



NOTARY NOTES

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QUICK Q&A: Electronic Notary

What is an electronic notary?

An electronic notary (or eNotary) is a commissioned notary who is also authorized to perform notarial acts by affixing their signature and official stamp electronically to a document.

How do I become an electronic notary?

First, you must have a current Pennsylvania notary commission.

Second, you must apply for electronic notary status on the Department of State's web site. There is no application fee.

Third, you must sign up with one or more approved vendors and notify the Department as to which vendor(s) you have chosen. PAN does not recommend a specific vendor or vendors that you should use.

Do I have to take education?

Aside from the three hours of notary education you must take to get your notary commission, there is no separate education for electronic notaries. However, the vendor(s) you choose may have training for you to learn how to use their product(s).

Do I have to get a separate bond?

The Department does not require a separate bond to become an electronic notary.

Is a notary Errors & Omissions policy required?

You are not required to purchase E&O. PAN offers an E&O policy that includes coverage for electronic notarization. Other E&O policies may not include this coverage.

What fees am I allowed to charge?

As a notary, you are permitted to charge the notary fees set by the Department for performing notarial acts. You may also charge a clerical fee for providing additional services, as long as your customer agrees to the fee in advance and you provide your customer with an itemized receipt.

Are there documents that cannot be notarized electronically?

At this time, the Pennsylvania Department of Transportation (PennDOT) does not accept any motor vehicle or driver licensing forms notarized electronically. This includes motor vehicle powers of attorney (POAs).

Likewise, Pennsylvania does not permit the maker's acknowledgment or the witnesses' verifications on oath or affirmation on a will to be notarized electronically.

For other types of documents, you should ask the receiver of the document if they will accept an electronic notarization.

How do I record the notary acts I perform as an eNotary in my journal?

You are required to record electronic notarizations in a tamper-evident form, just as you would when you notarize a paper document. You are permitted to maintain separate journals for paper records and electronic records. Your vendor may have an electronic notary journal built into their system that you may use to record your electronic notarizations.

Are there any other requirements?

For remote online notarizations only, you are required to have an audio-visual recording of each notarization you perform and keep those recordings on file for 10 years. Ask your vendor for information on how they will store recordings for you.

For more information on Electronic Notarization, see Chapter 12 in PAN's *Practical Guide for Notaries Public in Pennsylvania*, 31st edition.

Identifying Your Customer

To have a document notarized, your customer must appear in person before you and must be identified. In a remote online notarization, the personal appearance requirement is met through audio-visual technology. Face-to-face, you can identify your customer through *personal knowledge* or *satisfactory evidence* of identity.

Personal Knowledge

Do you know your customer as a friend, neighbor, or relative with whom you've had shared experiences? Is this customer personally known to you because you have known them over a period of time and in a variety of situations? Your personal knowledge of your customer serves as proper identification because you are absolutely sure of who your customer is.

When you make the entry for the notarization in your journal, indicate "personal knowledge" as the method of identification.

If you have any doubts at all about your customer's identity, you should ask for satisfactory evidence.

Satisfactory Evidence

There are two types of satisfactory evidence defined in the Revised Uniform Law on Notarial Acts (RULONA) – acceptable identification and credible witness.



Acceptable identification is any current, government-issued form of identification that contains a photograph or signature and is satisfactory to you, the notary. (The identification may be REAL ID compliant or not, as long as it meets these requirements.) Acceptable identification includes a passport, driver's license, or government-issued non-driver identification card which is current and unexpired.

You should carefully inspect the identification your customer presents to you to make sure it is valid. Does the customer look like their photograph? Look for signs that the photo or printing has been altered. Check both sides of the identification for language that indicates it is not government-issued. Hold the identification to the light and look for security features. Refer to [PennDOT's Security Features FAQs](#). If you are not satisfied with the ID presented, you may ask for another form of ID or refuse to notarize.

When you make the entry for the notarization in your journal, indicate "satisfactory evidence" as the method of identification and describe the identification presented to you, including any effective and expiration dates.

Credible Witness

If your customer is not personally known to you and cannot provide acceptable identification, then you may rely on the testimony of a third person called a *credible witness*. The credible witness must be known to you personally, and must know your customer personally.

Before you perform the notarization for your customer, you must notarize a verification on oath or affirmation signed by the credible witness who must swear or affirm that the following is true:

- The individual who is requesting the notarization (your customer) is the individual named in the document.
- The credible witness personally knows your customer through dealings sufficient to provide the credible witness with reasonable certainty that your customer has the identity claimed.

Remember to record the verification on oath or affirmation as a separate and complete notary act in your journal.

When you make the entry for the notarization in your journal, indicate "credible witness" as the method of identification and write in the name of the credible witness.

Follow the Notary Law First

Q. I work for a large bank. My employer has a policy that we are not allowed to accept a U. S. passport card for identification purposes. Can my employer restrict the types of identification I can accept?

