

# NOTARY NOTES

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## Can I Refuse to Notarize?

The Revised Uniform Law on Notarial Acts (RULONA) allows a notary public to refuse to perform a notarial act.

The conditions for refusing a customer's request are in RULONA Section 308:

### § 308. Authority to refuse to perform notarial act.

(a) Specific refusal.--A notarial officer may refuse to perform a notarial act if the notarial officer is not satisfied that:

- (1) the individual executing the record is competent or has the capacity to execute the record;
- (2) the individual's signature is knowingly and voluntarily made;
- (3) the individual's signature on the record or statement substantially conforms to the signature on a form of identification used to determine the identity of the individual; or
- (4) the physical appearance of the individual signing the record or statement substantially conforms to the photograph on a form of identification used to determine the identity of the individual.

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



You can determine a customer's competence, capacity, and awareness by engaging the customer in conversation about the notarization.

If your customer presents a credential for identification, such as a driver's license, compare the signature on the credential to the customer's signature on the document.

Look carefully at the customer in front of you and the identification presented to you to see if the customer looks like his or her photograph.

If anything about the customer, the request, the document or identification presented to you, or performing the notarization itself arouses your suspicion, you may refuse to notarize.



## 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.

# Notaries Can Sign Up for Free Fraud Alerts

The City of Philadelphia's Department of Records is helping notaries public to eliminate cases of property fraud with a free service that alerts notaries when their signatures or official stamps appear on recorded documents.

All notaries commissioned in Pennsylvania and elsewhere can sign up for the Department's Deed Fraud Guard service.

If a notary's signature and stamp are used to record a property document with the Department of Records, the notary will receive an email alert to check their notary journal.

If the notary did not notarize the document in question, the notary can file an affidavit stating that they did not notarize the recorded document and no entry in their journal memorializes such a notarization.

The notary's affidavit serves as public notice that the recorded document contained a fraudulent notarization.

Philadelphia homeowners have been able to sign up for Deed Fraud Guard notifications since 2019. The service now empowers notaries to act when they are a victim of fraud.

Notaries can sign up for notifications at: [www.phila.gov/deed-fraud](http://www.phila.gov/deed-fraud). Click on "Sign Up for Deed Fraud Protection."

The Department's regulation and sample affidavit are online at: [www.phila.gov/media/20220922115348/Records-regulation-notary-affidavit-20220831.pdf](http://www.phila.gov/media/20220922115348/Records-regulation-notary-affidavit-20220831.pdf).



## New Deed Fraud Guard Services for Notaries

- 1** Register for a **FREE** account (it takes less than a minute) at [phila.gov/deed-fraud](http://phila.gov/deed-fraud)
- 2** Review email alerts to see if your signature or stamp is active on a fraudulent deed
- 3** Record a Notary Affidavit at no cost against the property

# REAL ID Deadline Extended ... AGAIN

The deadline for enforcement of the REAL ID requirement was May 3, 2023.

The U. S. Department of Homeland Security (DHS) announced in December that the deadline has been pushed back once again, to May 7, 2025.

This time, DHS officials said a lingering impact from the COVID-19 pandemic on the state agencies issuing REAL IDs was the reason for the delay.

After the May 2025 deadline, domestic travelers 18 and older on commercial flights must have a REAL ID-compliant driver's license or state photo ID identification

card. REAL ID also will be required to enter some federal facilities.

In December, DHS estimated about 52% of state-issued driver's licenses and ID cards are REAL ID compliant.



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

**LISA DAVIS**

**Latrobe, Westmoreland County**

All members can earn chances to win \$100. The next recruiting period is January, February and March. 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 Mar. 31. The more members you recruit, the more chances you have to win. The next Recruit-A-Member winner will be announced in the April *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 January 1 and March 31.

