

**CODE OF THE DISTRICT OF COLUMBIA**

**DIVISION I. GOVERNMENT OF DISTRICT  
TITLE 1. GOVERNMENT ORGANIZATION  
CHAPTER 12. NOTARIES PUBLIC**

**§§ 1-1201- to 1-1215. Notaries public.**

Repealed (Dec. 4, 2018, D.C. Law 22-189, § 34, 65 DCR 11606.)

**§§ 1-1216- to 1-1217. Certificates issued by Mayor; authorization for appropriation; inclusion of expenses in Mayor's annual estimates.**

Repealed (Dec. 4, 2018, D.C. Law 22-189, § 34, 65 DCR 11606.)

**CHAPTER 12A. REVISED UNIFORM LAW ON NOTARIAL ACTS**

**§ 1-1231.01. Definitions.**

For the purposes of this chapter, the term:

(1) "Acknowledgment" means a declaration by an individual that states the individual has signed a record for the purposes stated in the record, and if the record is executed in a representative capacity, that the person signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

(2) "Electronic" means relating to technology that has electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) "Electronic notary" means an individual who has received an endorsement from the Mayor to perform a notarial act with respect to electronic records under § 1-1231.19(i).

(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) "Foreign state" means a government other than the United States, a state, or a federally recognized Indian tribe.

(6) "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.

(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 "notarial act" includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, noting a protest of a negotiable instrument, taking and certifying the acknowledgment or proof of powers of attorney, mortgages, deeds, other instruments of writing, and taking affidavits to be used before any court, judge, or officer within the District.

(8) "Notarial officer" or "officer" (except as used in paragraphs (6) and (7) of this section) means a notary public or other individual authorized to perform a notarial act.

(9) “Notarial sealer” means:

(A) A physical device capable of affixing to or embossing on a tangible record an official seal;

(B) An electronic device or process capable of attaching to or logically associating with an electronic record an official seal; or

(C) A stamping device.

(10) “Notary public” means an individual commissioned by the:

(A) Mayor to perform notarial acts in the District; or

(B) Commissioning authority of the federal government, a state, or a federally recognized Indian tribe.

(11) “Official seal” means a physical image affixed to or embossed on a tangible record or an electronic image securely attached directly to or logically associated with an electronic record.

(12) “Person” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(13) “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.

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

(A) Execute or adopt a tangible symbol; or

(B) 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) “Tamper-evident technologies” means technology that is designed to allow a person inspecting an electronic record to determine whether there has been any tampering with the integrity of a certificate of notarial act logically associated with a record or with the attachment or association of the notarial act with that electronic record.

(18) “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.

History

(Dec. 4, 2018, D.C. Law 22-189, § 2, 65 DCR 11606.)

### **§ 1-1231.02. Applicability to future notarial acts.**

This chapter, except for §§ 1-1231.13a, 1-1231.19(i), 1-1231.20, and 1-1231.21(b), shall apply to notarial acts performed on or after December 4, 2018. Sections 1-1231.13a, 1-1231.19(i), 1-1231.20, and 1-1231.21(b) shall apply to notarial acts performed on or after the applicability date of these provisions.

History

(Dec. 4, 2018, D.C. Law 22-189, § 3, 65 DCR 11606; Sept. 21, 2022, D.C. Law 24-178, § 2(a), 69 DCR 9927.)

### **§ 1-1231.03. Authority to perform notarial act.**

(a) A notarial officer may perform a notarial act authorized by this chapter or by law of the District other than this chapter.

- (b) A notarial officer shall not perform a notarial act if:
- (1) The record is incomplete or blank;
  - (2) The notarial officer or the officer's spouse is a party to the record; or
  - (3) The notarial officer or the officer's spouse has a direct beneficial interest in the record.
- (c) A notarial act performed in violation of this section is voidable.
- (d) A notarial officer may certify that a tangible copy of an electronic record is an accurate copy of the electronic record.

History

(Dec. 4, 2018, D.C. Law 22-189, § 4, 65 DCR 11606; Sept. 21, 2022, D.C. Law 24-178, § 2(b), 69 DCR 9927.)

#### **§ 1-1231.04. 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 § 28:3-505(b).

History

(Dec. 4, 2018, D.C. Law 22-189, § 5, 65 DCR 11606.)

#### **§ 1-1231.05. 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, including an appearance that conforms with § 1-1231.13a.

History

(Dec. 4, 2018, D.C. Law 22-189, § 6, 65 DCR 11606; Sept. 21, 2022, D.C. Law 24-178, § 2(c), 69 DCR 9927.)

#### **§ 1-1231.06. 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 by means of:

(1) Current government-issued identification that is:  
(A) A passport, driver's license, or government-issued nondriver identification card; or  
(B) Another form of government identification issued to an individual, which contains the signature or a photograph of the individual and is satisfactory to the officer;  
or

(2) 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 based on a current passport, driver's license, or government-issued nondriver identification card.

(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.

History

(Dec. 4, 2018, D.C. Law 22-189, § 7, 65 DCR 11606.)

#### **§ 1-1231.07. 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 a law other than this chapter.

History

(Dec. 4, 2018, D.C. Law 22-189, § 8, 65 DCR 11606.)

#### **§ 1-1231.08. 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.

History

(Dec. 4, 2018, D.C. Law 22-189, § 9, 65 DCR 11606.)

#### **§ 1-1231.09. 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 the District shall be 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) of this section shall conclusively establish the authority of the officer to perform the notarial act.

History

(Dec. 4, 2018, D.C. Law 22-189, § 10, 65 DCR 11606.)

#### **§ 1-1231.10. Notarial act in another state.**

(a) A notarial act performed in another state shall have the same effect under the law of the District as if performed by a notarial officer of the District, if the notarial 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 shall be 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) of this section shall conclusively establish the authority of the officer to perform the notarial act.

History

(Dec. 4, 2018, D.C. Law 22-189, § 11, 65 DCR 11606.)

#### **§ 1-1231.11. Notarial act under authority of a 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 notarial 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 shall be 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) of this section shall conclusively establish the authority of the officer to perform the notarial act.

History

(Dec. 4, 2018, D.C. Law 22-189, § 12, 65 DCR 11606.)

#### **§ 1-1231.12. 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 notarial 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 shall be 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) of this section shall conclusively establish the authority of the officer to perform the notarial act.

History

(Dec. 4, 2018, D.C. Law 22-189, § 13, 65 DCR 11606.)

#### **§ 1-1231.13. Foreign notarial act.**

(a) 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 notarial act shall have the same effect under the law of the District as if performed by a notarial officer of the District.

(b) 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 shall be conclusively established.

(c) The signature and official stamp of an individual holding an office described in subsection (b) shall be prima facie evidence that the signature is genuine and the individual holds the designated title.

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

(e) 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 shall establish that the signature of the notarial officer is genuine and that the officer holds the indicated office.

History

(Dec. 4, 2018, D.C. Law 22-189, § 14, 65 DCR 11606.)

### **§ 1-1231.13a. Notarial act performed for remotely located individual.**

(a) A remotely located individual may comply with § 1-1231.05 by using communication technology to appear before a notary public.

(b) A notary public located in the District may use communication technology to perform a notarial act for a remotely located individual if:

(1) The notary public:

(A) Has personal knowledge pursuant to § 1-1231.06(a) of the identity of the remotely located individual;

(B) Has satisfactory evidence of the identity of the remotely located individual by oath or affirmation from a credible witness appearing before the notary public under § 1-1231.06(b) or this section; or

(C) Has obtained satisfactory evidence of the identity of the remotely located individual by using at least 2 different types of identity proofing;

(2) The notary public is able reasonably to confirm that a record before the notary public is the same record in which the remotely located individual made a statement or on which the individual executed a signature;

(3) The notary public, or a person acting on behalf of the notary public, creates an audio-visual recording of the performance of the notarial act; and

(4) For a remotely located individual located outside a state:

(A) The record:

(i) Is to be filed with or relates to a matter before a public official or court, governmental entity, or other entity subject to the jurisdiction of a state; or

(ii) Involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with a state; and

(B) The act of making the statement or signing the record is not prohibited by the

foreign state in which the remotely located individual is located.

(c) A notary public located in the District may use communication technology under subsection (b) of this section to take an acknowledgment of a signature on a tangible record physically present before the notary public if the record is displayed to, and identified by, the remotely located individual during the audio-visual recording under subsection (b)(3) of this section.

(d) The requirement under subsection (b)(2) of this section for the performance of a notarial act with respect to a tangible record not physically present before the notary public is satisfied if:

(1) The remotely located individual:

(A) During the audio-visual recording under subsection (c)(3) of this section signs:

(i) The record; and

(ii) A declaration, in substantially the following form, that is part of or securely attached to the record:

I declare under penalty of perjury that the record of which this declaration is a part or to which it is attached is the same record on which (name of notary public), a notary public, performed a notarial act and before whom I appeared by means of communication technology on (date).

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(B) Sends the record and declaration to the notary public, by first-class United States Mail or delivery by common-carrier or commercial delivery service, not later than 3 days after the notarial act was performed; and

(2) The notary public:

(A) In the audio-visual recording under subsection (b)(3) of this section, records the individual signing the record and declaration; and

(B) After receipt of the record and declaration from the individual, executes a certificate of notarial act under § 1-1231.14 that includes a statement in substantially the following form:

“I (name of notary public) witnessed, by means of communication technology, (name of remotely located individual) sign the attached record and declaration on (date).”.

