

NEW JERSEY STATUTES ANNOTATED

**TITLE 2A. ADMINISTRATION OF CIVIL AND CRIMINAL JUSTICE
SUBTITLE 9. EVIDENCE
CHAPTER 82. WRITINGS AND RECORDS
ARTICLE 4. NOTARIAL PROTESTS**

2A:82-5. Record used to refresh memory

When a notary public or any other person authorized to protest instruments under the laws of this state is called upon to testify concerning a protest made by him, he may, to refresh his memory, refer to the record thereof kept by him as required by law.

L. 1951 (1st SS), c. 344.

§ 2A:82-6. Copies of record of protest as evidence

If it appears that the notary or other officer of this state by whom any bill of exchange or promissory note was protested has died or removed from the state or, after diligent inquiry, his place of residence cannot be discovered, the record deposited in the county clerk's office, as required by section 7:5-5 of the title Bills, Notes and Checks, of the Revised Statutes, or a copy thereof certified by such clerk, shall be received as competent evidence of the matter contained in such record.

When the register or other book of any notary public appointed and qualified under the laws of any state of the United States containing a record of the official acts of such notary public by him done in pursuance of his office is, in pursuance of the law of such state, by reason of the death, removal or other disability of the notary public, deposited in the office of the clerk, prothonotary or recorder of deeds of the city, town or county in which the notary public resided at the time of his acting as notary public, a copy of the record or of any part thereof respecting the protesting of any note or bill of exchange protested by the notary public, and the time when, place where and upon whom demand of acceptance or payment was made, with a copy of the notice of nonacceptance or nonpayment (if a copy of the notice shall appear on said record), how the notice of nonacceptance or nonpayment was served, and the time when, or if sent, in what manner, and the time when, and to whom, duly certified under the hand and seal of such clerk, prothonotary or recorder of deeds, or otherwise proved to be truly taken from said record, shall be held and received in all the courts of this state as competent evidence of the facts therein recited, and also of the official character of the notary public. When it shall appear from such record that the said note or bill of exchange had been protested for want of acceptance or payment thereof, and that the said notary public making such protest had duly notified the drawer or indorsers, by mail, of the demand of payment or acceptance and refusal thereof, without specifying the names or the post office address of such drawer or indorsers, the copy of the record certified or proved as aforesaid, shall be held and received in all courts of this state as competent evidence that the drawer and indorsers of such note or bill of exchange were duly notified of such demand and refusal.

L. 1951 (1st SS), c. 344.

2A:82-7. Certificate of protest as evidence.

The certificate of a notary public of this state or of any other state of the United States, under his hand and official seal accompanying any bill of exchange or promissory note which has been protested by such notary for nonacceptance or nonpayment, shall be received in all the courts of this state as competent evidence of the official character of

such notary, and also of the facts therein certified as to the presentment and dishonor of such bill or note and of the time and manner of giving or sending notice of dishonor to the parties to such bill or note.

L.1951 (1st SS), c.344.

2A:82-17. Certificates of acknowledgment or proof of instruments as evidence of execution thereof.

If any instrument heretofore made and executed or hereafter to be made and executed shall have been acknowledged, by any party who shall have executed it, or the execution thereof by such party shall have been proved by one or more of the subscribing witnesses to such instrument, in the manner and before one of the officers provided and required by law for the acknowledgment or proof of instruments in order to entitle them to be recorded, and, when a certificate of such acknowledgment or proof shall be written upon or under, or be annexed to such instrument and signed by such officer in the manner prescribed by law, such certificate of acknowledgment or proof shall be and constitute prima facie evidence of the due execution of such instrument by such party. Such instrument shall be received in evidence in any court or proceeding in this state in the same manner and to the same effect as though the execution of such instrument by such party had been proved by other evidence.

L.1951 (1st SS), c.344.

TITLE 2C. THE NEW JERSEY CODE OF CRIMINAL JUSTICE
SUBTITLE 2. SPECIFIC OFFENSES
PART 4. OFFENSES INVOLVING PUBLIC ADMINISTRATION OFFICIALS
CHAPTER 28. PERJURY AND FALSIFICATION TO AUTHORITIES

2C:28-8. Impersonating a public servant or law enforcement officer.

a. Except as provided in subsection b. of this section, a person commits a disorderly persons offense if he falsely pretends to hold a position in the public service with purpose to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense.

b. A person commits a crime of the fourth degree if he falsely pretends to hold a position as an officer or member or employee or agent of any organization or association of law enforcement officers with purpose to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense.

L.1978, c.95; amended 2000, c.110.

SUBTITLE 3. SENTENCING
CHAPTER 43. GENERAL PROVISIONS

2C:43-3. Fines and restitution.

A person who has been convicted of an offense may be sentenced to pay a fine, to make restitution, or both, such fine not to exceed: ...

c. \$1,000.00, when the conviction is of a disorderly persons offense: ...

e. Any higher amount equal to double the pecuniary gain to the offender or loss to the victim caused by the conduct constituting the offense by the offender. In such case the court shall make a finding as to the amount of the gain or loss, and if the record does not

contain sufficient evidence to support such a finding the court may conduct a hearing upon the issue. For purposes of this section the terms “gain” means the amount of money or the value of property derived by the offender and “loss” means the amount of value separated from the victim. The term “gain” shall also mean, where appropriate, the amount of any tax, fee, penalty, and interest avoided, evaded, or otherwise unpaid or improperly retained or disposed of; ...

The restitution ordered paid to the victim shall not exceed his loss, except that in any case involving the failure to pay any State tax, the amount of restitution to the State shall be the full amount of the tax avoided or evaded, including full civil penalties and interest as provided by law. In any case where the victim of the offense is any department or division of State government, the court shall order restitution to the victim. Any restitution imposed on a person shall be in addition to any fine which may be imposed pursuant to this section.

L.1978, c.95; amended 1979, c.178, s.83; 1981, c.290, s.37; 1987, c.76, s.34; 1987, c.106, s.10; 1991, c.329, s.2; 1995, c.20, s.6; 1995, c.417, s.2; 1997, c.181, s.12.

**TITLE 12A. COMMERCIAL TRANSACTIONS
SUBTITLE 1. UNIFORM COMMERCIAL CODE
CHAPTER 12. UNIFORM ELECTRONIC TRANSACTIONS**

12A:12-11. Notarized signatures or records.

11. 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.

L.2001, c.116, s.11.

**TITLE 17. CORPORATIONS AND INSTITUTIONS FOR FINANCE AND
INSURANCE
SUBTITLE 2. FINANCIAL INSTITUTIONS
PART 3. SAFE DEPOSIT COMPANIES
CHAPTER 14A. SAFE DEPOSIT BUSINESSES**

17:14A-51. Proceedings for unpaid rental.

If the amount due for the rental of any vault, safe deposit box or receptacle for the storage and safekeeping of personal property of any safe deposit company or bank, savings bank, or savings and loan association authorized to conduct a safe deposit business under the laws of this State has not been paid for one year, the safe deposit company, bank, savings bank, savings and loan association may at any time after the expiration of the year send a written notice by registered mail addressed to the lessee or lessees in whose name the vault, safe deposit or receptacle stands on its records, directed to the address on its records, that if the rental for the vault, safe deposit box or receptacle is not paid within 30 days after the date of the mailing of the notice, it will have the vault, safe deposit box or receptacle opened in the presence of one of its officers and of a notary public not in its employ, and the contents thereof, if any, placed in a sealed package by the notary public, marked by him with the name of the lessee or lessees in whose name the vault, safe deposit box or receptacle stands and the estimated value thereof, and the package so

sealed and marked will be placed in one of the general vaults, safes or boxes of the safe deposit company, bank, savings bank or savings and loan association. The notary's proceedings shall be set forth in a certificate under his official seal, and the certificate shall be delivered to the savings and loan association, bank, savings bank or safe deposit company. The safe deposit company, bank, savings bank or savings and loan association shall have a lien on the contents of the vault, safe deposit box or receptacle so removed for the amount due to it for the rental of the vault, safe deposit box or receptacle up to the time of the removal of the contents, and for the costs and expenses, if any incurred in its opening, repairing and restoration for use. If the lien is not paid and discharged within one year from the opening of the vault, safe deposit box or receptacle and the removal of its contents, the safe deposit company, bank, savings bank or savings and loan association may sell the contents at public auction, or so much thereof as is required, to pay and discharge the lien and expenses of sale. A notice of the date, time and place of the sale shall be advertised in a newspaper having a general circulation in the county within which the principal office of the safe deposit company, bank, savings bank or savings and loan association is located, at least once a week for two successive weeks prior to the sale. The safe deposit company, bank, savings bank or savings and loan association may retain from the proceeds of sale the amount due to it for its lien and the expenses of sale. The balance of the proceeds of the sale and the unsold contents, if any, shall be held to be paid and delivered to the lessee or owner of the contents of the vault, safe deposit box or receptacle so sold.

If the balance of the proceeds of sale and the unsold contents, if any, remain unclaimed by the owner for the time prescribed in the "Uniform Unclaimed Property Act (1981)," R.S.46:30B-1 et seq., it shall be presumed to be abandoned and disposed of as therein provided.

L.1983, c.566, s.17:14A-51; amended 1989, c.58, s.4.

17:14A-52. Accessibility to vault, safe deposit box or receptacle.

The right of access to a vault, safe deposit box or receptacle rented to a lessee by a safe deposit company shall be governed by the rental agreement, the provisions of P.L.1955, c. 151 (C. 46:39-1 et seq.), R.S. 54:35-19 and R.S. 54:35-20.

L.1983, c. 566, s. 17:14A-52.

17:14A-53. Control of safe deposit company.

It shall be unlawful for any person or company, except with the approval of the commissioner, to acquire control of a safe deposit company incorporated under this chapter.

L.1983, c. 566, s. 17:14A-53.

TITLE 22A. FEES AND COSTS

CHAPTER 2. CIVIL CAUSES

ARTICLE 2. SUPERIOR COURT, LAW DIVISION AND COUNTY CLERK'S OFFICE

22A:2-29. County clerk, deputy clerk of Superior Court, fees.

Upon the filing, indexing, entering or recording of the following documents or papers in the office of the county clerk or deputy clerk of the Superior Court, such parties, filing or having the same recorded or indexed in the county clerk's office or with the deputy clerk of the Superior Court in the various counties in this State in all civil or criminal causes, shall pay the following fees in lieu of the fees heretofore provided for the filing,

recording or entering of such documents or papers:

Commissions and oaths--

Administering oaths to notaries public and, commissioners of deeds	\$15.00
For issuing certificate of authority of notary to take proof, acknowledgment of affidavit	\$5.00
For issuing each certificate of the commission and qualification of notary public for filing with other county clerks	\$15.00
For filing each certificate of the commission and qualification of notary public in office of county clerk of county other than where such notary has qualified	\$15.00

L. 1953, c. 22, s.11; amended 1957, c. 224; 1965, c. 123, ss. 7,11; 1967, c. 113; 1980, c. 58, s. 2; 1985, c. 422, s. 4; 2001, c. 370, s. 2; 2002, c. 34, s. 31; 2004, c. 108, s. 3.

