


Chairman Phil Mendelson

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To enact the Revised Uniform Law on Notarial Acts, to modernize the law relating to notaries and notarial acts; to enhance the integrity of notarial transactions to ensure the authenticity of the information they certify; to recognize and facilitate notarizations using electronic records and to harmonize their use with District and federal law concerning electronic transactions; to permit notarization of signatures of individuals outside the United States by communications technology and identity proofing; and to prohibit certain fraudulent or deceptive practices.

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 of 2017”.

Sec. 2. Definitions.

For purposes of this act:

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

(2) “District” means the District of Columbia.

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

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

39 (5) "In a representative capacity" means acting as:

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

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

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

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

46 (6) "Mayor" means the Mayor of the District of Columbia or the Mayor's designee.

47 (7) "Notarial act" means an act, whether performed with respect to a tangible or
48 electronic record, that a notarial officer may perform under the law of the District. The term
49 includes taking an acknowledgment, administering an oath or affirmation, taking a verification
50 on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and
51 noting a protest of a negotiable instrument.

52 (8) "Notarial officer" means a notary public or other individual authorized to perform a
53 notarial act.

54 (9) "Notary public" means an individual commissioned to perform a notarial act by the
55 Mayor.

56 (10) "Official seal" means a physical image affixed to or embossed on a tangible record
57 or an electronic image attached to or logically associated with an electronic record. The term
58 includes an official stamp.

59 (11) "Person" means an individual, estate, business or nonprofit entity, public
60 corporation, government or governmental subdivision, agency, or instrumentality, or other legal
61 entity.

62 (12) "Record" means information that is inscribed on a tangible medium or that is stored
63 in an electronic or other medium and is retrievable in perceivable form.

64 (13) "Sealing device" means (i) a physical device capable of affixing to or embossing on a
65 tangible record an official seal; or (ii) an electronic device or process capable of attaching to or
66 logically associating with an electronic record an official seal. The term includes a stamping
67 device.

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

69 (A) to execute or adopt a tangible symbol; or

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

72 (15) "Signature" means a tangible symbol or an electronic signature that evidences the
73 signing of a record.

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

77 (17) "Verification on oath or affirmation" means a declaration, made by an individual on
78 oath or affirmation before a notarial officer, that a statement in a record is true.

79 Sec. 4. Authority to perform notarial act.

80 (a) A notarial officer may perform a notarial act authorized by this act or by law of the
81 District other than this act, including to take and to certify the acknowledgment or proof of

82 powers of attorney, mortgages, deeds, and other instruments of writing, to take depositions and
83 to administer oaths and affirmations and to take affidavits to be used before any court, judge, or
84 officer within the District.

85 (b) A notarial officer may not perform a notarial act with respect to a record to which the
86 officer or the officer's spouse is a party, or in which either of them has a direct beneficial
87 interest. A notarial act performed in violation of this subsection is voidable.

88 Sec. 5. Requirements for certain notarial acts.

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

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

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

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

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

105 Sec. 6. Personal appearance required.

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

109 Sec. 7. Identification of individual.

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

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

115 (1) by means of:

116 (A) a passport, driver's license, or government issued nondriver
117 identification card, which is current or expired not more than 3 years before performance of the
118 notarial act; or

119 (B) another form of government identification issued to an individual,
120 which is current or expired not more than 3 years before performance of the notarial act, contains
121 the signature or a photograph of the individual, and is satisfactory to the officer; or

122 (2) by a verification on oath or affirmation of a credible witness personally
123 appearing before the officer and known to the officer or whom the officer can identify on the
124 basis of a passport, driver's license, or government issued nondriver identification card, which is
125 current or expired not more than 3 years before performance of the notarial act.

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

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

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

131 (1) the individual executing the record is competent or has the capacity to execute
132 the record; or

133 (2) the individual's signature is knowingly and voluntarily made.

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

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

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

141 Sec. 10. Notarial act in the District.

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

143 (1) a notary public of the District;

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

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

147 (b) The signature and title of an individual performing a notarial act in this state are prima
148 facie evidence that the signature is genuine and that the individual holds the designated title.

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

151 Sec. 11. Notarial act in another state.

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

155 (1) a notary public of that state;

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

157 (3) any other individual authorized by the law of that state to perform the notarial
158 act.

