

SENATE No. 1845

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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 section 1
2 and inserting in place thereof the following section: Section 1. Justices of the peace and notaries
3 public shall be appointed, and their commissions shall be issued for the commonwealth. They
4 shall have jurisdiction throughout the commonwealth when acting under the sole authority of
5 such a commission, and shall perform their duties subject to the provisions of sections 8 through
6 27. Unless otherwise expressly provided, they may administer oaths or affirmations in all cases
7 in which an oath or affirmation is required, and take acknowledgments of deeds and other
8 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:Section 8. (a) A justice of
11 the peace, notary public, or other person duly authorized, when taking acknowledgment of any
12 instrument, or administering an oath with relation to an instrument filed in court,, shall print or
13 type his name directly below his signature and affix thereto the date of the expiration of his
14 commission in the following language: “My commission expires _____.” (b) A notary shall

15 keep an official notarial seal or stamp that is the exclusive property of the notary, may not be
16 used by any other person, and shall meet the following requirements: (1) A notary public shall
17 obtain a new seal or stamp if the notary public renews his or her commission, receives a new
18 commission, or changes his or her name.(2) The notarial seal or stamp shall include: the notary
19 public's name exactly as indicated on the commission; the words "notary public,"
20 "Commonwealth of Massachusetts" or "Massachusetts", the date of the expiration of his
21 commission in the following language: "My commission expires ____"; and a facsimile of the
22 great seal of the commonwealth. (3) Each new notarial seal that uses ink shall use black ink.(4)
23 A notary public may satisfy the requirements of subsection (a) by using a stamp and a seal that
24 together include all of the information required thereby. (5) Failure to comply with this section
25 shall not affect the validity of any instrument, or the record thereof.

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

30 SECTION 4. Said chapter 222 of the General Laws is hereby amended by striking section
31 12 and inserting in place thereof the following section:Section 12. Notwithstanding the
32 provisions of section 23 or any other general law, rule, regulation or order to the contrary, a
33 notary public who is an attorney or who is employed by an attorney shall not be required to
34 maintain a journal of notary transactions.

35 SECTION 5. Chapter 222 of the General Laws is hereby amended by adding the
36 following fifteen sections: Section 13. For the purposes of this chapter the following words shall

37 have the following meanings: "Acknowledgment" shall mean a notarial act in which an
38 individual, at a single time and place appears in person before the notary public and presents a
39 document; is identified by the notary public through satisfactory evidence of identity; and
40 indicates to the notary public that the signature on the document was voluntarily affixed by the
41 individual for the purposes stated within the document and, if applicable, that the individual had
42 authority to sign in a particular representative capacity."Affirmation" shall mean a notarial act, or
43 part thereof, that is legally equivalent to an oath, and in which an individual, at a single time and
44 place appears in person before the notary public; is identified by the notary public through
45 satisfactory evidence of identity; and makes a vow of truthfulness or fidelity under the penalties
46 of perjury without invoking a deity."Copy certification" shall mean a notarial act in which a
47 notary public is presented with a document; copies or supervises the copying of the document
48 using a photographic or electronic copying process; compares the document to the copy; and
49 determines that the copy is accurate and complete."Credible witness" means an honest, reliable,
50 and impartial person who personally knows an individual appearing before a notary and takes an
51 oath or affirmation from the notary to vouch for that individual's identity."Journal of notarial
52 acts" or "journal" shall mean a permanently bound book that creates and preserves a
53 chronological record of notarizations performed by a notary public."Jurat" means a notarial act in
54 which an individual, at a single time and place appears, in person before the notary public and
55 presents a document; is identified by the notary public through satisfactory evidence of identity;
56 signs the document in the presence of the notary public; and takes an oath or affirmation before
57 the notary vouching for the truthfulness or accuracy of the signed document."Notarial act" and
58 "notarization" shall mean any act that a notary public is empowered to perform."Notary public"
59 or "notary" shall mean any person commissioned to perform official acts pursuant to Article IV

