

## CHANGES IN THE VIRGINIA NOTARY PUBLIC LAW

*EFFECTIVE JULY 1, 2007*

This information is to make you aware of important changes in the laws pertaining to notaries public that were made by the Virginia General Assembly earlier this year.

While the General Assembly established the framework for electronic notarial services, those provisions will go into effect on July 1, 2008, and that will be the subject of separate communications to notaries at a later time. Many changes impacting notaries public will go into effect on July 1, 2007, so this communication is offered to address those changes. Please understand that this communication is not intended to detail all the changes; you are strongly encouraged to personally study the legislation enacted by the General Assembly, which may be found by visiting the General Assembly's website, <http://legis.state.va.us>, and inserting hb2058 in the box under the words, "Enter a bill number."

Here are some important changes in Virginia law that will be effective July 1, 2007:

- A "notary registration number" must be used as a part of all notarial statements. That number already appears on most of the notary commissions. We are providing it with this communication, especially for those notaries whose commissions do not show the number. **Your notary registration number must appear on each notarial statement in order for your notarization to be valid. If you acquire a new seal, we strongly recommend that the notary registration number be part of the new notary seal.**
- The absence of a seal does not impact the legality or efficacy of a document, so there continues to be no requirement in Virginia law for a seal to be used by a notary, but the new law does specify that when a seal is used that it must be a sharp, legible, permanent and photographically reproducible image. The new law does not require notaries to purchase a new seal. Notaries may be able to comply with the new law by shading or using carbon paper with their existing embossed seal.
- The provisions requiring the notary to be confident of the true identity of the person whose signature is being notarized is strengthened and making clear that a notary has the right to refuse to notarize a document.
- The new law makes even clearer that the signer of a document is to be in the presence of the notary at the time of signing and notarization.

- The Secretary of the Commonwealth's policy that the notarial certificate is to be on the same page as the signatures being notarized is now a requirement of law.
- A notary may now charge a fee of up to \$5 for most notarial acts, however an employer may require an employee who is a notary to perform notarial acts in the course of employment without charging a fee. The law still prohibits an employer from requiring a notary in his or her employment to share any or all of the fee that is received for notarial acts.

Additionally, there are new provisions pertaining to applying to become a notary and to renewing a notary commission, including:

- The fee sent to the Secretary of the Commonwealth with the application is \$45.
- The requirement for the application to be endorsed by two registered voters is eliminated.
- The notary must be commissioned in his or her legal name that is identical to the name that appears on the forms of identification that he or she produces for the oath to be administered and the commission to be issued.

If you have any questions, please call 804-786-7296 or 804-692-2536.