

SENATE No. 690

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

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:

An Act regulating notaries public to protect consumers..

PETITION OF:

NAME:

Cynthia S. Creem

DISTRICT/ADDRESS:

-
-

[District]

SENATE No. 690

By Ms. Creem, a petition (accompanied by bill, Senate, No. 690) of Cynthia S. Creem for legislation to regulate notaries public to protect consumers. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 1845 OF 2009-2010.]

The Commonwealth of Massachusetts

An Act regulating notaries public to protect consumers..

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
2 out section 1 and inserting in place thereof the following section:

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

9 SECTION 2. Said chapter 222 is hereby further amended by striking out
10 sections 8 and 8A and inserting in place thereof the following section:

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

16 (b) A notary shall keep an official notarial seal or stamp that shall be the
17 exclusive property of the notary, and a notary shall not permit another to use such notarial seal or

18 stamp. A notary public shall obtain a new seal or stamp upon renewal of his commission, upon
19 receipt of a new commission, receives a new commission, or if he changes his name. The
20 notarial seal or stamp shall include: (i) the notary public's name exactly as indicated on the
21 commission; (ii) the words "notary public," "Commonwealth of Massachusetts" or
22 "Massachusetts," (iii) the date of the expiration of the commission in the following language:
23 "My commission expires ____"; and (iv) a facsimile of the great seal of the commonwealth.
24 Whenever a notarial seal that requires ink is employed, black ink shall be used. The
25 requirements of this subsection shall be satisfied by using a stamp and a seal that, together,
26 include all of the information herein required. Failure to comply with this section shall not affect
27 the validity of any instrument or the record thereof.

28 SECTION 3. Section 11 of said chapter 222 is hereby amended by inserting after
29 the word "dependents," in line 2, the following words: or members of the Massachusetts
30 National Guard or other Reserve Component Commands when conducting mobilization
31 exercises and Soldier Readiness Processing.

32 SECTION 4. Said chapter 222 is hereby further amended by striking out
33 section 12 and inserting in place thereof the following section:

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

37 SECTION 5. Chapter 222 is hereby further amended by adding the following
38 15 sections:

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

41 "Acknowledgment," a notarial act in which an individual, at a single time and
42 place appears, in person, before a notary public and presents a document; is identified by the
43 notary public through satisfactory evidence of identity and who indicates to the notary public that
44 the signature on the document before the notary was voluntarily affixed by the individual for the
45 purposes stated within the document and, if applicable, that the individual was authorized to sign
46 in a particular representative capacity.

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

51 "Copy certification," a notarial act in which a notary public is presented with a
52 document; copies or supervises the copying of the document using a photographic or electronic

53 copying process, compares the original document to the copy and determines that the copy is
54 accurate and complete.

55 "Credible witness," an honest, reliable and impartial person who personally
56 knows an individual appearing before a notary and who takes an oath or affirmation before the
57 notary to vouch for that individual's identity.

58 "Journal of notarial acts" or "journal," a permanently bound book that creates
59 and preserves a chronological record of notarizations performed by a notary public.

60 "Jurat," a notarial act in which an individual, at a single time and place appears,
61 in person, before a notary public and presents a document, is identified by the notary public
62 through satisfactory evidence of identity, signs the document in the presence of the notary public
63 and takes an oath or affirmation before the notary vouching for the truthfulness or accuracy of
64 the signed document.

65 "Notarial act" or "notarization," any act that a notary public is empowered to
66 perform.

67 "Notary public" or "notary," any person commissioned to perform official acts
68 pursuant to Article IV of the Articles of Amendment of the Constitution of the commonwealth.

69 "Oath," a notarial act, or part thereof, that is legally equivalent to an affirmation
70 and in which an individual, at a single time and place, appears in person before a notary, is
71 identified by the notary through satisfactory evidence of identity and takes a vow of truthfulness
72 or fidelity under the penalties of perjury by invoking a deity. "Official misconduct," a
73 violation of sections 14 to 25, inclusive, or any other general or special law in connection with a
74 notarial act or a notary's performance of an official act in a manner found to be grossly negligent
75 or against the public interest.

