

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Eugene L. O'Flaherty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act regulating notaries public to protect consumers from fraud and other abuses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Eugene L. O'Flaherty	2nd Suffolk
John D. Keenan	7th Essex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4774 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT REGULATING NOTARIES PUBLIC TO PROTECT CONSUMERS FROM FRAUD AND
OTHER ABUSES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 SECTION 1. Chapter 222 of the General Laws is hereby amended by striking section 1 and inserting in
2 place thereof the following section:

3

4 Section 1. Justices of the peace and notaries public shall be appointed, and their commissions shall be
5 issued for the commonwealth. They shall have jurisdiction throughout the commonwealth when acting
6 under the sole authority of such a commission, and shall perform their duties subject to the provisions of
7 sections 8 through 27. Unless otherwise expressly provided, they may administer oaths or affirmations in
8 all cases in which an oath or affirmation is required, and take acknowledgments of deeds and other
9 instruments.

10

11

12 SECTION 2. Said chapter 222 of the General Laws is hereby amended by striking sections 8 and 8A and
13 inserting in place thereof the following section:

14

15 Section 8. (a) A justice of the peace, notary public, or other person duly authorized, when taking
16 acknowledgment of any instrument, or administering an oath with relation to an instrument filed
17 in court,, shall print or type his name directly below his signature and affix thereto the date of the
18 expiration of his commission in the following language: “My commission expires _____.”

19

20 (b) A notary shall keep an official notarial seal or stamp that is the exclusive property of the notary, may
21 not be used by any other person, and shall meet the following requirements:

22

23 (1) A notary public shall obtain a new seal or stamp if the notary public renews his or her commission,
24 receives a new commission, or changes his or her name.

25

26 (2) The notarial seal or stamp shall include: the notary public's name exactly as indicated on the
27 commission; the words "notary public," "Commonwealth of Massachusetts" or "Massachusetts", the date
28 of the expiration of his commission in the following language: “My commission expires ____”; and a
29 facsimile of the great seal of the commonwealth.

30

31 (3) Each new notarial seal that uses ink shall use black ink.

32

33 (4) A notary public may satisfy the requirements of subsection (a) by using a stamp and a seal that
34 together include all of the information required thereby.

35

36 (5) Failure to comply with this section shall not affect the validity of any instrument, or the record thereof.

37

38 SECTION 3. Section 11 of said chapter 222 of the General Laws is hereby amended by inserting after the
39 word “dependents,” in line 1, the following words: or members of the Massachusetts National Guard or
40 other Reserve Component Commands when conducting mobilization exercises and Soldier Readiness
41 Processing.

42

43 SECTION 4. Said chapter 222 of the General Laws is hereby amended by striking section 12 and
44 inserting in place thereof the following section:

45

46 Section 12. Notwithstanding the provisions of section 23 or any other general law, rule,
47 regulation or order to the contrary, a notary public who is an attorney or who is employed by an
48 attorney shall not be required to maintain a journal of notary transactions.

49

50

51 SECTION 5. Chapter 222 of the General Laws is hereby amended by adding the following fifteen
52 sections:

53

54 Section 13. For the purposes of this chapter the following words shall have the following meanings:

55 "Acknowledgment" shall mean a notarial act in which an individual, at a single time and
56 place appears in person before the notary public and presents a document; is identified by the notary
57 public through satisfactory evidence of identity; and indicates to the notary public that the signature on
58 the document was voluntarily affixed by the individual for the purposes stated within the document and, if
59 applicable, that the individual had authority to sign in a particular representative capacity.

60

61 "Affirmation" shall mean a notarial act, or part thereof, that is legally equivalent to an
62 oath, and in which an individual, at a single time and place appears in person before the notary public; is
63 identified by the notary public through satisfactory evidence of identity; and makes a vow of truthfulness
64 or fidelity under the penalties of perjury without invoking a deity.

65

66 "Copy certification" shall mean a notarial act in which a notary public is presented with a document;
67 copies or supervises the copying of the document using a photographic or electronic copying process;
68 compares the document to the copy; and determines that the copy is accurate and complete.

