

A BILL

22-324

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To enact the Uniform Law Commission’s Revised Uniform Law on Notarial Acts, to provide for enhanced integrity of notarial transactions to ensure the authenticity of the information notarial officers certify, to recognize and facilitate notarizations using electronic records and harmonize the use of electronic notarizations with District and federal law concerning electronic transactions, to permit the notarization of signatures of individuals outside the United States by communications technology and identity proofing, and to prohibit certain fraudulent or deceptive practices; to make conforming amendments to sections 15-501 and 47-2853.04 of the District of Columbia Official Code; and to repeal the Uniform Law on Notarial Acts of 1991, sections 558 through 573 of An Act To establish a code of law for the District of Columbia, and sections 4 and 5 of the An Act To authorize the commissioners of the District of Columbia to appoint notaries public.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Revised Uniform Law on Notarial Acts Act of 2018”.

Sec. 2. Definitions.

For the purposes of this act:

(1) “Acknowledgment” means a declaration by an individual that states the individual has signed a record for the purposes stated in the record, and if the record is executed in a representative capacity, that the person signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

(2) “Electronic” means relating to technology that has electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) “Electronic notary” means an individual who has received an endorsement from the Mayor to perform a notarial act with respect to electronic records under section 20(g).

(4) “Electronic signature” means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

(5) “Foreign state” means a government other than the United States, a state, or a federally recognized Indian tribe.

(6) “In a representative capacity” means acting as:

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

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

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

(D) An authorized representative of another in any other capacity.

(7) “Notarial act” means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of the District. The term includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, noting a protest of a negotiable

instrument, taking and certifying the acknowledgment or proof of powers of attorney, mortgages, deeds, other instruments of writing, and taking affidavits to be used before any court, judge, or officer within the District.

(8) “Notarial officer” or “officer” (except as used in paragraphs (6) and (7) of this section) means a notary public or other individual authorized to perform a notarial act.

(9) “Notarial sealer” means:

(A) A physical device capable of affixing to or embossing on a tangible record an official seal;

(B) An electronic device or process capable of attaching to or logically associating with an electronic record an official seal; or

(C) A stamping device

(10) “Notary public” means an individual commissioned by the:

(A) Mayor to perform notarial acts in the District; or

(B) Commissioning authority of the federal government, a state, or a federally-recognized Indian tribe.

(11) “Official seal” means a physical image affixed to or embossed on a tangible record or an electronic image securely attached directly to or logically associated with an electronic record.

(12) “Person” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(13) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(14) “Sign” means, with present intent to authenticate or adopt a record, to:

(A) Execute or adopt a tangible symbol; or

(B) Attach to or logically associate with the record an electronic symbol, sound, or process.

(15) “Signature” means a tangible symbol or an electronic signature that evidences the signing of a record.

(16) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(17) “Tamper-evident technologies” means technology that is designed to allow a person inspecting an electronic record to determine whether there has been any tampering with the integrity of a certificate of notarial act logically associated with a record or with the attachment or association of the notarial act with that electronic record.

(18) “Verification on oath or affirmation” means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

88 Sec. 3. Applicability to future notarial acts.

89 This act shall apply to notarial acts performed on or after the effective date of this act.

90 Sec. 4. Authority to perform notarial act.

91 (a) A notarial officer may perform a notarial act authorized by this act or by law of the
92 District other than this act.

93 (b) A notarial officer shall not perform a notarial act if:

94 (1) The record is incomplete or blank;

95 (2) The notarial officer or the officer's spouse is a party to the record; or

96 (3) The notarial officer or the officer's spouse has a direct beneficial interest in
97 the record.

98 (c) A notarial act performed in violation of this section is voidable.

99 Sec. 5. Requirements for certain notarial acts.

100 (a) A notarial officer who takes an acknowledgment of a record shall determine, from
101 personal knowledge or satisfactory evidence of the identity of the individual, that the individual
102 appearing before the officer and making the acknowledgment has the identity claimed and that
103 the signature on the record is the signature of the individual.

104 (b) A notarial officer who takes a verification of a statement on oath or affirmation shall
105 determine, from personal knowledge or satisfactory evidence of the identity of the individual,
106 that the individual appearing before the officer and making the verification has the identity
107 claimed and that the signature on the statement verified is the signature of the individual.

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

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

(e) A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in D.C. Official Code § 28:3-505(b).

Sec. 6. Personal appearance required.

If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

Sec. 7. Identification of individual.