60 of the Articles of Amendment of the Constitution of the commonwealth. "Oath" shall mean a
61 notarial act, or part thereof, that is legally equivalent to an affirmation, and in which an
62 individual, at a single time and place, appears in person before the notary; is identified by the
63 notary through satisfactory evidence of identity; and makes a vow of truthfulness or fidelity
64 under the penalties of perjury by invoking a deity. "Official misconduct" shall mean a notary's
65 performance of any act prohibited, or failure to perform any act mandated, by sections 14
66 through 25, or by any other law, in connection with a notarial act; or a notary's performance of
67 an official act in a manner found to be grossly negligent or against the public interest. "Personal
68 knowledge of identity" shall mean familiarity with an individual resulting from interactions with
69 that individual over a period of time sufficient to ensure beyond doubt that the individual has the
70 identity claimed. "Principal" shall mean a person whose signature is notarized, or a person
71 making an oath or affirmation before a notary. "Regular place of work or business" shall mean a
72 place where one spends a substantial portion of one's working or business hours. "Satisfactory
73 evidence of identity" shall mean identification of an individual based on at least one current
74 document issued by a Federal or state government agency bearing the photographic image of the
75 individual's face and signature; or on the oath or affirmation of a credible witness unaffected by
76 the document or transaction who is personally known to the notary and who personally knows
77 the individual; or identification of an individual based on the notary public's personal knowledge
78 of the identity of the principal. For a person who is not a United States citizen, "satisfactory
79 evidence of identity" shall mean identification of an individual based on a valid passport, or
80 another government-issued document evidencing the individual's nationality or residence, that
81 bears a photographic image of the individual's face and signature. "Signature witnessing" shall
82 mean a notarial act in which an individual, at a single time and place, appears in person before

83 the notary public and presents a document; is identified by the notary public through satisfactory
84 evidence of identity; and signs the document in the presence of the notary public. Section 14. (a)
85 A person qualified for a notary public commission shall be at least 18 years of age; reside legally
86 or have a regular place of work or business within the commonwealth, and be a United States
87 citizen or have permanent residency status. (b) In the Governor's discretion, an application for
88 appointment, reappointment or renewal of a commission may be denied based on: (1) submission
89 of an official application containing a material misstatement or omission of fact; (2) the
90 applicant's felony conviction or misdemeanor conviction that resulted in a prison sentence; (3) the
91 applicant's conviction of a misdemeanor with probation or a fine, or conviction for drunk
92 driving; (4) the applicant's admission of facts sufficient to warrant a finding of guilt of any
93 crime; (5) a finding or admission of liability against the applicant in a civil lawsuit based on the
94 applicant's deceit; (6) revocation, suspension, restriction, or denial of a notarial commission or
95 professional license by this or any other state; or (7) any other reason, including for official
96 misconduct as defined in section 13, that, within the Governor's discretion, would make the
97 applicant unsuitable to hold the commission as a notary public. Section 15. As set forth in Article
98 IV of the Articles of Amendment to the Constitution of the commonwealth, a person
99 commissioned as a notary public may perform notarial acts in any part of the commonwealth for
100 a term of seven years, unless the commission is earlier revoked or the notary resigns. Section 16
101 (a) A notary public may perform the following notarial acts: acknowledgments; oaths and
102 affirmations; jurats; signature witnessings; copy certifications; issuance of summonses for
103 witnesses as set forth in section 1 of chapter 233; issuance of subpoenas; and witnessing the
104 opening of a bank safe, vault, or box as set forth in section 32 of chapter 167. (b) A notary shall
105 take the acknowledgment of the signature or mark of persons acknowledging for themselves or

