



# NOTARY NOTES

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## How to Request an Apostille

When documents notarized in Pennsylvania are intended for use outside the United States, some proof that the notary was officially commissioned and authorized to act may be required.

Depending on the country where the notarized document is to be used, the Department of State issues either an apostille or a certification. The apostille is recognized by countries that have signed Convention 12 of The Hague Conference on Private International Law. Anyone may request to have the notarization on a document authenticated in this way.

To provide this authentication, the Department requires that the notarization must be done properly. All notarized documents presented to the Secretary of the Commonwealth for authentication MUST contain:

- ▶ the date of the notarial act;
- ▶ the proper notarial wording for the notarial act;
- ▶ the notary's official stamp (an embossing seal is not required, but may be used in conjunction with the stamp); and
- ▶ the notary's signature.

Documents that do not contain appropriate notarial wording will be rejected and returned.

Once the document is notarized properly, follow these steps to request an apostille:

1. Attach a request for an apostille. A request form is available on the Department of State's Web site, [www.dos.pa.gov/OtherServices/Certifications\\_Apostilles/Documents/apostilles%20and%20authentication.pdf](http://www.dos.pa.gov/OtherServices/Certifications_Apostilles/Documents/apostilles%20and%20authentication.pdf). Make sure you identify the country where the notarized document will be used.

2. Enclose a \$15 personal check, cashier's check or money order per certificate payable to "Commonwealth of Pennsylvania." Each notarized document requires a separate apostille. (The customer pays all fees for the apostille.)
3. Enclose a stamped envelope, addressed to the customer, for the return of the document and the certificate. If the customer wants the apostille to be returned by express delivery, he or she must enclose a prepaid express delivery form with the request. (The Department does not accept FedEx or DHL for the return shipment of documents.)
4. Mail everything to the Pennsylvania Department of State at the address on the request form.

The original document and the apostille will be returned to the customer as quickly as possible, depending on the volume of work and the resources available. Walk-in requests are accepted and processed while the customer waits, from 8:00 AM to 4:30 PM, Monday through Friday (except State holidays). Walk-ins should arrive by 4:00 PM so documents can be processed before the end of the business day. The customer may then mail or take the documents to their final destination.

To ensure that your request is processed quickly, the Department recommends that you enclose the correct fee, identify the country where the documents will be used, and send only original notarized documents. Do not send photocopies.

For general information, visit the Department's Web site [www.dos.pa.gov/OtherServices/Certifications\\_Apostilles/Pages/default.aspx](http://www.dos.pa.gov/OtherServices/Certifications_Apostilles/Pages/default.aspx).

If you have specific questions regarding documents that will be used overseas, contact the Pennsylvania Department of State, the consulate or embassy of the country where the documents will be used, or an attorney qualified to advise you.

# Common Questions Notaries Receive

**A**s notaries, sometimes we forget that the everyday customer does not understand the ins and outs of completing a notarization. You may receive some common questions from your customers that you do not expect, so we have put together a list for you to refer to in order to best assist your customers!

**Q: Why does a document need to be notarized?**

**A:** There are a variety of reasons, but ultimately to deter fraud. Notaries act as impartial witnesses to ensure that you (the signer) are who you claim to be and are signing the document willingly.

**Q: Can any document be notarized?**

**A:** No, for a document to be notarized it must contain notary wording or have wording added by the notary. It can't be false, frivolous, or fake.

**Q: Can any notary do motor vehicle paperwork?**

**A:** Technically, yes, however we suggest that only authorized agents complete motor vehicle transactions.

**Q: Can you give me legal advice?**

**A:** Absolutely not. Notaries are not allowed to prepare legal documents or act as a legal advisor if they are not an attorney.

**Q: Do I need to be present for the transaction?**

**A:** Yes! Notaries are required to meet their customer in person or via an approved audio-visual technology, to confirm their identity.

**Q: Why do you need my ID?**

**A:** The notary is legally required to confirm the identity of the signer. The ID needs a signature or a photograph of the signer.

It's important to establish a good relationship with your customers by being open and honest about the nature of your work, and answering all questions. This helps to keep them coming back every time!

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## AG's Resources Help Fight, Repair Identity Theft

*"The Pennsylvania Attorney General's Office has created a comprehensive web-based Identity Theft Toolkit to help the people of the Commonwealth protect themselves from predators and begin the recovery process."*

[View the Attorney General's toolkit](#)

**These topics educate Pennsylvanians on how to prevent identity theft:**

- ▶ Identity Theft Frequently Asked Questions
- ▶ Identity Theft Preventative Measures Checklist
- ▶ Identity Theft Proper Secure Passwords
- ▶ Identity Theft Phishing, Pharming and Vishing
- ▶ Identity Theft On-line Shopping



For those who have been victimized by identity thieves, these topics link to information on how to recover:

- ▶ Identity Theft Credit Bureau Information
- ▶ Identity Theft Corrective Actions Checklist
- ▶ Identity Theft Contact Log
- ▶ ID Theft Affidavit

# Keep Your Information Up to Date

If you've changed your name, address, or email address since your last application for a notary commission, you need to update your information with the Department of State. You have 30 days to notify the Department of any change to the name, address, or email address information you have on file.