159 (b) The signature and title of an individual performing a notarial act in another state are
160 prima facie evidence that the signature is genuine and that the individual holds the designated
161 title.

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

164 Sec. 12. Notarial act under authority of federally recognized Indian tribe.

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

168 (1) a notary public of the tribe;

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

170 (3) any other individual authorized by the law of the tribe to perform the notarial
171 act.

172 (b) The signature and title of an individual performing a notarial act under the authority
173 of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the
174 signature is genuine and that the individual holds the designated title.

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

177 Sec. 13. Notarial act under federal authority.

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

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

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

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

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

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

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

192 Sec. 14. Foreign notarial act.

193 (a) In this section, “foreign state” means a government other than the United States, a
194 state, or a federally recognized Indian tribe.

195 (b) If a notarial act is performed under authority and in the jurisdiction of a foreign state
196 or constituent unit of the foreign state or is performed under the authority of a multinational or
197 international governmental organization, the act has the same effect under the law of the District
198 as if performed by a notarial officer of the District.

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

203 (d) The signature and official seal of an individual holding an office described in
204 subsection (c) are prima facie evidence that the signature is genuine and the individual holds the
205 designated title.

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

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

213 Sec. 15. Individual located outside the United States.

214 (a) In this section:

215 (1) "Communication technology" means an electronic device or process that
216 allows an individual located outside the United States and a notary public located in the District
217 to communicate with each other simultaneously by sight and sound.

218 (2) "Identity proofing" means a process or service through which a third person
219 provides a notary public with a reasonable means to verify the identity of an individual through a
220 review of personal information from public or proprietary data sources.

221 (3) "Outside the United States" means a location outside the geographic
222 boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory
223 or insular possession subject to the jurisdiction of the United States.

224 (b) A notary public in the District may perform by means of communication technology a
225 notarial act relating to a statement made in or signature executed on a record by an individual
226 located outside the United States if:

227 (1) the notary public has personal knowledge of the identity of the individual
228 under section 7(a) or has satisfactory evidence of the identity of the individual making the
229 statement or signing the record under subsection (d);

230 (2) the record:

231 (A) is part of or pertains to a matter that is to be filed with or is before a
232 court, governmental entity, or other entity located in the territorial jurisdiction of the United
233 States; or

234 (B) involves property located in the territorial jurisdiction of the United
235 States, or a transaction substantially connected with the United States;

236 (3) the notary public is reasonably able, by use of tamper-evident technology or
237 personal acknowledgement of the individual, to identify the record before the notary public as
238 the same record on which the individual made the statement or executed the signature; and

239 (4) the act of making the statement or signing the record is not prohibited by the
240 foreign state, as defined in Section 14(a), in which the individual is located.

241 (c) If a notarial act relates to a statement made in or a signature executed on a record by
242 an individual located outside the United States, the individual may comply with section 6 by
243 appearing before the notary public by means of communication technology.

244 (d) In addition to the methods required by section 7(a) for the identification of an
245 individual, a notary public has satisfactory evidence of the identity of an individual appearing
246 before the notary public by means of communication technology if the notary public can
247 reasonably identify the individual by means of identity proofing.

248 (e) Without limiting the authority of a notary public under section 8 to refuse to perform a
249 notarial act, a notary public may refuse to perform a notarial act under this section if the notary
250 public is not satisfied that the individual is located outside the United States.

251 (f) If a notarial act involves a statement made in or a signature executed on a record by an
252 individual by means of communication technology, the certificate of notarial act required by
253 section 16 must indicate that the individual making the statement or signing the record declared
254 to the notary public that the individual was located outside the United States at the time the
255 notarial act was performed.

256 (g) If a notarial act involves the use of communication technology, the notary public shall
257 retain a video and audio copy of the performance of the notarial act.

258 (h) The following short-form certificates of notarial acts performed with regard to an
259 individual located outside the United States are sufficient for the purposes indicated, if
260 completed with the information required by subsection (f) and section 16 (a) and (b):

261 (1) For a verification on oath or affirmation by an individual located outside the
262 United States:
263 District of Columbia

264 Signed and sworn to (or affirmed) before me by use of communication technology on
265 _____ by _____, who declared that (he)(she)(they) (is)(are) located
266 Date Name(s) of individual(s)
267 in _____ and that this record is part of or pertains to a matter that is to be
268 filed with or is before a court, governmental entity, or other entity located in the United States or
269 involves property located in, or a transaction substantially connected with, the United States.