69

70 "Credible witness" means an honest, reliable, and impartial person who personally knows
71 an individual appearing before a notary and takes an oath or affirmation from the notary to vouch for that
72 individual's identity.

73

74 "Journal of notarial acts" or "journal" shall mean a permanently bound book that creates
75 and preserves a chronological record of notarizations performed by a notary public.

76

77 "Jurat" means a notarial act in which an individual, at a single time and place appears, in
78 person before the notary public and presents a document; is identified by the notary public through
79 satisfactory evidence of identity; signs the document in the presence of the notary public; and takes an
80 oath or affirmation before the notary vouching for the truthfulness or accuracy of the signed document.

81

82 "Notarial act" and "notarization" shall mean any act that a notary public is empowered to perform.

83

84 "Notary public" or "notary" shall mean any person commissioned to perform official acts pursuant to
85 Article IV of the Articles of Amendment of the Constitution of the commonwealth.

86

87 "Oath" shall mean a notarial act, or part thereof, that is legally equivalent to an affirmation, and in which
88 an individual, at a single time and place, appears in person before the notary; is identified by the notary
89 through satisfactory evidence of identity; and makes a vow of truthfulness or fidelity under the penalties
90 of perjury by invoking a deity.

91

92 "Official misconduct" shall mean a notary's performance of any act prohibited, or failure to perform any
93 act mandated, by sections 14 through 25, or by any other law, in connection with a notarial act; or a
94 notary's performance of an official act in a manner found to be grossly negligent or against the public
95 interest.

96

97 "Personal knowledge of identity" shall mean familiarity with an individual resulting from interactions
98 with that individual over a period of time sufficient to ensure beyond doubt that the individual has the
99 identity claimed.

100

101 "Principal" shall mean a person whose signature is notarized, or a person making an oath
102 or affirmation before a notary.

103

104 "Regular place of work or business" shall mean a place where one spends a substantial
105 portion of one's working or business hours.

106

107 "Satisfactory evidence of identity" shall mean identification of an individual based on at least one current
108 document issued by a Federal or state government agency bearing the photographic image of the
109 individual's face and signature; or on the oath or affirmation of a credible witness unaffected by the
110 document or transaction who is personally known to the notary and who personally knows the individual;
111 or identification of an individual based on the notary public's personal knowledge of the identity of the
112 principal. For a person who is not a United States citizen, "satisfactory evidence of identity" shall mean
113 identification of an individual based on a valid passport, or another government-issued document
114 evidencing the individual's nationality or residence, that bears a photographic image of the individual's
115 face and signature.

116

117 "Signature witnessing" shall mean a notarial act in which an individual, at a single time and place,
118 appears in person before the notary public and presents a document; is identified by the notary public

119 through satisfactory evidence of identity; and signs the document in the presence of the notary public.

120

121 Section 14. (a) A person qualified for a notary public commission shall be at least 18 years of age;

122 reside legally or have a regular place of work or business within the commonwealth, and be a United

123 States citizen or have permanent residency status.

124

125 (b) In the Governor's discretion, an application for appointment, reappointment or renewal of a

126 commission may be denied based on:

127

128 (1) submission of an official application containing a material misstatement or omission of fact;

129

130 (2) the applicant's felony conviction or misdemeanor conviction that resulted in a prison sentence;

131

132 (3) the applicant's conviction of a misdemeanor with probation or a fine, or conviction for drunk

133 driving;

134

135 (4) the applicant's admission of facts sufficient to warrant a finding of guilt of any crime;

136

137 (5) a finding or admission of liability against the applicant in a civil lawsuit based on the

138 applicant's deceit;

139

140 (6) revocation, suspension, restriction, or denial of a notarial commission or professional license
141 by this or any other state; or

142

143 (7) any other reason, including for official misconduct as defined in section 13, that, within the
144 Governor's discretion, would make the applicant unsuitable to hold the commission as a notary public.

145

146 Section 15. As set forth in Article IV of the Articles of Amendment to the Constitution of the
147 commonwealth, a person commissioned as a notary public may perform notarial acts in any part of the
148 commonwealth for a term of seven years, unless the commission is earlier revoked or the notary resigns.