You can change your notary public record on the Department's web site: [www.dos.pa.gov/OtherServices/Notaries/NotaryServices/Pages/Update-Information-.aspx](http://www.dos.pa.gov/OtherServices/Notaries/NotaryServices/Pages/Update-Information-.aspx)

A **name change** must be accompanied by evidence of the change, such as a marriage certificate, court order, or divorce decree.

Once you have notified the Department of your name change, you may:

- Continue notarizing documents using your current official stamp and signing your old name until your commission expires and then reapply using your new name; or

- Purchase a new official stamp showing your new name, register your new signature with the county of your office of record, and begin signing documents with your new name.

An **address change** may be made to your employer/business address or to your home address. In either case, you must provide the effective date of the address change.

If your office of record moves to a new county, you must register your signature in the prothonotary's office of the new county and purchase a new official stamp, to include the new county's name.

If you no longer live or work in Pennsylvania, you are deemed to have resigned your notary commission. You have 30 days to notify the Department of the effective date of your resignation, deliver your journal to the recorder of deeds in the county where you maintained your office of record, and destroy your official stamp to prevent unauthorized use.

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## Placing Your Official Stamp on Documents

**Q.** I notarize many documents where it's very hard to place my official stamp without overlapping any text on the document. What should I do?

**A.** It is not illegal to place your official stamp on a document in such a way that the stamp impression overlaps text. This requirement arises out of the need to be able to read everything on the document, even if the document has been scanned or copied.

Section 317(3) of the Revised Uniform Law on Notarial Acts (RULONA) states that the stamp “**must be capable of being copied together with the record to which it is affixed or attached ....**”

Stamping over text or signatures on the document may make the stamp impression or the text on the document harder to read.

This is more important on some types of documents than on others. For example, recorders of deeds check to make sure the stamp impression is legible because recorded documents are scanned into an electronic format for storage and retrieval. On the other hand, some motor vehicle forms do not have enough space to place a notarial seal without overlapping other text.

Aim for as clear a space as you can find, nearest to your signature, and place your stamp on the document as best you can.

# One Year to REAL ID Enforcement

Federal and state transportation officials across the country are reminding citizens that now is the time to apply for a REAL ID-compliant driver's license or photo ID card.

Enforcement of REAL ID for commercial domestic air travel and other federal purposes is scheduled to begin May 3, 2023.

No one is required to obtain a REAL ID; standard-issue driver's licenses and photo ID cards will continue to be issued. But those licenses and ID cards will not be accepted for boarding a domestic flight, or getting into a federal building that requires ID to enter.

**A reminder:** Participation in the TSA Precheck or other expedited security program does not replace the need for REAL ID identification at airports.

There is no requirement that any resident obtain a Real ID; PennDOT continues to offer standard-issue driver's licenses and photo IDs.



Out of the 8.3 million customers the Pennsylvania Department of Transportation (PennDOT) served since March 1, 2019, PennDOT reported that approximately 1.6 million REAL ID-compliant driver's licenses and photo ID cards were issued. That leaves roughly 6.7 million who have chosen not to participate, or who will use another federally acceptable form of ID, such as a U.S. passport.

Last year, the Department of Homeland Security estimated that only 43 percent of driver's licenses were REAL ID-compliant. That low number, as well as a drop in license renewals due to the pandemic, caused the DHS to revise its enforcement date, from October 1, 2022 to May 3, 2023.

Pennsylvania residents who want REAL ID-compliant identification and have not yet applied need to gather the required documents:

- Proof of identity: Examples include original or certified copy of a birth certificate filed with the State Office of Vital Records/Statistics with a raised seal/embossed or valid, unexpired, U.S. passport;
- Proof of Social Security number: Social Security card, in current legal name;
- Two proofs of current, physical Pennsylvania address: Examples include a current, unexpired Pennsylvania driver's license or ID card, vehicle registration or a utility bill with the same name and address; and
- Proof of all legal name changes (if current legal name is different than what is reflected on proof of identity document): Examples include a certified marriage certificate(s) issued by the county court for each marriage, court order(s) approving a change in legal name or amended birth certificate issued by the State Office of Vital Records/Statistics. If current name is the same as what is reflected on proof of identity document (usually birth certificate or passport), a customer does not need to show proof of legal name changes.

Customers who have had documents pre-verified may order the REAL ID online; the product will be mailed within 15 business days.

Customers can visit any Driver License Center to have their documents verified; the REAL ID product will be mailed within 15 business days.

Customers can visit one of 13 REAL ID Centers to have their documents verified and receive their REAL ID over the counter at the time of service.

There is a one-time fee of \$30, plus \$30.50 for renewing a four-year noncommercial driver's license or \$31.50 for renewing a photo ID. The expiration date of the initial REAL ID product will include any time remaining on the existing non-REAL ID product, plus an additional four years, unless the customer is over 65 and has a two-year license. After the initial REAL ID product expires, customers pay no additional fee, beyond the regular renewal fee, to renew their REAL ID product.