CHAPTER 4. CERTAIN STATE AND COUNTY OFFICERS

22A:4-14. Acknowledgments, proof, affidavits and oaths.

For a service specified in this section, commissioners of deeds, foreign commissioners of deeds, notaries public, judges and other officers authorized by law to perform such service, shall receive a fee as follows:

For administering an oath or taking an affidavit,	\$2.50
For taking proof of a deed,	\$2.50
For taking all acknowledgments,	\$2.50
For administering oaths, taking affidavits, taking proofs of a deed, and taking acknowledgments of the grantors in the transfer of real estate, regardless of the number of such services performed in a single transaction to transfer real estate,	\$15.00
For administering oaths, taking affidavits and taking acknowledgments of the mortgagors in the financing of real estate, regardless of the number of such services performed in a single transaction to finance real estate,	\$25.00

L. 1953, c. 22, s. 11; amended 1964, c. 205; 2002, c. 34, s. 48.

TITLE 41. OATHS AND AFFIDAVITS CHAPTER 1. FORMS AND REQUISITES

41:1-7. Seal not necessary to validity of oath or affidavit.

It shall not be necessary to the validity or sufficiency of any oath, affirmation or affidavit, made or taken before any of the persons named in section 41:2-1 of this title, that the same shall be certified under the official seal of the officer before whom made.

CHAPTER 2. ADMINISTERING OATHS; TAKING AFFIDAVITS

41:2-1. Officials authorized to take oaths.

All oaths, affirmations and affidavits required to be made or taken by law of this State, or necessary or proper to be made, taken or used in any court of this State, or for any lawful purpose whatever, may be made and taken before any one of the following officers:

The Chief Justice of the Supreme Court or any of the justices or judges of courts of record of this State;

Masters of the Superior Court;

Municipal judges;
Mayors or aldermen of cities, towns or boroughs or commissioners of commission governed municipalities;
Surrogates, registers of deeds and mortgages, county clerks and their deputies;
Municipal clerks and clerks of boards of chosen freeholders;
Sheriffs of any county;
Members of boards of chosen freeholders;
Clerks of all courts;
Notaries public;
Commissioners of deeds;
Members of the State Legislature;
Attorneys-at-law and counsellors-at-law of this State.

This section shall not apply to official oaths required to be made or taken by any of the officers of this State, nor to oaths or affidavits required to be made and taken in open court.

Amended 1951, c. 302, s. 1; 1953, c. 39, s. 1; 1953, c. 428, s. 3; 1964, c. 165, s. 1; 1968, c. 169; 1970, c. 182; 1983, c. 495; 1986, c. 124; 2007, c. 73.

41:2-3. Oaths administered by notaries public in financial institution matters.

a. A notary public who is a stockholder, director, officer, employee or agent of a financial institution or other corporation may administer an oath to any other stockholder, director, officer, employee or agent of the corporation.

b. A notary public employed by a financial institution may follow directions or policies of the employer which provide that during the hours of the notary public's employment by the financial institution the notary public shall not administer oaths except in the course of the business of the employer.

As used in this section, "financial institution" means a State or federally chartered bank, savings bank, savings and loan association or credit union.

Amended 1997, c. 340.

§ 41:2-14. Oaths of office of notaries, etc.

In case of the absence, removal, death, or any other disability of the county clerk of any county, any judge of the Superior Court may administer the oaths of office and allegiance to commissioners of deeds, notaries public or other persons required to take the same before such clerk, and any official's oath so administered shall be as effectual in law as if taken in the manner prescribed by law.

Amended 1953, c.39, s.10; 1991, c.91, s.407.

41:2-17. Officers authorized to administer or take; jurat; certificate.

Any oath, affirmation or affidavit required or authorized to be taken in any suit or legal proceeding in this state, or for any lawful purpose whatever, except official oaths and depositions required to be taken upon notice, when taken out of this state, may be taken before any notary public of the state, territory, nation, kingdom or country in which the same shall be taken, or before any officer who may be authorized by the laws of this state to take the acknowledgment of deeds in such state, territory, nation, kingdom or country; and a recital that he is such notary or officer in the jurat or certificate of such oath, affirmation or affidavit, and his official designation annexed to his signature, and attested under his official seal, shall be sufficient proof that the person before whom the same is taken is such notary or officer. When, however, any other certificate is required by law to

be annexed to the certificate of such officer, other than a notary public, for the recording of a deed acknowledged before him, a like certificate shall be annexed to his certificate of the taking of such oath.

TITLE 46. PROPERTY
SUBTITLE 3. SIGNATURES, SEALS, ACKNOWLEDGMENTS AND PROOFS
CHAPTER 14. ACKNOWLEDGMENTS AND PROOFS

46:14-1. Repealed.

Repealed by L. 1991, c. 308, s. 6, eff. June 1, 1992.

46:14-2. Repealed.

Repealed by L. 1991, c. 308, s. 6, eff. June 1, 1992.

46:14-2.1. Acknowledgment and proof.

a. To acknowledge a deed or other instrument the maker of the instrument shall appear before an officer specified in R.S. 46:14-6.1 and acknowledge that it was executed as the maker's own act. To acknowledge a deed or other instrument made on behalf of a corporation or other entity, the maker shall appear before an officer specified in R.S. 46:14-6.1 and state that the maker was authorized to execute the instrument on behalf of the entity and that the maker executed the instrument as the act of the entity.

b. To prove a deed or other instrument, a subscribing witness shall appear before an officer specified in R.S. 46:14-6.1 and swear that he or she witnessed the maker of the instrument execute the instrument as the maker's own act. To prove a deed or other instrument executed on behalf of a corporation or other entity, a subscribing witness shall appear before an officer specified in R.S. 46:14-6.1 and swear that the representative was authorized to execute the instrument on behalf of the entity, and that he or she witnessed the representative execute the instrument as the act of the entity.

c. The officer taking an acknowledgment or proof shall sign a certificate stating that acknowledgment or proof. The certificate shall also state:

- (1) that the maker or the witness personally appeared before the officer;
- (2) that the officer was satisfied that the person who made the acknowledgment or proof was the maker of or the witness to the instrument;
- (3) the jurisdiction in which the acknowledgment or proof was taken;
- (4) the officer's name and title;
- (5) the date on which the acknowledgment was taken.

d. The seal of the officer taking the acknowledgment or proof need not be affixed to the certificate stating that acknowledgment or proof.

L. 1991, c. 308, s. 1.

46:14-3. Repealed.

Repealed by L. 1991, c. 308, s. 6, eff. June 1, 1992.

46:14-4. Repealed.

Repealed by L. 1991, c. 308, s. 6, eff. June 1, 1992.

46:14-4.1. Proof of instruments not acknowledged or proved.

If a deed or other instrument cannot be acknowledged or proved for any reason, the instrument may be proved in Superior Court by proof of handwriting or otherwise to the

satisfaction of the court. Notice of the application in accordance with the Rules of Court shall be given to any party whose interests may be affected.

L. 1991, c. 308, s. 1.

46:14-4.2. Signatures.

For purposes of this title, a signature includes any mark made on a document by a person who thereby intends to give legal effect to the document. A signature also includes any mark made on a document on behalf of a person, with that person's authority and to effectuate that person's intent.

L. 1991, c. 308, s. 1.

46:14-5. Repealed.

Repealed by L. 1991, c. 308, s. 6, eff. June 1, 1992.

46:14-6. Repealed.

Repealed by L. 1991, c. 308, s. 6, eff. June 1, 1992.

46:14-6.1. Officers authorized to take acknowledgments.

a. The officers of this State authorized to take acknowledgments or proofs in this State, or in any other United States or foreign jurisdiction, are:

- (1) an attorney-at-law;
- (2) a notary public;
- (3) a county clerk or deputy county clerk;
- (4) a register of deeds and mortgages or a deputy register;
- (5) a surrogate or deputy surrogate.

b. The officers authorized to take acknowledgments or proofs, in addition to those listed in subsection a., are:

(1) any officer of the United States, of a state, territory or district of the United States, or of a foreign nation authorized at the time and place of the acknowledgment or proof by the laws of that jurisdiction to take acknowledgments or proofs. If the certificate of acknowledgment or proof does not designate the officer as a justice, judge or notary, the certificate of acknowledgment or proof, or an affidavit appended to it, shall contain a statement of the officer's authority to take acknowledgments or proofs;

(2) a foreign commissioner of deeds for New Jersey within the jurisdiction of the commission;

(3) a foreign service or consular officer or other representative of the United States to any foreign nation, within the territory of that nation.

L. 1991, c. 308, s. 1.

46:14-7. Repealed.

Repealed by L. 1991, c. 308, s. 6, eff. June 1, 1992.

46:14-8. Repealed.

Repealed by L. 1991, c. 308, s. 6, eff. June 1, 1992.

**TITLE 52. STATE GOVERNMENT, DEPARTMENTS AND OFFICERS
SUBTITLE 1. GENERAL PROVISIONS
CHAPTER 7. NOTARIES PUBLIC ACT**

§§ 52:7-1 to 52:7-9. Repealed by L. 1979, c. 460, § 11, eff. Feb. 27, 1980.

§ 52:7-10. Short title

This act shall be known and may be cited as the “New Jersey Law on Notarial Acts.”

History

L. 1979, c. 460, 1; amended by 2021, c. 179, § 1, effective October 20, 2021.

§ 52:7-10.1. Definitions

As used in P.L.2021, c.179 (C.52:7-10.1 et al.):

a. “Acknowledgment” means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

b. “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

c. “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.

d. “In a representative capacity” means acting as:

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

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

(3) An agent or attorney-in-fact for a principal; or

(4) An authorized representative of another in any other capacity.

e. “Non-attorney applicant” means an applicant for an initial or renewal commission as a notary public who is not also a licensed attorney-at-law in this State.

f. “Notarial act” means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the laws of New Jersey. The term includes:

(1) taking an acknowledgment,

(2) administering an oath or affirmation,

(3) taking a verification on oath or affirmation,

(4) witnessing or attesting a signature,

(5) certifying or attesting a copy or deposition, and

(6) noting a protest of a negotiable instrument.

g. “Notarial officer” means a notary public or other individual authorized by law to perform a notarial act.

h. “Notary public” means an individual commissioned by the State Treasurer to perform a notarial act.

i. “Official stamp” means a physical image affixed to or embossed on a tangible record or an electronic image attached to, or logically associated with, an electronic record.

j. “Person” has the meaning ascribed to it in R.S.1:1-2.

k. “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.

l. “Sign” means, with present intent to authenticate or adopt a record:

(1) To execute or adopt a tangible symbol; or

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

m. “Signature” means a tangible symbol or an electronic signature that evidences the

signing of a record.

n. “Stamping device” means:

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

(2) An electronic device or process capable of attaching to or logically associating with an electronic record an official stamp.

o. “State” means the State of New Jersey; “other state” or “another state” means any state, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other insular possession or territory of the United States other than the State of New Jersey.

p. “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

L. 2021, c. 179, § 2, effective October 20, 2021.

§ 52:7-10.2. Course of study; continuing education [Effective July 22, 2022]

a. The provisions of this section do not apply to notaries public who are also licensed attorneys-at-law in this State.

