been performed.

17 e. If a notarial act is performed regarding a tangible record, a
18 certificate shall be part of, or attached to, the record.

19 f. If a notarial act is performed regarding an electronic record,
20 the certificate shall be affixed to, or logically associated with, the
21 electronic record.

22 g. If the State Treasurer has established standards pursuant to
23 P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented
24 by P.L. , c. (C.) (pending before the Legislature as this
25 bill) for attaching, affixing, or logically associating the certificate,
26 the process shall conform to the standards.

27 (cf: P.L.2014, c.48, s.8)

28

29 '【14.】³【12.】14.³(New section) Official Stamp.

30 a. The official stamp of a notary public shall:

31 (1) include the name of the notary public, the title "Notary
32 Public, State of New Jersey," and the notary public's commission
33 expiration date; and

34 (2) be capable of being copied together with the record to which
35 it is affixed or attached or with which it is logically associated.

36 b. If a notarial act regarding a tangible record is performed by a
37 notary public, an official stamp shall be affixed to or embossed on
38 the certificate near the signature of the notary public so as to be
39 clear and readable. If a notarial act regarding an electronic record is
40 performed by a notary public and the certificate contains the
41 information specified in subsection a. of this section, an official
42 stamp '【may】must' be attached to or logically associated with the
43 certificate.

44

45 '【15.】³【13.】15.³ (New section) Stamping Device.

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

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

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

6 c. If the stamping device used by the notary public is lost or
7 stolen, the notary public or ¹his the notary public's¹ personal
8 representative shall notify the State Treasurer of the loss or theft
9 within 10 days.

10

11 ¹16. ³14.¹ 16.³ (New section) Authority to Perform
12 Notarial Act.

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

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

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

24

25 ¹17. ³15.¹ 17.³ (New section) Requirements for Certain
26 Notarial Acts.

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

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

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

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

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

4 f. For the purposes of this section:

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

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

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

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

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

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

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

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

34

35 ¹ [18.] ³ [16.¹] 18.³ (New section) Personal
36 Appearance¹ [Required]; Use of Communication Technology¹.

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

43

44 ¹ [19.] ³ [17.¹] 19.³ (New section) Notarial Act Performed by
45 Remotely Located Individual.

1 a. As used in this section:

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

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

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

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

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

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

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

23 b. This section does not apply to a record to the extent it is
24 governed by ~~3~~¹ []:

25 (1) ~~1~~³ [a law governing the creation and execution of wills or
26 codicils;

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

33 ~~1~~³ [(2) ~~1~~³ a statute, regulation, or other rule of law governing
34 adoption, divorce, or other matters of family law] a law governing
35 the creation and execution of wills or codicils, except that
36 subsections e., f., g., and h. of this section shall apply to notarial
37 acts performed on a tangible record that is governed by a law
38 governing the creation or execution of wills and codicils³.

39 c. A remotely located individual may comply with section
40 ~~1~~³ [18] ~~1~~³ [16¹] 18³ of P.L. , c. (C.) (pending before the
41 Legislature as this bill) and subsections a. and b. of R.S.46:14-2.1
42 by using communication technology to appear before a notarial
43 officer.

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

47 (1) the notarial officer:

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

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

10 (c) has obtained satisfactory evidence of the identity of the
11 remotely located individual by using at least two different types of
12 identity proofing;

13 (2) the notarial officer is able reasonably to confirm that a
14 record before the notarial officer ¹is¹ the same record in which
15 the remotely located individual made a statement or on which the
16 remotely located individual executed a signature;

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

20 (4) for a remotely located individual who is located outside the
21 United States:

22 (a) the record:

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

26 (ii) involves property located in the territorial jurisdiction of the
27 United States or involves a transaction substantially connected with
28 the United States; and

29 (b) the act of making the statement or signing the record is not
30 prohibited by the foreign state in which the remotely located
31 individual is located.