76 "Personal knowledge of identity," familiarity with an individual resulting from
77 interactions with that individual over a period of time sufficient to ensure beyond doubt that the
78 individual has the identity claimed.

79 "Principal," a person whose signature is notarized or a person taking an oath or
80 affirmation before a notary.

81 "Regular place of work or business," a place where an individual spends a
82 substantial

83 portion of his working or business hours.

84 "Satisfactory evidence of identity," identification of an individual based on: (i)
85 at least 1 current document issued by a Federal or state government agency bearing the
86 photographic image of the individual's face and signature; (ii) the oath or affirmation of a

87 credible witness unaffected by the document or transaction who is personally known to the
88 notary and who personally knows the individual; or (iii) identification of an individual based on
89 the notary public's personal knowledge of the identity of the principal. For a person who is not a
90 United States citizen, "satisfactory evidence of identity" shall mean identification of an
91 individual based on a valid passport, or another government-issued document evidencing the
92 individual's nationality or residence and which bears a photographic image of the individual's
93 face and signature.

94 "Signature witnessing," a notarial act in which an individual, at a single time
95 and place, appears, in person, before a notary public and presents a document, is identified by the
96 notary public through satisfactory evidence of identity and signs the document in the presence of
97 the notary public.

98 Section 14. (a) A person qualified for a notary public commission shall be at
99 least 18 years of age, reside legally or have a regular place of work or business within the
100 commonwealth and be a United States citizen or have permanent residency status in the United
101 States. (b) In the governor's discretion, an application for appointment, reappointment or renewal
102 of a commission may be denied based on: (i) submission of an official application containing a
103 material misstatement or omission of fact;

104 (ii) the applicant's felony conviction or misdemeanor conviction that
105 resulted in a prison sentence;

106 (iii) the applicant's conviction of a misdemeanor that resulted in a
107 sentence to probation or a fine, or conviction for violating paragraph (a) of subdivision (1) of
108 section 24 of chapter 90 or subsection (a) of section 8 of chapter 90B;

109 (iv) the applicant's admission to sufficient facts to warrant a finding
110 of guilt of any offense;

111 (v) a finding or admission of responsibility or liability against the
112 applicant in a civil action based on the applicant's fraud or deceit;

113 (vi) revocation, suspension, restriction or denial of a notarial
114 commission or professional licensure by this or any other state; or

115 (vii) any other reason, including for official misconduct, that, in the
116 governor's discretion, would render the applicant unsuitable to hold a commission as a notary
117 public.

118 Section 15. A person commissioned as a notary public may perform notarial
119 acts in any part of the commonwealth for a term of 7 years, unless the commission is earlier
120 revoked or the notary resigns. Section 16. (a) A notary public may perform the following

121 notarial acts: acknowledgments; oaths and affirmations; jurats; signature witnessings; copy

122 certifications; issuance of summonses for witnesses as set forth in section 1 of chapter 233;
123 issuance of subpoenas; and witnessing the opening of a bank safe, vault or box as set forth in
124 section 32 of chapter 167.

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

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

133 (as partner for _____, a partnership)

134 (as _____ for _____, a corporation)

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

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

137 _____ (official signature and seal of notary)”

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

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

146 _____ (official signature and seal of notary)”

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

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

154 _____ (official signature and seal of notary)”

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

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

160 _____ (official signature and seal of notary)”

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

163 (i) the principal affixes the mark in the presence of the notary public
164 and of 2 witnesses unaffected by the document;

165 (ii) both witnesses sign their own names beside the mark;

166 (iii) the notary writes below the mark: “Mark affixed by (name of
167 signer by mark) in the presence of (names and addresses of witnesses) and undersigned notary;”
168 and

169 (iv) the notary public notarizes the signature by mark through an
170 acknowledgment, jurat or signature witnessing.

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

173 (i) the principal directs the notary to do so in the presence of 2 witnesses who
174 are unaffected by the document;

175 (ii) the principal does not have a demeanor that causes the notary
176 public to have a compelling doubt about whether the principal knows the consequences of the
177 transaction requiring the notarial act;

178 (iii) in the notary public’s judgment, the principal is acting of his own
179 free will;

180 (iv) the notary public signs the principal’s name in the presence of the
181 principal and the witnesses;

182 (v) both witnesses sign their own names beside the signature;

183 (vi) the notary public writes below the signature: “Signature affixed
184 by notary public in the presence of (names and addresses of principal and two witnesses)”; and

185 (vii) the notary public notarizes the signature through an
186 acknowledgment, jurat or signature witnessing.