b. A non-attorney applicant for an initial commission as a notary public pursuant to section 2 of P.L.1979, c.460 (C.52:7-11) shall comply with all educational requirements that the State Treasurer shall set forth in rules adopted pursuant to the “Administrative Procedure Act,” P.L.1969, c.410 (C.52:14B-1 et seq.). The State Treasurer shall prescribe and approve a course of study to foster and confirm applicants’ understanding of the principles and standards that govern notarial practices. Applicants shall be required to acknowledge that they have read and understood the Notary Public Manual and complete any other educational programs that the Treasurer may require.

c. A non-attorney applicant for renewal of a commission pursuant to section 2 of P.L.1979, c.460 (C.52:7-11) who has previously completed the educational requirements required pursuant to subsection b. of this section at least one time, or who was commissioned for the first time before the effective date [Oct. 20, 2021] of P.L.2021, c.179 (C.52:7-10.1 et al.) shall comply with any additional educational requirements that the State Treasurer sets forth in rules adopted pursuant to the “Administrative Procedure Act,” P.L.1969, c.410 (C.52:14B-1 et seq.). The State Treasurer shall prescribe and approve a continuing education course for non-attorney applicants seeking a renewal of a commission pursuant to section 2 of P.L.1979, c.460 (C.52:7-11).

d. The State Treasurer shall prescribe an application form and certificate of approval for any notary public course of study and any notary public continuing education course proposed by a provider. The State Treasurer may also provide a notary public course of study and continuing education course.

e. Any course of study developed pursuant to subsections b. and c. of this section may be given by the State Treasurer or by independent vendors.

f. The State Treasurer shall compile a list of all independent vendors offering an approved course of study and continuing education course pursuant to this section and shall provide the list on the website of the State Treasurer.

g. Any course of study for a non-attorney applicant for an initial commission shall cover the statutes, regulations, procedures, and ethics for notaries public as described in the manual issued by the State Treasurer, and shall include the duties and responsibilities of a notary public. The course of study may be provided by classroom instruction, by online instruction, or by any other method approved by the State Treasurer.

h. Any continuing education course for a non-attorney applicant for renewal of a commission shall cover topics which ensure maintenance and enhancement of skill, knowledge, and competency necessary to perform notarial acts. The continuing education course may be provided by online instruction, classroom instruction, or by any other method approved by the State Treasurer.

i. The Treasurer shall regularly assess the efficacy of the State's notarial education program. The Treasurer shall adjust the program's content as notarial technologies and processes evolve, and publish on the Treasury website, on or before September 30 each year, a report on the state of notary education in New Jersey. The report shall contain a summary of commissioning activity, an assessment regarding the need for new or changed educational content, and the estimated timelines for delivering the new or changed content.

History

L. 2021, c. 179, § 6, effective July 22, 2022.

§ 52:7-10.3. Examination [Effective July 22, 2022]

a. The provisions of this section do not apply to applicants who are licensed attorneys-at-law in this State.

b. The State Treasurer shall prescribe an examination to determine the fitness of a non-attorney applicant to exercise the functions of a notary public as provided in section 2 of P.L.1979, c.460 (C.52:7-11). The examination shall:

(1) be based on the statutes, rules, regulations, procedures, and ethical requirements for notaries public as described in the manual issued by the State Treasurer; and

(2) include the requirements, functions, duties, and responsibilities of a notary public.

c. The examination required by subsection b. may be given by the State Treasurer or by an independent vendor under contract to the State Treasurer. If a contract vendor is utilized, the contract vendor shall develop and administer the examination in accordance with specifications approved by the State Treasurer. The State Treasurer shall have the sole responsibility for establishing minimum qualifications and passing requirements of candidates taking the examination.

d. The State Treasurer shall establish a nonrefundable fee which shall be payable at the examination site. Such fee shall be established or changed by the State Treasurer taking into consideration the fee charged by any independent contract vendor to develop and administer the examination, and consideration of the need to defray any proper expenses incurred by the Department of the Treasury in its administration of any independent contract vendor administering the examination. The fee shall not be fixed at a level that will raise amounts in excess of the amount estimated to be so required.

History

L. 2021, c. 179, § 7, effective July 22, 2022.

§ 52:7-10.4. Grounds for State Treasurer to deny application, refuse to renew commission, or revoke, suspend, or limit commission

a. The State Treasurer may deny an application for commission as a notary public; refuse to renew a commission of a notary public; or suspend, revoke, or otherwise limit the commission of a notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability necessary to act as a notary public, including:

(1) failure to comply with P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.);

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

(3) a finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on fraud, dishonesty, or deceit, including but not limited to a violation of section 1 of P.L.1997, c.1 (C.2C:21-31) or section 1 of P.L.1994, c.47 (C.2C:21-22), but nothing in this paragraph shall be deemed to supersede P.L.1968, c.282 (C.2A:168A-1 et seq.);

(4) a conviction of a crime of the second degree or above, but nothing in this paragraph shall be deemed to supersede P.L.1968, c.282 (C.2A:168A-1 et seq.);

(5) failure by the notary public to discharge any duty required by any law, including P.L.1979, c.460 (C.52:7-10 et seq.), any rules or regulations promulgated thereunder by the State Treasurer, and any other State or federal law;

(6) use of false or misleading advertising or representation by the notary public representing that the notary is commissioned, licensed, or authorized to practice or engage in work that the notary is not commissioned, licensed, or authorized to engage in;

(7) in the case of a notary public who is not an attorney licensed to practice law, any of the following:

(a) giving legal advice;

(b) acting as an immigration consultant or an expert on immigration matters;

(c) otherwise performing the duties of an attorney licensed to practice law in New Jersey;

(d) a disciplinary or other administrative action resulting in a finding of culpability if the applicant holds any professional license regulated by the State; or

(e) creating or reinforcing, by any means, a false impression that the person is licensed to engage in the practice of law in this State or any other state, including, but not limited to, committing a violation of P.L.1994, c.47 (C.2C:21-22) or P.L.1997, c.1 (C.2C:21-31);

(8) failure to take and subscribe to the oath pursuant to section 5 of P.L.1979, c.460 (C.52:7-14) within three months of the receipt of a notary public commission;

(9) withholding access to or possession of an original record or photocopy provided by a person who seeks performance of a notarial act by the notary public, except where allowed by law; or

(10) the denial of an application for notary public in another state; the refusal to renew in another state; or the suspension, revocation, or other limitation of the commission of the notary public in another state.

b. If the State Treasurer denies an application for notary public; refuses to renew a commission of a notary public; or suspends, revokes, or otherwise limits the commission of a notary public, the applicant or the notary public is entitled to timely notice and hearing in accordance with the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

c. The authority of the State Treasurer to deny an application for notary public; refuse to renew a commission of a notary public; or suspend, revoke, or otherwise limit the commission of a notary public shall not prevent a person aggrieved by the actions of a notary public from seeking other criminal or civil remedies provided by law.

History

L. 2021, c. 179, § 9, effective October 20, 2021.

§ 52:7-10.5. Official stamp

a. The official stamp of a notary public shall:

(1) include the name of the notary public, the title “Notary Public, State of New Jersey,” and the notary public’s commission expiration date; 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. If a notarial act regarding a tangible record is performed by a notary public, an official stamp shall be affixed to or embossed on the certificate near the signature of the notary public so as to be clear and readable. If a notarial act regarding an electronic record is performed by a notary public and the certificate contains the information specified in subsection a. of this section, an official stamp must be attached to or logically associated with the certificate.

History

L. 2021, c. 179, § 14, effective October 20, 2021.

§ 52:7-10.6. Stamping device

a. A notary public is responsible for the security of the stamping device used by the notary public and may not allow another individual to use the device to perform a notarial act, except at the specific instruction of a notary public who cannot physically use the stamping device.

b. The stamping device is the property of the notary public and not of the notary public’s employer, even if the employer paid for the stamping device.

c. If the stamping device used by the notary public is lost or stolen, the notary public or the notary public’s personal representative shall notify the State Treasurer of the loss or theft within 10 days.

History

L. 2021, c. 179, § 15, effective October 20, 2021.

§ 52:7-10.7. Authority to perform notarial act

a. A notarial officer may perform a notarial act authorized by P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.), and any other applicable law.

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

c. A notarial officer may certify that a tangible copy of an electronic record is an accurate copy of the electronic record.

History

L. 2021, c. 179, § 16, effective October 20, 2021.

§ 52:7-10.8. 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 subsection b. of N.J.S.12A:3-505.

f. For the purposes of this section:

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

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

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

(b) Another form of government-issued identification, which is current or expired not more than three years before the performance of the notarial act, and which:

(i) contains the individual's signature or a photograph of the individual's face; and

(ii) is satisfactory to the notarial officer; or

(c) A verification of oath or affirmation of a credible witness personally appearing before the notarial officer or using communication technology to appear before the notarial officer pursuant to section 19 of P.L.2021, c.179 (C.52:7-10.10) and personally known to the notarial officer or whom the notarial officer can identify on the basis of a passport, driver's license, or government-issued, non-driver identification card, which is current or expired not more than three years before the performance of the notarial act.

(3) A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the notarial officer of the identity of the individual.

History

L. 2021, c. 179, § 17, effective October 20, 2021.

§ 52:7-10.9. Personal appearance; use of communication technology

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 or shall use communication technology to appear before the notarial officer pursuant to section 19 of P.L.2021, c.179 (C.52:7-10.10).

History

L. 2021, c. 179, § 18, effective October 20, 2021.

§ 52:7-10.10. Notarial act performed by remotely located individual

a. As used in this section:

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

(a) allows a notarial officer 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) “Foreign state” means a jurisdiction other than the United States, a state, or a federally recognized Indian tribe.

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

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

(5) “Remotely located individual” means an individual who is not in the physical presence of a notarial officer performing a notarial act under subsection c.

b. This section does not apply to a record to the extent it is governed by a law governing the creation and execution of wills or codicils, except that subsections e., f., g., and h. of this section shall apply to notarial acts performed on a tangible record that is governed by a law governing the creation or execution of wills and codicils.

c. A remotely located individual may comply with section 18 of P.L.2021, c.179 (C.52:7-10.9) and subsections a. and b. of R.S.46:14-2.1 by using communication technology to appear before a notarial officer.

d. A notarial officer located in this State may perform a notarial act using communication technology for a remotely located individual if:

(1) the notarial officer:

(a) has personal knowledge pursuant to paragraph (1) of subsection f. of section 17 of P.L.2021, c.179 (C.52:7-10.8) of the identity of the individual;

(b) has satisfactory evidence of the identity of the remotely located individual by oath or affirmation from a credible witness appearing before the notarial officer pursuant to paragraph (2) of subsection f. of section 17 of P.L.2021, c.179 (C.52:7-10.8.) or using communication technology to appear before the notarial officer pursuant to this section; or

(c) has obtained satisfactory evidence of the identity of the remotely located individual by using at least two different types of identity proofing;

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

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

(4) for a remotely located individual who is located outside the United States:

(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 the United States; or

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

e. A notarial officer in this State may use communication technology under subsection d. of this section to take an acknowledgement of a signature on a tangible record that is in the possession of the notary public if the record is displayed to and identified by the remotely located individual during the audio-visual session required by

paragraph (3) of subsection d. of this section.

f. A notarial officer's obligation under paragraph (2) of subsection d. of this section for the performance of a notarial act with respect to a tangible record not physically present before the notarial officer is satisfied if:

(1) the remotely located individual:

(a) during the audio-visual session required by paragraph (3) of subsection d. of this section, signs:

(i) the record; and

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

I declare under penalty of perjury that the record to which this declaration is attached is the same record on which performed a notarial act and before whom I appeared by means of communication technology on [date].