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

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

(1) Current government-issued identification that is:

127 (A) A passport, driver's license, or government-issued nondriver
128 identification card; or

129 (B) Another form of government identification issued to an individual,
130 which contains the signature or a photograph of the individual and is satisfactory to the officer;
131 or

132 (2) A verification on oath or affirmation of a credible witness personally
133 appearing before the officer and known to the officer or whom the officer can identify based on a
134 current passport, driver's license, or government issued nondriver identification card.

135 (c) A notarial officer may require an individual to provide additional information or
136 identification credentials necessary to assure the officer of the identity of the individual.

137 Sec. 8. Authority to refuse to perform notarial act.

138 (a) A notarial officer may refuse to perform a notarial act if the officer is not satisfied
139 that:

140 (1) The individual executing the record is competent or has the capacity to
141 execute the record; or

142 (2) The individual's signature is knowingly and voluntarily made.

143 (b) A notarial officer may refuse to perform a notarial act unless refusal is prohibited by a
144 law other than this act.

145 Sec. 9. Signature if individual unable to sign.

If an individual is physically unable to sign a record, the individual may direct an individual other than the notarial officer to sign the individual's name on the record. The notarial officer shall insert "Signature affixed by [name of other individual] at the direction of [name of individual]" or words of similar import.

Sec. 10. Notarial act in the District.

(a) A notarial act may be performed in the District by:

(1) A notary public of the District;

(2) A judge, clerk, or deputy clerk of a court of the District; or

(3) Any other individual authorized to perform the specific act by the law of the District.

(b) The signature and title of an individual performing a notarial act in the District shall be prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of a notarial officer described in subsection (a)(1) or (2) of this section shall conclusively establish the authority of the officer to perform the notarial act.

Sec. 11. Notarial act in another state.

(a) A notarial act performed in another state shall have the same effect under the law of the District as if performed by a notarial officer of the District, if the notarial act performed in that state is performed by:

(1) A notary public of that state;

166 (2) A judge, clerk, or deputy clerk of a court of that state; or

167 (3) Any other individual authorized by the law of that state to perform the notarial
168 act.

169 (b) The signature and title of an individual performing a notarial act in another state shall
170 be prima facie evidence that the signature is genuine and that the individual holds the designated
171 title.

172 (c) The signature and title of a notarial officer described in subsection (a)(1) or (2) shall
173 conclusively establish the authority of the officer to perform the notarial act.

174 Sec. 12. Notarial act under authority of a federally-recognized Indian tribe.

175 (a) A notarial act performed under the authority and in the jurisdiction of a federally-
176 recognized Indian tribe has the same effect as if performed by a notarial officer of the District, if
177 the notarial act performed in the jurisdiction of the tribe is performed by:

178 (1) A notary public of the tribe;

179 (2) A judge, clerk, or deputy clerk of a court of the tribe; or

180 (3) Any other individual authorized by the law of the tribe to perform the notarial
181 act.

182 (b) The signature and title of an individual performing a notarial act under the authority
183 of and in the jurisdiction of a federally-recognized Indian tribe shall be prima facie evidence that
184 the signature is genuine and that the individual holds the designated title.

(c) The signature and title of a notarial officer described in subsection (a)(1) or (2) shall conclusively establish the authority of the officer to perform the notarial act.

Sec. 13. Notarial act under federal authority.

(a) A notarial act performed under federal law has the same effect under the law of the District as if performed by a notarial officer of the District, if the notarial act performed under federal law is performed by:

(1) A judge, clerk, or deputy clerk of a court;

(2) An individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;

(3) An individual designated a notarizing officer by the United States Department of State for performing notarial acts overseas; or

(4) Any other individual authorized by federal law to perform the notarial act.

(b) The signature and title of an individual acting under federal authority and performing a notarial act shall be prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of an officer described in subsection (a)(1), (2), or (3) shall conclusively establish the authority of the officer to perform the notarial act.

Sec. 14. Foreign notarial act.

(a) If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or

international governmental organization, the notarial act shall have the same effect under the law of the District as if performed by a notarial officer of the District.

(c) If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts shall be conclusively established.

(d) The signature and official stamp of an individual holding an office described in subsection (c) shall be prima facie evidence that the signature is genuine and the individual holds the designated title.

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

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

Sec. 15. Certificate of notarial act.

(a) Notarial acts performed shall be evidenced by a certificate. The certificate shall:

(1) Be executed contemporaneously with the performance of the notarial act;

(2) Be dated.