149

150 Section 16 (a) A notary public may perform the following notarial acts: acknowledgments; oaths and
151 affirmations; jurats; signature witnessings; copy certifications; issuance of summonses for witnesses as
152 set forth in section 1 of chapter 233; issuance of subpoenas; and witnessing the opening of a bank safe,
153 vault, or box as set forth in section 32 of chapter 167.

154

155 (b) A notary shall take the acknowledgment of the signature or mark of persons acknowledging for
156 themselves or in any representative capacity by using substantially the following form:

157

158 On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared
159 _____ (name of document signer), proved to me through satisfactory evidence of
160 identification, which were _____, to be the person whose name is signed on the
161 preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its
162 stated purpose.

163

164 (as partner for _____, a partnership)

165 (as _____ for _____, a corporation)

166 (as attorney in fact for _____, the principal)

167 (as _____ for _____, (a) (the) _____)

168

169 _____ (official signature and seal of notary)

170

171 (c) A notary shall use a jurat certificate in substantially the following form in notarizing a signature or
172 mark on an affidavit or other sworn or affirmed written declaration:

173

174 On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared
175 _____ (name of document signer), proved to me through satisfactory evidence of
176 identification, which were _____, to be the person who signed the preceding or
177 attached document in my presence, and who swore or affirmed to me that the contents of the document
178 are truthful and accurate to the best of (his) (her) knowledge and belief.

179

180 _____ (official signature and seal of notary)

181

182 (d) A notary shall witness a signature in substantially the following form in notarizing a signature or mark
183 to confirm that it was affixed in the notary's presence without administration of an oath or affirmation:

184

185 On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared
186 _____ (name of document signer), proved to me through satisfactory evidence of
187 identification, which were _____, to be the person whose name is signed on the
188 preceding or attached document in my presence.

189

190 _____ (official signature and seal of notary)

191

192 (e) A notary shall certify a copy by using substantially the following form:

193

194 On this ____ day of _____, 20__, I certify that the (preceding) (following) (attached) document is
195 a true, exact, complete, and unaltered copy made by me of _____ (description of the
196 document), presented to me by _____.

197

198 _____ (official signature and seal of notary)

199

200 (f) A notary public may certify the affixation of a signature by mark on a document presented for
201 notarization if:

202

203 (1) the principal affixes the mark in the presence of the notary public and of two witnesses
204 unaffected by the document;

205

206 (2) both witnesses sign their own names beside the mark;

207

208 (3) the notary writes below the mark: "Mark affixed by (name of signer by mark) in the presence
209 of (names and addresses of witnesses) and undersigned notary; and

210

211 (4) the notary public notarizes the signature by mark through an acknowledgment, jurat, or
212 signature witnessing.

213

214 (g) The notary public may sign the name of a principal who is physically unable to sign or make a mark
215 on a document presented for notarization if:

216

217 (1) the principal directs the notary to do so in the presence of two witnesses who are unaffected
218 by the document;

219

220 (2) the principal does not have a demeanor that causes the notary public to have a compelling
221 doubt about whether the principal knows the consequences of the transaction requiring the notarial act;

222

223 (3) in the notary public's judgment, the principal is acting of his or her own free will;

224

225 (4) the notary public signs the principal's name in the presence of the principal and the witnesses;

226

227 (5) both witnesses sign their own names beside the signature;

228

229 (6) the notary public writes below the signature: "Signature affixed by notary public in the
230 presence of (names and addresses of principal and two witnesses)"; and

231

232 (7) the notary public notarizes the signature through an acknowledgment, jurat, or signature
233 witnessing.

234

235 (h) This section does not require a notary public to use the forms set forth above if another form of
236 acknowledgment, jurat, signature witnessing, or copy certification is required or allowed by the
237 provisions of any court rule or court form; any provision of the general laws, including but not limited to,
238 section 42 of chapter 183, or the forms set forth in the appendix thereto, or section 2 of chapter 192; any
239 Federal statute; or any regulation adopted pursuant to any such provision or statute.

240

241 (i) This section does not require a notary public to use the forms set forth above if the form of
242 acknowledgment, jurat, signature witnessing, or copy certification if a document contains an alternative
243 form from another state if the document is to be filed or recorded in, or governed by the laws of, that
244 other state.