270 _____
271 Signature of notary public

272 Stamp

273 [_____]
274 Title of office

275 [My commission expires: _____]

276 (2) For an acknowledgment in an individual capacity by an individual located
277 outside the United States:

278 District of Columbia

279 This record was acknowledged before me by use of communication technology on

280 _____ by _____, who declared that (he)(she)(they) (is)(are) located
281 Date Name(s) of individual(s)

282 in _____ and that this record is part of or pertains to a matter that is to be
283 filed with or is before a court, governmental entity, or other entity located in the United States or
284 involves property located in, or a transaction substantially connected with, the United States.

285 _____
286 Signature of notary public

287 Stamp

288 [_____]
289 Title of office

290 [My commission expires: _____]

291 (3) For an acknowledgment in a representative capacity by an individual located
292 outside the United States:

293 District of Columbia

294 This record was acknowledged before me by use of communication technology on

295 _____ by _____ as (type of authority, such as officer or trustee) of (name
296 Date Name(s) of individual(s))

297 of party on behalf of whom record was executed), who declared that (he)(she)(they) (is)(are)
298 located in _____ and that this record is part of or pertains to a matter that is
299 to be filed with or is before a court, governmental entity, or other entity located in the United
300 States, or involves property located in, or a transaction substantially connected with, the United
301 States.

302 _____
303 Signature of notary public

304 Stamp

305 [_____]
306 Title of office

307 [My commission expires: _____]

308 (4) For witnessing or attesting a signature by an individual located outside the
309 United States:

310 District of Columbia

311 Signed [or attested] before me by use of communication technology on

312 _____ by _____, who declared that (he)(she)(they) (is)(are) located
313 Date Name(s) of individual(s)

314 in _____ and that this record is part of or pertains to a matter that is to be

315 filed with or is before a court, a governmental entity, or other entity located in the United States,
316 or involves property located in, or a transaction substantially connected with, the United States.

317 _____
318 Signature of notary public

319 Stamp

320 [_____]
321 Title of office

322 [My commission expires: _____]

323 (i) Before a notary public performs the notary public's initial notarial act under this
324 section, a notary public must notify the Mayor that the notary public will be performing notarial
325 acts by communication technology and identify the communication technology and any third
326 person that the notary public intends to rely on for identity proofing. If the Mayor has
327 established standards for approval of communication technology under subsection (j) and section
328 28, the communication technology must conform to the standards. If the communication
329 technology conforms to the standards, the Mayor shall approve the use of the communication
330 technology.

331 (j) The Mayor may adopt rules regarding the performance of a notarial act with respect to
332 an individual located outside the United States. The rules may:

333 (1) prescribe the means of performing a notarial act involving communication
334 technology to communicate with an individual located outside the United States;

335 (2) establish standards for the approval of communication technology;

336 (3) approve providers of third-person identity verification and the process of
337 identity proofing; and

338 (4) establish standards for the retention of a video and audio copy of the
339 performance of notarial acts under this act.

340 Sec. 16. Certificate of notarial act.

341 (a) A notarial act must be evidenced by a certificate. The certificate must:

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

343 (2) be signed and dated by the notarial officer and, if the notarial officer is a
344 notary public, be signed in the same manner as on file with the Mayor.

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

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

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

349 (b) If a notarial act regarding a tangible record is performed by a notary public, an official
350 seal must be affixed to or embossed on the certificate. If a notarial act is performed regarding a
351 tangible record by a notarial officer other than a notary public and the certificate contains the
352 information specified in subsection (a)(2), (3), and (4), an official seal may be affixed to or
353 embossed on the certificate. If a notarial act regarding an electronic record is performed by a
354 notarial officer and the certificate contains the information specified in subsection (a)(2), (3), and
355 (4), an official seal may be attached to or logically associated with the certificate.

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

358 (1) is in a short form set forth in section 17;

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

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

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

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

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

369 (f) If a notarial act is performed regarding a tangible record, a certificate must be part of,
370 or securely attached to, the record. If a notarial act is performed regarding an electronic record,
371 the certificate must be affixed to, or logically associated with, the electronic record. If the Mayor
372 has established standards pursuant to section 28 for attaching, affixing, or logically associating
373 the certificate, the process must conform to the standards.