106 in any representative capacity by using substantially the following form:On this ____ day of
107 _____, 20__, before me, the undersigned notary public, personally appeared
108 _____ (name of document signer), proved to me through satisfactory
109 evidence of identification, which were _____, to be the person whose
110 name is signed on the preceding or attached document, and acknowledged to me that (he) (she)
111 signed it voluntarily for its stated purpose.(as partner for _____, a partnership)(as
112 _____ for _____, a corporation)(as attorney in fact for _____,
113 the principal)(as _____ for _____, (a) (the)
114 _____) _____ (official signature and seal of notary)(c) A notary
115 shall use a jurat certificate in substantially the following form in notarizing a signature or mark
116 on an affidavit or other sworn or affirmed written declaration:On this ____ day of _____,
117 20__, before me, the undersigned notary public, personally appeared
118 _____ (name of document signer), proved to me through satisfactory
119 evidence of identification, which were _____, to be the person who signed
120 the preceding or attached document in my presence, and who swore or affirmed to me that the
121 contents of the document are truthful and accurate to the best of (his) (her) knowledge and
122 belief. _____ (official signature and seal of notary)(d) A notary shall witness a
123 signature in substantially the following form in notarizing a signature or mark to confirm that it
124 was affixed in the notary's presence without administration of an oath or affirmation:On this
125 ____ day of _____, 20__, before me, the undersigned notary public, personally appeared
126 _____ (name of document signer), proved to me through satisfactory
127 evidence of identification, which were _____, to be the person whose
128 name is signed on the preceding or attached document in my presence. _____

129 (official signature and seal of notary)(e) A notary shall certify a copy by using substantially the
130 following form:On this ____ day of _____, 20__, I certify that the (preceding)
131 (following) (attached) document is a true, exact, complete, and unaltered copy made by me of
132 _____ (description of the document), presented to me by
133 _____ (official signature and seal of notary)(f) A
134 notary public may certify the affixation of a signature by mark on a document presented for
135 notarization if:(1) the principal affixes the mark in the presence of the notary public and of two
136 witnesses unaffected by the document;(2) both witnesses sign their own names beside the
137 mark;(3) the notary writes below the mark: "Mark affixed by (name of signer by mark) in the
138 presence of (names and addresses of witnesses) and undersigned notary; and(4) the notary public
139 notarizes the signature by mark through an acknowledgment, jurat, or signature witnessing.(g)
140 The notary public may sign the name of a principal who is physically unable to sign or make a
141 mark on a document presented for notarization if:(1) the principal directs the notary to do so in
142 the presence of two witnesses who are unaffected by the document;(2) the principal does not
143 have a demeanor that causes the notary public to have a compelling doubt about whether the
144 principal knows the consequences of the transaction requiring the notarial act;(3) in the notary
145 public's judgment, the principal is acting of his or her own free will;(4) the notary public signs
146 the principal's name in the presence of the principal and the witnesses;(5) both witnesses sign
147 their own names beside the signature;(6) the notary public writes below the signature: "Signature
148 affixed by notary public in the presence of (names and addresses of principal and two
149 witnesses)"; and (7) the notary public notarizes the signature through an acknowledgment, jurat,
150 or signature witnessing.(h) This section does not require a notary public to use the forms set forth
151 above if another form of acknowledgment, jurat, signature witnessing, or copy certification is