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

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

42 (1) the remotely located individual:

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

45 (i) the record; and

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

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

5 _____ Printed name of remotely located
6 individual

7 _____ Signature of remotely located
8 individual"; and

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

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

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

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

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

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

39 **3**1**1** **3** If a notarial act is performed under this section, the
40 certificate of notarial act required by section 10 of P.L.1979, c.460
41 (C.52:7-19), the certificate required by section c. of R.S.46:14-2.1,
42 or the short-form certificate provided in section **1**2**1** **3**1**9**1**1** **2****1****3**
43 of P.L. , c. (C.) (pending before the Legislature as this bill)
44 must indicate that the notarial act was performed using
45 communication technology.

1 ³f.3 A short-form certificate provided in section ¹[21]
2 ³[19¹] 21³ of P.L. , c. (C.) (pending before the Legislature
3 as this bill) for a notarial act subject to this section is sufficient if it:

4 (1) complies with any rules or regulations adopted by ³I1, or
5 provision published by,¹I³ the State Treasurer under paragraph (1)
6 of subsection ³j.1 o.³ of this section or section ¹[29] ³[27¹] 29³
7 of P.L. , c. (C.) (pending before the Legislature as this
8 bill); or

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

13 ³g.1³ A notarial officer, a guardian, conservator, or agent
14 of a notarial officer, or a personal representative of a deceased
15 notarial officer, shall retain the audio-visual recording created under
16 paragraph (3) of subsection d. of this section or cause the recording
17 to be retained by a repository designated by or on behalf of the
18 person required to retain the recording. Unless a different period is
19 required by any rule or regulation adopted by the State Treasurer
20 ³I1or any provision published by the State Treasurer,¹I³ under
21 paragraph (4) of subsection ³j.1 o.³ of this section, the recording
22 must be retained for a period of at least 10 years after the recording
23 is made.

24 ³h.m.³ Before a notary public performs ¹[his] the notary
25 public's¹ initial notarial act under this section, the notary public
26 must notify the State Treasurer that the notary public will be
27 performing such notarial acts and identify the technologies the
28 notary public intends to use.

29 ³i.n.³ If the State Treasurer has established standards under
30 subjection ³j.1 i.³ of this section and section ¹[29] ³[27¹] 29³ of
31 P.L. , c. (C.) (pending before the Legislature as this bill)
32 for approval of communication technology or identity proofing, the
33 communication technology and identity proofing must conform to
34 those standards.

35 ³j.o.³ ¹In addition to adopting rules and regulations pursuant
36 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
37 1 et seq.) under section 29 of P.L. , c. (C.) (pending before
38 the Legislature as this bill), the State Treasurer may adopt rules and
39 regulations pursuant to the "Administrative Procedure Act,"
40 P.L.1968, c.410 (C.52:14B-1 et seq.) under this section regarding
41 the performance of a notarial act. The rules and regulations may
42 ³[The Treasurer may also publish provisions in the New Jersey
43 Notary Manual that¹In addition to adopting rules and regulations
44 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
45 (C.52:14B-1 et seq.) under section 29 of P.L. , c. (C.)
46 (pending before the Legislature as this bill), the State Treasurer may

1 adopt rules and regulations pursuant to the “Administrative
2 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) under this
3 section regarding the performance of a notarial act. The rules and
4 regulations may³:

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

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

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

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

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

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

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

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

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

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

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

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

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

8

9 ~~'[20.]~~ ³~~[18.]~~ 20.³ (New section) Signature if Individual
10 Unable to Sign.

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

16

17 ~~'[21.]~~ ³~~[19.]~~ 21.³ (New section) Certificate Form.

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

24

25 a. For an acknowledgment in an individual capacity:

26 State of _____

27 County of _____

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

29 _____

30 (Name(s) of individual(s))

31 _____

32 Signature of notarial officer

33

34 Stamp

35 _____

36 Title of office

37

38 (My commission expires: _____)

39 b. For an acknowledgment in a representative capacity:

40 State of _____

41 County of _____

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

43 _____

44 (Name(s) of individual(s))

45 as (type of authority, such as officer or trustee) of (name of party on
46 behalf of whom record was executed).