(e) A notarial act performed in compliance with subsection (d) of this section complies with § 1-1231.14(a)(1) and is effective on the date the remotely located individual signed the declaration under subsection (d)(1)(A)(ii) of this section.

(f) Subsection (d) of this section shall not preclude use of another procedure to satisfy subsection (b)(2) of this section for a notarial act performed with respect to a tangible record.

(g) Except as otherwise provided by another law of the District, a notary public located in the District may use communication technology under subsection (b) of this section to administer an oath to a remotely located individual if the notary public:

(1) Identifies the individual under subsection (b)(1) of this section;

(2) Creates or causes the creation under subsection (b)(3) of this section of an audio-visual recording of the individual taking the oath; and

(3) Retains or causes the retention under subsection (j) of this section of the recording.

(h) If a notarial act is performed under this section, the certificate of notarial act under § 1-1231.14 and the short-form certificate under § 1-1231.15 must indicate that the notarial act was performed using communication technology.

(i) A short-form certificate under § 1-1231.15 for a notarial act subject to this section is sufficient if it:

(1) Complies with rules issued under subsection (l)(1) of this section; or

(2) Is in the form under § 1-1231.15 and contains a statement in substantially the following form:

“This notarial act involved the use of communication technology.”.

(j) A notary public, a guardian, conservator, or agent of a notary public, or a personal representative of a deceased notary public shall retain the audio-visual recording created under subsection (b)(3) of this section or cause the recording to be retained by a repository designated by or on behalf of the person required to retain the recording. The recording shall be retained for at least 10 years.

(k) Before a notary public performs the notary public’s initial notarial act under this section, the notary public must notify the Mayor that the notary public will be performing notarial acts with respect to remotely located individuals and identify the technologies the notary public intends to use. If the Mayor has established standards under subsection (l) of this section and § 1-1231.31 for approval of communication technology or identity proofing, the communication technology and identity proofing used by the notary public must conform to those standards.

(l) The Mayor, pursuant to subchapter I of the Chapter 5 of Title 2 [§ 2-501 et seq.], may issue rules to:

(1) Prescribe the means of performing a notarial act involving a remotely located individual using communication technology;

(2) Establish standards for communication technology and identity proofing;

(3) Establish requirements or procedures to approve providers of communication technology and the process of identity proofing;

(4) Establish standards and a period for the retention of an audio-visual recording under subsection (b)(3) of this section; and

(5) Prescribe methods for a notary public to confirm under subsections (c) and (d) of this section the identity of a tangible record.

(m) Before adopting, amending, or repealing a rule governing performance of a notarial act with respect to a remotely located individual, the Mayor shall consider:

(1) The most recent standards regarding the performance of a notarial act with respect to a remotely located individual promulgated by national standard-setting organizations and the recommendations of the National Association of Secretaries of State;

(2) Standards, practices, and customs of other jurisdictions that have laws substantially similar to this section; and

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

(n) By allowing its communication technology or identity proofing to facilitate a notarial act for a remotely located individual or by providing storage of the audio-visual recording under subsection (c)(3) of this section, the provider of the communication technology, identity proofing, or storage shall be deemed to appoint the Mayor as the provider’s agent for service of process in any civil action in the District related to the notarial act.

(o) The Office of the Recorder of Deeds may accept for recording a tangible copy of an electronic record containing a notarial certificate as satisfying any requirement that a record accepted for recording be an original, if the notarial officer executing the notarial certificate certifies that the tangible copy is an accurate copy of the electronic record.



(p) For the purposes of this section, the term:

(1) “Communication technology” means an electronic device or process that:

(A) Allows a notary public and a remotely located individual to communicate with each other simultaneously by sight and sound; and

(B) When necessary and consistent with other applicable law, facilitates communication with a remotely located individual who has a vision, hearing, or speech impairment.

(2) “Identity proofing” means a process or service by which a third person provides a notary public with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.

(3) “Remotely located individual” means an individual who is not in the physical presence of the notary public who performs a notarial act under subsection (b) of this section.

History

(Dec. 4, 2018, D.C. Law 22-189, § 14a, as added Sept. 21, 2022, D.C. Law 24-178, § 2(d), 69 DCR 9927; Dec. 13, 2022, D.C. Law 24-194, § 3(a), 69 DCR 12703.)

#### **§ 1-1231.14. Certificate of notarial act.**

(a) Notarial acts performed shall be evidenced by a certificate. The certificate shall:

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

(2) Be dated;

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

(4) Contain the notarial officer’s title of office; and

(5) If the notarial officer is a notary public:

(A) Be signed by the notary public in the same manner as on file with the Mayor; and

(B) Indicate the date of expiration, if any, of the notary’s commission.

(b)

(1) If a notarial act regarding a tangible record is performed by a notary public, an official seal shall 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) of this section, an official seal may be affixed to or embossed on the certificate.

(2) If a notarial act regarding an electronic record is performed by an electronic notary and the certificate contains the information specified in subsection (a)(2), (3), and (4) of this section, an official seal shall 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) of this section and it:

(1) Is in a short form as set forth in § 1-1231.15;

(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 §§ 1-1231.04, 1-1231.05, and 1-1231.06, or law of the District other than this chapter.

(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 §§

1-1231.03, 1-1231.04, and 1-1231.05.

(e) A notarial officer shall 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 shall be part of, or securely attached directly to, the record. If a notarial act is performed regarding an electronic record, the certificate shall be affixed to, or logically associated with, the electronic record. If the Mayor has issued rules establishing standards pursuant to § 1-1231.31 for attaching, affixing, or logically associating the certificate, the process shall conform to the standards.

History  
(Dec. 4, 2018, D.C. Law 22-189, § 15, 65 DCR 11606.)

**§ 1–1231.15. Short forms.**

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by § 1-1231.14(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

[Seal]

[\_\_\_\_\_]

Title of office

[My commission expires: \_\_\_\_\_]

(4) For witnessing or attesting a signature:

District of Columbia

Signed [or attested] before me on \_\_\_\_\_ by \_\_\_\_\_  
Date Name(s) of individual(s)

\_\_\_\_\_  
Signature of notarial officer

[Seal]

\_\_\_\_\_

Title of office

[My commission expires: \_\_\_\_\_]

(5) For certifying a copy of a record:

District of Columbia

I certify that this is a true and correct copy of a record in the possession of

\_\_\_\_\_  
Dated \_\_\_\_\_

\_\_\_\_\_  
Signature of notarial officer

[Seal]

\_\_\_\_\_

Title of office

[My commission expires: \_\_\_\_\_].

(Dec. 4, 2018, D.C. Law 22-189, § 16, 65 DCR 11606.)

**§ 1-1231.16. Official seal.**

(a) The official seal of a notary public in the District shall:

(1) Include the following:

(A) The notary public’s name, exactly stated on the commission;

(B) The words “District of Columbia”;

(C) The commission expiration date; and

(D) 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.

(b) The Mayor shall issue rules regarding the size and form of the seal.

History

(Dec. 4, 2018, D.C. Law 22-189, § 17, 65 DCR 11606.)

**§ 1-1231.17. Notarial sealer.**

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

(b) If a notary public’s notarial sealer or signature is lost, stolen, damaged, or otherwise incapable of affixing a legible image, the notary, or the notary’s personal representative or guardian shall promptly notify the Mayor.

History

(Dec. 4, 2018, D.C. Law 22-189, § 18, 65 DCR 11606.)

**§ 1-1231.18. Journal.**

(a) A notary public shall maintain a journal in which the notary public records all notarial acts that the notary public or electronic notary performs. The notary public shall retain the journal until required to transmit the journal to the Mayor under subsections (e) and (f) of this section.

(b)

(1) A journal may be created on a tangible medium or in an electronic format.

(2) A notary public may maintain a separate journal for tangible records and for electronic records. If the journal is maintained on a tangible medium, it shall be a permanent bound register with numbered pages. If the journal is maintained in an electronic format, it shall be in a tamper-evident electronic format complying with the rules issued by the Mayor.

(c) An entry in a journal shall 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 the identity of the individual is based on personal knowledge, a statement to that effect;

(5) If the 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 an identification credential when such a credential is used;

(6) The fee, if any, charged by the notary public; and

(7) The signature of each individual for whom the notarial act is performed.

(d) If a notary public's journal is lost or stolen, the notary promptly shall notify the Mayor upon 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 shall transmit the journal to the Mayor.

(f) On the death or adjudication of incompetency of a current or former notary public, the notary's personal representative or guardian or any other person knowingly in possession of the journal shall transmit it to the Mayor.

History

(Dec. 4, 2018, D.C. Law 22-189, § 19, 65 DCR 11606.)

**§ 1-1231.19. Commission as notary public; endorsement as an electronic notary; qualifications; no immunity or benefit.**

(a) An individual qualified under subsection (c) of this section may apply to the Mayor for a commission as a notary public. An applicant shall comply with and provide the information required by the rules issued by the Mayor and pay the application fee.

(b) The Mayor shall issue rules setting an application fee; provided, that the application fee shall not be less than \$75; provided further, 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.