152 required or allowed by the provisions of any court rule or court form; any provision of the
153 general laws, including but not limited to, section 42 of chapter 183, or the forms set forth in the
154 appendix thereto, or section 2 of chapter 192; any Federal statute; or any regulation adopted
155 pursuant to any such provision or statute.(i) This section does not require a notary public to use
156 the forms set forth above if the form of acknowledgment, jurat, signature witnessing, or copy
157 certification if a document contains an alternative form from another state if the document is to
158 be filed or recorded in, or governed by the laws of, that other state.(j) This section does not
159 require a notary public to use the forms set forth above if the form of acknowledgment, jurat,
160 signature witnessing, or copy certification appears on a printed form that contains an express
161 prohibition against altering that form.Section 17. (a) A notary public shall not perform a notarial
162 act if:(1) the principal is not in the notary's presence at the time of notarization;(2) the principal
163 is not identified by the notary through satisfactory evidence of identity;(3) the principal has a
164 demeanor that causes the notary public to have a compelling doubt about whether the principal
165 knows the consequences of the transaction or document requiring the notarial act;(4) in the
166 notary public's judgment, the principal is not acting of his or her own free will;(5) the notary
167 public is a party to or is named in the document that is to be notarized, except that a notary
168 public may notarize a document if the notary public is named in the document for the sole
169 purpose of receiving notices relating to the document and except that a notary public who is
170 licensed as an attorney in the commonwealth and is named as an executor, trustee or in any
171 fiduciary capacity in a document, or is employed by an attorney so licensed, may perform
172 notarial acts concerning such document;(6) the notary public will receive as a direct result of the
173 notarial act any commission, fee, advantage, right, title, interest, cash, property, or other
174 consideration exceeding the maximum fees provided for in section 24, or has any financial

175 interest in the subject matter of the document. This section shall not preclude a notary public
176 who is licensed as an attorney in the commonwealth, or is employed by an attorney so licensed,
177 from notarial acts concerning any document in connection with which the attorney receives a
178 legal fee for professional legal services. (7) the notary public is a spouse, domestic partner,
179 parent, guardian, child, or sibling of the principal, including in-law, step, or half relatives, except
180 where a principal witnesses a will or other legal document prepared by the notary public who is
181 an attorney licensed in the commonwealth.(b) A notary public shall not refuse to perform a
182 notarial act solely based on the principal's race, advanced age, gender, sexual orientation,
183 religion, national origin, health, disability, or status as a non-client or non-customer of the notary
184 public or the notary public's employer.(c) A non-attorney notary public shall not influence a
185 person either to enter into or avoid a transaction involving a notarial act by the notary public,
186 except that the notary public may provide assistance relating to that transaction, if he or she is
187 duly qualified, trained, or acting pursuant to a standard or practice recognized in a particular
188 industry or professional field in selecting, drafting or completing a certificate or other document
189 related to a matter within that industry or field.(d) A notary public shall not execute a certificate
190 containing information known or believed by the notary public to be false.(e) A notary public
191 shall not affix an official signature or seal on a notarial certificate that is incomplete.(f) A notary
192 public shall not provide or send a signed or sealed notarial certificate to another person with the
193 understanding that it will be completed or attached to a document outside of the notary public's
194 presence, provided that in connection with a commercial, non-consumer transaction, a notary
195 public may deliver a signed, sealed, or signed and sealed notarial certificate to an attorney with
196 the understanding that: (i) the attorney will attach the certificate to a document outside of the
197 notary's presence; (ii) the attorney will hold such notarial certificate in escrow; and (iii) the

198 attorney informs the notary public that the attorney will obtain the approval of the principal, or
199 principals, involved before attaching the certificate to the document.(g) A notary public shall not
200 notarize a signature on a blank or incomplete document, except as provided in subsection (f)
201 above.(h) A notary public shall not perform any official act with the intent to deceive or
202 defraud.(i) A notary public shall not use the term "notario" or "notario publico" or any equivalent
203 non-English term in any business card, advertisement, notice, or sign.Section 18. (a) No notary
204 public may advise clients, offer legal advice or represent or advertise himself or herself as a
205 legal specialist or consultant unless the individual is an attorney licensed to practice law in the
206 commonwealth. No notary public shall state or imply in any communication that he can or will
207 obtain special favors from or has special influence with any government agency. No notary
208 public who is not licensed to practice law in the commonwealth shall make a literal translation of
209 his or her status as "licensed" or as a "notary public" into a language other than English without
210 regard to the true meaning of the word or phrase in that language, or use any other term that
211 implies that the notary public is an attorney so licensed, in any document, including an
212 advertisement, stationery, letterhead, business card, or other written or broadcast material
213 describing the notary public or his services. (b) A notary public who is not an attorney licensed
214 to practice law in the commonwealth (1) shall not offer legal advice or advise clients as to their
215 immigration status; secure or attempt to secure supporting documents, such as birth certificates,
216 necessary to complete a client's immigration forms; or submit completed immigration forms on a
217 client's behalf to any governmental agency;(2) may translate questions presented on an
218 immigration form for another person and may complete those forms at the explicit direction of
219 that other person only where translation of that other person's answers is necessary; and (3) prior
220 to providing services of any kind related to an immigration matter, or any matter that that could