A. Section 307 of the Revised Uniform Law on Notarial Acts (RULONA) covers the identification of your customer. Paragraph (b) describes the requirements for satisfactory evidence of identity:

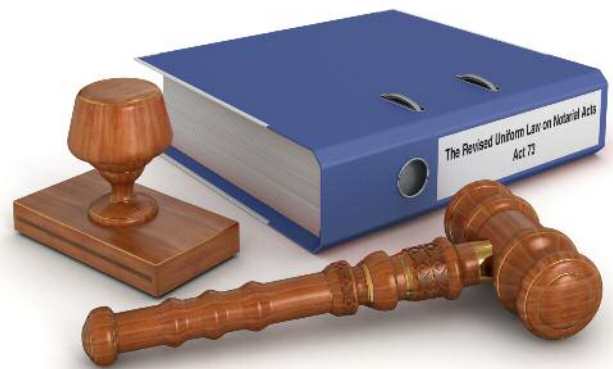
(b) Satisfactory evidence.--A notarial officer has satisfactory evidence of the identity of an individual appearing before the notarial officer if the notarial officer can identify the individual [...]:

- (1) By means set forth in any of the following subparagraphs:
 - (i) A passport, driver's license or government-issued non-driver identification card, which is current and unexpired.
 - (ii) Another form of government identification issued to an individual, which:
 - (A) is current;
 - (B) contains the signature or a photograph of the individual; and
 - (C) is satisfactory to the notarial officer.

A U. S. passport card is not “a passport, driver’s license or government-issued non-driver identification card” but it is “another form of government identification issued to an individual” as described in Section 307(b)(1)(ii).

For reasons good to your employer, your employer has determined that a passport card is not satisfactory identification for business purposes.

This does not preclude you from following RULONA (and your employer’s policy) in accepting forms of identification *other than a passport card* from your customers under Section 307(b)(1)(ii).



Advertising Your Notary Services

Pennsylvania’s notary law generally prohibits false advertising and specifically prohibits advertising your services in legal or immigration matters unless you are an attorney.

The Revised Uniform Law on Notarial Acts (RULONA) Section 325 states that a commission as a notary public does not authorize you to:

- Draft legal records, give legal advice, or otherwise practice law,
- Act as an expert or consultant on immigration matters,
- Represent a person in judicial or administrative proceedings relating to immigration or citizenship, or
- Charge a fee for providing any of these services.

If you advertise or represent that you offer notary services, including via broadcast or print media and the internet, you must

include the following (or a substantially similar) statement prominently and in each language used in the advertisement:

I am not an attorney licensed to practice law in this Commonwealth. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities.

If the advertisement does not permit inclusion of the required statement because of size, you must display the statement prominently or provide it to your customer before the notarial act is performed.

PAN offers an engraved desk sign to help you meet this requirement. Visit [Notary Signs & Charts](#) on our web site to order yours.

ATTENTION MEMBERS!

We want to share your unique stories about why you became a notary! Whether you became a notary for an employer, to help the public, or just for fun, your story is important to us and deserves recognition.

Visit [PAN's Blog](#) to find out how you can be spotlighted in a future issue of *Notary Notes*.



Need a Copy of Your Commission?

If you need a copy of your notary commission certificate, you can request one by writing to:

Pennsylvania Department of State
Division of Commissions, Legislation and Notaries
210 North Office Building
Harrisburg, PA 17120

Provide your name as it appears on your commission and your commission number. Your commission number is shown on your official stamp.

There is no charge for a duplicate commission certificate.

PAN's Latest Recruit-A-Member Winner Is ...

SILVANA AUDLEY

Pittsburgh, Allegheny County

All members can earn chances to win \$100. The next recruiting period is October, November, and December. Just introduce a new member to all the benefits the Association has to offer. Your name will be entered into a drawing to be held December 30. The more members you recruit, the more chances you have to win. The next Recruit-A-Member winner will be announced in the January 2023 issue of *Notary Notes*.

Here are the rules:

- All PAN members in good standing are invited to recruit new PAN members.
- The new member must order a First Time Notary Appointment or Notary Reappointment package between October 1 and December 30.

- When your new member recruit orders his or her First Time Notary Appointment or Notary Reappointment package, make sure your recruit gives us your PAN Customer Number.

Your Customer Number, which is printed on your membership card or on the mailing label of any recent PAN mailing, can be entered on our web site during the checkout process or given to a PAN Customer Service Representative at the time the order is placed over the phone.

- Each new member you recruit gives you one chance to win \$100. If you recruit five new members, you get five chances to win.
- A random drawing will be held on December 30, 2022 to pick the next winner.

- Education providers authorized by the Pennsylvania Department of State, PAN employees and their family members are not eligible for the \$100 prize.
- A member may win \$100 only once in a calendar year.
- The decision of PAN is final.