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

(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 primary place of employment or practice in the District;  
(4) Not be disqualified to receive a commission under § 1-1231.22; and  
(5) Meet any other qualifications prescribed by rules issued by the Mayor.  
(d) Before issuance of a commission as a notary public, an applicant for the commission shall:

(1) Take the oath prescribed for civil officers in the District;  
(2) Complete a training class provided by the Mayor;  
(3) File the notary's signature and deposit an impression of the notary's official seal with the Mayor; and

(4) Indicate, on a form provided by the Mayor, the language(s) of records in which the applicant intends to perform notarial acts; provided, that the applicant shall be required to read and write in the language of any record on which the applicant performs a notarial act.

(e) Except as provided in subsection (f) of this section, before issuance of a commission as a notary public, the applicant 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 issued by the Mayor. The assurance shall be issued by a surety or other entity licensed or authorized to do business in the District. The assurance shall cover acts performed during the term of the notary public's commission and shall 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) A notary public commissioned on behalf of the government of the District of Columbia is exempt from the requirement of a surety bond under subsection (e) of this section.

(g) Upon an applicant's 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 § 1-1231.22. A certificate issued by the Mayor granting this commission shall be signed by the Secretary of the District of Columbia or the Secretary's designee.

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

(i) An individual who holds a commission as a notary public may apply to the Mayor for an endorsement as an electronic notary. The applicant shall comply with and provide the information required by rules issued by the Mayor and pay an application fee for such endorsement.

History  
(Dec. 4, 2018, D.C. Law 22-189, § 20, 65 DCR 11606.)

### **§ 1-1231.20. Requirement of endorsement as electronic notary; selection of technology.**

(a) A notary public shall not perform notarial acts with respect to electronic records

unless the notary public has received an endorsement as an electronic notary pursuant to § 1-1231.19(i).

(b) An electronic notary may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. An electronic notary shall not be required to perform a notarial act with respect to an electronic record with a technology that the electronic notary has not selected.

(c) Before a notary public holding an endorsement as an electronic notary performs the notary's initial notarial act with respect to an electronic record, the notary shall complete a training course provided by the Mayor, shall take the oath prescribed for civil officers in the District of Columbia, identify the tamper-evident technologies the electronic notary intends to use, and file an exemplar of the electronic notary's electronic signature and official seal. If the Mayor has issued rules establishing standards for approval of technology pursuant to § 1-1231.31, the technology shall conform to the prescribed standards. If the technology conforms to the standards, the Mayor shall approve the use of the technology.

History

(Dec. 4, 2018, D.C. Law 22-189, § 21, 65 DCR 11606.)

#### **§ 1-1231.21. Mandatory training of a notary public.**

(a) An applicant for a commission as a notary public in the District that does not already hold such a commission from the Mayor shall satisfactorily complete the training provided by the Mayor.

(b) The Mayor shall establish courses of study for notary publics and applicants for endorsement as electronic notaries. Trainings shall cover laws, rules, procedures, and ethics relevant to notarial acts.

History

(Dec. 4, 2018, D.C. Law 22-189, § 22, 65 DCR 11606.)

#### **§ 1-1231.22. 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 chapter;

(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 an applicant or notary public of any felony or a crime involving fraud, dishonesty, or deceit, including fraud, forgery, deceptive labeling, counterfeiting, false personation, perjury, false statements, tampering with physical evidence, or theft previously known as larceny, larceny by trick, larceny by trust, embezzlement, or false pretenses;

(4) A finding against, or admission of liability by, an applicant or notary public in any legal proceeding or disciplinary action based on an 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 chapter, 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 issued by 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 § 1-1231.19(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 before the Office of Administrative Hearings pursuant to § 2-1831.03(b-20).

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

History

(Dec. 4, 2018, D.C. Law 22-189, § 23, 65 DCR 11606.)

### **§ 1-1231.23. Fees**

(a)

(1) A notary public may charge fees for performing notarial acts as established by the Mayor by rule issued pursuant to § 1-1231.31.

(2) A notary public who is exempted from the payment of the application fee pursuant to § 1-1231.19(b) shall not collect a notary fee.

(b) A notary public may charge, upon agreement of the person to be charged, an amount not-to-exceed the actual and reasonable expense of traveling to a place where a notarial act is to be performed if it is not the usual place where the notary public performs notarial acts. Traveling expenses shall be in writing, itemized, and separate from the fee for the notarial act.

(c) A notary public may waive a scheduled fee or charge an amount less than the scheduled fee.

(d) A notarial officer other than a notary public shall not charge a fee for performing notarial acts.

History

(Dec. 4, 2018, D.C. Law 22-189, § 24, 65 DCR 11606.)

### **§ 1-1231.24. Notaries public electronic database.**

The Mayor shall maintain an electronic database of notaries public commissioned in the District that is accessible to the public and available at no cost. The database shall note whether a notary public has the electronic notary endorsement pursuant to § 1-1231.19(i).

History

(Dec. 4, 2018, D.C. Law 22-189, § 25, 65 DCR 11606.)

### **§ 1-1231.25. Prohibited acts.**

(a) A commission as a notary public shall 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 shall not engage in false or deceptive advertising.

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

(d) A notary public, other than an attorney licensed to practice law in the District, shall not advertise or represent that the notary 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 offers notarial services, whether orally or in a record, including broadcast media, print media, and the Internet, then the notary shall include the following statement, or an alternate statement pursuant to rules issued 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 shall 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 shall 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 public shall not charge a higher fee than permitted in rules issued by the Mayor.

History

(Dec. 4, 2018, D.C. Law 22-189, § 26, 65 DCR 11606.)

#### **§ 1-1231.26. Validity of notarial acts.**

Except as otherwise provided in § 1-1231.03(c), the failure of a notarial officer to perform a duty or meet a requirement specified in this chapter shall not invalidate a notarial act performed by the officer. The validity of a notarial act under this chapter shall 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 chapter or law of the United States. This section shall not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

History

(Dec. 4, 2018, D.C. Law 22-189, § 27, 65 DCR 11606.)

#### **§ 1-1231.27. Existing notary public commission.**

A commission as a notary public in effect on December 4, 2018, shall continue until its date of expiration. A notary public who applies to renew a commission as a notary public on or after December 4, 2018, is subject to and shall comply with this chapter. A notary public, in performing notarial acts after December 4, 2018, shall comply with this chapter.

History

(Dec. 4, 2018, D.C. Law 22-189, § 28, 65 DCR 11606.)



**§ 1-1231.28. Savings clause.**

(a) This chapter shall not affect the validity or effect of a notarial act performed before December 4, 2018.

(b) A notary public appointed before December 4, 2018, shall continue in such capacity until the expiration of the notary's commission.

History

(Dec. 4, 2018, D.C. Law 22-189, § 29, 65 DCR 11606.)

**§ 1-1231.29. Uniformity of application and construction.**

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

History

(Dec. 4, 2018, D.C. Law 22-189, § 30, 65 DCR 11606.)

**§ 1-1231.30. Relation to Electronic Signatures in Global and National Commerce Act.**

This chapter modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 464; 15 U.S.C. § 7001 et seq.), but does not modify, limit, or supersede section 101(c) (15 U.S.C. § 7001(c)) of that act, or authorize electronic delivery of any of the notices described in section 103(b) (15 U.S.C. § 7003(b)) of that act.

History

(Dec. 4, 2018, D.C. Law 22-189, § 31, 65 DCR 11606.)

**§ 1-1231.31. Rules.**

(a) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2 [§ 2-501 seq.], shall issue rules to implement the provisions of this chapter.

(b) Rules issued 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.

History

(Dec. 4, 2018, D.C. Law 22-189, § 32, 65 DCR 11606.)

**DIVISION V. LOCAL BUSINESS AFFAIRS.**

**TITLE 28. COMMERCIAL INSTRUMENTS AND TRANSACTIONS.**

**SUBTITLE II. OTHER COMMERCIAL TRANSACTIONS.**

**CHAPTER 49. UNIFORM ELECTRONIC TRANSACTIONS.**

**§ 28-4910. Notarization and acknowledgment.**

If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

(Oct. 3, 2001, D.C. Law 14-28, § 3502(b), 48 DCR 6981; Mar. 13, 2004, D.C. Law 15-105, § 64, 51 DCR 881.)

**DIVISION VII PROPERTY  
TITLE 42. REAL PROPERTY  
SUBTITLE I GENERAL**

**CHAPTER 1. ACKNOWLEDGMENTS**  
**SUBCHAPTER I. GENERAL**  
**PART A. ACKNOWLEDGMENTS OF DEEDS**

**§ 42-101. No acknowledgment of deed by attorney.**

(a) A general or specific power of attorney executed by a person authorizing an attorney-in-fact to sell, grant, or release any interest in real property shall be executed in the same manner as a deed and shall be recorded with or prior to the deed executed pursuant to the power of attorney. If the power of attorney is recorded prior to the deed executed pursuant to the power of attorney, the deed being executed pursuant to the power of attorney shall include a recording date and instrument number reference of where the original recorded power of attorney is located in the Office of the Recorder of Deeds for the District of Columbia. All powers of attorney executed in accordance with this section shall contain on the top of the front page, in bold and capital letters, the following words: “THIS POWER OF ATTORNEY AUTHORIZES THE PERSON NAMED BELOW AS MY ATTORNEY-IN-FACT TO DO ONE OR MORE OF THE FOLLOWING: TO SELL, LEASE, GRANT, ENCUMBER, RELEASE, OR OTHERWISE CONVEY ANY INTEREST IN MY REAL PROPERTY AND TO EXECUTE DEEDS AND ALL OTHER INSTRUMENTS ON MY BEHALF, UNLESS THIS POWER OF ATTORNEY IS OTHERWISE LIMITED HEREIN TO SPECIFIC REAL PROPERTY.”