_____ Printed name of remotely located individual

_____ Signature of remotely located individual; and

(b) sends the record and declaration to the notarial officer not later than three days after the notarial act was performed; and

(2) the notarial officer:

(a) in the audio-visual recording required by paragraph (3) of subsection d. of this section, records the individual signing the record and declaration; and

(b) after receipt of the record and declaration from the individual, executes the certificate of notarial act required by section 13 of P.L.2021, c.179 (C.52:7-10.19), which must include the following statement or words of similar import:

"I [name of notarial officer] witnessed, by means of communication technology, [name of remotely located individual] sign the attached record and declaration on [date]".

g. A notarial act performed in compliance with subsection f. of this section complies with paragraph (1) of subsection a. of section 13 of P.L.2021, c.179 (C.52:7-10.19) and is effective as of the date on which the declaration was signed by the remotely located individual.

h. Subsections f. and g. of this section are not intended to exclude other procedures to satisfy the requirements of this section for a notarial act performed with respect to a tangible record.

i. A notarial officer in this State may administer an oath to a remotely located individual using communication technology. Except as required or permitted by rule or law of this State, the notarial officer shall identify the individual under paragraph (1) of subsection d. of this section, create an audio-visual recording under paragraph (3) of subsection d. of this section of the individual taking the oath, and preserve a copy of the audio-visual recording under subsection l. of this section.

j. If a notarial act is performed under this section, the certificate of notarial act required by section 10 of P.L.1979, c.460 (C.52:7-19), the certificate required by section c. of R.S.46:14-2.1, or the short-form certificate provided in section 21 of P.L.2021, c.179 (C.52:7-10.12) must indicate that the notarial act was performed using communication technology.

k. A short-form certificate provided in section 21 of P.L.2021, c.179 (C.52:7-10.12) for a notarial act subject to this section is sufficient if it:

(1) complies with any rules or regulations adopted by the State Treasurer under paragraph (1) of subsection o. of this section or section 29 of P.L.2021, c.179 (C.52:7-10.20); or

(2) is in the form provided by section 21 of P.L.2021, c.179 (C.52:7-10.12) and contains a statement substantially as follows: “This notarial act involved the use of communication technology.”

l. A notarial officer, a guardian, conservator, or agent of a notarial officer, or a personal representative of a deceased notarial officer, shall retain the audio-visual recording created under paragraph (3) of subsection d. 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. Unless a different period is required by any rule or regulation adopted by the State Treasurer under paragraph (4) of subsection o. of this section, the recording must be retained for a period of at least 10 years after the recording is made.

m. Before a notary public performs the notary public’s initial notarial act under this section, the notary public must notify the State Treasurer that the notary public will be performing such notarial acts and identify the technologies the notary public intends to use.

n. If the State Treasurer has established standards under subsection i. of this section and section 29 of P.L.2021, c.179 (C.52:7-10.20) for approval of communication technology or identity proofing, the communication technology and identity proofing must conform to those standards.

o. In addition to adopting rules and regulations pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) under section 29 of P.L.2021, c.179 (C.52:7-10.20), the State Treasurer may adopt rules and regulations pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) under this section regarding the performance of a notarial act. The rules and regulations may:

(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 created under paragraph (3) of subsection d. of this section; and

(5) prescribe methods for confirmation of a tangible record by a notarial officer permitted under subsection e. of this section.

p. Before adopting, amending, or repealing a rule or regulation governing performance of a notarial act with respect to a remotely located individual, the State Treasurer must 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 such as the Mortgage Industry Standards Maintenance Organization 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.

q.

(1) A notarial officer may perform a notarial act using communication technology for a remotely located individual that meets the requirements of section 19 of P.L.2021, c.179 (C.52:7-10.10) and subsections a. and b. of R.S.46:14-2.1 regardless of whether the remotely located individual is physically located in this State.

(2) A notarial act performed using communication technology for a remotely located individual is deemed performed in New Jersey and is governed by New Jersey law.

r. It is the intent of the Legislature that, to the fullest extent allowed by the Full Faith and Credit Clause of the United States Constitution and the laws of the 50 states and the District of Columbia, a notarial act performed in this State shall be recognized, be enforceable, and have the same effect under the law of the 50 states as if performed by a notarial officer of those jurisdictions.

s. 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 created under paragraph (3) of subsection d. of this section, the provider of the communication technology, identity proofing, or storage appoints the State Treasurer as the provider's agent for service of process in any civil action in this State related to the notarial act.

History

L. 2021, c. 179, § 19, effective October 20, 2021.

§ 52:7-10.11. 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 record with the individual's name. 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

L. 2021, c. 179, § 20, effective October 20, 2021.

§ 52:7-10.12. Certificate form

The following short form certificates of notarial acts are sufficient for the purposes indicated, if the requirements of section 10 of P.L.1979, c.460 (C.52:7-19) are satisfied. Certificates of notarial acts are deemed sufficient for the purposes indicated if substantially all of the requirements of section 10 of P.L.1979, c.460 (C.52:7-19) and this section are satisfied:

a. For an acknowledgment in an individual capacity:

State of _____

County of _____

This record was acknowledged before me on _____ (date) by (Name(s) of individual(s)).

Signature of notarial officer

Stamp

Title of office

(My commission expires: _____)

b. For an acknowledgment in a representative capacity:

State of _____

County of _____

This record was acknowledged before me on _____ (date) by (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

Stamp

Title of office

(My commission expires: _____)

c. For a verification on oath or affirmation:

State of _____

County of _____

Signed and sworn to (or affirmed) before me on _____ (date) by (Name(s) of individual(s) making statement).

Signature of notarial officer

Stamp

Title of office

(My commission expires: _____)

d. For witnessing or attesting a signature:

State of _____

County of _____

Signed (or attested) before me on _____ (date) by (Name(s) of individual(s)).

Signature of notarial officer

Stamp

Title of office

(My commission expires: _____)

e. For certifying a copy of a record:

State of _____

County of _____

I certify that this is a true and correct copy of a record in the possession of _____ (name).

Dated _____

Signature of notarial officer

Stamp

Title of office

(My commission expires: _____)

History

L. 2021, c. 179, § 21, effective October 20, 2021.

§ 52:7-10.13. Notarial act in this State

a. The signature and title of an individual performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.

b. A notarial act may be performed in this State by an individual authorized by the applicable law to perform the notarial act.

c. The signature and title of a notarial officer authorized by the applicable law to perform the notarial act conclusively establishes the authority of the officer to perform the notarial act.

History

L. 2021, c. 179, § 22, effective October 20, 2021.

§ 52:7-10.14. Notarial acts outside this state

a. In Another State.

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

(a) a notary public of that state;

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

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

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

designated title.

(3) The signature and title of a notarial officer described in subparagraph (a) or (b) of paragraph (1) of this subsection conclusively establish the authority of the officer to perform the notarial act.

b. Under Authority of Federally Recognized Indian Tribe.

(1) 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 this State, if the act performed in the jurisdiction of the tribe is performed by:

(a) a notary public of the tribe;

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

(c) any other individual authorized by the law of the tribe to perform the notarial act.

(2) The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of a notarial officer described in subparagraph (a) or (b) of paragraph (1) of this subsection conclusively establish the authority of the officer to perform the notarial act.

c. Under Federal Authority.

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

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

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

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

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

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

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

d. Foreign Notarial Acts.

(1) As used in this subsection, “foreign state” means a jurisdiction other than the United States, a state, or a federally recognized Indian tribe.

(2) If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the law of this State as if performed by a notarial officer of this State.

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

(4) The signature and official stamp of an individual holding an office described in paragraph (3) of this subsection are prima facie evidence that the signature is genuine and the individual holds the designated title.

(5) 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 establishes that the signature of the notarial officer is genuine and that the notarial officer holds the indicated office.

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

History

L. 2021, c. 179, § 23, effective October 20, 2021.

§ 52:7-10.15. Notification regarding performance of notarial act on electronic record; selection of technology; acceptance of tangible copy of electronic record

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

b. Before a notary public performs the notary public's initial notarial act with respect to an electronic record, the notary public shall notify the State Treasurer that the notary public will be performing notarial acts with respect to electronic records and identify the technology that the notary public intends to use. If the State Treasurer has established standards for approval of technology pursuant to section 29 of P.L.2021, c.179 (C.52:7-10.20), the technology must conform to those standards. If the technology conforms to the standards, the State Treasurer shall approve the use of the technology.

c. A county clerk, a register of deeds and mortgages, and a county surrogate shall 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.

History

L. 2021, c. 179, § 24, effective October 20, 2021.

§ 52:7-10.16. Database of notaries public

The State Treasurer shall maintain an electronic database of current and former notaries public, including the dates that the notary public was commissioned and authorized to perform notarial acts:

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

b. which indicates whether a notary public has notified the State Treasurer that the notary public will be performing notarial acts on electronic records.

History

L. 2021, c. 179, § 25, effective October 20, 2021.

§ 52:7-10.17. 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;

(2) the individual's signature is knowingly and voluntarily made;

(3) the individual's signature on the record or statement substantially conforms to the signature on a form of identification used to determine the identity of the individual; or

(4) the physical appearance of the individual signing the record or statement substantially conforms to the photograph on a form of identification used to determine the identity of the individual.

b. A notarial officer may refuse to perform a notarial act unless refusal is prohibited by law other than P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.).

History

L. 2021, c. 179, § 26, effective October 20, 2021.

§ 52:7-10.18. Journal

a. A notary public shall maintain a journal of all notarial acts performed.

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

(2) A notary public shall maintain only one journal at a time to chronicle all notarial acts, whether those notarial acts are performed regarding tangible or electronic records.

(3) If the journal is maintained on a tangible medium, it shall be a permanent, bound register with consecutively numbered lines and consecutively numbered pages.