47 _____

1 Signature of notarial officer

2

3 Stamp

4

5 Title of office

6

7 (My commission expires: _____)

8

9 c. For a verification on oath or affirmation:

10 State of _____

11 County of _____

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

13

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

15

16

17 Signature of notarial officer

18

19 Stamp

20

21 [_____]

22 Title of office

23

24 (My commission expires: _____)

25

26 d. For witnessing or attesting a signature:

27 State of _____

28 County of _____

29 Signed (or attested) before me on _____ (date) by

30

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

32

33

34 Signature of notarial officer

35

36 Stamp

37

38 [_____]

39 Title of office

40 (My commission expires: _____)

41

42 e. For certifying a copy of a record:

43 State of _____

44 County of _____

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

47

48 Dated _____

1 _____

2

3 Signature of notarial officer

4

5 Stamp

6 _____

7 Title of office

8

9 (My commission expires: _____)

10

11 **'[22.] 3[20.] 22.3** (New section) Notarial Act in this State.

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

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

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

21

22 **'[23.] 3[21.] 23.3** (New section) Notarial Acts Outside this
23 State.

24 a. In Another State.

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

28 (a) a notary public of that state;
29 (b) a judge, clerk, or deputy clerk of **'a court of'** that state; or
30 (c) any other individual authorized by the law of that state to
31 perform the notarial act.

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

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

39 b. Under Authority of Federally Recognized Indian Tribe.

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

44 (a) a notary public of the tribe;
45 (b) a judge, clerk, or deputy clerk of a court of the tribe; or
46 (c) any other individual authorized by the law of the tribe to
47 perform the notarial act.

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

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

9 c. Under Federal Authority.

10 (1) A notarial act performed under federal law has the same
11 effect under the law of this State as if performed by a notarial
12 officer of this State, if the ³act³ performed under federal law is
13 performed by:

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

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

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

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

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

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

30 d. Foreign Notarial Acts.

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

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

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

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

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

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

12

13 ~~'[24.] 3[22.] 24.~~³ (New section) Notification Regarding
14 Performance of Notarial Act on Electronic Record; Selection of
15 Technology; Acceptance of Tangible Copy of Electronic Record.

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

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

33 c. A county clerk ~~'[or]~~³ a³ register of deeds and mortgages³,
34 and a county surrogate³ ~~'[may]~~ shall¹ accept for recording a
35 tangible copy of an electronic record containing a notarial
36 certificate as satisfying any requirement that a record accepted for
37 recording be an original, if the notarial officer executing the notarial
38 certificate certifies that the tangible copy is an accurate copy of the
39 electronic record.

40

41 ~~'[25.] 3[23.] 25.~~³ (New section) Database of Notaries Public.

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

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

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

4

5 ~~'[26.]~~ ³~~[24.]~~ 26.³ (New section) Authority to Refuse to
6 Perform Notarial Act.

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

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

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

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

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

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

23

24 ~~'[27.]~~ ³~~[25.]~~ 27.³ (New section) Journal.

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

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

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

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

35 (4) If the journal is maintained in an electronic format, it shall
36 be in a permanent, tamper-evident electronic format complying with
37 any ~~'[rules and regulations promulgated]~~ ³~~[standards published]~~¹
38 rules and regulations promulgated³ by the State Treasurer ~~'[in the]~~
39 New Jersey Notary Public Manual¹~~'~~³.

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

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

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

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

1 (4) if the identity of the individual is based on personal
2 knowledge, a statement to that effect;

3 (5) if the identity of the individual is based on satisfactory
4 evidence, a brief description of the method of identification and the
5 identification credential presented, if any, including, if applicable,
6 the type, date of issuance, and date of expiration of an identification
7 document, or the name and signature of any identifying witness and,
8 if applicable, the type, date of issuance, and date of expiration of a
9 document identifying the witness; and

10 (6) an itemized list of all fees charged for the notarial act.