187 (h) This section shall not require a notary public to use the forms set forth
188 above if another form of acknowledgment, jurat, signature witnessing or copy certification is
189 required or allowed by any court rule or court form; any general or special law, including, but
190 not limited to, section 42 of chapter 183, or the forms set forth in the appendix to chapter 183, or
191 section 2 of chapter 192, any Federal statute, or any regulation adopted pursuant to any such
192 provision or law.

193 (i) This section shall not require a notary public to use the forms set forth above
194 if

195 the form of acknowledgment, jurat, signature witnessing or copy certification of a
196 document contains an alternative form from another state if the document is to be filed or
197 recorded in, or governed by the laws of, that other state.

198 (j) This section does not require a notary public to use the forms set forth above
199 if the

200 form of acknowledgment, jurat, signature witnessing, or copy certification appears on a
201 printed form that contains an express prohibition against altering such form.

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

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

204 (ii) the principal is not identified by the notary through satisfactory
205 evidence of identity;

206 (iii) the principal has a demeanor that causes the notary public to
207 have a compelling doubt about whether the principal knows the consequences of the transaction
208 or document requiring the notarial act;

209 (iv) in the notary public's judgment, the principal is not acting of his
210 own free will;

211 (v) the notary public is a party to or is named in the document that is to be
212 notarized, unless: (A) a notary public is named in a document for the sole purpose of receiving
213 notices relating to the document; or (B) a notary public is licensed as an attorney in the
214 commonwealth, or is employed by an attorney so licensed, and is named as an executor, trustee
215 or in any fiduciary capacity in a document;

216 (vi) the notary public will receive as a direct result of the notarial act any
217 commission, fee, advantage, right, title, interest, cash, property or other consideration exceeding

218 the maximum fees provided in section 24, or has any financial interest in the subject matter of
219 the document; provided, however, that this section shall not preclude a notary public who is
220 licensed as an attorney in the commonwealth, or is employed by an attorney so licensed, from
221 notarial acts relative to any document in connection with which the attorney receives a legal fee
222 for professional legal services.

223 (vii) the notary public is a spouse, domestic partner, parent, guardian, child or
224 sibling of the principal, including in-law, step or half relatives, except if a principal witnesses a
225 will or other legal document prepared by the notary public who is an attorney licensed in the
226 commonwealth.

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

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

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

239 (e) A notary public shall not affix an official signature or seal on a notarial certificate that
240 is incomplete. (f) A notary public shall not provide or send a signed or sealed notarial certificate
241 to another person with the understanding that it will be completed or attached to a document
242 outside of the notary public's presence, provided that in connection with a commercial, non-
243 consumer transaction, a notary public may deliver a signed, sealed, or signed and sealed notarial
244 certificate to an attorney with the understanding that: (i) the attorney will attach the certificate to
245 a document outside of the notary's presence; (ii) the attorney will hold such notarial certificate in
246 escrow; and (iii) the attorney informs the notary public that the attorney will obtain the approval
247 of the principal or principals involved before attaching the certificate to the document.

248 (g) A notary public shall not notarize a signature on a blank or incomplete document,
249 except as provided in subsection (f).

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

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

254 Section 18. (a) No notary public shall advise clients, offer legal advice or
255 represent or advertise himself or herself as a legal specialist or consultant unless the individual is
256 an attorney licensed to practice law in the commonwealth. No notary public shall state or imply
257 in any communication that he can or will obtain special favors from or has special influence with
258 any government agency. No notary public who is not licensed to practice law in the
259 commonwealth shall make a literal translation of his or her status as "licensed" or as a "notary
260 public" into a language other than English without regard to the true meaning of the word or
261 phrase in that language, or use any other term that implies that the notary public is an attorney so
262 licensed, in any document, including an advertisement, stationery, letterhead, business card, or
263 other written or broadcast material describing the notary public or his services.