(b) A person with a general or specific power of attorney executing a deed for another shall sign and acknowledge the deed as attorney-in-fact.

(c) A power of attorney is deemed to be revoked when the instrument containing the revocation is recorded in the Office of the Recorder of Deeds for the District of Columbia. A person revoking a power of attorney shall sign and acknowledge the instrument containing the revocation. Notwithstanding the above, any attorney-in-fact receiving written notice of the revocation by the party who granted the power of attorney shall cease from any further action as attorney-in-fact on behalf of the party who granted the power of attorney. The instrument of revocation should reference the recording date and instrument number of the original power of attorney. A person granting a power of attorney may revoke the power to convey real property without affecting any other powers contained in the original power of attorney by reciting in the revocation that the revocation of the power to convey real property shall not affect the remaining powers granted in the original power of attorney.

(Mar. 3, 1901, 31 Stat. 1268, ch. 854, § 498; Apr. 27, 1994, D.C. Law 10-110, § 2(b), 41 DCR 1023.)

**PART B. ACKNOWLEDGMENT IN U.S. TERRITORIES**

**§ 42-111. Acknowledgments in Guam, Samoa, and Canal Zone.** Deeds and other instruments affecting land situate in the District of Columbia may be acknowledged in the islands of Guam and Samoa or in the Canal Zone before any notary public or judge, appointed therein by proper authority, or by any officer therein who has ex officio the powers of a notary public; provided, that the certificate by such notary in Guam, Samoa, or the Canal Zone, as the case may be, shall be accompanied by the certificate of the governor or acting governor of such place to the effect that the notary taking said acknowledgment was in fact the officer he purported to be; and any deeds or other instruments affecting lands so situate, so acknowledged since the 1st day of January,

1905, and accompanied by such certificate shall have the same effect as such deeds or other instruments hereafter so acknowledged and certified.

(June 28, 1906, 34 Stat. 552, ch. 3585.)

**§ 42-112. Acknowledgments in Philippine Islands and Puerto Rico.** Deeds and other instruments affecting land situate in the District of Columbia may be acknowledged in the Philippine Islands and Puerto Rico before any notary public appointed therein by proper authority, or any officer therein who has ex officio the powers of a notary public; provided, that the certificate by such notary in the Philippine Islands or in Puerto Rico, as the case may be, shall be accompanied by the certificate of the Executive Secretary of Puerto Rico, or the Governor or Attorney General of the Philippine Islands to the effect that the notary taking said acknowledgment was in fact the officer he purported to be.

(Mar. 22, 1902, 32 Stat. 88, ch. 273; Mar. 2, 1917, 39 Stat. 968, ch. 145, § 54; May 17, 1932, 47 Stat. 158, ch. 190.)

## **PART C. REPEALED PROVISIONS**

**§§ 42-121 to 42-123. Manner of acknowledgment; form of certificate; acknowledgment out of District; acknowledgment in foreign country.**

Repealed. (Mar. 6, 1991, D.C. Law 8-205, § 12(a), 37 DCR 8444.)

**§§ 42-124 to 42-129. Certain defective acknowledgments prior to March 3, 1879, validated.**

Repealed. (Apr. 21, 1994, D.C. Law 10-110, § 4, 41 DCR 1023.)

## **SUBCHAPTER II. UNIFORM NOTARIAL ACTS**

**§§ 42-141 to 42-148. Uniform notarial acts.**

Repealed (Dec. 4, 2018, D.C. Law 22-189, § 34, 65 DCR 11606.)

## **CHAPTER 12A UNIFORM REAL PROPERTY ELECTRONIC RECORDING.**

**§ 42-1232. Validity of electronic documents and digitized images.**

(a) If a law requires, as a condition for recording, that a document be an original, be on paper or other tangible medium, or be in writing, an electronic document or digitized image that satisfies this act satisfies the law.

(b) If a law requires, as a condition for recording, that a document be signed, an electronic signature or digitized image of a wet signature on a paper document satisfies the law.

(c) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal is not required to accompany an electronic signature.

(Oct. 18, 2005, D.C. Law 16-25, § 3, 52 DCR 8084.)

## **DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS**

### **TITLE 17. BUSINESS, OCCUPATIONS, AND PROFESSIONS**

## CHAPTER 24. NOTARIES PUBLIC

### 2400 APPLICATION REQUIREMENTS AND PROCESS FOR NOTARY PUBLIC COMMISSION; ENDORSEMENT AS AN ELECTRONIC NOTARY

- 2400.1 An applicant for a commission from Office of Notary Commissions and Authentications (ONCA) as a notary public shall:
- (a) Be at least 18 years of age;
  - (b) Be a citizen or permanent legal resident of the United States;
  - (c) Be a resident of, or have a primary place of employment or practice in, the District; and
  - (d) Not be disqualified to receive a commission under Section 23 of the Act (D.C. Official Code § 1-1231.22) and Section 2428 of this chapter.
  - (e) As part of a notary public commission application to ONCA, an applicant shall provide his or her name as the applicant wishes to each time that a notary's signature is used for a notarial act.
- 2400.2 An applicant for a commission from ONCA as a notary public shall:
- (a) Complete a training class provided by the Secretary or ONCA, if the applicant is applying for the first time for a commission as a notary public;
  - (b) Take the oath prescribed for civil officers in the District as set forth in D.C. Official Code § 1-501;
  - (c) File the applicant's signature and deposit an impression of the applicant's official seal with ONCA;
  - (d) Indicate, on a form provided by ONCA, the language(s) of records in which the applicant intends to perform notarial acts; *provided, that* the applicant shall be required to read and write in the language of any record on which the applicant performs a notarial act; and
  - (e) Pay the seventy-five-dollar (\$75.00) notary commission application fee.
- 2400.3 To apply for an electronic notary endorsement, an applicant who meets the requirements shall submit an electronic notary application on forms provided by ONCA and pay the thirty-dollar (\$30.00) electronic records notary public endorsement application fee.
- 2400.4 An applicant may apply for an electronic notary endorsement only if the applicant currently holds an active notary public commission.
- 2400.5 (a) An individual applying for an electronic notary endorsement must do the following within thirty (30) calendar days of receiving the endorsement, or forfeit the endorsement:

- (1) Complete a training course provided by ONCA;
  - (2) Take the oath prescribed for civil officers in the District as set forth in D.C. Official Code § 1-501;
  - (3) Notify ONCA of the tamper-evident technology provider that the electronic notary intends to use; and
  - (4) File an exemplar of the electronic notary's electronic signature and official seal.
- (b) The individual shall not perform his or her initial electronic notarial act until he or she has complied with Section 2400.6(a).

- 2400.6
- (a) Except as provided in Subsection 2400.7, before ONCA issues an applicant a commission as a notary public, the applicant shall submit to ONCA an assurance in the form of a surety bond, or its functional equivalent, in the amount of \$2,000. The assurance shall:
- (1) Be issued by a surety or other entity licensed or authorized to do business in the District;
  - (2) Cover acts performed during the term of the notary public's commission; and
  - (3) Be in the form prescribed by ONCA.
- (b) The surety or issuing entity shall notify ONCA not later than thirty (30) calendar days after making a payment to a claimant under the assurance.
- (c) A notary public commissioned by ONCA may perform notarial acts in the District only during the period that a valid assurance is on file with ONCA.
- (d) A notary public must maintain a valid assurance during the term of the notary public's commission.

2400.7 A notary public commissioned only on behalf of the government of the District of Columbia is exempt from the requirement of a surety bond or functional equivalent under Subsection 2400.6(a). A District of Columbia Government notary public may only perform notarial acts in that capacity on behalf of the District of Columbia government.

2400.8 Once an applicant satisfies Subsections 2400.1, 2400.2, 2400.6, 2400.7, and 2400.10, ONCA shall issue the applicant a commission as a notary public for a term of five (5) years, subject to revocation of the commission pursuant to Section 23 of the Act (D.C. Official Code § 1-1231.22) and Section 2428 of this chapter. A certificate issued by ONCA granting this commission shall be signed by the Secretary or the Secretary's designee.

2400.9 A commission from ONCA to act as a notary public authorizes the notary public to perform notarial acts only within the District. The commission does not provide a notary public any immunity or benefit conferred by law of the District on public officials or employees.

2400.10 A notary public that is not otherwise authorized to perform notarial acts

under the Act, or under state or federal law, shall reapply with ONCA for each commission term before performing notarial acts.

2400.11 A notary public may elect not to apply for an electronic notary endorsement.

## **2401 APPROVAL OR DENIAL OF APPLICATION**

2401.1 If the applicant fulfills the requirements for a notary public commission or an electronic notary endorsement, ONCA shall approve the application and issue the notary public commission or endorsement.

2401.2 An applicant for a new notary public commission or a renewal of a notary public commission from ONCA shall not, except to the extent authorized by Section 10 of the Act (D.C. Official Code § 1-1231.09) or federal law, perform any notarial acts before taking the oath of office for a new or renewed commission.