221 influence or affect a person’s legal status under immigration law, shall provide a client with a
222 written statement that states “I am not an attorney licensed to practice law. I may not give you
223 legal advice or advise you about immigration policies or procedures. You should seek the advice
224 of a qualified attorney to assist you with any legal questions or with questions about legal status
225 under immigration law.”(c) The provisions of subsection (b) shall not apply to the following
226 persons:(1) An attorney licensed to practice law in any state or territory of the United States, or
227 of any foreign country when authorized by the supreme judicial court, to the extent the attorney
228 renders immigration assistance service in the course of his or her practice as an attorney.(2) A
229 paralegal, legal intern or law student, employed by an attorney so licensed and rendering
230 immigration assistance in the course of the intern’s or student’s employment.(3) Any
231 organization employing or desiring to employ any person not a citizen of the United States,
232 where the organization, its employees or agents provide advice or assistance in immigration-
233 related matters to non-citizen employees or potential employees without compensation from the
234 individuals to whom such advice or assistance is provided. (d) A non-attorney notary public shall
235 not engage in the practice of law. This subsection shall not preclude a notary public who is duly
236 qualified, trained, or experienced in a particular industry or professional field from selecting,
237 drafting or completing a certificate or other document related to a matter within that industry or
238 field. (e) A notary public who is not an attorney licensed to practice law in the commonwealth,
239 or who is not employed by an attorney so licensed, shall not conduct a real estate closing and
240 shall not act as a real estate closing agent. A notary public who is employed by an attorney so
241 licensed may notarize a document in conjunction with a real estate closing conducted by the
242 attorney. A notary public who is employed by a lender may notarize a document in conjunction
243 with the closing of his or her employer's real estate loans.(f) The provisions of this section shall

244 also apply to any person who employs, contracts with or otherwise uses the services of a notary
245 public with knowledge or reason to know of conduct that is in violation of this section. Section
246 18A (a) The attorney general may prosecute any person committing a violation under this
247 chapter. Any person convicted of committing such violation shall be punished for a first offense
248 by a fine of not more than \$1,000 or by imprisonment in a jail or house of correction for not
249 more than six months, or by both such fine and imprisonment, and for subsequent offenses by a
250 fine of not more than \$5,000 or by imprisonment in a jail or house of correction for not more
251 than one year, or by both such fine and imprisonment. The attorney general may file a petition
252 for injunctive relief against any person who violates this chapter. If the attorney general or the
253 state secretary has cause to believe that, as a result of official misconduct, a person holding the
254 office of notary public is unsuitable to hold that office, the attorney general or the state secretary
255 shall provide notice to the governor of such official misconduct. Any conviction based on a
256 violation of this chapter shall be grounds for the revocation of a notary's appointment. If the
257 court finds that a person so convicted either knew or should have known his conduct to be in
258 violation of this chapter, the court may require such person to pay to the commonwealth a civil
259 penalty of not more than five thousand dollars for each such violation and also may require the
260 said person to pay the reasonable costs of investigation and litigation of such violation, including
261 reasonable attorneys' fees. (b) A person having an interest or right that is or may be adversely
262 affected by a violation of section 18 may initiate an action for private remedies and, if the
263 attorney general has not done so, for injunctive relief. Such person may be awarded his actual
264 damages and, if the court finds that person against whom the action is brought either knew or
265 should have known his conduct to be in violation of section 18, punitive damages of not more
266 than \$5,000 per violation, and attorney's fees and court costs.(c) It shall not be a defense in an