(3) Identify the jurisdiction in which the notarial act is performed;

(4) Contain the notarial officer's title of office; and

(5) If the notarial officer is a notary public:

(A) Be signed by the notary public in the same manner as on file with the

Mayor; and

(B) Indicate the date of expiration, if any, of the notary's commission.

(b)(1) If a notarial act regarding a tangible record is performed by a notary public, an official seal shall be affixed to or embossed on the certificate. If a notarial act is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in subsection (a)(2), (3), and (4), an official seal may be affixed to or embossed on the certificate.

(2) If a notarial act regarding an electronic record is performed by an electronic notary and the certificate contains the information specified in subsection (a)(2), (3), and (4), an official seal shall be attached to or logically associated with the certificate.

(c) A certificate of a notarial act is sufficient if it meets the requirements of subsections (a) and (b) and it:

(1) Is in a short form as set forth in section 16;

(2) Is in a form otherwise permitted by the law of the District;

(3) Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or

(4) Sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in sections 5, 6, and 7 or law of the District other than this act.

(d) By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in sections 4, 5, and 6.

(e) A notarial officer shall not affix the officer's signature to, or logically associate it with, a certificate until the notarial act has been performed.

(f) If a notarial act is performed regarding a tangible record, a certificate shall be part of, or securely attached directly to, the record. If a notarial act is performed regarding an electronic record, the certificate shall be affixed to, or logically associated with, the electronic record. If the Mayor has issued rules establishing standards pursuant to section 32 for attaching, affixing, or logically associating the certificate, the process shall conform to the standards.

Sec. 16. Short forms.

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by section 15(a) and (b):

(1) For an acknowledgment in an individual capacity:

District of Columbia

This record was acknowledged before me on _____ by _____

Date Name(s) of individual(s)

ENGROSSED ORIGINAL

265

266 Signature of notarial officer

267 [Seal]

268 [_____]

269 Title of office

270 [My commission expires: _____]

271 (2) For an acknowledgment in a representative capacity:

272 District of Columbia

273 This record was acknowledged before me on _____ by _____

274	Date	Name(s) of individual(s)
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275 as (type of authority, such as officer or trustee) of (name of party on behalf of whom record was
276 executed).

277

278 Signature of notarial officer

279 [Seal]

280 [_____]

281 Title of office

282 [My commission expires: _____]

283 (3) For a verification on oath or affirmation:

284 District of Columbia

285 Signed and sworn to (or affirmed) before me on _____ by _____
286 Date Name(s) of individual(s)
287 making statement

288 _____

289 Signature of notarial officer[Seal]
290 [_____]

291 Title of office
292 [My commission expires: _____]

293 (4) For witnessing or attesting a signature:

294 District of Columbia

295 Signed [or attested] before me on _____ by _____
296 Date Name(s) of individual(s)

297 _____

298 Signature of notarial officer
299 [Seal]
300 [_____]

301 Title of office
302 [My commission expires: _____]

303 (5) For certifying a copy of a record:

304 District of Columbia

I certify that this is a true and correct copy of a record in the possession
of _____.

Dated _____

Signature of notarial officer

[Seal]

[_____]

Title of office

[My commission expires: _____]

Sec. 17. Official seal.

(a) The official seal of a notary public in the District shall:

(1) Include the following:

(A) The notary public’s name, exactly stated on the commission;

(B) The words “District of Columbia”;

(C) The commission expiration date; and

(D) Other information required by the Mayor; and

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

(b) The Mayor shall issue rules regarding the size and form of the seal.

Sec. 18. Notarial sealer.

(a) A notary public shall be responsible for the security of the notary's notarial sealer and shall not allow another individual to use the notarial sealer to perform a notarial act. Upon the death, resignation, or removal from office of a notary public, the notary's records, including all the official papers, shall be deposited with the Mayor.

(b) If a notary public's notarial sealer or signature is lost, stolen, damaged, or otherwise incapable of affixing a legible image, the notary, or the notary's personal representative or guardian shall promptly notify the Mayor.

Sec. 19. Journal.

(a) A notary public shall maintain a journal in which the notary public records all notarial acts that the notary public or electronic notary performs. The notary public shall retain the journal until required to transmit the journal to the Mayor under subsections (e) and (f).

(b)(1) A journal may be created on a tangible medium or in an electronic format.

(2) A notary public may maintain a separate journal for tangible records and for electronic records. If the journal is maintained on a tangible medium, it shall be a permanent bound register with numbered pages. If the journal is maintained in an electronic format, it shall be in a tamper-evident electronic format complying with the rules issued by the Mayor.

