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

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

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

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

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

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

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

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

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

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

(10) "Official seal" means a physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record. The term includes an official stamp.
(11) "Person" means an individual, estate, business or nonprofit entity, public
corporation, government or governmental subdivision, agency, or instrumentality, or other legal
entity.

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

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

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

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

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

(15) “Signature” means a tangible symbol or an electronic signature that evidences the
signing of a record.

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

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

Sec. 4. Authority to perform notarial act.

(a) A notarial officer may perform a notarial act authorized by this act or by law of the
District other than this act, including to take and to certify the acknowledgment or proof of
powers of attorney, mortgages, deeds, and other instruments of writing, to take depositions and
to administer oaths and affirmations and to take affidavits to be used before any court, judge, or
officer within the District.

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

Sec. 5. Requirements for certain notarial acts.

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

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

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

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

(e) A notarial officer who makes or notes a protest of a negotiable instrument shall
determine the matters set forth in D.C. Code § 28:3-505(b).
Sec. 6. Personal appearance required.

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

Sec. 7. Identification of individual.

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

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

(1) by means of:

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

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

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

(c) A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.
Sec. 8. Authority to refuse to perform notarial act.

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

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

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

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

Sec. 9. Signature if individual unable to sign.

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

Sec. 10. Notarial act in the District.

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

(1) a notary public of the District;

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

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

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

(c) The signature and title of a notarial officer described in subsection (a)(1) or (2) conclusively establish the authority of the officer to perform the notarial act.
Sec. 11. Notarial act in another state.

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

(1) a notary public of that state;

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

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

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

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

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

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

(1) a notary public of the tribe;

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

(3) any other individual authorized by the law of the tribe to perform the notarial act.
(b) The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.

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

Sec. 13. Notarial act under federal authority.

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

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

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

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

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

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

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

Sec. 14. Foreign notarial act.

(a) In this section, "foreign state" means a government other than the United States, a state, or a federally recognized Indian tribe.
(b) If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the law of the District as if performed by a notarial officer of the District.

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

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

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

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

Sec. 15. Individual located outside the United States.

(a) In this section:

(1) "Communication technology" means an electronic device or process that allows an individual located outside the United States and a notary public located in the District to communicate with each other simultaneously by sight and sound.
(2) “Identity proofing” means a process or service through which a third person provides a notary public with a reasonable means to verify the identity of an individual through a review of personal information from public or proprietary data sources.

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

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

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

(2) the record:

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

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

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

(4) the act of making the statement or signing the record is not prohibited by the foreign state, as defined in Section 14(a), in which the individual is located.
(c) If a notarial act relates to a statement made in or a signature executed on a record by an individual located outside the United States, the individual may comply with section 6 by appearing before the notary public by means of communication technology.

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

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

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

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

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

(1) For a verification on oath or affirmation by an individual located outside the United States:

   District of Columbia
Signed and sworn to (or affirmed) before me by use of communication technology on

by , who declared that (he)(she)(they) (is)(are) located

Date Name(s) of individual(s)

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

Signature of notary public

Stamp

[ ] Title of office

[My commission expires: ]

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

District of Columbia

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

by , who declared that (he)(she)(they) (is)(are) located

Date Name(s) of individual(s)

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

Signature of notary public

Stamp

[ ] Title of office
[My commission expires: _______]

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

District of Columbia

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

______ by __________________________ as (type of authority, such as officer or trustee) of (name

Date           Name(s) of individual(s)

of party on behalf of whom record was executed), who declared that (he)(she)(they) (is)(are)

located in __________________ and that this record is part of or pertains to a matter that is

to be filed with or is before a court, governmental entity, or other entity located in the United

States, or involves property located in, or a transaction substantially connected with, the United

States.

________________________________________

Signature of notary public

Stamp

[______________________________]

Title of office

[My commission expires: _______]

(4) For witnessing or attesting a signature by an individual located outside the

United States:

District of Columbia

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

______ by __________________________, who declared that (he)(she)(they) (is)(are) located

Date           Name(s) of individual(s)

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

__________________________
Signature of notary public

Stamp

__________________________
Title of office

[My commission expires: ________]

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

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

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

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

(3) approve providers of third-person identity verification and the process of identity proofing; and
(4) establish standards for the retention of a video and audio copy of the performance of notarial acts under this act.

Sec. 16. Certificate of notarial act.

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

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

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

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

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

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

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

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

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

(2) is in a form otherwise permitted by the law of the District;
(3) is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or

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

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

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

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

Sec. 17. Short form certificates.

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

(1) For an acknowledgment in an individual capacity:

District of Columbia

This record was acknowledged before me on ______ by _____________________

__________________________________________

Date Name(s) of individual(s)

Signature of notarial officer
Seal

Title of office

[My commission expires: _______]

(2) For an acknowledgment in a representative capacity:

District of Columbia

This record was acknowledged before me on ______ by ______________________

Date Name(s) of individual(s)

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

Signature of notarial officer

Seal

Title of office

[My commission expires: _______]

(3) For a verification on oath or affirmation:

District of Columbia

Signed and sworn to (or affirmed) before me on ______ by ______________________

Date Name(s) of individual(s)

making statement

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 [___________________________]
Title of office

[My commission expires: ________]

Sec. 18. Official seal.