245

246 (j) This section does not require a notary public to use the forms set forth above if the form of
247 acknowledgment, jurat, signature witnessing, or copy certification appears on a printed form that contains
248 an express prohibition against altering that form.

249

250 Section 17. (a) A notary public shall not perform a notarial act if:

251

252 (1) the principal is not in the notary's presence at the time of notarization;

253

254 (2) the principal is not identified by the notary through satisfactory evidence of identity;

255

256 (3) the principal has a demeanor that causes the notary public to have a compelling doubt about
257 whether the principal knows the consequences of the transaction or document requiring the notarial act;

258

259 (4) in the notary public's judgment, the principal is not acting of his or her own free will;

260

261 (5) the notary public is a party to or is named in the document that is to be notarized, except that a
262 notary public may notarize a document if the notary public is named in the document for the sole purpose
263 of receiving notices relating to the document and except that a notary public who is licensed as an
264 attorney in the commonwealth and is named as an executor, trustee or in any fiduciary capacity in a
265 document, or is employed by an attorney so licensed, may perform notarial acts concerning such
266 document;

267

268 (6) the notary public will receive as a direct result of the notarial act any commission, fee,
269 advantage, right, title, interest, cash, property, or other consideration exceeding the maximum fees
270 provided for in section 24, or has any financial interest in the subject matter of the document. This
271 section shall not preclude a notary public who is licensed as an attorney in the commonwealth, or is
272 employed by an attorney so licensed, from notarial acts concerning any document in connection with
273 which the attorney receives a legal fee for professional legal services.

274

275 (7) the notary public is a spouse, domestic partner, parent, guardian, child, or sibling of the
276 principal, including in-law, step, or half relatives, except where a principal witnesses a will or other legal
277 document prepared by the notary public who is an attorney licensed in the commonwealth.

278

279 (b) A notary public shall not refuse to perform a notarial act solely based on the principal's race, advanced
280 age, gender, sexual orientation, religion, national origin, health, disability, or status as a non-client or non-
281 customer of the notary public or the notary public's employer.

282

283 (c) A non-attorney notary public shall not influence a person either to enter into or avoid a transaction
284 involving a notarial act by the notary public, except that the notary public may provide assistance relating
285 to that transaction, if he or she is duly qualified, trained, or acting pursuant to a standard or practice
286 recognized in a particular industry or professional field in selecting, drafting or completing a certificate or
287 other document related to a matter within that industry or field.

288

289 (d) A notary public shall not execute a certificate containing information known or believed by the notary
290 public to be false.

291

292 (e) A notary public shall not affix an official signature or seal on a notarial certificate that is incomplete.

293

294 (f) A notary public shall not provide or send a signed or sealed notarial certificate to another person with
295 the understanding that it will be completed or attached to a document outside of the notary public's
296 presence, provided that in connection with a commercial, non-consumer transaction, a notary public may
297 deliver a signed, sealed, or signed and sealed notarial certificate to an attorney with the understanding
298 that: (i) the attorney will attach the certificate to a document outside of the notary's presence; (ii) the
299 attorney will hold such notarial certificate in escrow; and (iii) the attorney informs the notary public that
300 the attorney will obtain the approval of the principal, or principals, involved before attaching the
301 certificate to the document.

302

303 (g) A notary public shall not notarize a signature on a blank or incomplete document, except as provided
304 in subsection (f) above

305

306 (h) A notary public shall not perform any official act with the intent to deceive or defraud.

307

308 (i) A notary public shall not use the term "notario" or "notario publico" or any equivalent non-English
309 term in any business card, advertisement, notice, or sign.

310

311 Section 18. (a) No notary public may advise clients, offer legal advice or represent or advertise himself or
312 herself as a legal specialist or consultant unless the individual is an attorney licensed to practice law in
313 the commonwealth. No notary public shall state or imply in any communication that he can or will obtain

314 special favors from or has special influence with any government agency. No notary public who is not
315 licensed to practice law in the commonwealth shall make a literal translation of his or her status as
316 “licensed” or as a “notary public” into a language other than English without regard to the true meaning
317 of the word or phrase in that language, or use any other term that implies that the notary public is an
318 attorney so licensed, in any document, including an advertisement, stationery, letterhead, business card, or
319 other written or broadcast material describing the notary public or his services.