(c) An entry in a journal shall be made contemporaneously with performance of the notarial act and contain the following information:

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

(2) A description of the record, if any, and type of notarial act;

(3) The full name and address of each individual for whom the notarial act is performed;

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

(5) If the identity of the individual is based on satisfactory evidence, a brief description of the method of identification and the identification credential presented, if any, including the date of issuance and expiration of an identification credential when such a credential is used;

(6) The fee, if any, charged by the notary public; and

(7) The signature of each individual for whom the notarial act is performed.

(d) If a notary public's journal is lost or stolen, the notary promptly shall notify the Mayor upon discovering that the journal is lost or stolen.

(e) On resignation from, or the revocation or suspension of, a notary public's commission, the notary shall transmit the journal to the Mayor.

(f) On the death or adjudication of incompetency of a current or former notary public, the notary's personal representative or guardian or any other person knowingly in possession of the journal shall transmit it to the Mayor.

Sec. 20. Commission as notary public; endorsement as an electronic notary; qualifications; no immunity or benefit.

(a) An individual qualified under subsection (b) of this section may apply to the Mayor for a commission as a notary public. An applicant shall comply with and provide the information required by the rules issued by the Mayor and pay the application fee.

(b) The Mayor shall issue rules setting an application fee; provided, that the application fee shall not be less than \$75; provided further, that there is no application fee for a notary public in the service of the governments of the United States or District of Columbia whose notarial duties are confined solely to official government business.

(c) An applicant for a commission as a notary public shall:

(1) Be at least 18 years of age;

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

(3) Be a resident of or have a primary place of employment or practice in the District;

(4) Not be disqualified to receive a commission under section 23; and

(5) Meet any other qualifications prescribed by rules adopted by the Mayor.

(d) Before issuance of a commission as a notary public, an applicant for the commission shall:

(1) Take the oath prescribed for civil officers in the District;

(2) Complete a training class provided by the Mayor;

(3) File the notary's signature and deposit an impression of the notary's official seal with the Mayor; and

(4) Indicate, on a form provided by the Mayor, the language(s) of records in which the applicant intends to perform notarial acts; provided, that the applicant shall be required to read and write in the language of any record on which the applicant performs a notarial act.

(e) Except as provided in subsection (f), before issuance of a commission as a notary public, the applicant shall submit to the Mayor an assurance in the form of a surety bond or its functional equivalent in the amount of \$2,000, or other amount prescribed by rules adopted by the Mayor. The assurance shall be issued by a surety or other entity licensed or authorized to do business in the District. The assurance shall cover acts performed during the term of the notary public's commission and shall be in the form prescribed by the Mayor. If a notary public violates law with respect to notaries public in the District, the surety or issuing entity is liable under the assurance. The surety or issuing entity shall give 30-days' notice to the Mayor before canceling the assurance. The surety or issuing entity shall notify the Mayor not later than 30 days after making a payment to a claimant under the assurance. A notary public may perform notarial acts in the District only during the period that a valid assurance is on file with the Mayor.

(f) A notary public commissioned on behalf of the government of the District of Columbia is except from the requirement of a surety bond under subsection (e).

(g) Upon an applicant's compliance with this section, the Mayor shall issue a commission as a notary public to an applicant for a term of 5 years subject to removal pursuant to section 23. A certificate issued by the Mayor granting this commission shall be signed by the Secretary of the District of Columbia or the Secretary's designee.

(h) A commission to act as a notary public authorizes the notary public to perform notarial acts only within the District. The commission does not provide the notary public any immunity or benefit conferred by law of the District on public officials or employees.

(i) An individual who holds a commission as a notary public may apply to the Mayor for an endorsement as an electronic notary. The applicant shall comply with and provide the information required by rules issued by the Mayor and pay an application fee for such endorsement.

Sec. 21. Requirement of endorsement as electronic notary; selection of technology.

(a) A notary public shall not perform notarial acts with respect to electronic records unless the notary public has received an endorsement as an electronic notary pursuant to section 20(i).

(b) An electronic notary may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. An electronic notary shall not be required to perform a notarial act with respect to an electronic record with a technology that the electronic notary has not selected.