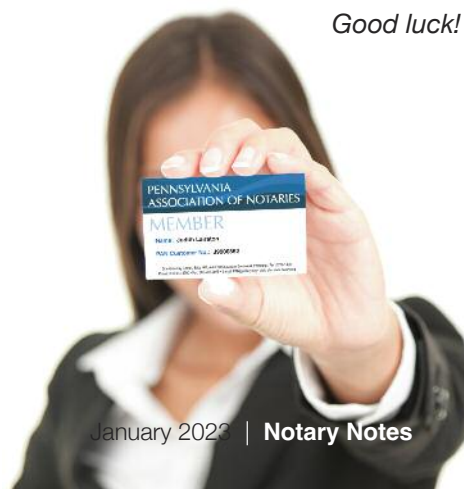
- When your new member recruit orders a First Time Notary Appointment or Notary Reappointment package, make sure your recruit gives us your PAN Member Number. Your Member Number can be entered on our web site during the checkout process or given to a PAN Member Service Representative at the time the 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 Mar. 31, 2023 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.

- 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.

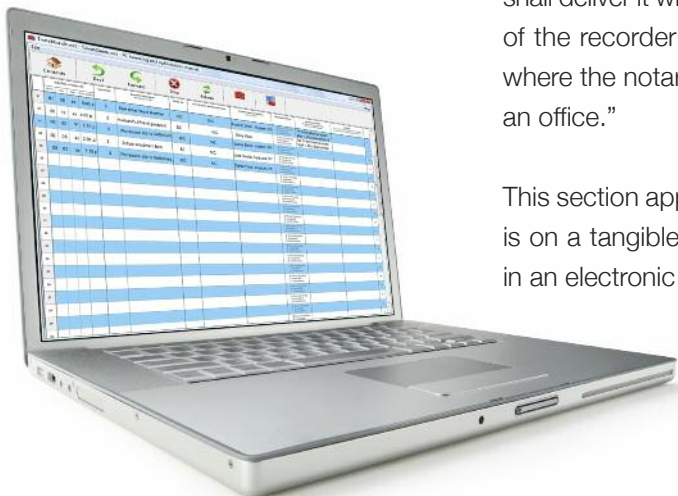
*Good luck!*



# Electronic Journal Question

## Question

In the event of the death of a notary who maintained an electronic journal, if the journal is kept secure as required, how can the journal be provided to the Recorder of Deeds? Is a policy in place that addresses this?



## Answer

The Revised Uniform Law on Notarial Acts (RULONA), Section 319(g), states that when a notary dies, "...the personal representative or guardian of the notary public or a person knowingly in possession of the journal of the notary public shall deliver it within 30 days to the office of the recorder of deeds in the county where the notary public last maintained an office."

This section applies whether the journal is on a tangible medium (i.e., paper) or in an electronic format.

Recorders should be able to accept portable document format (PDF) files and, of course, the paper printouts of those files.

As a practical matter, the notary could leave instructions for his or her heir or personal representative as to how to access and print or save a PDF version of the electronic journal. This would be the same procedure the notary would follow if requested to provide a copy of the electronic journal for any other purpose.

The notary should discuss these instructions with the heir or personal representative in advance, and keep a copy of the instructions in a safe place.

## Cost of a Driver's License / ID Card Photograph Goes Up



The Pennsylvania Department of Transportation (PennDOT) published a required notice in the Dec. 10, 2022 Pennsylvania Bulletin of an increase in the cost of the

photograph associated with the issuance of a photo driver's license or photo identification card.

Effective Jan. 9, 2023, the photograph will cost \$15.50, a 63% increase over the current \$9.50 charge for the photograph.

The increase will add \$6 to the total cost of a photo driver's license or photo ID card.

Title 67 of the Pennsylvania Code, Section 73.5, requires PennDOT to publish a notice at least 30 days prior to the effective date of a change in the cost of the photograph.

# PA Attorney General Announces Title Washing Arrests

On Dec. 9, 2022, Attorney General Josh Shapiro announced criminal charges against 30 individuals and 21 businesses for “title washing” and for re-titling stolen vehicles in Lebanon, Lehigh, and Philadelphia counties.

The accused allegedly purchased totaled vehicles, falsified inspection information, and submitted fraudulent title applications to the Pennsylvania Department of Transportation (PennDOT). The re-titled vehicles were then sold to unsuspecting individuals.

Under the Vehicle Code, totaled vehicles that are repaired must also undergo an enhanced vehicle safety inspection to ensure they are safe.

The inspectors listed on the paperwork did not complete the enhanced vehicle safety inspections required in order to have the vehicles re-titled.

