

NOTARY NOTES

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So You're a Notary?



Are you prepared to answer common questions about the office of notary public?

Here are some short answers to keep in mind whenever someone asks about your official duties.

- The Secretary of the Commonwealth, head of the Department of State, is the notary appointing authority in Pennsylvania.

- Pennsylvania's first notary law was enacted in 1791. The law governing notaries today is the Revised Uniform Law on Notarial Acts (RULONA) codified in Title 57 of the Pennsylvania Consolidated Statutes.

- Pennsylvania notaries public are empowered to perform the following notarial acts:

- oaths and affirmations
- verifications on oath or affirmation
- acknowledgments
- witnessed or attested signatures
- certified copies of records or deposition transcripts
- protests (under the Uniform Commercial Code)

- The role of the notary public is to act as an impartial witness. A notary is not permitted to give legal advice or draft legal documents, unless the notary is also an attorney.

- The notary's jurisdiction extends to all counties within the geographical boundaries of the Commonwealth of Pennsylvania. The notary must be within the state when the notarization takes place, even if the notary is performing a remote online notarization (RON) for an individual located outside the state.

- Notaries are required to keep a chronological record of every notarization they perform.

- The official stamp and notary journal are the exclusive property of the notary, no matter who pays for them or where the notarial work is performed.

- Notary fees are set by regulation. Notary fees belong to the notary, unless otherwise agreed to by the notary and employer. Clerical or administrative fees may be charged if they are reasonable and are discussed with and agreed to by the customer in advance.

- All notaries must have three hours of state-approved education in the six months prior to appointment or reappointment.

- The following individuals are NOT eligible for a notary commission in Pennsylvania:

- Anyone holding any judicial office in Pennsylvania, except the office of magisterial district justice
- A member of the U.S. Congress, or an individual holding an office or appointment of profit or trust under the legislative, executive or judicial branches of the federal government for which a salary, fees or perquisites are received
- Any member of the Pennsylvania General Assembly (House of Representatives or Senate)

Notarizing Foreign Language Documents

Sooner or later, you may be asked to notarize a document written in a foreign language. While such a request can be intimidating, notarizing foreign language documents is easy if you follow a few simple guidelines and rely on common sense.

You do not have to understand the foreign language on a document to notarize the document properly. On an acknowledgment, for example, your customer is acknowledging that he or she signed a document. Your notarization guarantees to the receiver of the document that the customer appeared before you in person, was properly identified according to law, and acknowledged his or her signature in your presence. The key is the notarial wording; it must be in English, so you can meet these requirements properly.

You may perform a notarization on a document that is a translation of a foreign language document. The translator must sign a verification on oath or affirmation stating that the translation is accurate and complete. The translation and the translator's verification must be attached to the foreign language document.

You must be able to communicate with your customer. You may ask your customer to explain to you the purpose of the foreign language document and why he or she needs to have it notarized. Make sure your customer understands the procedure and fees, if any, that are part of the transaction. Of course, if you and your customer both speak the same foreign language fluently, you may choose to conduct the transaction in that language. No matter what language the document is written in, if you cannot communicate with your customer, you should refuse service.

If you and your customer do not speak a common language, you may use an interpreter or third party to communicate but this can be very risky. For example, you may choose to rely on a son or daughter, acting as an interpreter, in order to notarize a document for a father or mother who speaks no English. But beware of the interpreter's interest in the transaction, especially where things such as real property, vehicle titles, estates and your customer's personal rights are at stake. In these situations, the interpreter might be motivated to deceive you or your customer by intentionally mistranslating parts of the

conversation. If anything happens to arouse your suspicion about the honesty or integrity of the transaction, you may refuse to serve that customer.

Notarizing foreign language documents need not be intimidating. Just keep these points in mind:

- Demand personal appearance and identify your customer according to law.
- Make sure you can communicate with your customer honestly, especially when using a third party as an interpreter.
- The notarial wording should be in English.
- You may notarize an English translation of a foreign language document if the translation is accompanied by a verification on oath or affirmation from the translator.
- If you are uncomfortable notarizing a foreign language document, you may refuse service.

Example of Translator's Verification on Oath or Affirmation

Commonwealth of Pennsylvania

County of _____

"I, [Name of Translator], do hereby certify that I am proficient in both English and [name of foreign language], I can translate from either of these languages into the other and accordingly I am competent to perform translations. I further certify that the attached document is a true and accurate translation of the original document in [name of foreign language], and that I have translated the original document to the best of my knowledge and ability.

[Signature of Translator]

Signed and sworn to (or affirmed) before me on _____ (date) by _____ (name of translator making statement).

[Signature of Notary]
Notary Public
[Official stamp]

Six months 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.

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.



Notaries and Recorders of Deeds Work Hand-in-Hand

As public officials, notaries and recorders of deeds have a common interest in serving Pennsylvania's 12.8 million citizens.