(c) Before a notary public holding an endorsement as an electronic notary performs the notary's initial notarial act with respect to an electronic record, the notary shall complete a training course provided by the Mayor, shall take the oath prescribed for civil officers in the District of Columbia, identify the tamper-evident technologies the electronic notary intends to use, and file an exemplar of the electronic notary's electronic signature and official seal. If the

Mayor has issued rules establishing standards for approval of technology pursuant to section 32, the technology shall conform to the prescribed standards. If the technology conforms to the standards, the Mayor shall approve the use of the technology.

Sec. 22. Mandatory training of a notary public.

(a) An applicant for a commission as a notary public in the District that does not hold a commission from the Mayor shall satisfactorily complete the training provided by the Mayor.

(b) The Mayor shall establish courses of study for notary publics and applicants for endorsement as electronic notaries. Trainings shall cover laws, rules, procedures, and ethics relevant to notarial acts.

Sec. 23. Grounds to deny, refuse to renew, revoke, suspend, or condition commission of notary public.

(a) The Mayor may deny, refuse to renew, revoke, suspend, or impose a condition on a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public, including:

(1) Failure to comply with this act;

(2) A fraudulent, dishonest, or deceitful misstatement or omission in the application for a commission as a notary public submitted to the Mayor;

(3) A conviction of an applicant or notary public of any felony or a crime involving fraud, dishonesty, or deceit, including fraud, forgery, deceptive labeling, counterfeiting, false personation, perjury, false statements, tampering with physical evidence, or

theft previously known as larceny, larceny by trick, larceny by trust, embezzlement, or false pretenses;

(4) A finding against, or admission of liability by, an applicant or notary public in any legal proceeding or disciplinary action based on an applicant's or notary public's fraud, dishonesty, or deceit;

(5) Failure by the notary public to discharge any duty required of a notary public, whether by this act, rules of the Mayor, or any federal or state law;

(6) Use of false or misleading advertising or representation by the notary public representing that the notary has a duty, right, or privilege that the notary does not have;

(7) Violation by the notary public of a rule of the Mayor regarding a notary public;

(8) Denial, refusal to renew, revocation, suspension, or conditioning of a notary public commission in another state; or

(9) Failure of the notary public to maintain an assurance as provided in section 20(e).

(b) If the Mayor denies, refuses to renew, revokes, suspends, or imposes conditions on a commission as a notary public, the applicant or notary public is entitled to timely notice and hearing before the Office of Administrative Hearings.

(c) The authority of the Mayor to deny, refuse to renew, suspend, revoke, or impose conditions on a commission as a notary public shall not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.

Sec. 24. Fees.

(a)(1) A notary public may charge fees for performing notarial acts as established by the Mayor by rule issued pursuant to section 20(b).

(2) A notary public who is exempted from the payment of the application fee pursuant to section 20(b) shall not collect a notary fee.

(b) A notary public may charge, upon agreement of the person to be charged, an amount not-to-exceed the actual and reasonable expense of traveling to a place where a notarial act is to be performed if it is not the usual place where the notary public performs notarial acts. Traveling expenses shall be in writing, itemized, and separate from the fee for the notarial act.

(c) A notary public may waive a scheduled fee or charge an amount less than the scheduled fee.

(d) A notarial officer other than a notary public shall not charge a fee for performing notarial acts.

Sec. 25. Notaries public electronic database.

The Mayor shall maintain an electronic database of notaries public commissioned in the District that is accessible to the public and available at no cost. The database shall note whether a notary public has the electronic notary endorsement pursuant to section 20(i).

Sec. 26. Prohibited acts.

(a) A commission as a notary public shall not authorize an individual to:

(1) Assist persons in drafting legal records, give legal advice, or otherwise practice law;

(2) Act as an immigration consultant or an expert on immigration matters;

(3) Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship, or related matters; or

(4) Receive compensation for performing any of the activities listed in this subsection.

(b) A notary public shall not engage in false or deceptive advertising.

(c) A notary public, other than an attorney licensed to practice law in the District, shall not use the term “notario” or “notario publico”.

(d) A notary public, other than an attorney licensed to practice law in the District, shall not advertise or represent that the notary may assist persons in drafting legal records, give legal advice, or otherwise practice law. If a notary public who is not an attorney licensed to practice law in the District in any manner advertises or represents that the notary offers notarial services, whether orally or in a record, including broadcast media, print media, and the Internet, then the notary shall include the following statement, or an alternate statement pursuant to rules issued by the Mayor, in the advertisement or representation, prominently and in each language used in the advertisement or representation: “I am not an attorney licensed to practice law in the District. I

am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities.”. If the form of advertisement or representation is not broadcast media, print media, or the Internet and does not permit inclusion of the statement required by this subsection because of size, it shall be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

(e) Except as otherwise allowed by law, a notary public shall not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public.