11 c. If a notary public's journal is lost or stolen, the notary public
12 shall notify the State Treasurer within 10 days of the loss or theft.

13 d. The notary public shall either:

14 (1) retain the journal for 10 years after the performance of the
15 last notarial act chronicled in the journal; or

16 (2) transmit the journal to the Department of the Treasury,
17 Division of Revenue and Enterprise Services, or a repository
18 approved by the State Treasurer.

19 e. On resignation from, or the revocation or suspension of, a
20 notary public's commission, the notary public shall either:

21 (1) retain the journal in accordance with paragraph (1) of
22 subsection d. of this section and inform the State Treasurer where
23 the journal is located; or

24 (2) transmit the journal to the Department of the Treasury,
25 Division of Revenue and Enterprise Services, or a repository
26 approved by the State Treasurer.

27 f. On the death or adjudication of incompetency of a current or
28 former notary public, the notary public's personal representative or
29 guardian or any other person knowingly in possession of the journal
30 shall, within 45 days, transmit it to the Department of the Treasury,
31 Division of Revenue and Enterprise Services, or a repository
32 approved by the State Treasurer.

33 g. In lieu of maintaining a journal, a notary public who is an
34 attorney-at-law admitted to practice in this State, or who is
35 employed by an attorney-at-law, or who is employed by or acting as
36 an agent for a title insurance company licensed to do business in
37 this State pursuant to P.L.2001, c.210 (C.17:22A-26 et seq.), may
38 maintain a record of notarial acts in the form of files regularly
39 maintained for the attorney's law practice or the title insurance
40 company's business activities, as the case may be.

41

42 ~~'[28.]~~³~~[26.]~~³ ~~28.~~³ (New section) Validity of Notarial Acts.

43 a. Except as otherwise provided in section 9 of P.L. ,

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

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

3 b. The validity of a notarial act under P.L.1979, c.460 (C.52:7-
4 10 et seq.), as amended and supplemented by P.L. ,

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

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

16

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

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

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

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

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

37 (4) prescribe the process of granting, renewing, conditioning,
38 denying, suspending, revoking, or otherwise limiting a notary
39 public commission and assuring the trustworthiness of an individual
40 holding a commission as notary public; ~~3[1~~¹and¹~~1]~~³

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

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

46 c. (C.) (pending before the Legislature as this bill)~~1~~¹ ~~3~~³

47 and

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

5 b. In adopting, amending, or repealing rules and regulations
6 ~~3~~¹ or publishing procedures and standards¹~~1~~³ concerning notarial
7 acts with respect to electronic records, the State Treasurer shall
8 consider, consistent with the provisions of P.L.1979, c.460 (C.52:7-
9 10 et seq.), as amended and supplemented by
10 P.L. , c. (C.) (pending before the Legislature as this bill):

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

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

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

22

23 ~~1~~¹~~30.~~³~~28.~~¹~~1~~³ R.S.46:14-2.1 is amended to read as follows:
24 46:14-2.1. Acknowledgment and proof.

25 a. To acknowledge a deed or other instrument the maker of the
26 instrument shall appear before an officer specified in R.S.46:14-6.1
~~3~~¹ or use communication technology to appear before the officer
27 pursuant to section 19 of P.L. , c. (C.) (pending before the
28 Legislature as this bill)³ and acknowledge that it was executed as
29 the maker's own act. To acknowledge a deed or other instrument
30 made on behalf of a corporation or other entity, the maker shall
31 appear before an officer specified in R.S.46:14-6.1 and state that the
32 maker was authorized to execute the instrument on behalf of the
33 entity and that the maker executed the instrument as the act of the
34 entity and that the maker executed the instrument as the act of the
35 entity.

