

**HOUSE . . . . . No. 1592**

---

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the Year Two Thousand 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  
2 and inserting in place thereof the following section:

3 Section 1. Justices of the peace and notaries public shall be appointed, and their  
4 commissions shall be issued for the commonwealth. They shall have jurisdiction throughout the  
5 commonwealth when acting under the sole authority of such a commission, and shall perform  
6 their duties subject to the provisions of sections 8 through 27. 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 of the General Laws is hereby amended by striking  
10 sections 8 and 8A and inserting in place thereof the following section:

11 Section 8. (a) A justice of the peace, notary public, or other person duly authorized,  
12 when taking acknowledgment of any instrument, or administering an oath with relation to an  
13 instrument filed in court,, shall print or type his name directly below his signature and affix

14 thereto the date of the expiration of his commission in the following language: “My commission  
15 expires \_\_\_\_\_.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

74 "Official misconduct" shall mean a notary's performance of any act prohibited, or failure  
75 to perform any act mandated, by sections 14 through 25, or by any other law, in connection with

76 a notarial act; or a notary's performance of an official act in a manner found to be grossly  
77 negligent or against the public interest.

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

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

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

85 "Satisfactory evidence of identity" shall mean identification of an individual based on at  
86 least one current document issued by a Federal or state government agency bearing the  
87 photographic image of the individual's face and signature; or on the oath or affirmation of a  
88 credible witness unaffected by the document or transaction who is personally known to the  
89 notary and who personally knows the individual; or identification of an individual based on the  
90 notary public's personal knowledge of the identity of the principal. For a person who is not a  
91 United States citizen, "satisfactory evidence of identity" shall mean identification of an  
92 individual based on a valid passport, or another government-issued document evidencing the  
93 individual's nationality or residence, that bears a photographic image of the individual's face and  
94 signature.

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

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

99 Section 14. (a) A person qualified for a notary public commission shall be at least 18  
100 years of age; reside legally or have a regular place of work or business within the  
101 commonwealth, and be a United States citizen or have permanent residency status.

102 (b) In the Governor's discretion, an application for appointment, reappointment or  
103 renewal of a commission may be denied based on:

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

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

108 (3) the applicant's conviction of a misdemeanor with probation or a fine, or conviction for  
109 drunk driving;

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

111 (5) a finding or admission of liability against the applicant in a civil lawsuit based on the  
112 applicant's deceit;

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

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

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

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

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

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

135 (as partner for \_\_\_\_\_, a partnership)

136 (as \_\_\_\_\_ for \_\_\_\_\_, a corporation)

137 (as attorney in fact for \_\_\_\_\_, the principal)

138 (as \_\_\_\_\_ for \_\_\_\_\_, (a) (the) \_\_\_\_\_)

139 \_\_\_\_\_ (official signature and seal of notary)

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

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

148 \_\_\_\_\_ (official signature and seal of notary)

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

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



156 \_\_\_\_\_ (official signature and seal of notary)

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

158 On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, I certify that the (preceding) (following)  
159 (attached) document is a true, exact, complete, and unaltered copy made by me of  
160 \_\_\_\_\_ (description of the document), presented to me by  
161 \_\_\_\_\_.

162 \_\_\_\_\_ (official signature and seal of notary)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

213 (6) the notary public will receive as a direct result of the notarial act any commission,  
214 fee, advantage, right, title, interest, cash, property, or other consideration exceeding the  
215 maximum fees provided for in section 24, or has any financial interest in the subject matter of the  
216 document. This section shall not preclude a notary public who is licensed as an attorney in the  
217 commonwealth, or is employed by an attorney so licensed, from notarial acts concerning any

218 document in connection with which the attorney receives a legal fee for professional legal  
219 services.

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

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

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

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

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

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

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

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

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

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

260 any document, including an advertisement, stationery, letterhead, business card, or other written  
261 or broadcast material describing the notary public or his services.

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

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

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

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

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

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

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

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

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

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

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

299 Section 18A (a) The attorney general may prosecute any person committing a violation  
300 under this chapter. Any person convicted of committing such violation shall be punished for a  
301 first offense by a fine of not more than \$1,000 or by imprisonment in a jail or house of correction

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

315 (b) A person having an interest or right that is or may be adversely affected by a  
316 violation of section 18 may initiate an action for private remedies and, if the attorney general has  
317 not done so, for injunctive relief. Such person may be awarded his actual damages and, if the  
318 court finds that person against whom the action is brought either knew or should have known his  
319 conduct to be in violation of section 18, punitive damages of not more than \$5,000 per violation,  
320 and attorney's fees and court costs

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



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

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

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

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

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

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

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

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

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

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

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

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

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

358 Section 22.

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

363 Section 23. (a) A notary who is not employed by a governmental entity shall keep,  
364 maintain, protect, and provide for lawful inspection a chronological official journal of notarial

365 acts that is a permanently bound book with numbered pages, except as otherwise provided in this  
366 section.

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

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

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

372 (2) the type of notarial act;

373 (3) the type, title, or a description of the document, transaction, or proceeding. If  
374 multiple documents are signed by the same principal in the course of a transaction or during a  
375 single date (i.e. real estate closings, mortgage discharges, state laboratory drug analysis  
376 certificates, etc.), a single journal entry shall be sufficient;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

414 (c) For all services rendered in connection with the taking of any deposition, the sum of  
415 \$20, and in addition thereto, the sum of \$5 for administering the oath to the witness and the sum  
416 of \$5 for the certificate to the deposition.

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

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

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

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

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

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

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

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

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

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

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

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