# Upgrade Fee May Be Due on Plate Transfer

The owner of a registration plate may transfer it from one vehicle to another, either when applying for title (for example, when buying a new vehicle) or for a vehicle already titled in the owner's name. The transfer can be completed only if the vehicle to which the plate is being transferred does not already have a valid registration.

When a customer transfers a registration plate from a vehicle in a lower registration class to a vehicle in a higher registration class, the customer must pay an increase fee in addition to the plate transfer fee. The increase fee, also called an upgrade fee, covers the difference between the amount already paid for the lower registration class and the amount due for the higher registration class. Follow these steps to calculate the fee:

1. **Divide** the annual registration fee for each vehicle by 12 to get a monthly registration fee. (Form MV-70S – Bureau of Motor Vehicles Schedule of Fees shows the

registration fees for all classes of vehicles. Go to [www.dot.state.pa.us/public/dvsubforms/BMV/BMV%20Forms/MV-70S.pdf](http://www.dot.state.pa.us/public/dvsubforms/BMV/BMV%20Forms/MV-70S.pdf).)

2. **Subtract** the lower monthly fee from the higher monthly fee to get the monthly upgrade fee.
3. **Multiply** the monthly upgrade fee by the number of months left in the registration. Remember to count the beginning AND ending months.

**Note:** If the registration plate is being transferred from a vehicle in a higher class to a vehicle in a lower class, there is no refund.

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## Eligibility for Registration Plate Transfer

When a vehicle title is transferred to a purchaser, the registration plate can be transferred only if the purchaser is an eligible relative of the seller:

- spouse
- child (son, daughter, step-son, step-daughter)
- child-in-law (son-in-law, daughter-in-law)
- parent (includes step-parent)
- parent-in-law (father-in-law, mother-in-law)

If the purchaser is someone other than one of the eligible relatives listed above, the purchaser must apply for a new registration plate.

For example, if the car is being transferred to a brother or sister of the seller, they cannot have the seller's registration plate

transferred to them; they must apply for a new registration plate. See Section 1314 of the Vehicle Code.

If a vehicle with an antique, classic or collectible registration is transferred to a new owner, salvaged or scrapped, the vehicle registration expires. However, if the transfer is between spouses or between parent and child, the registration may be transferred upon payment of a transfer fee. See Section 1307(e) of the Vehicle Code.

Chapter 13 of the Vehicle Code, Title 75 of the Pennsylvania Consolidated Statutes, is available at [www.dmv.pa.gov/Information-Centers/Laws-Regulations/Pages/PA-Vehicle-Code-\(Title-75\).aspx](http://www.dmv.pa.gov/Information-Centers/Laws-Regulations/Pages/PA-Vehicle-Code-(Title-75).aspx).

# DRIVER & VEHICLE SERVICES UPDATE



The Pennsylvania Department of Transportation (PennDOT) released a Driver and Vehicle Services Update bulletin covering the titling requirements and supporting documentation for reconstructed and flood vehicles.

When reviewing and submitting MV-426B applications to PennDOT or to an online agent, the application packet must include the following:

- Completed MV-426B with original signatures
  - MV-41 if a replacement Vehicle Identification Number (VIN) is required
- Valid proof of ownership document
- MV-1 - Application for Certificate of Title
- Appraisal report
- Bill of sale, or MV-13ST if vehicle was reassigned free of charge
- Power of attorney if anyone is signing on behalf of the buyer or seller

- Retention (buy-back) letter from insurance company
- Copies of all receipts for components replaced, or salvage certificate(s) for vehicle(s) providing components
- Weight slip if correct unladen weight is not listed on ownership document
- Detailed description of how the vehicle was configured or assembled
- Photographs
- All applicable fees

If any items are missing, agents should not move forward with titling; failure to submit the required documentation will result in rejection or title recall.

The reconstructed title must be processed (by an online agent or by PennDOT) before any registration can be issued.

The complete bulletin, No. 22-3, dated May 2022, is available online at the Driver and Vehicle Services Update page: [www.dmv.pa.gov/Information-Centers/Business-Partner/Pages/Driver-and-Vehicle-Services-Bulletin.aspx](http://www.dmv.pa.gov/Information-Centers/Business-Partner/Pages/Driver-and-Vehicle-Services-Bulletin.aspx)



## Does Your Notary Commission Expire in the Next Six Months?

Don't Delay! Get Started on Your Reappointment Today.

Start the process now to ensure your reappointment is on time. Renew online at [www.notary.org](http://www.notary.org). Just click on the link "Renew Your Notary" on our home page for details.

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### About PAN

Founded in 1955, PAN is America's first notary association, dedicated to helping notaries serve the public with confidence. Our commitment is to you and to your success as an appointed official of the Commonwealth. Let us know how we can serve you better. If you have a question or comment, call PAN at 800-944-8790 or send an email to PAN at [PAN@notary.org](mailto:PAN@notary.org).



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