2401.3 Except as otherwise provided in Section 10(a)(2) and (3) of the Act (D.C. Official Code § 1-1231.09(a)(2) and (3)), no individual may perform notarial acts with respect to a tangible or electronic record before receiving a notary public commission and, for performing notarial acts, the appropriate endorsement from ONCA unless the notary has authority to do so pursuant to a statute other than the Act or a regulation outside this chapter.

2401.4 ONCA may deny a commission or endorsement if the applicant fails to comply with this chapter or does not meet the application requirements.

## **2402 TERM OF COMMISSION**

2402.1 The term of a notary public commission shall expire five (5) years after the notary public's commission date.

2402.2 The commission of each notary shall either:

- (a) Begin on the first (1<sup>st</sup>) day of a month, and end on the last day of the prior month, except that a commission starting at the beginning of January will start on a January 2<sup>nd</sup> and end on a January 1<sup>st</sup>; or
- (b) Begin on the fifteenth (15<sup>th</sup>) day of a month and end on the fourteenth (14<sup>th</sup>) day of that month.

2402.3 An electronic notary endorsement is valid from the date ONCA issues the endorsement and will remain valid so long as the notary public's current notary commission remains valid, unless ONCA terminates the endorsement pursuant to Section 23 of the Act (D.C. Official Code § 1-1231.22), or the electronic notary resigns the endorsement.

## **2403 FEES**

2403.1	ONCA shall charge the following fees:	
	<b>Title of Fee</b>	<b>Fee</b>
	Application for notary public commission	\$75.00
	Application for electronic records notary public endorsement	\$30.00
	Renewal of notary public commission	\$75.00
	Renewal of electronic notary endorsement	\$30.00

2403.2 A notary public in the service of the government of the United States or the District of Columbia shall not be required to pay an application fee for an ONCA-issued notary public commission, or for an endorsement as an electronic notary if the applicant’s notarial duties are confined to official federal or District government business.

**2404 SIZE AND FORM OF OFFICIAL SEAL**

2404.1 The official seal of a notary public commissioned by ONCA shall include the following:

- (a) The notary public’s name at the top, exactly as indicated on the commission;
- (b) The words “Notary Public”;
- (c) The words “District of Columbia”;
- (d) The notary public’s commission expiration date; and
- (e) A border in a circular shape no larger than one and three-quarters inches (1.75 in.) surrounding the required words.

2404.2 A notary public shall affix his or her official signature and official seal on every document notarized, at the time the notarial act is performed.

2404.3 If the seal is affixed to a tangible record, it shall be applied in permanent ink and shall be capable of being photocopied.

2404.4 If the document being notarized is made of a non-porous material, such as Mylar or a similar material to which standard ink will not adhere, an embossed seal shall be used alone or in conjunction with a non-porous, permanent ink that dries through evaporation, which will adhere without smearing.

2404.5 The seal shall not contain the District of Columbia corporate seal.

**2405 ACQUIRING OFFICIAL SEAL**

2405.1 A notary public commissioned by ONCA shall procure an official seal only after receiving the appointment notice evidencing the notary public’s commission from ONCA and shall provide a copy of this notice to their chosen seal vendor as part of procuring the seal upon request.

2405.2 A notary public with a commission from ONCA that was in effect on

December 4, 2018, may continue to use their notarial seal until their commission expires.

## **2406 REPLACEMENT OF LOST OR STOLEN OFFICIAL SEAL**

2406.1 When the seal of a notary public commissioned by ONCA or the electronic seal of an electronic notary is lost or stolen, the notary public or electronic notary shall notify ONCA, in writing, or by email to notary@dc.gov, within ten (10) business days of discovering the seal was lost or stolen.

2406.2 The notary public or electronic notary may not obtain a replacement official seal until they have properly notified ONCA in writing, or by email to notary@dc.gov, that the original was lost or stolen.

2406.3 A replacement official seal must contain some variance from the original seal, and the notary public or electronic notary must provide ONCA an impression of the new seal.

2406.4 If the original seal or electronic seal, which was lost or stolen, is found or recovered after a replacement has been obtained, the notary public or electronic notary shall destroy the original seal.

## **2407 NOTARY SIGNATURE AND CERTIFICATE REQUIREMENTS**

2407.1 When a notary public commissioned by ONCA signs the certificate of a completed notarial act, the notary shall sign the certificate using the exact name that appears on the notary's certificate of commission and his or her seal.

2407.2 Notarial acts performed shall, except in the case of notarial acts authorized under a commission from the federal government, be evidenced by a notarial certificate. The notarial certificate shall:

- (a) Be executed contemporaneously with the performance of the notarial act;
- (b) Be dated;
- (c) Identify the jurisdiction in which the notarial act is performed;
- (d) Contain the notarial officer's title of office; and
- (e) If the notarial officer is a notary public commissioned by ONCA:
  - (1) Be signed by the notary public in the same manner as on file with ONCA; and
  - (2) Indicate the date of expiration of the notary's commission.

2407.3 If a notarial act (other than a notarial act authorized by the federal government) regarding a tangible record is performed by a notary public, an official seal shall be affixed to or directly embossed on the certificate. If a notarial act (other than a notarial act authorized by the federal



government) is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in Subsections 2407.2(b), (c) and (d) of this Section, an official seal may be affixed to or embossed on the certificate.

- 2407.4 A certificate of a notarial act is sufficient if it meets the requirements of Subsections 2407.2 and 2407.3 of this Section and it:
- (a) Is in:
    - (1) A short form as set forth in Section 16 of the Act (D.C. Official Code § 1-1231.15);
    - (2) A form otherwise permitted by the law of the District; or
    - (3) A form permitted by the law applicable in the jurisdiction in which the notarial act was performed; and
  - (b) Sets forth the actions of the notary public.
- 2407.5 By executing a certificate of a notarial act, a notary public certifies that the notary has complied with the requirements, and made the determinations, specified in Sections 4 through 6 of the Act (D.C. Official Code §§ 1-1231.03, 1-1231.04, and 1-1231.05).
- 2407.6 A notary public shall not affix the notary's signature to, or logically associate it with, a certificate until the notarial act has been performed.
- 2407.7 If a notarial act is performed regarding a tangible record, a seal shall be part of or securely attached directly to; the record. If a notarial act is performed regarding an electronic record, the certificate shall be affixed to, or logically associated with, the electronic record.
- 2408 REQUIREMENTS FOR NOTARIAL ACTS: PERSONAL KNOWLEDGE; SATISFACTORY EVIDENCE OF OCCURRENCE AND PERFORMANCE**
- 2408.1 A notary public who performs a notarial act pursuant to a commission or an electronic notary endorsement from ONCA shall do so within the geographic borders of the District of Columbia.
- 2408.2 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.
- 2408.3 A notarial officer has personal knowledge of the identity of an individual appearing before the notary if prior dealings between the officer and the individual give the officer reasonable certainty that the individual has the identity claimed.
- 2408.4 A notarial officer has satisfactory evidence of the identity of an individual

appearing before the officer if the officer can identify the individual by means of:

- (a) Current government-issued identification that is:
  - (1) A passport, driver's license, or government-issued non-driver identification card; or
  - (2) Another form of government identification issued to an individual, which contains the signature or a photograph of the individual and is satisfactory to the officer; or
- (b) 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 based on a current passport, driver's license, or government-issued non-driver identification card.

2408.5 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.

2408.6 A notarial officer, other than a notary public acting pursuant to a commission from the federal government, 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.

2408.7 A notarial officer, other than a notary public acting pursuant to a commission from the federal government, 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.

2408.8 A notarial officer, other than a notary public acting pursuant to a commission from the federal government, 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.

2408.9 Electronic notarial acts shall conform to the requirements listed in these rules and Section 21 of the Act (D.C. Official Code § 1-1231.20).

2408.10 A notarial officer, other than a notary public acting pursuant to a commission from the federal government, who makes or notes a protest of a negotiable instrument shall follow the process to make or note such protest as set forth in D.C. Official Code § 28:3-505(b), "Evidence of Dishonor".

**2409 AUTHORIZED ELECTRONIC NOTARIAL ACTS**

- 2409.1 A notary public who has received an electronic notary endorsement from ONCA may perform the following electronic notarial acts:
- (a) Taking an acknowledgment;
  - (b) Taking verification on oath or affirmation;
  - (c) Witnessing or attesting a signature;
  - (d) Certifying or attesting a copy; and
  - (e) Noting a protest of a negotiable instrument if the notary public is:
    - (1) Licensed to practice law in the District of Columbia;
    - (2) Acting under the authority of an attorney who is licensed to practice law in the District of Columbia or another state; or
    - (3) Acting under the authority of a financial institution regulated by the District of Columbia, another state, or the federal government.

**2410 REQUIREMENTS FOR TECHNOLOGIES AND TECHNOLOGY PROVIDERS**

- 2410.1 A tamper-evident technology shall comply with these rules:
- (a) A technology provider shall enroll only notaries public who have been issued an electronic notary endorsement pursuant to Section 2400.
  - (b) A technology provider shall take reasonable steps to ensure that a notary public who has selected that provider’s technology has the knowledge to use it to perform electronic notarial acts in compliance with these rules.
  - (c) A tamper-evident technology shall require access to the system by a password or other secure means of authentication.
  - (d) A tamper-evident technology shall enable a notary public to affix the notary’s electronic signature and electronic seal in a manner that attributes such signature and seal to the notary, and in such a manner that a party that sought the notary’s signature and seal on one (1) or more documents, or who seeks access to one (1) or more documents containing that signature and seal, can detect unauthorized tampering or alteration of the electronic document after it has been digitally signed by the electronic notary.