320

321 (b) A notary public who is not an attorney licensed to practice law in the commonwealth

322 (1) shall not offer legal advice or advise clients as to their immigration status; secure or attempt to
323 secure supporting documents, such as birth certificates, necessary to complete a client’s immigration
324 forms; or submit completed immigration forms on a client’s behalf to any governmental agency;

325 (2) may translate questions presented on an immigration form for another person and may
326 complete those forms at the explicit direction of that other person only where translation of that other
327 person’s answers is necessary; and

328 (3) prior to providing services of any kind related to an immigration matter, or any matter that
329 that could influence or affect a person’s legal status under immigration law, shall provide a client with a
330 written statement that states “I am not an attorney licensed to practice law. I may not give you legal
331 advice or advise you about immigration policies or procedures. You should seek the advice of a qualified
332 attorney to assist you with any legal questions or with questions about legal status under immigration
333 law.”

334

335 (c) The provisions of subsection (b) shall not apply to the following persons:

336 (1) An attorney licensed to practice law in any state or territory of the United States, or of any
337 foreign country when authorized by the supreme judicial court, to the extent the attorney renders
338 immigration assistance service in the course of his or her practice as an attorney.

339 (2) A paralegal, legal intern or law student, employed by an attorney so licensed and rendering
340 immigration assistance in the course of the intern's or student's employment.

341 (3) Any organization employing or desiring to employ any person not a citizen of the United
342 States, where the organization, its employees or agents provide advice or assistance in immigration-
343 related matters to non-citizen employees or potential employees without compensation from the
344 individuals to whom such advice or assistance is provided.

345

346 (d) A non-attorney notary public shall not engage in the practice of law. This subsection shall not
347 preclude a notary public who is duly qualified, trained, or experienced in a particular industry or
348 professional field from selecting, drafting or completing a certificate or other document related to a matter
349 within that industry or field.

350

351 (e) A notary public who is not an attorney licensed to practice law in the commonwealth, or who is not
352 employed by an attorney so licensed, shall not conduct a real estate closing and shall not act as a real
353 estate closing agent. A notary public who is employed by an attorney so licensed may notarize a
354 document in conjunction with a real estate closing conducted by the attorney. A notary public who is
355 employed by a lender may notarize a document in conjunction with the closing of his or her employer's
356 real estate loans.

357

358 (f) The provisions of this section shall also apply to any person who employs, contracts with or otherwise
359 uses the services of a notary public with knowledge or reason to know of conduct that is in violation of
360 this section.

361

362 Section 18A (a) The attorney general may prosecute any person committing a violation under this
363 chapter. Any person convicted of committing such violation shall be punished for a first offense by a fine
364 of not more than \$1,000 or by imprisonment in a jail or house of correction for not more than six months,
365 or by both such fine and imprisonment, and for subsequent offenses by a fine of not more than \$5,000 or
366 by imprisonment in a jail or house of correction for not more than one year, or by both such fine and
367 imprisonment. The attorney general may file a petition for injunctive relief against any person who
368 violates this chapter. If the attorney general or the state secretary has cause to believe that, as a result of
369 official misconduct, a person holding the office of notary public is unsuitable to hold that office, the
370 attorney general or the state secretary shall provide notice to the governor of such official misconduct.
371 Any conviction based on a violation of this chapter shall be grounds for the revocation of a notary's
372 appointment. If the court finds that a person so convicted either knew or should have known his conduct
373 to be in violation of this chapter, the court may require such person to pay to the commonwealth a civil
374 penalty of not more than five thousand dollars for each such violation and also may require the said
375 person to pay the reasonable costs of investigation and litigation of such violation, including reasonable
376 attorneys' fees.