(4) If the journal is maintained in an electronic format, it shall be in a permanent, tamper-evident electronic format complying with any rules and regulations promulgated by the State Treasurer.

b. For each notarial act, the notary public shall record in the journal:

(1) the date and time of the notarial act;

(2) the type of notarial act, including but not limited to the taking of an acknowledgment, the taking of a proof of a deed, the administration of an oath, or the taking of an affidavit;

(3) the name and address of each person 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, if applicable, the type, date of issuance, and date of expiration of an identification document, or the name and signature of any identifying witness and, if applicable, the type, date of issuance, and date of expiration of a document identifying the witness; and

(6) an itemized list of all fees charged for the notarial act.

c. If a notary public's journal is lost or stolen, the notary public shall notify the State Treasurer within 10 days of the loss or theft.

d. The notary public shall either:

(1) retain the journal for 10 years after the performance of the last notarial act chronicled in the journal; or

(2) transmit the journal to the Department of the Treasury, Division of Revenue and Enterprise Services, or a repository approved by the State Treasurer.

e. On resignation from, or the revocation or suspension of, a notary public's commission, the notary public shall either:

(1) retain the journal in accordance with paragraph (1) of subsection d. of this section and inform the State Treasurer where the journal is located; or

(2) transmit the journal to the Department of the Treasury, Division of Revenue and

Enterprise Services, or a repository approved by the State Treasurer.

f. On the death or adjudication of incompetency of a current or former notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the journal shall, within 45 days, transmit it to the Department of the Treasury, Division of Revenue and Enterprise Services, or a repository approved by the State Treasurer.

g. In lieu of maintaining a journal, a notary public who is an attorney-at-law admitted to practice in this State, or who is employed by an attorney-at-law, or who is employed by or acting as an agent for a title insurance company licensed to do business in this State pursuant to P.L.2001, c.210 (C.17:22A-26 et seq.), may maintain a record of notarial acts in the form of files regularly maintained for the attorney's law practice or the title insurance company's business activities, as the case may be.

History

L. 2021, c. 179, § 27, effective October 20, 2021.

§ 52:7-10.19. Validity of notarial acts

a. Except as otherwise provided in section 9 of P.L.2021, c.179 (C.52:7-10.4), the failure of a notarial officer to perform a duty or meet a requirement specified in P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.), does not invalidate a notarial act performed by the notarial officer.

b. The validity of a notarial act under P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.), does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies available by law and as provided in P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.).

c. P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.), shall not validate any purported notarial act performed by an individual who does not have the authority to perform notarial acts.

History

L. 2021, c. 179, § 28, effective October 20, 2021.

§ 52:7-10.20. Rules and regulations

a. The State Treasurer shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to implement the provisions of P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.). Any rules and regulations 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. The rules and regulations may:

(1) prescribe the manner of performing notarial acts regarding tangible and electronic records;

(2) include provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self-evident;

(3) include provisions to ensure integrity in the creation, transmittal, storage, or authentication of electronic records or signatures;

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

(5) include provisions to prevent fraud or mistake in the performance of notarial acts; and

(6) provide for the administration of the examination under section 7 of P.L.2021, c.179 (C.52:7-10.3) and the course of study under section 6 of P.L.2021, c.179 (C.52:7-10.2).

b. In adopting, amending, or repealing rules and regulations concerning notarial acts with respect to electronic records, the State Treasurer shall consider, consistent with the provisions of P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.):

(1) the most recent standards regarding electronic records promulgated by national bodies, such as the Mortgage Industry Standards Maintenance Organization and the National Association of Secretaries of State;

(2) standards, practices, and customs of other jurisdictions that substantially enact the Revised Uniform Law on Notarial Acts, as embodied in P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.); and

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

History

L. 2021, c. 179, § 29, effective October 20, 2021.

§ 52:7-10.21. Relation to electronic signatures in global and national commerce act

P.L.2021, c.179 (C.52:7-10.1 et al.) modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. § 7003(b).

History

L. 2021, c. 179, § 34, effective October 20, 2021.

§ 52:7-10.22. Savings clause

P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.), shall not affect the validity or effect of any notarial act performed before the effective date [Oct. 20, 2021] of P.L.2021, c.179 (C.52:7-10.1 et al.).

History

L. 2021, c. 179, § 35, effective October 20, 2021.

§ 52:7-10.23. Rules, regulations

Notwithstanding the provisions of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the State Treasurer shall adopt, after notice, interim rules and regulations as shall be necessary for the implementation of this act [C.52:7-10.1 et al.] within 90 days after the effective date of this act. The rules and regulations shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the Treasurer in accordance with the provisions of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

History

L. 2021, c. 179, § 38, effective October 20, 2021.

§ 52:7-11. Commission; term; application; renewal

a. The State Treasurer may commission so many notaries public as the State Treasurer deems necessary to commission. Notaries public shall hold their respective

offices for a term of five years.

b. An applicant for commission as a notary public shall make application to the State Treasurer on a form prescribed by the State Treasurer and endorsed by a member of the Legislature. Renewals shall be made in the same manner as the original application. All applications shall be submitted electronically.

The application form shall provide a notice to the applicant that a notary public who is not licensed as an attorney-at-law shall not use or advertise the title of lawyer or attorney-at-law, or equivalent terms, in any language, which mean or imply that the notary public is licensed as an attorney-at-law in the State of New Jersey or in any other jurisdiction of the United States. The application form shall also state that a notary public who advertises the notary public's services in any language is required to provide with such advertisement a notice in the language of the advertisement which contains the following statement or translation of the following statement if the advertisement is not in English: "I am not an attorney licensed to practice law and may not give legal advice about immigration or any other legal matter or accept fees for legal advice."

c. The State Treasurer shall collect a nonrefundable fee of \$25 for each commission or renewal. In collecting the fee, the State Treasurer shall accept the use of a credit card, debit card, or electronic funds transfer.

History

L. 1979, c. 460, § 2; amended 1987, c. 435, § 21; 2014, c. 48, § 3, eff. Dec. 9, 2014; 2021, c. 179, § 3, effective October 20, 2021.

§ 52:7-12. Qualifications

a. A person commissioned as a notary public in this State shall:

(1) be at the time of appointment at least 18 years of age;

(2) be at the time of appointment a legal resident of this State or have a place of employment or practice in this State; and

(3) not be disqualified to receive a commission under section 9 of P.L.2021, c.179 (C.52:7-10.4 et al.).

b. A non-attorney applicant for an initial commission as a notary public shall provide satisfactory proof that the applicant has:

(1) completed a course of study approved by the State Treasurer pursuant to subsection b. of section 6 of P.L.2021, c.179 (C.52:7-10.2); and

(2) passed an examination prescribed by the State Treasurer pursuant to section 7 of P.L.2021, c.179 (C.52:7-10.3).

c. A non-attorney commissioned notary public applying to renew a commission who has satisfactorily completed a course of study required pursuant to subsection b. of section 6 of P.L.2021, c.179 (C.52:7-10.2) at least one time, or who was commissioned for the first time before the effective date of P.L.2021, c.179 (C.52:7-10.1 et al.) shall complete a continuing education course as set forth in subsection c. of section 6 of P.L.2021, c.179 (C.52:7-10.2) and provide satisfactory proof of such completion.

History

L. 1979, c. 460, 3; amended by 2021, c. 179, § 4, effective October 20, 2021.

§ 52:7-13. Commission of nonresidents; additional requirements

a. No person shall be denied a commission as a notary public on account of residence outside this State, provided such person maintains, or is regularly employed in, an office in this State or is an employee of a business with its domicile or primary place of business in this State and performs his employment duties remotely from a home office

or a co-working space.

b. In addition to the requirements of section 3 of P.L.1979, c.460 (C.52:7-12), any nonresident shall file with the State Treasurer at the time of application a certificate setting forth the residence and the address of the applicant, and the office or place of employment of the applicant in this State.

c. Once commissioned, any such nonresident notary public shall file with the State Treasurer a certificate showing any change of residence or change of the office or place of employment of the notary public in this State.

History

L. 1979, c. 460, § 4; amended 2014, c. 48, § 4, eff. Dec. 9, 2014; 2021, c. 179, § 5, effective October 20, 2021.

§ 52:7-14. Oath; filing; certificate of commission

a. Within three months of the receipt of a commission, each notary public shall take and subscribe an oath before the clerk of the county in which the notary public resides, to faithfully and honestly discharge the duties of the office; and make and keep a true record of all such matters as are required by law, which oath shall be filed with the clerk. The oath of office of a nonresident notary public shall be taken and subscribed before the clerk of the county in which the nonresident notary public maintains the notary public's office or the county in which the nonresident notary public is an employee of a business with its domicile or primary place of business in this State.

b. Upon the administration of the oath, the clerk shall cause the notary public to endorse the certificate of commission and qualification and shall transmit the certificate to the State Treasurer within 10 days of the administration of the oath. After the administration of the oath, the clerk shall provide a notice to the person that a notary public who is not licensed as an attorney-at-law shall not use or advertise the title of lawyer or attorney-at-law, or equivalent terms, in any language, which mean or imply that the notary public is licensed as an attorney-at-law in the State of New Jersey or in any other jurisdiction of the United States. The notice shall also state that a notary public who advertises the notary public's services, in any language, is required to provide with such advertisement a notice in the language of the advertisement which contains the following statement or translation of the following statement if the advertisement is not in English: "I am not an attorney licensed to practice law and may not give legal advice about immigration or any other legal matter or accept fees for legal advice."

c. The State Treasurer shall cancel and revoke the appointment of any notary public who fails to take and subscribe the oath within three months of the receipt of the commission and any appointment so canceled and revoked shall be null, void and of no effect. A commission authorizes the notary public to perform notarial acts. The commission does not provide the notary public any immunity or benefit conferred by the law of this State on public officials or employees.

History

L. 1979, c. 460, § 5; amended 2014, c. 48, § 5, eff. Dec. 9, 2014; 2021, c. 179, § 8, effective October 20, 2021.

§ 52:7-15. Statewide authority

A notary public who has been duly commissioned and qualified is authorized to perform the duties of a notary public throughout the State.

History

L. 1979, c. 460, 6; amended by 2021, c. 179, § 10, effective October 20, 2021.

§ 52:7-16. Repealed by L. 2021, c. 179, § 37, effective October 20, 2021.

§ 52:7-17. Manual

a. The State Treasurer shall maintain a manual on the Department of the Treasury's website that sets forth the requirements, functions, duties, and responsibilities of a notary public. The manual shall include, but not be limited to, the statutes, rules, regulations, procedures, and ethical requirements governing a notary public.

b. The manual shall specify that a notary public who is not licensed as an attorney-at-law shall not use or advertise the title of lawyer or attorney-at-law, or equivalent terms, in any language, which mean or imply that the notary public is licensed as an attorney-at-law in the State of New Jersey or in any other jurisdiction of the United States. The manual shall also state that a notary public who advertises the notary public's services in any language is required to provide with such advertisement a notice which contains the following statement or translation of the following statement if the advertisement is not in English: "I am not an attorney licensed to practice law and may not give legal advice about immigration or any other legal matter or accept fees for legal advice." The manual shall also state that no person shall be commissioned a notary public or receive a renewal of a notary public commission if that person has been convicted under the laws of this State of an offense involving dishonesty, including but not limited to a violation of section 1 of P.L.1997, c.1 (C.2C:21-31) or section 1 of P.L.1994, c.47 (C.2C:21-22), or a substantially similar crime under the laws of another state or the United States or of a crime of the second degree or above, but nothing in this paragraph shall be deemed to supersede P.L.1968, c.282 (C.2A:168A-1 et seq.).

c. The State Treasurer shall update the information contained in the manual and the Department of the Treasury's Internet website periodically.

