

2013 Notary Updates

There are many changes to Notary this year. A new set of statutes, as well as applicable changes to the rules, will go into effect on **September 1, 2013**. We've created this document to help you track the most important changes from the old system. Some items have simply been changed, some updated, and others have been added. This table is broken into 3 sections: What it was; What it is Now; and What's New. There are more changes than are listed in this document, so please feel free to review all of the new statutes and rules on our website at: www.filinginoregon.com under the "What's New" section.

What it Was

Identification Documents: (ORS 194.515(8)(a-f))

- **Has to be current.**
- Driver License or ID card, any state.
- U.S. or Foreign (recognized) passport.
 - Book or Card
- U.S. Military ID cards.
- ID card from a federally recognized Indian Tribe.
- U.S. government issued ID (state, county, municipal) with: **Picture, Physical Description & Signature**

Credible Witness: (ORS 194.515(6)(b))

- Personally known by notary
- Personally knows signer

Journal:

- Paper Journal, **1 journal at a time.** (ORS 194.152(1))
- Retention Schedule: **7 years from expiration date of last commission in which there are entries.** (OAR 160-100-0310)
- Address of signer recommended. (Best practice-Notary guidebook)

Official Notary Seal: (OAR 160-100-0100(2))

- Official seal had to be in **black ink only.**
- Notary may only have **one Official Seal** (unless Duplicate Seal Request submitted and approved by Notary Office)

What it is Now

Identification Documents: (Sect. 6(2)(a), Ch. 219, Oregon Laws 2013)

- **Can be expired up to 3 years before the date of notarization.**
- Driver License or ID card from any state, or
 - **Driver Instructional Permit, Provisional, or Limited Term Driver License.**
 - **Or Non-expired, Temporary Driver License or ID card.**
- U.S. or Foreign (recognized) passport.
 - Book or Card
- U.S. Military ID cards.
- ID from a federally recognized Indian tribe.
- U.S. government issued ID (any) with: **Picture & Signature only.**

Credible Witness: (Sect. 6(2)(b), Ch. 219, Oregon Laws 2013)

- Personally known by notary, **or identified by notary using one of the acceptable identification documents listed above.**
- Personally knows signer. (All other requirements apply as before.)

Journal: (Sect. 18, Ch. 219, Oregon Laws 2013) (OAR 160-100-0200 & 0210)

- Paper or Electronic Journal, or both. **May have more than one journal at a time** (each must be in chronological order). (Electronic journals must be accessible by the Secretary of State upon request.)
- Retention Schedule: **10 years from the date of the last notarization in the journal.**
- Contact address for signer required.

Official Notary Stamp (no longer called a seal) (Sect. 2, Ch. 219, Oregon Laws 2013 & OAR 160-100-0100 & 0120)

- The stamp **has to be reproducible if copied.** Black or dark ink is recommended, not required. The stamp can also be electronic, for use with electronic notarizations only.
- **May have more than one stamp.** You are responsible for securing the stamp(s) from tampering or fraudulent use.

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What it Was	What it is Now
<p>Notary Database: (no statute or rule provision)</p> <ul style="list-style-type: none">The Secretary of State maintains a database of notaries who choose to advertise their services with our office. The database includes information provided by the notary.	<p>Notary Database: (Sect. 23, Ch. 219, Oregon Laws 2013)</p> <ul style="list-style-type: none">The Secretary of State shall maintain an electronic database of notaries public:<ul style="list-style-type: none">The list will contain all notaries.The list will indicate if the notary has notified the Secretary of State that they use electronic notarizations.List will only include commission information, and no other information, such as languages known or possession of an embosser.
<p>Notarizing for Relatives:</p> <ul style="list-style-type: none">No statute or rule prohibits notarizing for relatives, but the Secretary of State recommends not to.	<p>Notarizing for Relatives: (Sect. 3, Ch. 219, Oregon laws 2013)</p> <ul style="list-style-type: none">Notaries may not notarize for spouses, and may not notarize anything in which their spouses are named, or may directly benefit from.
<p>Qualifications: (ORS 194.022)</p> <ul style="list-style-type: none">Must be a resident of this state, or an adjacent state, and be employed in or carry on a trade in Oregon.Not have a commission revoked within 5 years of date of application.Secretary of State may conduct a criminal background check.	<p>Qualifications: (Sect. 20, Ch. 219, Oregon Laws 2013)</p> <ul style="list-style-type: none">Be a resident of Oregon, or have a place of employment or practice in Oregon. (Can be a resident anywhere.) Will have to provide employer information if not a resident of Oregon.Not have a commission revoked within 10 years of date of application.Secretary of State will conduct a criminal background on all applications.
<p>Exam Process: (No exemptions)</p> <ul style="list-style-type: none">If education is completed through the Secretary of State’s online tutorial the exam is taken online.All other forms of training, including in-person seminars, will require a paper exam to accompany the application.Reapplying notaries with a current commission must submit a paper exam with their application.	<p>Exam Process: (No Exemptions)</p> <ul style="list-style-type: none">Exams must be taken through our online system. If the training is completed through an in-person seminar, or other education provider, the applicant/notary will go online, create a log-in, and input the applicable education ID # before being directed to the online exam.If a notary is reapplying, and has a current commission, the process is the same as above, except the notary will enter their current active commission number (which will be verified by the system through our database).
<p>Notary’s Official Signature: (OAR 160-100-0030)</p> <ul style="list-style-type: none">The legal signature signed in the Oath on the application. The signature should be the notary’s legal signature as proven by ID.	<p>Notary Official Signature: (OAR 160-100-0030)</p> <ul style="list-style-type: none">Legal signature that the applicant signs on the Oath of Office in front of a notary. (Signature must match the applicant’s signature on their ID.)
<p>Notario Publico: (ORS 194.162(5))</p> <ul style="list-style-type: none">A notary public may not use the term “Notario Publico,” or any non-English equivalent.	<p>Notario Publico: (Sect. 24(3) , Ch. 219, OR Laws 2013)</p> <ul style="list-style-type: none">A notary public, other than an attorney licensed to practice law, may not use the term “notario” or “notario publico.”