**2411 REFUSAL OF REQUESTS TO USE SYSTEM**

- 2411.1 An electronic notary may refuse to perform a notarial act for the reasons listed in Section 8 of the Act (D.C. Official Code 1-1231.07) and Section 2421 of this chapter, and shall also refuse a request to:
- (a) Use a tamper-evident technology that the electronic notary does not know how to operate; or
  - (b) Perform an electronic notarial act if the electronic notary has a reasonable belief that a tamper-evident technology does not meet

the requirements set forth in these rules.

**2412 COMPLETION OF ELECTRONIC NOTARIAL CERTIFICATE**

2412.1 For every electronic notarial act and remote notarial act, a notary public shall complete an electronic notarial certificate that complies with the requirements of Sections 15 and 16 of the Act (D.C. Official Code §§ 1-1231.14 and 1-1231.15).

2412.2 An electronic notarial certificate shall be completed at the time of notarization and, except for a remote notarial act, in the physical presence of the individual making the statement or executing the signature.

**2413 CERTIFICATION OF ELECTRONIC NOTARIAL ACTS**

2413.1 An electronic notary or remote notary shall sign notarial certification on an electronic record with an electronic signature that complies with Section 2414 and authenticate an electronic notarial act with an official electronic seal that complies with Section 2415.

2413.2 A remote notary shall sign each notarial certificate for a remote notarial act on a tangible record with a signature that complies with Section 2401.1 and authenticate the remote notarial act with an official seal that complies with Section 2404.1.

**2414 ELECTRONIC NOTARIAL SIGNATURE**

2414.1 An electronic notary shall use a tamper-evident technology that complies with Section 2410 to produce the notary’s electronic signature in a manner that is capable of independent verification.

2414.2 An electronic notary shall take reasonable steps to ensure that no other individual may possess or access the notary’s electronic signature.

2414.3 An electronic notary shall keep in the sole control of the notary all or any part of a tamper-evident technology whose exclusive purpose is to perform electronic notarial acts.

2414.4 For the purposes of this section, “capable of independent verification” means that any interested individual may confirm through ONCA that an electronic notary who signed an electronic record in an official capacity had authority at that time to perform electronic notarial acts.

**2415 ELECTRONIC NOTARIAL SEAL**

2415.1 An electronic seal may be used to authenticate an electronic notarial act if the electronic notarial certificate conforms to the requirements set forth in

Sections 15 and 16 of the Act (D.C. Official Code §§ 1-1231.14 and 1-1231.15).

2415.2 The electronic seal of an electronic notary shall be a digital image that appears in the likeness or representation of a traditional physical notary public official seal meeting the requirements of Section 17 of the Act (D.C. Official Code § 1-1231.16 and Section 2404 of this chapter.

2415.3 The tamper-evident technology used to attach an electronic notary's electronic seal shall not be used for any purpose other than performing electronic notarial acts under Sections 20 and 21 of the Act (D.C. Official Code §§ 1-1231.19 and 1-1231.20) and this chapter.

2415.4 Only the electronic notary shall authenticate an electronic notarial record with the notary's official seal.

## **2416 AUTHORIZED REMOTE NOTARIAL ACTS**

2416.1 Before a notary public performs the notary public's initial remote notarial act, the notary public must notify ONCA in writing that the notary public will be performing notarial acts with respect to remotely located individuals and identify the technologies the notary public intends to use, including the technologies in compliance with the identity proofing and communication technology standards set forth in Sections 2417 and 2418 herein.

2416.2 A notary public who has notified ONCA of their intent to perform remote notarial acts may perform the following remote notarial acts:

- (a) Taking an acknowledgment;
- (b) Taking a verification on oath or affirmation;
- (c) Witnessing or attesting a signature;
- (d) Certifying or attesting a copy; and
- (e) Noting a protest of a negotiable instrument, if the notary public is:
  - (1) Licensed to practice law in the District of Columbia;
  - (2) Acting under the authority of an attorney who is licensed to practice law in this state or another state; or
  - (3) Acting under the authority of a financial institution regulated by this state, another state, or the federal government.

2416.3 In performing remote notarial acts, a notary public shall comply with all requirements for notarial acts and electronic notarial acts under the Act and this chapter.

## **2417 STANDARDS FOR VERIFYING THE IDENTITY OF THE IDENTITY OF REMOTELY LOCATED INDIVIDUALS**

2417.1 In performing remote notarial acts, if a notary public does not have personal knowledge or satisfactory evidence of the identity of a remotely

located individual under subsection 2417.4 of this section, the notary public must reasonably verify the individual's identity through two different types of identity proofing consisting of a credential analysis procedure and a dynamic knowledge-based authentication assessment as provided in subsections 2417.2 and 2417.3 of this section.

- 2417.2 Credential analysis must use public or private data sources to confirm the validity of the identification credential presented by a remotely located individual and shall, at a minimum:
- (a) Use automated software processes to aid the notary public in verifying the identity of each remotely located individual;
  - (b) Require the identification credential to pass an authenticity test, consistent with sound commercial practices, that uses appropriate technologies to confirm the integrity of visual, physical, or cryptographic security features and to confirm that the identification credential is not fraudulent or inappropriately modified;
  - (c) Use information held or published by the issuing source or an authoritative source, as available and consistent with sound commercial practices, to confirm the validity of personal details and identification credential details; and
  - (d) Enable the notary public to visually compare for consistency the information and photograph on the identification credential and the remotely located individual as viewed by the notary public in real time through communication technology.
- 2417.3 A dynamic knowledge-based authentication assessment is successful if it meets the following requirements:
- (a) The remotely located individual must answer a quiz consisting of a minimum of five (5) questions related to the individual's personal history or identity formulated from public or private data sources;
  - (b) Each question must have a minimum of five (5) possible answer choices;
  - (c) At least eighty percent (80%) of the questions must be answered correctly;
  - (d) All questions must be answered within five (5) minutes;
  - (e) If the remotely located individual fails the first attempt, the individual may retake the quiz one (1) time within twenty-four (24) hours;
  - (f) During a retake of the quiz, a minimum of forty percent (40%) of the prior questions must be replaced;
  - (g) If the remotely located individual fails the second attempt, the individual is not allowed to retry with the same remote notary within twenty-four (24) hours of the second failed attempt; and
  - (h) The notary public must not be able to see or record the questions or answers.
- 2417.4 A notary public may verify the identity of a remotely located individual if

the notary public:

- (a) Has personal knowledge of the identity of the remotely located individual; or
- (b) Has obtained satisfactory evidence of the identity of the remotely located individual by oath or affirmation of a credible witness in accordance with the following requirements:
  - (1) To be a credible witness, the witness must have personal knowledge of the remotely located individual;
  - (2) The notary public must have personal knowledge of the credible witness or verify the identity of the credible witness through the means described in Section 7(b)(2) of the Act (D.C. Official Code § 1-1231.06(b)(2)); and
  - (3) A credible witness may be outside the physical presence of the notary public or remotely located individual if the notary public, credible witness, and remotely located individual can communicate simultaneously by using communication technology.

## **2418 STANDARDS FOR COMMUNICATION TECHNOLOGY**

2418.1 Communication technology for remote notarial acts must provide for synchronous (i.e., existing or occurring at the same time) audio-visual feeds of sufficient audio clarity and video resolution to enable the notary public and remotely located individual to see and speak with each other. The process must provide a means for the notary public reasonably to confirm that an electronic record before the notary public is the same record in which the remotely located individual made a statement or on which the remotely located individual executed a signature.

2418.2 Communication technology must provide reasonable security measures to prevent unauthorized access to:

- (a) The live transmission of the audio-visual feeds;
- (b) The processes used to perform identify proofing; and
- (c) If applicable, the electronic record that is the subject of the remote notarial act.

2418.3 If a remotely located individual must exit the identification verification process, the individual must restart the identify verification process required under Section 2417 from the beginning.

## **2419 CERTIFICATE OF REMOTE NOTARIAL ACTS**

2419.1 A form of notarial certificate for a remote notarial act satisfies the requirement of Section 14a(h) of the Act (DC Official Code § 1-1231.13a(h)) and Section 14a(i) of the Act (DC Official Code § 1-1231.13a(i)) if it is in the form provided by Section 16 of the Act (D.C. Official Code § 1-1231.15) and contains a statement substantially as

follows: “This notarial act involved the use of communication technology.”