History

L. 1979, c. 460, § 8; amended 2014, c. 48, § 6, eff. Dec. 9, 2014; 2021, c. 179, § 11, effective October 20, 2021.

§ 52:7-18. Statement by notary public after change in name; filing; evidence of continuance of powers and privileges

a. If a notary public adopts a name different from that which the notary public used at the time the notary public was commissioned, before the notary public provides a signature to any record which the notary public is authorized or required to sign as notary public, the notary public shall make and sign a statement in writing and under oath, on a form prescribed and furnished by the State Treasurer, setting out the circumstances under which the notary public has adopted the new name. The statement shall state whether the new name has been adopted through marriage or civil union or by a change of name proceeding or otherwise, and such other information as the State Treasurer shall require.

b. The statement shall be filed in the office of the State Treasurer. Such statement, or a certified copy, shall be evidence of the right of the notary public to continue to exercise the powers and privileges and perform the duties of a notary public in the changed or new name.

History

L. 1979, c. 460, § 9; amended 2014, c. 48, § 7, eff. Dec. 9, 2014; 2021, c. 179, § 12, effective October 20, 2021.

§ 52:7-19. Certificate of notarial act

a. A notarial act shall be evidenced by a certificate. The certificate shall:

- (1) be executed contemporaneously with the performance of the notarial act;
- (2) be signed and dated by the notarial officer;
- (3) identify the jurisdiction in which the notarial act is performed;
- (4) contain the title of office of the notarial officer; and
- (5) if the notarial officer is a notary public, indicate the date of expiration of the officer's commission.

b. A certificate of a notarial act is sufficient if it meets the requirements of subsection a. of this section and:

- (1) is in a short form set forth in section 21 of P.L.2021, c.179 (C.52:7-10.12);
- (2) is in a form otherwise permitted by the law of this State;
- (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 which shall meet the requirements provided in P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.) and any other applicable laws of this State.

c. By executing a certificate of a notarial act, a notarial officer certifies that the officer has made the determinations specified by P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.).

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

e. If a notarial act is performed regarding a tangible record, a certificate shall be part of, or attached to, the record.

f. If a notarial act is performed regarding an electronic record, the certificate shall be affixed to, or logically associated with, the electronic record.

g. If the State Treasurer has established standards pursuant to P.L.1979, c.460 (C.52:7-10 et seq.), as amended and supplemented by P.L.2021, c.179 (C.52:7-10.1 et al.) for attaching, affixing, or logically associating the certificate, the process shall conform to the standards.

History

L. 1979, c. 460, § 10; amended 2014, c. 48, § 8, eff. Dec. 9, 2014; 2021, c. 179, § 13, effective October 20, 2021.

§ 52:7-20. Offenses resulting in non-appointment, no reappointment of notary public [Repealed effective October 20, 2021]

History

L. 1981, c. 487, § 1, eff. Jan. 12, 1982; amended 2011, c. 209, § 5, eff. Jan. 17, 2012; repealed by 2021, c. 179, § 37, effective October 20, 2021.

§ 52:7-21. Conviction for certain offenses, crimes; denial of appointment. [Repealed effective October 20, 2021]

History

L. 1981, c. 487, § 2, eff. Jan. 12, 1982; amended 2014, c. 48, § 9, eff. Dec. 9, 2014; Repealed by L. 2021, c. 179, § 37, effective October 20, 2021.

§§ 52:7-1 to 52:7-9. Repealed by L. 1979, c. 460, § 11, eff. Feb. 27, 1980.

**NEW JERSEY ADMINISTRATIVE CODE
TITLE 17. TREASURY -- GENERAL
CHAPTER 50. NOTARY PUBLIC RULES
(EFFECTIVE UNTIL JANUARY 11, 2029)**

SUBCHAPTER 1. GENERAL PROVISIONS

17:50-1.1 Purpose

(a) Adopted by the State Treasurer, and administered by the New Jersey Department of the Treasury, Division of Revenue and Enterprise Services, this chapter implements the provisions at P.L. 2021, c. 179.

(b) The rules streamline the commissioning process; clarify and expand upon the requirements to perform notarial acts; provide for the use of new technologies for notarization; and enhance the transparency and accountability of the office of notary public (office).

(c) In implementing the improvements in this chapter, the Department of the Treasury intends to: foster improved notarial service levels Statewide; place New Jersey on a strong footing in the notarial practice space nationally; and bolster the reliability and integrity of notarial practices in general. The ultimate beneficiaries of these advancements will be New Jersey citizens and the State's business and legal communities that rely on notarial services.

17:50-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Acknowledgment” means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

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

“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.

“In a representative capacity” means acting as:

1. An authorized officer, agent, partner, trustee, or other representative for a person other than an individual;
2. A public officer, personal representative, guardian, or other representative, in the capacity stated in a record;
3. An agent or attorney-in-fact for a principal; or
4. An authorized representative of another in any other capacity.

“Non-attorney applicant” means an applicant for an initial or renewal commission as a notary public who is not also a licensed attorney-at-law in this State.

“Notarial act” means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the laws of New Jersey. The term includes:

1. Taking an acknowledgement;
2. Administering an oath or affirmation;
3. Taking a verification on oath or affirmation;
4. Witnessing or attesting a signature;
5. Certifying or attesting a copy or deposition; and
6. Noting a protest of a negotiable instrument.

“Notarial journal” means a compendium of each notarial act performed by a notary

public and should include the:

1. Date and time of the notarial act;
2. Type of notarization;
3. Date of document notarized;
4. Type of document;
5. Identification provided as proof of identity;
6. Document signer's printed name;
7. Document signer's address;
8. Document signer's signature; and
9. Any other relevant information related to the notarial act.

"Notarial officer" means a notary public or other individual authorized by law to perform a notarial act.

"Notary public" means an individual commissioned by the State Treasurer to perform a notarial act.

"Official stamp" means a physical image affixed to or embossed on a tangible record or an electronic image attached to, or logically associated with, an electronic record.

"Person" has the meaning ascribed to it at N.J.S.A. 1:1-2.

"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.

"Sign" means, with present intent to authenticate or adopt a record to:

1. Execute or adopt a tangible symbol; or
2. 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.

"Stamping device" means:

1. A physical device capable of affixing to, or embossing, on a tangible record an official stamp; or
2. An electronic device or process capable of attaching to, or logically associating with, an electronic record an official stamp.

"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.

17:50-1.3 Qualifications for office, scope of authority, and prohibited acts

(a) A person commissioned as a notary public in this State shall, at the time of appointment:

1. Be at least 18 years of age;
2. Be a legal resident of this State or have a place of employment or practice in this State; and
3. Not be disqualified to receive a commission pursuant to N.J.A.C. 17:50-1.5.

(b) A notary public who has been duly commissioned and qualified is authorized to perform the duties of a notary public throughout the State.

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

(d) A notary public who is not licensed as an attorney-at-law shall not use or advertise the title of lawyer or attorney-at-law, or equivalent terms, in any other language, which

means or implies that the notary public is licensed as an attorney-at-law in the State of New Jersey or in any other jurisdiction of the United States.

(e) Notaries public who advertise their services in any language are required to provide with such advertisement a notice that contains the following statement or translation of the following statement if the advertisement is not in English: “I am not an attorney licensed to practice law and may not give legal advice about immigration or any other legal matter or accept fees for legal advice.”

17:50-1.4 Application procedures

(a) An applicant for commission as a notary public shall make application to the State Treasurer on a form prescribed by the State Treasurer. The application shall be endorsed by a member of the Legislature. Renewals shall be made in the same manner as the original application. All applications shall be submitted electronically through a means provided by the State Treasurer at www.nj.gov/njbgs.

(b) The fee for each application for a commission is \$ 25.00 and is non-refundable.

(c) Within three months of the receipt of a commission, each notary public shall take and subscribe an oath to faithfully and honestly discharge the duties of the office and to make and keep a true record of all such matters as are required by law. The oath shall be sworn before the clerk of the county in which the notary public resides and shall be filed with said clerk.

(d) The oath of office of a non-resident notary public shall be taken and subscribed before the clerk of the county in which the nonresident notary public maintains the notary public’s office or the county in which the nonresident notary public is an employee of a business with its domicile or primary place of business in this State. The oath shall be sworn before the clerk of the county in which the notary public resides and shall be filed with said clerk.

(e) Upon the administration of the oath, the clerk shall cause the notary public to endorse the certificate of commission and qualification and shall transmit the certificate to the State Treasurer within 10 days of the administration of the oath, through an electronic method provided by the State Treasurer.

(f) After the administration of the oath, the clerk shall provide a notice to the person that a notary public who is not licensed as an attorney-at-law shall not use or advertise the title of lawyer or attorney-at-law, or equivalent terms, in any language, which mean or imply that the notary public is, licensed as an attorney-at-law in the State of New Jersey or in any other jurisdiction of the United States. The notice shall also state that a notary public who advertises the notary public’s services in any language, is required to provide with such advertisement a notice in the language of the advertisement, which contains the following statement or translation of the following statement if the advertisement is not in English: “I am not an attorney licensed to practice law and may not give legal advice about immigration or any other legal matter or accept fees for legal advice.”

(g) The State Treasurer shall cancel and revoke the appointment of any notary public who fails to take and subscribe the oath within three months of the receipt of the commission and any appointment so canceled and revoked shall be null, void, and of no effect.

17:50-1.5 Commissioning of nonresidents; additional requirements

(a) A person who is not a legal resident of the State of New Jersey, but who maintains, or is regularly employed in, an office in this State or is an employee of a business with its domicile or primary place of business in this State and performs his or her employment

duties remotely from a home office or a co-working space may apply for a commission by complying with the requirements at N.J.A.C. 17:50-1.4 and certifying the following additional information through the online commissioning site at www.nj.gov/njbgs:

1. The residence and the address of the applicant, and the office or place of employment of the applicant in this State; and
2. Once commissioned, any such nonresident notary public shall file online with the State Treasurer at www.nj.gov/njbgs a certificate showing any change of residence or change of the office or place of employment of the notary public in this State.

17:50-1.6 Name change; filing evidence of continuance of powers and privileges

(a) If a notary public adopts a name different from that which the notary public used at the time the notary public was commissioned, before the notary public provides a signature to any record that the notary public is authorized or required to sign as a notary public, the notary public shall make, sign, and file a statement in writing and under oath, on a form prescribed and furnished online at www.nj.gov/njbgs by the State Treasurer, setting forth the circumstances under which the notary public has adopted the new name.

(b) The statement shall state whether the new name has been adopted through marriage or civil union or by a change of name proceeding or otherwise, and such other information as the State Treasurer shall require. Such statement, or a certified copy, shall be evidence of the right of the notary public to continue to exercise the powers and privileges and perform the duties of a notary public in the changed or new name.