Remember, only current PAN members are eligible for the prize and only new PAN members who purchase a First Time Notary Appointment package or Notary Reappointment package will be counted as recruits.

Good luck!



PennDOT Phases in New Licenses, Identification Cards



Initiative is part of PennDOT's ongoing security enhancements

Harrisburg, PA – The Pennsylvania Department of Transportation (PennDOT) announced that, as part of ongoing security enhancements, PennDOT is updating the design and enhancing the security features of its driver license and identification card products.

"The update is an important component of PennDOT's ongoing work to enhance and protect the integrity of the driver license and identification card issuance process," PennDOT Secretary Yassmin Gramian said.

PennDOT is piloting the new products at the Summerdale Driver License Center in Enola beginning September 12, 2022. All Driver and Photo centers will transition to the new products by mid-November 2022. The new products will be phased in over the next four-year renewal cycle and will replace existing products. Both current and new card designs will be in circulation during the transition period.

Both standard and REAL ID compliant products will use the new design and security features. REAL ID is optional in Pennsylvania, and customers are able to opt into REAL ID. Beginning May 3, 2023, Pennsylvanians will need a REAL ID-compliant driver's license, photo ID card, or another form of federally acceptable identification (such as a valid passport or military ID) to board a domestic commercial flight or enter a federal building or military installation that requires ID. More information about REAL ID can be found on the [REAL ID](#) page on the [Driver and Vehicle Services](#) web site.

The cards look different and have additional enhanced security features that improve fraud prevention and protect from counterfeiting and alteration.

Some of the enhanced features include:

- Guilloche Security Design, a feature that includes sophisticated techniques to embed a variety of customized security patterning into the credential, using non-commercial software developed specifically for high security documents (banknotes, passports, ID cards, etc);
- Optically Variable Ghost Portrait and Variable Data with UV, features that change their appearance when the viewing angle of the card changes, which moves them from fully visible to non-visible. The card also includes an ultraviolet (UV) response that fluoresces under UV lighting. The UV response is fixed – visible under UV light regardless of viewing angle;
- Dynamic Look Through Element (DLTE), a dynamic feature with gold metallic tint that is visible under direct lighting.

The new cards comply with American Association of Motor Vehicle Association (AAMVA) 2020 specifications.

Customers may obtain a variety of driver and vehicle products and services, including all forms, publications and driver training manuals, online through on the Driver and Vehicle Services web site.



Driver and vehicle online services are available 24 hours a day, seven days a week and include driver's license, photo ID and vehicle registration renewals;

driver-history services; changes of address; driver license and vehicle registration restoration letters; ability to pay driver license or vehicle insurance restoration fee; driver license and photo ID duplicates; and driver exam scheduling. There are no additional fees for using online services.

Commonwealth Needs to Clear Up License Plate Law

A recent state appeals court ruling made covering any part of a vehicle's license plate—including the state's web site address—a reason for police to pull the vehicle over.

The Pennsylvania Superior Court ruling overturned a lower court's decision regarding a traffic stop in Philadelphia in which a police officer pulled a vehicle over for a partially obstructed registration plate. The license plate numbers were visible, but a license plate holder on the vehicle obstructed the state tourism web site at the bottom of the plate. See *Commonwealth v. Ruffin* at: www.pacourts.us/assets/opinions/Superior/out/j-s17005-22o%20-%20105250310195477950.pdf#search=%22ruffin%22.

The three-judge Superior Court held “that [Vehicle Code] Section 1132(b)(3) unambiguously prohibits the obstruction or concealment of any portion of a registration plate, including the address to our commonwealth's tourism web site.”

“While we appreciate Appellee's position that Section 1332 should be limited to the elements of a registration

plate that are actually pertinent to the identification of a vehicle's registration, that interpretation does not comport with a plain reading of the statute. As Section 1332(b)(3) unambiguously pertains to any partial covering of a Pennsylvania license plate, we may not disregard the letter of the law under the pretext of pursuing its spirit.”

Sen. Scott Martin, R-Strasburg, issued a co-sponsorship memo asking for support for legislation to clarify the state legislature's intent regarding Section 1332 of the Vehicle Code as it pertains to license plates. Martin said unless the law was changed, the court's decision “would allow for a member of law enforcement to stop a driver if any part of their license plate is obscured, even if the obstruction covers only the paint around the edges or the “visitpa.com” at the bottom of the plate. The consequence of this decision has likely made thousands Pennsylvania drivers in violation of the law overnight.”

Martin's proposed bill has not been introduced in the General Assembly yet.



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. Just click on the link “Renew Your Notary” on our home page for details.

Notary Notes is a publication of the Pennsylvania Association of Notaries (PAN), One Gateway Center, Suite 401, 420 Fort Duquesne Boulevard, Pittsburgh, PA 15222-1498, for distribution to members of the Association.

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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.



Visit us on the web at www.notary.org and follow us on Facebook, Twitter, LinkedIn, Instagram and YouTube.



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