2419.2

A short form of acknowledgment prescribed in Section 14a(i) of the Act (DC Official Code § 1-1231.13a(i)) satisfies the requirement of Section 16 of the Act (D.C. Official Code § 1–1231.15) if it is in substantially one of the following forms for the purposes indicated:

(a) For an acknowledgment in an individual capacity:

District of Columbia:

This record was acknowledged before me by means of communication technology on (date) by (name(s) of individuals)

---

(Signature of notary public)

Notary Public

(Official stamp)

(My commission expires: . . . . )

(b) For an acknowledgment in a representative capacity:

District of Columbia

This record was acknowledged before me by means of communication technology on (date) by (name(s) of individuals) as (type of authority, such as officer or trustee) of (name of party on behalf of whom the instrument was executed)

---

(Signature of notary public)

Notary Public

(Official stamp)

(My commission expires: . . . . )

(c) For verification on oath or affirmation:

District of Columbia:

Signed and sworn to (or affirmed) before me by means of communication technology on (date) by (name(s) of individuals making statement)

---

(Signature of notary public)

Notary Public

(Electronic official stamp)

(My commission expires: . . . . )

(d) For witnessing or attesting a signature:

District of Columbia:

Signed or attested before me by means of communication technology on (date) by (name(s) of individuals)

---

(Signature of notary public)

Notary Public

(Electronic official stamp)



(My commission expires: . . . )

(e) Certifying a copy of a record (D.C. Code 1-1231.15(5)):

District of Columbia

I certify that this is a true and correct copy, shown to me through communications technology, of a record in the possession of (names of individuals in possession of the record)\_\_\_\_\_

Dated ( date)

\_\_\_\_\_  
Signature of person having document notarized

\_\_\_\_\_  
Signature of notary public

[Seal]

[Title of office]

(My commission expires: . . . ]

**2420 RETENTION OF AUDIO-VISUAL RECORDINGS; REPOSITORIES.**

- 2420.1 A notary public must retain any audio-visual recording created under Section 14a(b)(3) of the Act (DC Official Code § 1-1231.13a(b)(3)) in a computer or other electronic storage device that protects the recording against unauthorized access by password or other secure means of authentication. The recording must be created in an industry-standard audio-visual file format.
- 2420.2 An audio-visual recording must be retained for at least ten (10) years after the recording is made.
- 2420.3 A notary public must take reasonable steps to ensure that a backup of the audio-visual recording exists and is secure from unauthorized use.
- 2420.4 The fact that the notary public’s employer, contractor, or repository keeps or stores any audio-visual recordings shall not relieve the notary of the duties required by these rules.
- 2420.5 The personal representative or guardian of a notary public shall follow Section 14a(j) (DC Official Code § 1-1231.13a(j)) of the Act related to the disposition of the notary public’s audio-visual recordings upon the death or adjudication of incompetency of the notary public.
- 2420.6 The notary public, or the notary’s personal representative or guardian, shall provide access instructions to the ONCA for any audio-visual recordings maintained or stored by the notary, upon commission resignation, revocation, or expiration without renewal, or upon the death or adjudication of incompetency of the notary.
- 2420.7 A notary public, or the notary’s personal representative or guardian, may by written contract engage a third party to act as a repository to provide

the storage required by this section. A third party under contract under this section shall be deemed a repository under Section 14a(j) (DC Official Code § 1-1231.13a(j)) of the Act.

- 2420.8 Any contract under Subsection 2420.7 of this section must:
- (a) Enable the notary public, or the notary's personal representative or guardian, to comply with the retention requirements of this section even if the contract is terminated; or
  - (b) Provide that the information will be transferred to the notary public, or to the notary's personal representative or guardian, if the contract is terminated.

## **2421 REFUSAL TO PERFORM NOTARIAL ACTS**

- 2421.1 A notary public may refuse to perform a notarial act unless refusal is prohibited by a law other than this chapter.
- 2421.2 A notary public, other than a notary public acting pursuant to a commission from the federal government, may refuse to perform a notarial act if the notary is not satisfied that:
- (a) The individual executing the record is competent or has the capacity to execute the record; or
  - (b) The individual's signature is knowingly and voluntarily made.

## **2422 JOURNAL OF NOTARIAL ACTS REQUIRED**

- 2422.1 Each notary public, including each electronic notary or remote notary, shall record each notarial act in a journal at the time of notarization in compliance with Section 19 of the Act (D.C. Official Code § 1-1231.18) and these rules as follows:
- (a) The notary public shall maintain a journal in which the notary records all notarial acts that the notary performs. The notary shall retain the journal until required to transmit the journal to ONCA under paragraphs (e) and (f) of this Subsection.
  - (b) Requirements for the journal are as follows:
    - (1) A journal may be created on a tangible medium or in an electronic format.
    - (2) The notary may maintain a separate journal for tangible records. If the journal is maintained on a tangible medium, it shall be a permanent bound register with numbered pages. If the journal is maintained in an electronic format, it shall be protected with technology designed to allow a person inspecting the journal to determine whether there has been any tampering with its integrity.
  - (c) An entry in a journal shall be made contemporaneously with performance of the notarial act performed in the physical presence of the notary 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 the identity of the individual is based on personal knowledge, a statement to that effect;
  - (5) If the 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 an identification credential when such a credential is used;
  - (6) The fee, if any, charged by the notary; and
  - (7) The signature of each individual for whom the notarial act is performed.
- (d) If a notary public's journal is lost or stolen, the notary shall notify ONCA within ten (10) business days of discovering the journal was lost or stolen. The notary must purchase a new journal within fifteen (15) business days of discovering the journal was lost or stolen.
- (e) If the notary public terminates his or her commission or endorsement or that commission or endorsement is revoked or suspended, the notary shall transmit the journal to ONCA.
- (f) If the notary dies or is adjudicated incompetent, the notary's personal representative or guardian or any other person knowingly in possession of the journal shall transmit it to ONCA.

## **2423 FORMAT OF JOURNALS OF NOTARIAL ACTS**

### **2423.1**

A tangible notarial journal shall:

- (a) Be a permanent, bound book with numbered pages; and
- (b) Have the capacity to record for each notarial act:
  - (1) The information required by Section 19 of the Act (D.C. Official Code § 1-1231.18(c)(1)-(7));
  - (2) A description of the notary public's method of identifying the individual for whom the notarial act is performed; and
  - (3) The individual's signature, or the signature of an authorized party in compliance with Section 9 of the Act (D.C. Official Code § 1-1231.08), or a notation that the notarial act was a remote notarial act.

### **2423.2**

If a notary public subject to Section 19 of the Act (D.C. Official Code § 1-1231.18) keeps an electronic journal pursuant to that provision, the electronic journal shall:

- (a) Be capable of recording the same information required for a tangible notarial journal;
- (b) Enable access by a password or other secure means of authentication;

- (c) Be capable of creating a duplicate record of the journal as a backup; and
- (d) Be capable of providing tangible or electronic copies of any entry made in the journal.

2423.3 Notaries performing remote notarial acts are not required to collect and maintain the signatures of the signers when those notarizations were performed remotely. For any remote notarial act, the notary must note in his or her journal that the notarization was performed remotely.

**2424 DISPOSITION OF JOURNALS OF NOTARIAL ACTS**

2424.1 The personal representative or guardian of a notary public commissioned by ONCA shall, if the notary dies or is adjudicated incompetent, follow Section 2422.1(f) related to the disposition of the notary’s journals.

2424.2 If a notary public terminates his or her commission, the notary’s commission is revoked or expires without renewal, or the notary dies or is adjudicated incompetent, the notary or the notary’s personal representative shall provide access instructions to ONCA for any electronic journal maintained or stored by the notary.

**2425 FEES FOR NOTARIAL ACTS**

2425.1 The maximum fee a notary public commissioned by ONCA may charge for notarial acts are:

<u>Notarial Acts</u>	<u>Fee</u>
Witnessing or attesting a signature	\$5.00
Taking an acknowledgment or a verification upon oath or affirmation	\$5.00
Certifying or attesting a copy	\$5.00
Administering an oath or affirmation	\$5.00
<b><u>Electronic Notarial Acts (Pursuant to     Subsection 2409.1)</u></b>	\$25.00
An electronic notary may charge a reasonable fee based on the electronic technology that the electronic notary uses if that fee is agreed to in advance with the customer and itemized separately on the invoice. Remote Notarial Acts	

2425.2 Except for a notary public commissioned by the federal government, a

notary public, including an electronic notary, who is exempted from paying the application fee pursuant to Section 20(b) of the Act (D.C. Official Code § 1-1231.19(b)) shall not collect a notary fee.

- 2425.3 Nothing in this chapter shall be construed to require that a notary public or an electronic notary charge for notarial acts.
- 2425.4 A notary public commissioned by ONCA, including an electronic notary, may, in addition to the fees described in Subsection 2425.1, charge the actual costs of copying any instrument or record. The notary may not charge any other additional fees when performing the notarial act in the notary's place of business or residence.
- 2425.5 A notary public commissioned by ONCA, including an electronic notary, may charge a travel fee in addition to the fees listed at Subsection 2425.1 when traveling to perform a notarial act if:
- (a) The notary public and the individual requesting the notarial act agree upon the travel fee in advance of the travel;
  - (b) The notary public explains to the individual requesting the notarial act that the travel fee is in addition to the notarial fee in Subsection 2425.1 and is not required by law;
  - (c) The fee is for travel to a place that is not the usual place where the notary public performs notarial acts; and
  - (d) The fee does not exceed the actual and reasonable expense of traveling to the place where the notarial act is to be performed.
- 2425.6 Except as authorized by statute or regulation, a District of Columbia Government Notary shall not charge a fee for notarial acts performed in that capacity.

## **2426 FORMS**

- 2426.1 The forms in Section 16 of the Act (D.C. Official Code § 1-1231.15) are examples of certificates with the sufficient information included. In contexts where another District law requires a specific form, that form shall be used.