17:50-1.7 Denial, revocation, suspension, or limitation

(a) The State Treasurer may refuse to renew a commission of a notary public; or suspend, revoke, or otherwise limit the commission of a notary public for any act or omission that demonstrates that the individual lacks the honesty, integrity, competence, or reliability necessary to act as a notary public, including:

1. Failure to comply with P.L. 2021, c. 179 (N.J.S.A. 52:7-10 et seq.);
2. A fraudulent, dishonest, or deceitful misstatement or omission in the application for commission as a notary public submitted to the State Treasurer;
3. A finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on fraud, dishonesty, or deceit, including, but not limited to, a violation of section 1 at P.L. 1997, c. 1 (N.J.S.A. 2C:21-31) or section 1 at P.L. 1994, c. 47 (N.J.S.A. 2C:21-22), but nothing in this paragraph shall be deemed to supersede P.L. 1968, c. 282 (N.J.S.A. 2A:168A-1 et seq.);
4. A conviction of a crime of the second degree or above, but nothing in this paragraph shall be deemed to supersede P.L. 1968, c. 282 (N.J.S.A. 2A:168A-1 et seq.);
5. Failure by the notary public to discharge any duty required by any law, including P.L. 2021, c. 179 (N.J.S.A. 52:7-10 et seq.), any rules promulgated thereunder by the State Treasurer, and any other State or Federal law;
6. Use of false or misleading advertising or representation by the notary public representing that the notary is commissioned, licensed, or authorized to practice or engage in work that the notary is not commissioned, licensed, or authorized to engage in;
7. In the case of a notary public who is not an attorney licensed to practice law, any of the following:
 - i. Giving legal advice;
 - ii. Acting as an immigration consultant or an expert on immigration matters;
 - iii. Otherwise performing the duties of an attorney licensed to practice law in New

Jersey;

iv. A disciplinary or other administrative action resulting in a finding of culpability if the applicant holds any professional license regulated by the State; or

v. Creating or reinforcing, by any means, a false impression that the person is licensed to engage in the practice of law in this State or any other state, including, but not limited to, committing a violation of P.L. 1994, c. 47 (N.J.S.A. 2C:21-22) or P.L. 1997, c. 1 (N.J.S.A. 2C:21-31);

8. Failure to take and subscribe to the oath pursuant to section 8 of P.L. 2021, c. 179 (N.J.S.A. 52:7-14.) within three months of the receipt of a notary public commission;

9. Withholding access to, or possession of, an original record or photocopy provided by a person who seeks performance of a notarial act by the notary public, except where allowed by law; or

10. The denial of an application for notary public in another state; the refusal to renew in another state; or the suspension, revocation, or other limitation of the commission of the notary public in another state.

(b) When the State Treasurer denies an application for a notary public; refuses to renew a commission of a notary public; or suspends, revokes, or otherwise limits the commission of a notary public, the State Treasurer shall provide written notice to the applicant or commission holder.

(c) The written notice at (b) above shall include:

1. The name, email address, and telephone number of a contact person at the Division of Revenue and Enterprise Services;

2. The specific details concerning the reasons for the denial; and

3. Notification that the person can submit a request for a hearing, in writing, to the Division's contact person.

(d) The request for a hearing must be received within 20 calendar days from the date the person received the notice of the denial and must include a detailed statement of the reasons that the person believes the State Treasurer's determination is improper, together with supporting documentation, if any. It should also include a statement as to whether the person is represented by legal counsel, and if so, the name, address, and telephone number of said counsel.

(e) Upon the Division's timely receipt of the items set forth at (d) above, it shall determine whether a contested case exists, and if it does, the Division shall transmit the matter to the Office of Administrative Law for a hearing as a contested case.

(f) If the person has either failed to file a timely appeal or has expressly waived the right to appeal, the decision shall become a final decision.

(g) All hearings pursuant to this section shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(h) Any appeal of the final agency decision shall be solely to the Appellate Division of the Superior Court within time limits allowed by New Jersey Court Rule 2:2-3. The final agency decision shall include notice to the appellant of the right to file an appeal to the Appellate Division, the time frames, and related procedures.

17:50-1.8 Certificates and stamps

(a) All notarial acts shall be evidenced by a certificate and stamped by the notary public.

(b) Certificates shall:

1. Be executed contemporaneously with the performance of the notarial act;
2. Be signed and dated by the notarial officer;
3. Identify the jurisdiction in which the notarial act is performed;
4. Contain the title of office of the notary public; and
5. If the notarial officer is a notary public, indicate the date of expiration of the officer's commission.

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

1. Is in a short form as set forth at N.J.A.C. 17:50-1.10;
2. Is in a form otherwise permitted by the law of this State; and
3. Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed.

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

(e) If a notarial act regarding a tangible record is performed, a certificate shall be part of, or attached to, the record.

(f) If a notarial act regarding an electronic record is performed, the certificate shall be affixed to, or logically associated with, the electronic record.

(g) The official stamp of a notary public shall:

1. Include the name of the notary public, the title "Notary Public, State of New Jersey," and the notary public's commission expiration date; 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.

(h) If a notarial act regarding a tangible record is performed by a notary public, an official stamp shall be affixed to or embossed on the certificate near the signature of the notary public to be clear and readable.

(i) If a notarial act regarding an electronic record is performed by a notary public and the certificate contains the information specified at (b) above, an official stamp must be attached to or logically associated with the certificate.

(j) Stamping device. A notary public is responsible for the security of the stamping device used by the notary public and may not allow another individual to use the device to perform a notarial act, except at the specific instruction of a notary public who cannot physically use the stamping device.

(k) The stamping device is the property of the notary public and not of the notary public's employer, even if the employer paid for the stamping device.

(l) If the stamping device used by the notary public is lost or stolen, the notary public or the notary public's personal representative shall notify the State Treasurer at <https://www.nj.gov/treasury/revenue/revgencode.shtml> of the loss or theft within 10 calendar days.

17:50-1.9 Requirement for individuals 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 record with the individual's name. The notarial officer shall insert "Signature affixed by (name of other individual) at the direction of (name of individual)" or words of similar import.

17:50-1.10 Certificate forms

(a) The following short form certificates of notarial acts are sufficient for the purposes

indicated if the requirements at N.J.A.C. 17:50-1.6 are satisfied.

1. For an acknowledgment in an individual capacity:

State of _____

County of _____

This record was acknowledged before me on _____ (date) by

(Name(s) of individual(s))

Signature of notarial officer

Stamp

Title of office

My commission expires (date)

2. For an acknowledgment in a representative capacity:

State of _____

County of _____

This record was acknowledged before me on _____ (date) by

(Name(s) of individual(s))

On _____ (date)

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

Signature of notarial officer

Stamp

Title of office

My commission expires (date)

3. For a verification on oath or affirmation:

State of _____

County of _____

Signed and sworn to (or affirmed) before me on _____ (date) by

(Name(s) of individual(s) making statement)

Signature of notarial officer

Stamp

Title of office

My commission expires (date)

4. For witnessing or attesting a signature:

State of _____

County of _____

Signed (or attested) before me on (date) _____

(Name(s) of individual(s))

Signature of notarial officer

Stamp

Title of office

My commission expires (date)

5. For certifying a copy of a record:

State of _____

County of _____

I certify that this is a true and correct copy of a record in the possession of
_____ (name).

Dated _____ (date)

Signature of notarial officer

Stamp

Title of office

My commission expires (date)

17:50-1.11 Journal requirement

(a) A notary public shall maintain a journal of all notarial acts performed.

1. The journal may be created and maintained on a tangible medium or in an electronic format.

2. A notary public shall maintain only one journal at a time to chronicle all notarial acts, whether those notarial acts are performed regarding tangible or electronic records.

3. If the journal is maintained on a tangible medium, it shall be a permanent, bound register with consecutively numbered lines and consecutively numbered pages.

4. If the journal is maintained in an electronic format, it shall be in a permanent, tamper-evident electronic format.

(b) For each notarial act, the notary public shall record in the journal:

1. The date and time of the notarial act;

2. The type of notarial act, including, but not limited to, the taking of an acknowledgment, the taking of a proof of a deed, the administration of an oath, or the taking of an affidavit;

3. The name and address of each person 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, if applicable, the type, date of issuance, and date of expiration of an identification document, or the name and signature of any identifying witness and, if applicable, the type, date of issuance, and date of expiration of a document identifying the witness; and

6. An itemized list of all fees charged for the notarial act.

(c) If a notary public's journal is lost or stolen, the notary public shall notify the State Treasurer within 10 days of the loss or theft at

<https://www.nj.gov/treasury/revenue/revgencode.shtml> (select Notary application).

(d) The notary public shall:

1. Retain the journal for 10 years after the performance of the last notarial act chronicled in the journal; or

2. Write to the State Treasurer at

<https://www.nj.gov/treasury/revenue/revgencode.shtml> for instructions on how to send or

transmit the journal securely to the Division.

(e) On resignation from, or the revocation or suspension of, a notary public's commission, the notary public shall either:

1. Retain the journal for 10 years after the performance of the last notarial act chronicled in the journal; or

2. Write to the State Treasurer at

<https://www.nj.gov/treasury/revenue/revgencode.shtml> for instructions on how to send or transmit the journal securely to the Division.

(f) On the death or adjudication of incompetency of a current or former notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the journal shall, within 45 days, write to the State Treasurer at <https://www.nj.gov/treasury/revenue/revgencode.shtml> for instructions on how to send or transmit the journal securely.

(g) In lieu of maintaining a journal, a notary public who is an attorney-at-law admitted to practice in this State, who is employed by an attorney-at-law, or who is employed by, or acting as an agent for, a title insurance company licensed to do business in this State pursuant to P.L. 2001, c. 210 (N.J.S.A. 17:22A-26 et seq.), may maintain a record of notarial acts in the form of files regularly maintained for the attorney's law practice or the title insurance company's business activities, as the case may be.

17:50-1.12 Copy certification requirements

A notarial officer who certifies or attests to 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.

17:50-1.13 Forms of identification

(a) A notarial officer who takes an acknowledgment or verification of a record, or 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 making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

(b) Satisfactory forms of identification are as follows:

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

2. Documentation. A notarial officer has satisfactory evidence of the identity of an individual appearing before the notarial officer if the notarial officer can identify the individual by means of:

i. A passport, driver's license, or government-issued non-driver identification card, which is current or expired not more than three years before the performance of the notarial act;

ii. Another form of government-issued identification, which is current or expired not more than three years before the performance of the notarial act, and which:

(1) Contains the individual's signature or a photograph of the individual's face; and

(2) Is satisfactory to the notarial officer; or

iii. A verification of oath or affirmation of a credible witness personally appearing before the notarial officer or using communication technology to appear before the

notarial officer and personally known to the notarial officer or whom the notarial officer can identify based on a passport, driver's license, or government-issued non-driver identification card, which is current or expired not more than three years before the performance of the notarial act.

(c) A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the notarial officer of the identity of the individual.

17:50-1.14 Requirements for use of communications technology

(a) 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 or shall use communication technology to appear before the notarial officer.

(b) This section does not apply to a record to the extent it is governed by a law governing the creation and execution of wills or codicils, except as to a tangible record that is governed by a law governing the creation or execution of wills and codicils in which case, this section shall apply.

(c) As used in this section:

1. "Biometric identification" means using a human's physical or behavioral human features to digitally identify a person. Examples of biometric identification includes systems that use fingerprints and facial and voice patterns.