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

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

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

6 (1) that the maker or the witness personally appeared before the
7 officer ~~31~~<sup>or used communication technology to appear before the
8 ~~officer pursuant to section 17 of P.L. , c. (C.) (pending~~
9 ~~before the Legislature as this bill)~~¹³;</sup>

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

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

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

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

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

20 e. A ~~3~~^{short form}~~3~~ certificate that is substantially in the form
21 provided in ~~3~~<sup>subsection b. of³ section ~~3~~¹⁹ ~~13~~³ of
22 P.L. , c. (C.) (pending before the Legislature as this bill)
23 satisfies the requirements of this section.</sup>

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

25

26 ~~31.3~~ R.S.46:14-6.1 is amended to read as follows:

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

31 (1) an attorney-at-law;

32 (2) a notary public;

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

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

35 (5) a surrogate or deputy surrogate.

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

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

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

1 (3)】 a foreign service or consular officer or other representative
2 of the United States to any foreign nation, within the territory of
3 that nation.¹
4 (cf: P.L.1991, c.308, s.1)

5

6 ~~1~~³~~30.~~¹~~1~~³ N.J.S.22A:4-14 is amended to read as
7 follows:

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

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

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

15 For taking all acknowledgments, \$2.50.

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

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

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

26

27 ~~1~~³~~31.~~¹~~1~~³ R.S.41:2-17 is amended to read as follows:

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

30 Any oath, affirmation, or affidavit required or authorized to be
31 taken in any suit or legal proceeding in this state State, or for any
32 lawful purpose whatever, except official oaths and depositions
33 required to be taken upon notice, when taken out of this state State,
34 may be taken before any notary public of the state, territory,
35 nation, kingdom, or country in which the same shall be taken, or
36 before any officer who may be authorized by the laws of this
37 state State to take the acknowledgment of deeds in such state,
38 territory, nation, kingdom, or country; and a recital that he or she¹
39 is such notary or officer in the jurat or certificate of such oath,
40 affirmation, or affidavit, and his or her¹ official designation
41 annexed to his or her¹ signature, and attested under his or her¹
42 official seal, shall be sufficient proof that the person before whom
43 the same is taken is such notary or officer. 【When, however, any
44 other certificate is required by law to be annexed to the certificate
45 of such officer, other than a notary public, for the recording of a

1 deed acknowledged before him, a like certificate shall be annexed
2 to his certificate of the taking of such oath.]
3 (cf: R.S.41:2-17)

4

5 ¹【33.] ³【32.] 34.³ (New section) Relation to Electronic
6 Signatures in Global and National Commerce Act.

7 P.L. , c. (C.) (pending before the Legislature as this bill)
8 modifies, limits, and supersedes the Electronic Signatures in Global
9 and National Commerce Act, 15 U.S.C. s.7001 et seq., but does not
10 modify, limit, or supersede section 101(c) of that act, 15 U.S.C.
11 7001(c), or authorize electronic delivery of any of the ²【noties】
12 notices² described in section 103(b) of that act, 15 U.S.C. section
13 7003(b).

14

15 ¹【34.] ³【33.] 35.³ (New section) Savings Clause.

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

21

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

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

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

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

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

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

35 c. This act does not apply to:

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

39 (2) any notice of:

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

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

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

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

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

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

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

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

13

14 ¹【35.】³【34.】¹】³7.³ The following are repealed:

15 ³【¹R.S.52:6-15 through R.S.52:6-22;】¹】³

16 ²【Section 7 of P.L.1979, c.460 (C.52:7-16);】² ³Section 7 of
17 P.L.1979, c.460 (C.52:7-16);³ and

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

19

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

31

32 ¹【36.】³【35.】¹】³9.³ ³【This】 Sections 6 and 7 of this³ act shall
33 take effect on the ³365th day following enactment. Sections 1
34 through 5 and sections 8 through 38 of this act shall take effect on
35 the³ ¹【180th】¹ 90th day following enactment ³【¹except the】. The
36 State³ Treasurer may take any anticipatory administrative action in
37 advance as shall be necessary for the implementation of this act¹.