374 Sec. 17. Short form certificates.

375 The following short form certificates of notarial acts are sufficient for the purposes
376 indicated, if completed with the information required by section 16(a) and (b):

377 (1) For an acknowledgment in an individual capacity:

378 District of Columbia

379 This record was acknowledged before me on _____ by _____

380 _____ Date Name(s) of individual(s)

381 _____

382 Signature of notarial officer

383 Seal

384 [_____]

385 Title of office

386 [My commission expires: _____]

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

388 District of Columbia

389 This record was acknowledged before me on _____ by _____

390 Date Name(s) of individual(s)

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

393 _____

394 Signature of notarial officer

395 Seal

396 [_____]

397 Title of office

398 [My commission expires: _____]

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

400 District of Columbia

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

402 Date Name(s) of individual(s)

403 making statement

404 _____

405 Signature of notarial officer

406 Seal

407 [_____]

408 Title of office

409 [My commission expires: _____]

410 (4) For witnessing or attesting a signature:

411 District of Columbia

412 Signed [or attested] before me on _____ by _____

413 Date Name(s) of individual(s)

414 _____

415 Signature of notarial officer

416 Seal

417 [_____]

418 Title of office

419 [My commission expires: _____]

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

421 District of Columbia

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

423 of _____.

424 Dated _____

425 _____

426 Signature of notarial officer

427 Seal

428 [_____]

429 Title of office

430 [My commission expires: _____]

431 Sec. 18. Official seal.

432 The official seal of a notary public must:

433 (1) include the notary public's name, jurisdiction, commission expiration date, and other
434 information required by the Mayor; and

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

437 Sec. 19. Sealing device.

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

442 (b) If a notary public's sealing device is lost or stolen, the notary public or the notary
443 public's personal representative or guardian shall notify promptly the commissioning officer or
444 agency on discovering that the device is lost or stolen.

445 Sec. 20. Journal.

446 (a) A notary public shall maintain a journal in which the notary public chronicles all
447 notarial acts that the notary public performs. The notary public shall retain the journal for 10
448 years after the performance of the last notarial act chronicled in the journal.

449 (b) A journal may be created on a tangible medium or in an electronic format. A notary
450 public shall maintain only one journal at a time to chronicle all notarial acts, whether those
451 notarial acts are performed regarding tangible or electronic records. If the journal is maintained

452 on a tangible medium, it must be a permanent, bound register with numbered pages. If the
453 journal is maintained in an electronic format, it must be in a permanent, tamper-evident
454 electronic format complying with the rules of the Mayor.

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

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

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

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

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

463 (5) if identity of the individual is based on satisfactory evidence, a brief
464 description of the method of identification and the identification credential presented, if any,
465 including the date of issuance and expiration of any identification credential; and

466 (6) the fee, if any, charged by the notary public.

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

469 (e) On resignation from, or the revocation or suspension of, a notary public's
470 commission, the notary public shall retain the notary public's journal in accordance with
471 subsection (a) and inform the Mayor where the journal is located.

472 (f) Instead of retaining a journal as provided in subsections (a) and (e), a current or
473 former notary public may transmit the journal to the Mayor.

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

477 Sec. 21. Notification regarding performance of notarial act on electronic record;
478 selection of technology.

479 (a) A notary public may select one or more tamper-evident technologies to perform
480 notarial acts with respect to electronic records. A person may not require a notary public to
481 perform a notarial act with respect to an electronic record with a technology that the notary
482 public has not selected.

483 (b) Before a notary public performs the notary public's initial notarial act with respect to
484 an electronic record, a notary public shall notify the Mayor that the notary public will be
485 performing notarial acts with respect to electronic records and identify the technology the notary
486 public intends to use. If the Mayor has established standards for approval of technology pursuant
487 to section 28, the technology must conform to the standards. If the technology conforms to the
488 standards, the Mayor shall approve the use of the technology.

489 Sec. 22. Commission as notary public; qualifications; no immunity or benefit.

490 (a) An individual qualified under subsection (b) may apply to the Mayor for a
491 commission as a notary public. The Mayor may appoint such number of notaries public as in the
492 Mayor's discretion the business of the District may require. The applicant shall comply with and
493 provide the information required by rules established by the Mayor and pay the application fee.