## **2427 CHANGE OF NAME OR ADDRESS**

- 2427.1 When a notary public changes their name or address, the notary shall notify ONCA of such change on forms prescribed by ONCA within fifteen (15) business days.
- 2427.2 A name change notification must be accompanied by a bond rider from the bonding company amending the notary bond and duplicate notary commission certificate showing the new name. ONCA will not impose a fee for a name or an address change and will not issue a new notary commission certificate.

2427.3 A notary public that submits a name change notification shall order a new seal with the new name and provide ONCA with an impression of the seal. In the case of an electronic notary, the person shall provide an exemplar of the electronic seal.

**2428 DENIAL OR REFUSAL TO RENEW, REVOKE, SUSPEND, OR IMPOSE A CONDITION ON A COMMISSION AS NOTARY PUBLIC OR ENDORSEMENT AS AN ELECTRONIC NOTARY**

- 2428.1 (a) Notwithstanding Subsection 2400.8, ONCA may deny, refuse to renew, revoke, suspend, or impose a condition on a commission as notary public or an endorsement as an electronic notary for any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public, as set forth in Section 23 of the Act (D.C. Official Code § 1-1231.22). Any restriction, suspension, or revocation of a notary public's commission will automatically have the same effect on any electronic notary endorsement the notary public holds.
- (b) If ONCA denies, refuses to renew, revokes, suspends, or imposes conditions on a commission as a notary public or endorsement as an electronic notary, the applicant or notary public is entitled to timely notice and hearing before the Office of Administrative Hearings pursuant to Subsection 6(b-20) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-20)) and § 2431.
- (c) The authority of ONCA to deny, refuse to renew, suspend, revoke, or impose conditions on a commission as a notary public shall not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.

2428.2 A notary public may resign their notary public commission or electronic notary endorsement by notifying ONCA of this intent in writing, or by email to notary@dc.gov. In the case of an electronic notary endorsement, the electronic notary shall notify ONCA of this intent in writing or by email to notary@dc.gov and dispose of all or any part of a tamper-evident technology in the notary's control whose purpose was to perform electronic notarizations.

2428.3 A notary public may terminate the electronic notary endorsement but still maintain the notary public commission.

2428.4 A notary public whose commission is terminated or expired, either by the notary or ONCA, shall disable their official seal by destroying, defacing, damaging, or securing the device against use.

**2429 PROHIBITED ACTS**

2429.1 A commission as a notary public shall not authorize an individual to:

- (a) Assist persons in drafting legal records, give legal advice, or otherwise practice law;
- (b) Act as an immigration consultant or an expert on immigration matters;
- (c) Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship, or related matters; or
- (d) Receive compensation for performing any of the activities listed in this Subsection.

2429.2 A notary public shall not engage in false or deceptive advertising.

2429.3 A notary public, other than an attorney licensed to practice law in the District, shall not represent him or herself to be a “notario” or “notario publico”.

2429.4 (a) A notary public, other than an attorney licensed to practice law in the District, shall not advertise or represent that the notary may assist persons in drafting legal records, give legal advice, or otherwise practice law.

(b) 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 offers notarial services, whether orally or in a record, including through broadcast media, print media, and the Internet, then the notary shall include the following statement 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 shall be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

2429.5 Except as otherwise authorized by law, a notary public shall, upon the request of a person who has provided the notary public with original records, return those records to the person.

2429.6 A notary public shall not charge a higher fee than permitted in rules issued by the Secretary and ONCA.

## **2430 CHANGE OF APPLICATION INFORMATION**

2430.1 If any of the information submitted on a notary public’s commission application pursuant to Section 2400 changes, the notary public shall

report this change to ONCA in writing, or by email to [notary@dc.gov](mailto:notary@dc.gov), within fifteen (15) business days.

**2431 FILING A PETITION FOR REVIEW OF ADVERSE NOTARY COMMISSION DECISION**

2431.1 A petition for review shall be sent to the Office of Administrative Hearings (OAH), pursuant to the OAH Rules of Practice and Procedures set forth in 1 DCMR Chapter 28.

**2432 CERTIFICATION (AUTHENTICATIONS) OF NOTARIES PUBLIC AND CERTIFICATION OF RECORDS**

2432.1 The Secretary shall issue certifications (authentications) of seals and signatures of notaries appointed in the District of Columbia pursuant to An Act To relieve the Commissioners of the District of Columbia of certain ministerial duties, approved February 11, 1932 (47 Stat. 48; D.C. Official Code § 1-301.23 (2016 Repl.)); the Notaries Public Authentications and License Fee Amendment Act of 2010, effective September 24, 2010 (D.C. Law 18-223; 57 DCR 6242, 6259 (July 23, 2010)) (increased fee for the issuance of certifications); Mayor's Order 97-177 §§ 3(c), 3(e), 3(f) and 13, dated October 9, 1997 (authority of the Secretary to execute agreements and affix the seal on behalf of the Mayor; for the Secretary to sign certificates issued by the Mayor; for the Secretary to have custody of the Official Seal of the District of Columbia, authenticate official records, and delegate such functions to subordinate offices), and Mayor's Order 2016-031, dated March 1, 2016.

2432.2 The Secretary shall issue certifications of the signatures of the District of Columbia governmental officials who are required to sign documents of public records. The certifications shall be as follows:

- (a) A Certificate: For documents that will be used within the United States, generally for interstate commerce.
- (b) Department Head Certificate: For documents that require the signature of an agency head (or his or her designee) and the official seal of the agency.
- (c) Apostille: For documents destined for countries that are parties to the Hague Convention.
- (d) Foreign Certificate: For documents destined for countries that are not parties to the Hague Convention.

2432.3 A fee of fifteen dollars (\$15.00) per certificate shall be charged for the issuance of District certifications under this Section. The certifications will be issued through ONCA.

2432.4 For procedures on obtaining notarizations in other state or foreign jurisdictions that will be recognized in the District of Columbia, please see



**2499 DEFINITIONS**

2499.1

For the purposes of this chapter, the term:

**“Acknowledgment”** means a declaration by an individual that states the individual has signed a record for the purposes stated in the record, and if the record is executed in a representative capacity, that the person signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

**“Act”** means the Revised Uniform Law on Notarial Acts of 2018, effective December 4, 2018 (D.C. Law 22-189; D.C. Official Code § 1-1231.01 *et seq.*).

**“Communication technology”** means an electronic device or process that:

- (A) Allows a notary public and a remotely located individual to communicate with each other simultaneously by sight and sound; and
- (B) When necessary and consistent with other applicable law, facilitates communication with a remotely located individual who has a vision, hearing, or speech impairment.

**“District of Columbia Government Notary”** means a District of Columbia government employee who is an individual applying for or holds an active notary commission on behalf of an agency of the government of the District of Columbia.

**“Electronic”** means relating to technology that has electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

**“Electronic notarial act”** means a notarial act performed with respect to an electronic record that complies with Section 21 of the Act (D.C. Official Code § 1-1231.20).

**“Electronic notary”** means an individual who has received an endorsement from the Mayor to perform a notarial act with respect to electronic records under Subsection 20(i) of the Act (D.C. Official Code § 1-1231.19(i)).

**“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.

**“Identity proofing”** means a process or service by which a third person provides a notary public with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.

**“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 an individual; or

- (D) An authorized representative of another in any other capacity.
- “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 “notarial act” includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, noting a protest of a negotiable instrument, taking and certifying the acknowledgment or proof of powers of attorney, mortgages, deeds, other instruments of writing, and taking affidavits to be used before any court, judge, or officer within the District.
- “Notarial officer”** means a notary public or other individual authorized to perform a notarial act.
- “Notarial sealer”** means:
- (A) A physical device capable of affixing to or embossing on a tangible record an official seal;
  - (B) An electronic device or process capable of attaching to or logically associating with an electronic record an official seal; or
  - (C) A stamping device.
- “Notary public”** means an individual commissioned by the:
- (A) Mayor to perform notarial acts in the District; or
  - (B) Commissioning authority of the federal government, a state, or a federally recognized Indian tribe.
- “Official seal”** means a physical image affixed to or embossed on a tangible record or an electronic image securely attached directly to or logically associated with an electronic record.
- “ONCA”** means the Office of Notary Commissions and Authentications.
- “Person”** means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.
- “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.
- “Remotely located individual”** means an individual who is not in the physical presence of the notary public who performs a notarial act under Section 14a(b) of the Act (D.C. Official Code § 1-1231.13a(b)).
- “Remote notarial act”** means a notarial act for a remotely located individual that complies with Section 14a of the Act (D.C. Official Code § 1-1231.13(a)).
- “Remote notary”** means a notary public located in the District who performs notarial acts for remotely located individuals.
- “Secretary”** means the Secretary of the District of Columbia.
- “Sign”** means, with present intent to authenticate or adopt a record, to:
- (A) Execute or adopt a tangible symbol; or
  - (B) Attach to or logically associate with the record an

electronic symbol, sound, or process.

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

**“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.

**“Tamper-evident technologies”** means technologies that are designed to allow a person inspecting an electronic record to determine whether there has been any tampering with the integrity of a certificate of notarial act logically associated with a record or with the attachment or association of the notarial act with that electronic record.

**“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.