377

378 (b) A person having an interest or right that is or may be adversely affected by a violation of
379 section 18 may initiate an action for private remedies and, if the attorney general has not done so,
380 for injunctive relief. Such person may be awarded his actual damages and, if the court finds that
381 person against whom the action is brought either knew or should have known his conduct to be

382 in violation of section 18, punitive damages of not more than \$5,000 per violation, and attorney's
383 fees and court costs

384 (c) It shall not be a defense in an action under this section that the conduct that is the subject of
385 the action, in whole or in part, occurred primarily or substantially outside the commonwealth.

386

387 Section 19. (a) Any notary public who is not an attorney shall post signs at his or her place of
388 business, setting forth information in English and in every other language the person provides or
389 offers to provide services. Each language shall be on a separate sign. Signs shall be posted in a
390 conspicuous location where the signs will be visible to customers. Each sign shall be at least 12
391 inches by 20 inches with boldface type or print that prominently states the following information:

392 (1) The individual's full name and address;

393 (2) The statement "I am not an attorney licensed to practice law and may not give legal advice or
394 accept fees for legal advice"; and

395 (3) The statement "I am not accredited to represent you before the United States Bureau of
396 Citizenship and Immigration Services and the Immigration Board of Appeals."

397 (b) Prior to providing services related to an immigration matter, a notary public shall provide the client
398 with written disclosure in English and the client's primary language. The disclosure shall include the
399 notary public's full name, address and telephone number.

400

401 Section 20. A notary shall perform any notarial act for any person requesting such an act who tenders the
402 fee set forth in section 41 of chapter 262, unless:

403
404 (a) the notary public knows or has good reason to believe that the notarial act or the associated transaction
405 is unlawful;

406
407 (b) the principal has a demeanor that causes the notary public to have a compelling doubt about whether
408 the principal knows the consequences of the transaction or document requiring the notarial act;

409
410 (c) the act is prohibited by any provision of this chapter or other applicable law; or

411
412 (d) the number of notarial acts requested practicably precludes completion of all acts at once, in which
413 case the notary public shall arrange for later completion of the remaining acts.

414
415 Section 21. (a) A notary public has neither the duty nor the authority to investigate, ascertain, or attest to
416 the lawfulness, propriety, accuracy, or truthfulness of a document or transaction involving a notarial act.

417
418 (b) Failure of a document to contain the forms of acknowledgment, jurat, signature witnessing, or copy
419 certification set forth in section 16, or otherwise to comply with the requirements set forth in sections 8
420 through 24 shall not have any effect on the validity of the underlying document, or the recording thereof.

421

422 (c) Failure of a document to contain the forms of acknowledgment, jurat, signature witnessing, or copy
423 certification set forth in section 16 shall not be the basis of a refusal to accept the document for filing,
424 recordation, registration, or acceptance by a third party.

425

426 Section 22.

427 A non-attorney notary public who advertises notarial services in a language other than English shall
428 include in the advertisement, notice, letterhead, or sign the following, prominently displayed in the same
429 language the statement: “I am not an attorney and have no authority to give advice on immigration or
430 other legal matters.”

431

432 Section 23. (a) A notary who is not employed by a governmental entity shall keep, maintain, protect, and
433 provide for lawful inspection a chronological official journal of notarial acts that is a permanently bound
434 book with numbered pages, except as otherwise provided in this section.

435

436 (b) A notary public shall keep no more than one active journal at the same time.

437

438 (c) For every notarial act except for the issuance of summons or subpoenas, or the administration of an
439 oral oath, the notary public shall record in the journal at the time of the notarization the following:

440

441 (1) the date and time of the notarial act, proceeding, or transaction;

442 (2) the type of notarial act;

443 (3) the type, title, or a description of the document, transaction, or proceeding. If multiple
444 documents are signed by the same principal in the course of a transaction or during a single date

445 (i.e. real estate closings, mortgage discharges, state laboratory drug analysis certificates, etc.), a
446 single journal entry shall be sufficient;

447 (4) the signature, printed name, and address of each principal and witness, except that if a
448 principal or witness tells the notary that he or she is a battered person, the notary shall make a
449 note in the journal that the person's address shall not to be subject to public inspection.