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What it Was

Application Process:

- A paper application form is submitted, with the Oath of Office at the bottom of the form, which is notarized. Application is submitted with the \$40 processing fee (and exam if applicable).
- Once the commission is processed, paper certificates are printed and mailed to the notary.
- The notary takes the original Certificate of Authorization to a vendor to have the Official Seal made (only 1 seal allowed). Notary returns the completed Certificate of Authorization with an imprint of the seal for filing.

What it is Now

Application Process:

- The applicant, after completing the training and exam, will continue on through the online system to the application portion. The applicant inputs the required information and submits it online (no fee at this point).
- If the application is approved, an email is sent to the applicant with a PDF attachment of the Oath of Office. (The Oath is valid for 45 days; if it expires before it is received in the filing office, you must apply again.)
- The applicant must sign the Oath of Office in front of a notary, and then submit it to our office with the \$40 processing fee. (Submit as the application was done previously.)
- Once the Oath has been filed by the filing office, an email will be sent to the notary with PDF attachment files of the Certificate of Authorization and the Commission Certificate. (These will not be reproduced if the notary does not receive the email, or accidentally deletes or loses it. If this happens, you may call our office at: 503-986-2200 for further direction.)
- The notary may take, or send via electronic means, the Certificate of Authorization to a maker of rubber stamps. The notary may have more than one stamp made, but is responsible for securing those stamps from tampering or fraudulent use.
The notary will not return the Certificate of Authorization with an impression to our office.

Secretary of State Notary Fees:

- **\$40** application processing fee.
- Amendment fees: **\$10**:
 - Commission Name Change
 - Request for Certificate of Authorization
 - Request for Duplicate Commission Certificate
 - Request for Duplicate Seal

Notary Name: (OAR 160-100-0020)

- Commission name: Legal name. Office policy allowed for a first or middle initial in lieu of the first or middle name only. Allowed for shortened versions of names (i.e. Chris for Christopher, but not nicknames like Kathy for Kathryn.)
- Legal Name: Full legal name with no initials or shortened versions.

Secretary of State Notary Fees:

- **\$40** Oath of Office processing fee.
- Amendment fees, **none**.

Notary Name: (OAR 160-100-0020)

- Legal name as proven on identification. You will enter your name as it appears on your ID in the application online, and that is how it will print on the Oath of Office. The full legal name (as proven by your ID and verified by the notary) will be your commission name, which will appear on your notary stamp.

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What it Was	What it is Now
<p>Updating Notary Information: Forms</p> <ul style="list-style-type: none"> • Amendment forms: <ul style="list-style-type: none"> ○ Address Change Form ○ Commission Name Change Form ○ Legal Name Change Form ○ Waiver of Fees Form ○ Request for Certificate Form <ul style="list-style-type: none"> ▪ Commission Certificate, and ▪ Certificate of Authorization to Obtain Official Seal ○ Request for Duplicate Seal Form ○ Journal Location Form ○ Commission Resignation Form ○ Commission Resignation due to Death Form • Other: submitted via a letter of some type. 	<p>Updating Notary Information: Forms</p> <ul style="list-style-type: none"> • Amendment forms: <ul style="list-style-type: none"> ○ Notary Information Change, used for: <ul style="list-style-type: none"> ▪ Commission name & signature change, must be notarized. ▪ Current commission signature change, must be notarized. ▪ Public contact address change, or employer address change for non-resident notaries only. ▪ Email address change. ▪ Fee waiver (for waiver & rescission of waiver). ○ Missing Stamp, Certificate or Journal, used for: <ul style="list-style-type: none"> ▪ Request new Certificate of Authorization (if email is lost). ▪ Notify that stamp is missing, damaged or stolen, and to request a new Certificate of Authorization. ▪ Notify that journal has been lost, stolen or damaged. ○ Termination of Notary Public Commission <ul style="list-style-type: none"> ▪ Resignation of commission, or ▪ Death or Incapacity • Other: submitted via a letter of some type. • Electronic Notarization Notice <ul style="list-style-type: none"> ○ See Electronic Notarizations below
<p>What's New</p>	
<p>Electronic Notarizations: (Section 19 of HB 2834)(OAR 160-100-0140)</p> <ul style="list-style-type: none"> • Oregon notaries may now notarize documents electronically. In order to begin notarizing this way you must first inform the Secretary of State of the format you will be using. • You must send notice via email, using the Electronic Notarization Notice form, along with an example of an electronic notarization. • If you change the way you notarize electronically (new vendor, new technology, changed appearance), you must notify us of the change, using the same notice form. • The electronic notarization policy has many components, and we suggest you familiarize yourself with the rules completely. The notarizations will include electronic signatures and an electronic stamp (stamp must comply with OAR 160-100-0100(1)). The notary may document an electronic notarization in either a paper or electronic journal, or both (see the journal rules). <p>Signature by Proxy (3rd Party Signer)</p> <ul style="list-style-type: none"> • Allows a disabled (permanent or temporary) signer to have a proxy (or 3rd party) sign on their behalf in the notary's presence. (Section 8 Ch 219 Oregon Laws 2013) • A detailed process will be available in the Notary Guidebook (replaces the previous Notarization by Mark section) 	