The official seal of a notary public must:

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

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

Sec. 19. Sealing device.

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

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

Sec. 20. Journal.

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

(b) A journal may be created on a tangible medium or in an electronic format. A notary public shall maintain only one journal at a time to chronicle all notarial acts, whether those notarial acts are performed regarding tangible or electronic records. If the journal is maintained
on a tangible medium, it must be a permanent, bound register with numbered pages. If the
journal is maintained in an electronic format, it must be in a permanent, tamper-evident
electronic format complying with the rules of the Mayor.
(c) An entry in a journal must be made contemporaneously with performance of the
notarial act and contain the following information:
(1) the date and time of the notarial act;
(2) a description of the record, if any, and type of notarial act;
(3) the full name and address of each individual for whom the notarial act is
performed;
(4) if identity of the individual is based on personal knowledge, a statement to that
effect;
(5) if identity of the individual is based on satisfactory evidence, a brief
description of the method of identification and the identification credential presented, if any,
including the date of issuance and expiration of any identification credential; and
(6) the fee, if any, charged by the notary public.
(d) If a notary public’s journal is lost or stolen, the notary public promptly shall notify the
Mayor on discovering that the journal is lost or stolen.
(e) On resignation from, or the revocation or suspension of, a notary public’s
commission, the notary public shall retain the notary public’s journal in accordance with
subsection (a) and inform the Mayor where the journal is located.
(f) Instead of retaining a journal as provided in subsections (a) and (e), a current or
former notary public may transmit the journal to the Mayor.
(g) On the death or adjudication of incompetency of a current or former notary public, the
notary public’s personal representative or guardian or any other person knowingly in possession
of the journal shall transmit it to the Mayor.

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

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

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

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

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

(b) The application fee required by subsection (a) shall be $75, or other amount provided
by rules adopted by the Mayor, except that there is no application fee for a notary public in the
service of the governments of the United States or District of Columbia whose notarial duties are
confined solely to official government business. A notary public who is exempted from the
payment of the application fee may not collect a notary fee.

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

(1) be at least 18 years of age;

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

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

(4) be able to read and write English;

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

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

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

(d) Before issuance of a commission as a notary public, an applicant for the commission
shall execute an oath of office and submit it to the Mayor.

(e) Before issuance of a commission as a notary public, the notary public shall submit to
the Mayor an assurance in the form of a surety bond or its functional equivalent in the amount of
$2,000, or other amount prescribed by rules adopted by the Mayor. The assurance must be
issued by a surety or other entity licensed or authorized to do business in this state. The
assurance must cover acts performed during the term of the notary public’s commission and must
be in the form prescribed by the Mayor. If a notary public violates law with respect to notaries
public in the District, the surety or issuing entity is liable under the assurance. The surety or
issuing entity shall give 30-days’ notice to the Mayor before canceling the assurance. The surety
or issuing entity shall notify the Mayor not later than 30 days after making a payment to a
claimant under the assurance. A notary public may perform notarial acts in the District only
during the period that a valid assurance is on file with the Mayor.
(f) Each notary public shall file his or her signature and deposit an impression of his or her official seal with the Mayor.

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

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

Sec. 23. Examination of notary public.

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

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

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

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

(1) failure to comply with this act;

(2) a fraudulent, dishonest, or deceitful misstatement or omission in the
application for a commission as a notary public submitted to the Mayor;

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

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

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

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

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

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

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

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

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

Sec. 25. Database of notaries public.
The Mayor shall maintain an electronic database of notaries public:

(1) through which a person may verify the authority of a notary public to perform notarial acts; and

(2) which indicates whether a notary public has notified the Mayor that the notary public will be performing notarial acts on electronic records.


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

(1) assist persons in drafting legal records, give legal advice, or otherwise practice law;

(2) act as an immigration consultant or an expert on immigration matters;

(3) represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship, or related matters; or

(4) receive compensation for performing any of the activities listed in this subsection.

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

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

(d) A notary public, other than an attorney licensed to practice law in the District, may not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice, or otherwise practice law. If a notary public who is not an attorney licensed to practice law in the District in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media, and the Internet, the notary public shall include the following statement, or an alternate statement
authorized or required by the Mayor, in the advertisement or representation, prominently and in each language used in the advertisement or representation: "I am not an attorney licensed to practice law in the District. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities". If the form of advertisement or representation is not broadcast media, print media, or the Internet and does not permit inclusion of the statement required by this subsection because of size, it must be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

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

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

Sec. 27. Validity of notarial acts.

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

Sec. 28. Rules.
(a) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedures Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), shall adopt rules to implement the provisions of this act.

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

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

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

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

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

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

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

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

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

(7) Establish the process for approving and accepting surety bonds and other forms of assurance under section 22(e);
(8) Provide for the administration of the examination under section 23(a) and the course of study under section 232(b);

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

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

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

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

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

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

Sec. 29. When notary public commission in effect.

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

Sec. 30. Savings clause.

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

(b) A notary public appointed before the effective date of this act shall continue in such capacity until the expiration of the notary public’s commission.
Sec. 31. Uniformity of application and construction.

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

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

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

Sec. 33. Repealers; conforming amendment.


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

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

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

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

Sec. 34. Fiscal impact statement.

Sec. 35. Effective date.

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