According to the attorney general, many vehicles that the paperwork claimed were inspected never actually entered Pennsylvania; several of the vehicles were reported stolen in other states.

Charges include Corrupt Organizations; Forgery; Washing Vehicle Titles; Deceptive Business Practices; Tampering with Public Records; False Application for Certificate of Title; Altered, Forged, or Counterfeit Documents; and Insurance Fraud.

## West Virginia Claims First in Race to E-Titling

Gov. Jim Justice announced that in the first quarter of 2023, West Virginia will become the first state in the country to digitize vehicle titles and the process to acquire vehicle registrations.

West Virginians will be able to access and keep their vehicle title online or on their smartphone, much like an airline boarding pass. An online portal will allow West

Virginians to conduct all title and registration related transactions remotely, a first in the United States.

Information regarding the changes that are coming, and what citizens can expect, will be shared, as available, through press releases and on the Division of Motor Vehicles web site, [transportation.wv.gov/dmv/Pages/default.aspx](https://transportation.wv.gov/dmv/Pages/default.aspx).



## Keep all your important notary tools **safe & secure.**

### PAN's Locking Notary Tote Bag

Weather-proof and sturdy, this zippered tote features a high security built-in locking mechanism. Made of multi-layer, vinyl-coated nylon and polyester fabric bonded with a moisture-proof interior liner. Holds legal-size documents or tablet, file folders, notarial journal, and an official notary stamp. Comes with two keys.

Product #51813 Price: \$35.95

*Prices do not include tax and shipping*

**Call 800-944-8790 or order online at [www.notary.org](http://www.notary.org)**

# Final Notice: Verification of Identity Policy Change

Agents, are you enrolled in PennDOT's Driver License Data Verification (DLDV) program?

All Pennsylvania Department of Transportation (PennDOT) business partners involved with title and registration transactions, regardless of online status, were required to start using the DLDV system and process no later than November 30, 2022. Failure to sign up will result in a suspension of the business partner's contract.

PennDOT has sent multiple notices and reminders regarding the DLDV program requirements. However, there are still agents who have not enrolled in the program.

If you want to continue providing agent services to the public and are not yet verifying driver license data, you will need to comply with this requirement.

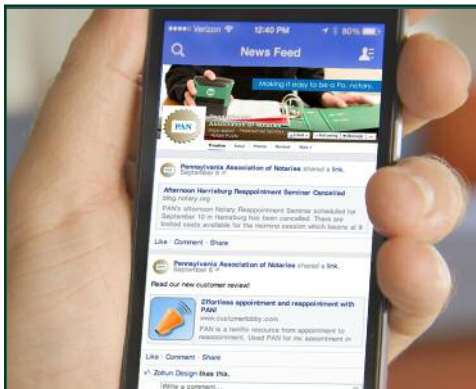
PennDOT has sent a final notice to all agents who have not registered with one of the DLDV integrators. If you are not in compliance by January 9, 2023, PennDOT will send you a notice suspending your agent service contract.

[Read the full reminder memo here.](#)

**Note:** PAN has received a number of calls and social media posts from members who have signed up with an integrator and have been using the DLDV system, but still received the final notice from PennDOT.

If you get a notice despite being signed up and processing DLDV verifications, you can do two things:

1. Call your integrator to let them know you received a notice from PennDOT and verify that you are on the integrator's list of valid users. (If you are successfully processing DLDV verifications, you should be on the integrator's list.)
2. Send an email message to the DLDV help desk ([RA-PDDLVDVHELPDESK@PA.GOV](mailto:RA-PDDLVDVHELPDESK@PA.GOV)) to let PennDOT know you received a notice in error and are on your integrator's list of valid users.



## Connect with us on Facebook.

- Stay informed on the Notary Public Law.
- Ask us questions and share your comments.
- Take advantage of our Facebook Live presentations.

**Join the conversation!**

[www.facebook.com/PaAssocNotaries](https://www.facebook.com/PaAssocNotaries)

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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).



Visit us on the web at [www.notary.org](http://www.notary.org) and follow us on Facebook, Twitter, LinkedIn, Instagram and YouTube.



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