494 (b) The application fee required by subsection (a) shall be \$75, or other amount provided
495 by rules adopted by the Mayor, except that there is no application fee for a notary public in the
496 service of the governments of the United States or District of Columbia whose notarial duties are

497 confined solely to official government business. A notary public who is exempted from the
498 payment of the application fee may not collect a notary fee.

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

500 (1) be at least 18 years of age;

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

502 (3) be a resident of or have a place of employment or practice in the District;

503 (4) be able to read and write English;

504 (5) not be disqualified to receive a commission under Section 24;

505 (6) have passed the examination required under section 23(a); and

506 (7) meet any other qualifications prescribed by rules adopted by the Mayor.

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

508 shall execute an oath of office and submit it to the Mayor.

509 (e) Before issuance of a commission as a notary public, the notary public shall submit to

510 the Mayor an assurance in the form of a surety bond or its functional equivalent in the amount of

511 \$2,000, or other amount prescribed by rules adopted by the Mayor. The assurance must be

512 issued by a surety or other entity licensed or authorized to do business in this state. The

513 assurance must cover acts performed during the term of the notary public's commission and must

514 be in the form prescribed by the Mayor. If a notary public violates law with respect to notaries

515 public in the District, the surety or issuing entity is liable under the assurance. The surety or

516 issuing entity shall give 30-days' notice to the Mayor before canceling the assurance. The surety

517 or issuing entity shall notify the Mayor not later than 30 days after making a payment to a

518 claimant under the assurance. A notary public may perform notarial acts in the District only

519 during the period that a valid assurance is on file with the Mayor.

520 (f) Each notary public shall file his or her signature and deposit an impression of his or
521 her official seal with the Mayor.

522 (g) On compliance with this section, the Mayor shall issue a commission as a notary
523 public to an applicant for a term of 5 years subject to removal pursuant to section 22. A
524 certificate issued by the Mayor granting this commission may be signed by the Secretary of the
525 District of Columbia.

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

529 Sec. 23. Examination of notary public.

530 (a) An applicant for a commission as a notary public who does not hold a commission in
531 the District must pass an examination administered by the Mayor or an entity approved by the
532 Mayor. The examination must be based on the course of study described in subsection (b).

533 (b) The Mayor or an entity approved by the Mayor shall offer regularly a course of study
534 to applicants who do not hold commissions as notaries public in the District. The course must
535 cover the laws, rules, procedures, and ethics relevant to notarial acts.

536 Sec. 24. Grounds to deny, refuse to renew, revoke, suspend, or condition commission of
537 notary public.

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

541 (1) failure to comply with this act;

542 (2) a fraudulent, dishonest, or deceitful misstatement or omission in the

543 application for a commission as a notary public submitted to the Mayor;

544 (3) a conviction of the applicant or notary public of any felony or a crime
545 involving fraud, dishonesty, or deceit;

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

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

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

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

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

556 (9) failure of the notary public to maintain an assurance as provided in section
557 22(e).

558 (b) If the Mayor denies, refuses to renew, revokes, suspends, or imposes conditions on a
559 commission as a notary public, the applicant or notary public is entitled to timely notice and
560 hearing in accordance with the District of Columbia Administrative Procedure Act in the Office
561 of Administrative Hearings.

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

565 Sec. 25. Database of notaries public.

566 The Mayor shall maintain an electronic database of notaries public:
567 (1) through which a person may verify the authority of a notary public to perform notarial
568 acts; and
569 (2) which indicates whether a notary public has notified the Mayor that the notary public
570 will be performing notarial acts on electronic records.

571 Sec. 26. Prohibited acts.

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

573 (1) assist persons in drafting legal records, give legal advice, or otherwise practice
574 law;
575 (2) act as an immigration consultant or an expert on immigration matters;
576 (3) represent a person in a judicial or administrative proceeding relating to
577 immigration to the United States, United States citizenship, or related matters; or
578 (4) receive compensation for performing any of the activities listed in this
579 subsection.