Millions of notarized documents are recorded every year. For example, documents relating to real estate, Uniform Commercial Code filings, and even notary public bonds and commissions must be filed in one of the 67 county recorder's offices. There, deeds, mortgages, property subdivisions and other documents of public value are scanned for permanent storage and indexed for ready access.

To scan documents as accurately and efficiently as possible, recorders have established criteria for documents, such as paper size and weight, margins, font type and size, and the location of certain elements on the document. Staff are trained to look for proper notarizations, including the venue, the notarial wording, the date, the signatures, and the notary's official stamp. If a document doesn't meet the recorder's criteria, it may be rejected.



In this way, the office also serves as an informal check on notary practice and procedures. Recorders often discover errors or improper notarizations that they refer to the Department of State for disciplinary action.

PAN's President and C.E.O. Marc L. Aronson serves on the Council of Advisors to the Property Records Industry Association (PRIA), and works closely with the Pennsylvania Recorder of Deeds Association (PRODA).

CELEBRATE NATIONAL NOTARY PUBLIC DAY



Take a moment on Monday, Nov. 7, to recognize National Notary Public Day, in honor of those who serve as trusted public officials.

The first Notary Public Day was created and celebrated in 1975 to "recognize notaries for their public service and their contribution to national and international commerce."

The date of November 7 was chosen to honor Thomas Fugill, the first notary public in America. He was appointed by the Colony of New Haven on October 25, 1639 (Julian calendar), November 7 on the Gregorian calendar now in use.

We salute all notaries across the country and commend their dedicated service to the public.

Pennsylvania Looking Toward mDL

The Pennsylvania Department of Transportation (PennDOT) is exploring the concept of a mobile driver's license (mDL) – a secure, digital identification stored on a mobile device such as a smartphone.

Arizona was the first state to allow residents to upload their driver's license or identification card to their smartphones.

PennDOT REAL ID Director Sarah Baker said, "The mDL would offer a significant additional benefit to physical credentials which can be lost or stolen, become broken or damaged, contain outdated information, offer too much information (including personally identifiable information) when it is not needed by the requester, and can potentially be replicated by counterfeiters."

The development of an mDL involves cooperation and coordination among the state that is responsible for issuing driver's

licenses and ID cards, the identity verifiers that agree to accept the mDL, and the public who will present the mDL as identification.

"While we are in the early stages in Pennsylvania, we are excited for the future of an mDL for driver licensing and proof of identity as an option to serve the future needs of our residents," Baker said.



Reminder: Verification of Identity Policy Change

Currently, PennDOT business partners are required to attach a legible photocopy of the front and back of the accepted identification credentials along with any title and/or registration application submitted to PennDOT or processed through PennDOT Online Programs.

All business partners involved with title and registration transactions, regardless of online status, must start using the Driver's License Data Verification (DLDV) system and process by no later than November 30, 2022. Failure to sign up by November 30, 2022, will result in PennDOT suspending the business partner's contract.

[READ THE FULL REMINDER MEMO HERE.](#)



Does Your Notary Commission Expire in the Next Six Months?

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.

Motor Vehicle Q&A

Q. What is an excise tax?

A. An excise tax is a legislated tax on specific goods or services, for example, cigarettes, beer, alcohol, gambling, ammunition, motor fuel, airline tickets, and truck highway usage. While income tax is the primary revenue generator for federal and state governments, excise tax revenue also makes up a small portion of the total revenue collected.

Excise and sales taxes are two very different types of taxes.

- ▶ An excise tax is imposed on very specific goods and is generally the responsibility of the merchant to pay to the government. The merchant, in turn, may or may not pass the tax on to the consumer by adding it into the price.

- ▶ A sales tax, on the other hand, is charged on almost everything and is collected from the consumer by the merchant who passes it on to the government. Rather than being a fixed amount like an excise tax, the sales tax is a percentage of the price of the good or service.

An example of an excise tax is the Heavy Highway Vehicle Use Tax (HVUT) paid by anyone who has registered, or is required to register in their name, a heavy highway motor vehicle with a taxable gross weight of 55,000 pounds or more. The owner must file **IRS Form 2290** to pay the Heavy Highway Vehicle Use Tax.

Senate Bill Would Clarify License Plate Law

A bill has been introduced in the Pennsylvania Senate to clarify the state legislature's intent regarding Section 1332 of the Vehicle Code as it pertains to license plates.

Sen. Scott Martin, R-Strasburg, sponsored the bill after the state Superior Court ruled that the section "unambiguously prohibits the obstruction or concealment of any portion of a registration plate, including the address to our commonwealth's tourism web site."

The ruling in *Commonwealth v. Ruffin* "likely made thousands [of] Pennsylvania drivers in violation of the law overnight," Martin said.

Senate Bill 1357 was referred to the Senate Transportation Committee on Oct. 14. The current text of the bill is available on the [General Assembly's web site](#).

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.



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