2. "Communication technology" means an electronic device or process that:

i. Allows a notarial officer and a remotely located individual to communicate with each other simultaneously by sight and sound; and

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

3. "Digital public key certificate" means an electronic credential issued by a trusted third-party that is used to identify a person who signed an electronic record.

4. "Dynamic knowledge-based authentication assessment" means identifying a person by asking the person a set of questions derived from public or private data sources for which the person has not been provided prior answers.

5. "Foreign state" means a jurisdiction other than the United States, a state, or a Federally recognized Indian tribe.

6. "Identity proofing" means a process or service by which a third person provides a notarial officer with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.

7. "Outside the United States" means a location outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory, insular possession, or other location subject to the jurisdiction of the United States.

8. "Remotely located individual" means an individual who is not in the physical presence of a notarial officer performing a notarial act.

(d) Before a notary public performs the notary public's initial notarial act pursuant to this section, the notary public must notify the State Treasurer electronically at www.nj.gov/njbgs that the notary public will be performing such notarial acts and identify the technologies the notary public intends to use.

(e) A remotely located individual may comply with this subchapter and N.J.S.A. 46:14-2.1.a and b (officers authorized to take acknowledgements and proofs) by using

communication technology to appear before a notarial officer.

(f) A notarial act performed using communication technology for a remotely located individual is deemed performed in New Jersey and is governed by New Jersey law.

(g) A notarial officer located in this State may perform a notarial act using a communication technology for a remotely located individual, regardless of whether the individual is physically located in this State, if the notarial officer:

1. Ensures the remote session is interactive and secure, meaning the notary and person are viewing each other directly in real time and that the session cannot be viewed and/or recorded by an unauthorized party. The notarial officer must follow the security procedures of the National Notary Association, as supplemented (https://www.nass.org/sites/default/files/resolutions/2018-02/nass-support-revised-enotarization-standards-winter18_0.pdf);

2. Is able reasonably to confirm that a record before the notarial officer is the same record in which the remotely located individual made a statement or on which the remotely located individual executed a signature;

3. Obtains satisfactory identification for the remotely located individual that, for purposes of this subsection, means:

i. Visually verifies a proof of identity document as set forth at N.J.A.C. 17:50-1.13(b)2; and

ii. Uses personal knowledge to authenticate the individual's identity, or one of the following methods of identity proofing to authenticate the individual's identity, which are incorporated herein by reference, as amended and supplemented:

(1) Dynamic knowledge-based authentication that is provided online by a third-party and that substantially follows recommended practices for this form of identification, as set forth by any of the three following authorities: National Notary Association (January 2017), available at: <https://www.nationalnotary.org/file%20library/nna/reference-library/model-enotarization-act.pdf>; the National Association of Secretaries of State (February 19, 2018) at: https://www.nass.org/sites/default/files/resolutions/2018-02/nass-support-revised-enotarization-standards-winter18_0.pdf; and the Mortgage Industry Standards Maintenance Organization (MISMO Remote Online Notarization Standards, Final Candidate Recommendation (CR) Version, Version 1. (2019). The Mortgage Industry Standards Maintenance Organization. Washington, D.C.) available at: www.mismo.org/standards-and-resources/emortgage-specifications/remot-online-notarization-standards;

(2) Biometric identity verification that is in substantial compliance with National Institute of Standards and Technology requirements, as set forth at Special Publication 800-76-2, <https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-76-2.pdf>; and

(3) Digital public key certificate issued by a trusted third-party in substantial compliance with the National Notary Association's recommended practice, set forth at: <https://www.nationalnotary.org/file%20library/nna/reference-library/model-enotarization-act.pdf>, (Appendix II/Rule2, Public Key Certificate); and

iii. For a remotely located individual who is located outside the United States, ensures the record:

(1) 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 the United States; or

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

iv. For the purposes of (g)3iii above, 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;

4. Completes a certificate and stamp in accordance with the requirements set forth at N.J.A.C. 17:50-1.8(b), (c), (d), (e), (g), and (h); and

5. Creates an audio-visual recording of the performance of the notarial act.

(h) A notarial officer in this State may use communication technology to take an acknowledgement of a signature on a tangible record that is in the possession of the notary public if the record is displayed to, and identified by, the remotely located individual during the audio-visual session.

(i) A notarial officer may perform a notarial act with respect to a tangible record not physically present before the notarial officer, if:

1. The remotely located individual, during the audio-visual session:

i. Signs the record; and

ii. Signs a declaration, substantially in the following form, which is part of or securely attached to the record:

“I declare under penalty of perjury that the record to which this declaration is attached is the same record on which [name of notarial officer] performed a notarial act and before whom I appeared by means of communication technology on [date].

[Printed name of remotely located individual]

[Signature of remotely located individual”]; and

iii. Sends the record and declaration to the notarial officer not later than three days after the notarial act was performed; and

2. The notarial officer:

i. In the audio-visual recording required records the individual signing the record and declaration; and

ii. After receipt of the record and declaration from the individual, executes the notarial certificate and stamps the same as required at (g) above, which must include the following statement or words of similar import:

“I [name of notarial officer] witnessed, by means of communication technology, [name of remotely located individual] sign the attached record and declaration on [date]”.

(j) A notarial act performed in compliance with (g) above is effective as of the date on which the declaration was signed by the remotely located individual.

(k) A notarial officer in this State may administer an oath to a remotely located individual using communication technology. The notarial officer shall identify the remotely located individual by obtaining satisfactory forms of identification pursuant to (g) above, creating an audio-visual recording of the individual taking the oath, and preserving a copy of the audio-visual recording for 10 years.

(l) If a notarial act is performed pursuant to this section, the certificate of notarial act as required at (g) above or the certificate required at N.J.S.A. 46:14-2.1.c must indicate that the notarial act was performed using communication technology.

(m) A notarial officer, a guardian, conservator, or agent of a notarial officer, or a personal representative of a deceased notarial officer shall retain the audio-visual recording created pursuant to 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, for a period of 10 years.

17:50-1.15 Electronic notarization--general provisions and definitions

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

(b) As used in this section:

1. “Tamper-evident” means that any change to a record shall provide evidence of the change.

2. “Logically associated with” means connecting, cross-referencing, or otherwise linking a certificate with a notarized record accurately and reliably, in a tamper-evident manner.

17:50-1.16 Requirements for electronic notarization

(a) With the exception of wills, codicils, and testamentary trusts, a notarial officer located in this State may perform a notarial act using a tamper-evident technology if the individual requesting the act appears in person before the notarial officer at the time of the act and the officer:

1. Obtains a satisfactory form of identification for the individual pursuant to N.J.A.C. 17:50-1.13; and

2. After executing the notarial act, completes an electronic certificate with an electronic signature and stamp, including all elements required at N.J.A.C. 17:50-1.13, and attaches the certificate and stamp to, or logically associates the certificate and stamp with, the notarized record.

(b) Before a notary public performs the notary public’s initial notarial act with respect to an electronic record, the notary public shall notify the State Treasurer electronically at www.nj.gov/njbgs that the notary public will be performing notarial acts with respect to electronic records and identify the technology that the notary public intends to use.

(c) The notarial officer shall ensure that the officer’s electronic signature stamp is reliable. To be considered reliable, an electronic signature and stamp must be:

1. Unique to the notarial officer;

2. Capable of independent verification;

3. Retained under the notary public’s sole control; and

4. Attached to, or logically associated with, the electronic document in a tamper-evident manner.

(d) The notary public shall not disclose any access information used to affix the electronic notary’s signature and seal, except when requested by law enforcement, the courts, and with reasonable precautions, electronic document preparation, and transmission vendors.

17:50-1.17 Criteria for refusal to perform a 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;

2. The individual’s signature is knowingly and voluntarily made;

3. The individual’s signature on the record or statement substantially conforms to the signature on a form of identification used to determine the identity of the individual; or

4. The physical appearance of the individual signing the record or statement substantially conforms to the photograph on a form of identification used to determine

the identity of the individual.

(b) A notarial officer may refuse to perform a notarial act, unless the individual presenting the record provides the officer with proof that refusal is prohibited by a State of New Jersey law other than N.J.S.A. 52:7-10 et seq.

17:50-1.18 Fees for notarial services

(a) Notarial officers may collect the following fees for services rendered:

1. For administering oaths, taking affidavits, taking proofs of a deed, and taking acknowledgments, \$ 2.50 per act.

2. For administering oaths, taking affidavits, taking proofs of a deed, and taking acknowledgments of the grantors in the transfer of real estate, regardless of the number of such services performed in a single transaction to transfer real estate, \$ 15.00.

3. For administering oaths, taking affidavits, and taking acknowledgments of the mortgagors in the financing of real estate, regardless of the number of such services performed in a single transaction to finance real estate, \$ 25.00.

SUBCHAPTER 1. CONTINUING EDUCATION AND EXAMINATION REQUIREMENTS

17:50-2.1 Purpose

Adopted by the State Treasurer and administered by the New Jersey Department of the Treasury, Division of Revenue and Enterprise Services, this subchapter implements the provisions at P.L. 2021, c. 179, with respect to the establishment of education and testing requirements for non-attorney applicants for new and renewed notary public commissions. In implementing this subchapter, the Department intends to: foster improved notarial service levels Statewide; place New Jersey on a strong footing in the notarial practice space nationally; and bolster the reliability and integrity of notarial practices in general. The ultimate beneficiaries of these advancements will be New Jersey's citizens and the State's business and legal communities that rely on notarial services.

17:50-2.2 Education and testing requirements for initial notary public commissions

(a) A non-attorney applicant for an initial commission as a notary public shall complete a course of study that fosters the applicants' understanding of the statutes, rules, procedures, and ethical requirements documented in the State of New Jersey Notary Manual at www.nj.gov/njbgs. The State Treasurer shall ensure that the online course can be accessed through www.nj.gov/njbgs.

(b) Before being granted an initial notary public commission, a non-attorney applicant shall pass an online test at www.nj.gov/njbgs that confirms the applicant's understanding of the course content at (a) above. The State Treasurer shall ensure the online test and test instructions are accessible at www.nj.gov/njbgs and that the testing process is integrated with the State's online notary public commissioning system. The online system shall generate certificates of approval evidencing that applicants have passed the test. The system shall also record that applicants have passed the test and clear them to submit their notary public commission applications.

(c) The State Treasurer may charge up to \$ 15.00 for administering each test.

17:50-2.3 Continuing education requirement for renewed notary public commissions

(a) A non-attorney applicant for renewal of a commission who has previously completed the educational and testing requirements at N.J.A.C. 17:50-2.2(a) and (b) at least one time, or who was commissioned for the first time before July 22, 2021, the effective date of P.L. 2021, c. 179, shall complete a continuing education course. The course shall focus on the statutes, rules, procedures, and ethical requirements documented in the State of New Jersey Notary Manual at www.nj.gov/njbgs. The State Treasurer shall ensure that the online course can be accessed at www.nj.gov/njbgs.

(b) The State Treasurer shall ensure the online course is integrated with the State's online notary public commissioning system. The online system shall provide certificates of approval evidencing that applicants have completed the continuing education course. The system shall also record that applicants have completed the course and clear them to submit their notary public commission applications.