450

451 (5) description of the satisfactory evidence of identity of each person including:

452 (A) a notation of the type of identification document, the issuing agency, its serial or
453 identification number, and its date of issuance or expiration, provided that if the
454 identification number on the document is the person's Social Security number, instead of
455 including the number, the notary shall write in the words "Social Security number" or the
456 acronym "SSN"; or

457 (B) a notation if the notary identified the individual on the oath or affirmation of a
458 credible witness or based on the notary's personal knowledge of the individual;

459 (6) the fee, if any, charged for the notarial act; and

460 (7) the address where the notarization was performed.

461

462 (d) A notary public shall not record a Social Security or credit card number in the journal.

463

464 (e) A notary public shall record in the journal the circumstances for not completing a notarial act that was
465 requested by the principal.

466

467 (f) A journal shall not be required for a notary public who is an attorney admitted to practice law in any
468 jurisdiction or who is employed by such attorney. If such attorney or person so employed elects to
469 maintain such journal, the provisions of this section shall not be construed in any way to impair or
470 infringe on the attorney-client privilege or the attorney work product doctrine.

471

472 (g) Except as provided in subsection (f), the journal may be examined without restriction by a law
473 enforcement officer in the course of an official investigation, subpoenaed by court order, or surrendered at
474 the direction of the secretary of the commonwealth. Nothing in this section shall prevent a notary public
475 from seeking appropriate judicial protective orders.

476

477 (h) A notary public shall safeguard the journal and all other notarial records and surrender or destroy them
478 only by rule of law, by court order, or at the direction of the secretary of the commonwealth.

479

480 (i) When not in use, the journal shall be kept in a secure area under the exclusive control of the notary
481 public, and shall not be used by any other notary nor surrendered to an employer upon termination of
482 employment.

483

484 Section 24. Fees charged by a notary public for the following services shall not exceed the amounts
485 specified herein until July 1, 2009, after which time maximum fees shall be set by the secretary of the
486 commonwealth:

487 (a) For taking an acknowledgment or proof of a deed, or other instrument, to include the seal and the
488 writing of the certificate, the sum of \$10 for each signature taken.

489 (b) For administering an oath or affirmation to one person and executing the jurat, including the seal, the
490 sum of \$10.

491 (c) For all services rendered in connection with the taking of any deposition, the sum of \$20, and in
492 addition thereto, the sum of \$5 for administering the oath to the witness and the sum of \$5 for the
493 certificate to the deposition.

494 (d) For every protest for the nonpayment of a promissory note or for the nonpayment or non- acceptance
495 of a bill of exchange, draft, or check, the sum of \$10.

496 (e) For serving every notice of nonpayment of a promissory note or of nonpayment or non-acceptance of
497 a bill of exchange, order, draft, or check, the sum of \$5.

498 (f) For recording every protest, the sum of \$5.

499 (g) For certifying a copy of a power of attorney under chapter 201B, the sum of \$10.

500

501 No fee may be charged to notarize signatures on absentee ballot identification envelopes or other voting
502 materials.

503

504 No fee may be charged to a United States military veteran for notarization of an application or a claim for
505 a pension, allotment, allowance, compensation, insurance, or any other veteran's benefit.

506

507 Section 25. When a notary commission expires, is resigned, or is revoked, the notary shall as soon as
508 reasonably practicable, destroy or deface all notary seals and stamps so that they may not be used, and

509 retain the notarial journal and records for seven years after the date of expiration, resignation, or
510 revocation.

511

512 Section 26. Within ten days after the change of a notary public's residence, business or mailing address,
513 or name, the notary shall send to the secretary of the commonwealth a signed notice of the change, giving
514 both the old and new information.

515

516 Section 27. A notary public's commission may be revoked for official misconduct as defined in section
517 13, or for other good cause, as determined by the Governor with the consent of the Governor's Council as
518 set forth in Article XXXVII of the Articles of Amendments to the Massachusetts Constitution.

519

520 SECTION 6. Chapter 262 of the General Laws is hereby amended by striking section 41 and inserting
521 in place thereof the following section:

522 Section 41. The maximum fees of notaries public shall be as provided in section 24 of chapter
523 222.

524

525

526 SECTION 7. The provisions of this act shall apply to all commissions of notary public or
527 justice of the peace authorized by chapter 222 of the General Laws, including commissions
528 received or renewed before the effective date of this act.

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