(f) A notary public shall not charge a higher fee than permitted in rules issued by the Mayor.

Sec. 27. Validity of notarial acts.

Except as otherwise provided in section 4(c), the failure of a notarial officer to perform a duty or meet a requirement specified in this act shall not invalidate a notarial act performed by the officer. The validity of a notarial act under this act shall not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on law of the District other than this act or law of the United States. This section shall not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

Sec. 28. Existing notary public commission.

A commission as a notary public in effect on the effective date of this act shall continue until its date of expiration. A notary public who applies to renew a commission as a notary public on or after the effective date of this act is subject to and shall comply with this act. A notary public, in performing notarial acts after the effective date of this act, shall comply with this act.

Sec. 29. Savings clause.

(a) This act shall not affect the validity or effect of a notarial act performed before the effective date of this act.

(b) A notary public appointed before the effective date of this act shall continue in such capacity until the expiration of the notary's commission.

Sec. 30. Uniformity of application and construction.

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of this act with respect to its subject matter among states that enact it.

Sec. 31. Relation to electronic signatures in global and national commerce act.

This act modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 464; 15 U.S.C. § 7001 *et seq.*), but does not modify, limit, or supersede section 101(c) (15 U.S.C. § 7001(c)) of that act, or authorize electronic delivery of any of the notices described in section 103(b) (15 U.S.C. § 7003(b)) of that act.

Sec. 32. Rules.

(a) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall adopt rules to implement the provisions of this act.

(b) Rules issued regarding the performance of notarial acts with respect to electronic records shall not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification.

Sec. 33. Conforming amendments.

(a) Section 6(b-20) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-20)), is amended by striking the phrase “the denial or revocation by the Mayor, or the Mayor’s designees, of a notary commission pursuant to 17 DCMR § 2410” and inserting the phrase “the Mayor’s denial, refusal to renew, revocation, suspension, or imposition of conditions on a commission on an applicant or notary public pursuant to section 23(b) of the Revised Uniform Law on Notarial Acts Act of 2018, as approved by the Committee on Government Operations on June 29, 2018 (Committee print of Bill 22-324).” in its place.

(b) Section 15-501 of the District of Columbia Official Code is amended as follows:

(1) Paragraph (13) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (14) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (15) is added to read as follows:

“(15) if the debtor is a notary public, the debtor’s official seal, as defined in section 2(11) of the Revised Uniform Law on Notarial Acts Act of 2018, as approved by the Committee on Government Operations on June 29, 2018 (Committee print of Bill 22-324), and official documents.”.

(c) Section 47-2853.04(c)(2) of the District of Columbia Official Code is amended by striking the phrase “as provided in § 1-1201.” and inserting the phrase “as provided in the Revised Uniform Law on Notarial Acts Act of 2018, as approved by the Committee on Government Operations on June 29, 2018 (Committee print of Bill 22-324).” in its place.

Sec. 34. Repealers.

(a) The Uniform Law on Notarial Acts of 1991, effective March 6, 1991 (D.C. Law 8-205; D.C. Official Code § 42-141 *et seq.*), is repealed.

(b) Sections 558 through 573 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1279; D.C. Official Code §§ 1-1201 through 1-1215), are repealed.

(c) Sections 4 and 5 of the An Act To authorize the commissioners of the District of Columbia to appoint notaries public, approved December 16, 1944 (58 Stat. 811; D.C. Official Code §§ 1-1216 and 1-1217), are repealed.

580 Sec. 35. Applicability.

581 (a) Sections 20(i), 21, and 22(b) shall apply upon the date of inclusion of each's fiscal
582 effect in an approved budget and financial plan.

583 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
584 an approved budget and financial plan, and provide notice to the Budget Director of the Council
585 of the certification.

586 (c)(1) The Budget Director shall cause the notice of the certification to be published in
587 the District of Columbia Register.

588 (2) The date of publication of the notice of the certification shall not affect the
589 applicability of sections 20(i), 21, and 22(b).

590 Sec. 36. Fiscal impact statement.

591 The Council adopts the fiscal impact statement in the committee report as the fiscal
592 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
593 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

594 Sec. 37. Effective date.

595 This act shall take effect following approval by the Mayor (or in the event of veto by the
596 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
597 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
598 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
599 Columbia Register.