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

266 (i) shall not offer legal advice or advise clients as to the immigration
267 status thereof, secure or attempt to secure supporting documents, including, but not limited to,
268 birth certificates, necessary to complete a client's immigration forms or submit completed
269 immigration forms on a client's behalf to any governmental agency;

270 (ii) may translate questions presented on an immigration form for
271 another person and may complete those forms at the explicit direction of such other person only
272 if translation of such other person's answers is necessary; and

273 (iii) prior to providing services of any kind related to an immigration
274 matter, or any matter that that could influence or affect a person's legal status under immigration
275 law, shall provide a client with a written statement that states "I am not an attorney licensed to
276 practice law. I may not give you legal advice or advise you about immigration policies or
277 procedures. You should seek the advice of a qualified attorney to assist you with any legal
278 questions or with questions about legal status under immigration law."

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

280 (i) an attorney licensed to practice law in any state or territory of the
281 United States or in any foreign country when authorized by the supreme judicial court, to the
282 extent the attorney renders immigration assistance service in the course of his practice as an
283 attorney.

284 (ii) a paralegal, legal intern or law student employed by an attorney
285 so licensed and rendering immigration assistance in the course of the intern's or student's
286 employment; and

287 (iii) any organization employing or desiring to employ any person not
288 a citizen of the United States, if the organization, its employees or agents provide advice or
289 assistance in immigration-related matters to non-citizen employees or potential employees
290 without compensation from the individuals to whom such advice or assistance is provided.

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

295 (e) A notary public who is not an attorney licensed to practice law in the
296 commonwealth or who is not employed by an attorney so licensed, shall not conduct a real estate
297 closing and shall not act as a real estate closing agent. A notary public who is employed by an
298 attorney so licensed may notarize a document in conjunction with a real estate closing conducted
299 by the attorney. A notary public who is employed by a lender may notarize a document in
300 conjunction with the closing of his employer's real estate loans.

301 (f) This section shall apply to any person who employs, contracts with or
302 otherwise uses the services of a notary public with knowledge or reason to know of conduct that
303 is in violation of this section.

304 Section 18A (a) The attorney general or district attorney may prosecute any
305 person committing a violation under this chapter. Any person convicted of committing such
306 violation shall be punished for a first offense by a fine of not more than \$1,000 or by
307 imprisonment in a jail or house of correction for not more than 6 months, or by both such fine
308 and imprisonment, and for subsequent offenses by a fine of not more than \$5,000 or by
309 imprisonment in a jail or house of correction for not more than one year, or by both such fine and
310 imprisonment. The attorney general or district attorney may file a petition for injunctive relief
311 against any person who violates this chapter. If the attorney general, district attorney or the state
312 secretary has cause to believe that, as a result of official misconduct, a person holding the office
313 of notary public is unsuitable to hold that office, the attorney general, district attorney or the state
314 secretary shall provide notice to the governor of such official misconduct. Any conviction based
315 on a violation of this chapter shall be grounds for the revocation of a notary's appointment. If
316 the court finds that a person so convicted either knew or should have known his conduct to be in
317 violation of this chapter, the court may require such person to pay to the commonwealth a civil
318 penalty of not more than \$5,000 for each such violation and also may require the person to pay
319 the reasonable costs of investigation and litigation of such violation, including reasonable
320 attorneys' fees.

321 (b) A person having an interest or right that is or may be adversely affected by
322 a violation of section 18 may initiate an action for private remedies and, if the attorney general or
323 district attorney has not done so, for injunctive relief. Such person may be awarded actual

324 damages and, if the court finds that person against whom the action is brought either knew or
325 should have known his conduct to be in violation of section 18, punitive damages of not more
326 than \$5,000 per violation, and attorney's fees and court costs.

327 (c) A violation of section 18 shall constitute an unfair or deceptive act or
328 practice pursuant to chapter 93A.

329 (d) It shall not be a defense in an action pursuant to this section that the conduct
330 that is the subject of the action, in whole or in part, occurred primarily or substantially outside
331 the commonwealth.