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

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

583 (d) A notary public, other than an attorney licensed to practice law in the District, may
584 not advertise or represent that the notary public may assist persons in drafting legal records, give
585 legal advice, or otherwise practice law. If a notary public who is not an attorney licensed to
586 practice law in the District in any manner advertises or represents that the notary public offers
587 notarial services, whether orally or in a record, including broadcast media, print media, and the
588 Internet, the notary public shall include the following statement, or an alternate statement

589 authorized or required by the Mayor, in the advertisement or representation, prominently and in
590 each language used in the advertisement or representation: “I am not an attorney licensed to
591 practice law in the District. I am not allowed to draft legal records, give advice on legal matters,
592 including immigration, or charge a fee for those activities”. If the form of advertisement or
593 representation is not broadcast media, print media, or the Internet and does not permit inclusion
594 of the statement required by this subsection because of size, it must be displayed prominently or
595 provided at the place of performance of the notarial act before the notarial act is performed.

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

599 (f) A notary may not charge a higher fee than permitted by this act or the rules adopted by
600 the Mayor.

601 Sec. 27. Validity of notarial acts.

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

609 Sec. 28. Rules.

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

613 (b) Rules adopted by the Mayor pursuant to any law repealed by this Act shall remain in
614 effect until superseded by rules adopted pursuant to subsection (a).

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

618 (d) At a minimum, the rules issued pursuant to subsection (a) shall:

619 (1) Establish the fees for performing notarial acts, except that the fees to be
620 charged by notaries public shall not be less than \$5;

621 (2) Prescribe the manner of performing notarial acts regarding tangible and
622 electronic records;

623 (3) Ensure that any change to or tampering with a record bearing a certificate of a
624 notarial act is self-evident;

625 (4) Ensure integrity in the creation, transmittal, storage, or authentication of
626 electronic records or signatures;

627 (5) Prescribe the process of granting, renewing, conditioning, denying,
628 suspending, or revoking a notary public commission and assuring the trustworthiness of an
629 individual holding a commission as notary public;

630 (6) Prevent fraud or mistake in the performance of notarial acts;

631 (7) Establish the process for approving and accepting surety bonds and other
632 forms of assurance under section 22(e);

633 (8) Provide for the administration of the examination under section 23(a) and the
634 course of study under section 232(b);

635 (9) Provide for qualifications to become a notary public pursuant to section
636 22(c)(7); and

637 (10) Provide other procedures and requirements to carry out the purposes of this
638 act.

639 (e) In adopting, amending, or repealing rules about notarial acts with respect to electronic
640 records, the Mayor shall consider, so far as is consistent with this act:

641 (1) The most recent standards regarding electronic records promulgated by
642 national bodies, such as the National Association of Secretaries of State;

643 (2) Standards, practices, and customs of other jurisdictions that substantially enact
644 this act; and

645 (3) The views of governmental officials and entities and other interested persons.

646 Sec. 29. When notary public commission in effect.

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

651 Sec. 30. Savings clause.

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

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

656 Sec. 31. Uniformity of application and construction.

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

659 Sec. 32. Relation to electronic signatures in global and national commerce act.

660 This act modifies, limits, and supersedes the Electronic Signatures in Global and National
661 Commerce Act, 15 U.S.C. § 7001 et seq., but does not modify, limit, or supersede section 101(c)
662 of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described
663 in section 103(b) of that act, 15 U.S.C. § 7003(b).

664 Sec. 33. Repealers; conforming amendment.

665 (a) The Uniform Law on Notarial Acts of 1991 (D.C. Law 8-205; D.C. Code §§ 42-141
666 to 42-147) is repealed.

667 (b) Sections 558 to 573 of An Act to establish a code of law for the District of Columbia,
668 approved March 3, 1901 (31 Stat. 1279, ch. 854; D.C. Code §§ 1-1201 to 1-1215), are repealed.

669 (c) Sections 4 and 5 of the Act entitled “An Act To authorize the commissioners of the
670 District of Columbia to appoint notaries public”, approved December 16, 1944 (58 Stat. 811, ch.
671 597; D.C. Code §§ 1-1216 to 1-1217), are repealed.

672 (d) D.C. Code § 15-501 is amended by adding after subsection (a) the following new
673 subsection (a-1):

674 “(a-1). A notary's official seal and his official documents shall be exempt from
675 execution.”

676 Sec. 34. Fiscal impact statement.

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

680 Sec. 35. Effective date.

681 This act shall take effect following approval by the Mayor (or in the event of veto by the
682 Mayor, action by the Council to override the veto), a 60-day period of Congressional review as
683 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
684 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
685 Columbia Register.