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

338 (i) The individual's full name and address;

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

341 (iii) The statement "I am not accredited to represent you before the
342 United States Bureau of Citizenship and Immigration Services and the Immigration Board of
343 Appeals."

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

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

349 (i) the notary public knows or has good reason to believe that the notarial act or
350 the associated transaction is unlawful;

351 (ii) the principal has a demeanor that causes the notary public to have a compelling doubt
352 about whether the principal knows the consequences of the transaction or document requiring the
353 notarial act;

354 (iii) the act is prohibited by any provision of this chapter or other applicable
355 law; or

356 (iv) the number of notarial acts requested practicably precludes completion of
357 all acts

358 at once, in which case the notary public shall arrange for later completion of the
359 remaining acts.

360 Section 21. (a) A notary public has neither the duty nor the authority to
361 investigate, ascertain, or attest to the lawfulness, propriety, accuracy, or truthfulness of a
362 document or transaction involving a notarial act. (b) Except as may be required by the office
363 of the state secretary for the issuance of an apostille,

364 (1) Failure of a document to contain the forms of acknowledgment, jurat,
365 signature witnessing, or copy certification set forth in section 16, or otherwise to comply with the
366 requirements set forth in sections 8 through 24 shall not have any effect on the validity of the
367 underlying document, or the recording thereof, and

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

371 Section 22. A non-attorney notary public who advertises notarial services in a
372 language other than English shall include in the advertisement, notice, letterhead, or sign the
373 following, prominently displayed in the same language the statement: "I am not an attorney and
374 have no authority to give advice on immigration or other legal matters."

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

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

380 (c) For every notarial act except for the issuance of summons or subpoenas, or
381 the

382 administration of an oral oath, the notary public shall record in the journal at the time of
383 the notarization the following:

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

385 (2) the type of notarial act;

386 (3) the type, title, or a description of the document, transaction or
387 proceeding. If multiple documents are signed by the same principal in the course of a transaction
388 or during a single date, a single journal entry shall be sufficient;

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

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

395 (i) a notation of the type of identification document, the issuing
396 agency, its serial or identification number, and its date of issuance or expiration, provided that if
397 the identification number on the document is the person's Social Security number, instead of
398 including the number, the notary shall write in the words "Social Security number" or the
399 acronym "SSN"; or

400 (ii) a notation if the notary identified the individual on the oath or
401 affirmation of a credible witness or based on the notary's personal knowledge of the individual;

402 (iii) the fee, if any, charged for the notarial act, and

403 (iv) the address where the notarization was performed.

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

406 (e) A notary public shall record in the journal the reason for not completing a
407 notarial act requested by a principal.

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

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

417 (h) A notary public shall maintain and safeguard a journal and all other notarial records
418 and shall surrender or destroy them only as directed by law, court order, regulation or at the
419 direction of the state secretary.

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

423 Section 24. Fees charged by a notary public for the following services shall not exceed
424 the amounts specified herein until July 1, 2012, after which time maximum fees shall be set by
425 the secretary of the commonwealth:

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

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

431 (iii) For all services rendered in connection with the taking of any
432 deposition, the sum of \$20, and in addition thereto, the sum of \$5 for administering the oath to
433 the witness and the sum of \$5 for the certificate to the deposition.

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

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

438 (vi) For recording every protest, the sum of \$5.

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

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

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

446 Section 25. When a notary commission expires, is resigned, or is revoked, the notary
447 shall as soon as reasonably practicable, destroy or deface all notary seals and stamps so that they
448 may not be used, and shall retain the notarial journal and records for 7 years after the date of
449 expiration, resignation, or revocation.

450 Section 26. Within 10 days after the change of a notary public's residence,
451 business or mailing address, or name, the notary shall send to the state secretary signed notice of
452 the change, providing both the old and new information.

453 Section 27. A notary public's commission may be revoked for official
454 misconduct as defined in section 13, or for other good cause, as determined by the Governor with

455 the consent of the Governor's Council as set forth in Article XXXVII of the Articles of
456 Amendments to the Massachusetts Constitution.

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

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

461 SECTION 7. This act shall apply to all commissions of notary public or
462 justice of the peace authorized by chapter 222 of the General Laws, including commissions
463 received or renewed before the effective date of this act.