267 action under this section that the conduct that is the subject of the action, in whole or in part,
268 occurred primarily or substantially outside the commonwealth. Section 19. (a) Any notary public
269 who is not an attorney shall post signs at his or her place of business, setting forth information in
270 English and in every other language the person provides or offers to provide services. Each
271 language shall be on a separate sign. Signs shall be posted in a conspicuous location where the
272 signs will be visible to customers. Each sign shall be at least 12 inches by 20 inches with
273 boldface type or print that prominently states the following information: (1) The individual's full
274 name and address; (2) The statement "I am not an attorney licensed to practice law and may not
275 give legal advice or accept fees for legal advice"; and (3) The statement "I am not accredited to
276 represent you before the United States Bureau of Citizenship and Immigration Services and the
277 Immigration Board of Appeals." (b) Prior to providing services related to an immigration matter,
278 a notary public shall provide the client with written disclosure in English and the client's primary
279 language. The disclosure shall include the notary public's full name, address and telephone
280 number. Section 20. A notary shall perform any notarial act for any person requesting such an act
281 who tenders the fee set forth in section 41 of chapter 262, unless: (a) the notary public knows or
282 has good reason to believe that the notarial act or the associated transaction is unlawful; (b) the
283 principal has a demeanor that causes the notary public to have a compelling doubt about whether
284 the principal knows the consequences of the transaction or document requiring the notarial
285 act; (c) the act is prohibited by any provision of this chapter or other applicable law; or (d) the
286 number of notarial acts requested practicably precludes completion of all acts at once, in which
287 case the notary public shall arrange for later completion of the remaining acts. Section 21. (a) A
288 notary public has neither the duty nor the authority to investigate, ascertain, or attest to the
289 lawfulness, propriety, accuracy, or truthfulness of a document or transaction involving a notarial

290 act.(b) Failure of a document to contain the forms of acknowledgment, jurat, signature
291 witnessing, or copy certification set forth in section 16, or otherwise to comply with the
292 requirements set forth in sections 8 through 24 shall not have any effect on the validity of the
293 underlying document, or the recording thereof.(c) Failure of a document to contain the forms of
294 acknowledgment, jurat, signature witnessing, or copy certification set forth in section 16 shall
295 not be the basis of a refusal to accept the document for filing, recordation, registration, or
296 acceptance by a third party.Section 22. A non-attorney notary public who advertises notarial
297 services in a language other than English shall include in the advertisement, notice, letterhead, or
298 sign the following, prominently displayed in the same language the statement: "I am not an
299 attorney and have no authority to give advice on immigration or other legal matters."Section 23.
300 (a) A notary who is not employed by a governmental entity shall keep, maintain, protect, and
301 provide for lawful inspection a chronological official journal of notarial acts that is a
302 permanently bound book with numbered pages, except as otherwise provided in this section.(b)
303 A notary public shall keep no more than one active journal at the same time.(c) For every
304 notarial act except for the issuance of summons or subpoenas, or the administration of an oral
305 oath, the notary public shall record in the journal at the time of the notarization the following:(1)
306 the date and time of the notarial act, proceeding, or transaction;(2) the type of notarial act;(3) the
307 type, title, or a description of the document, transaction, or proceeding. If multiple documents are
308 signed by the same principal in the course of a transaction or during a single date (i.e. real estate
309 closings, mortgage discharges, state laboratory drug analysis certificates, etc.), a single journal
310 entry shall be sufficient;(4) the signature, printed name, and address of each principal and
311 witness, except that if a principal or witness tells the notary that he or she is a battered person,
312 the notary shall make a note in the journal that the person's address shall not to be subject to

313 public inspection.(5) description of the satisfactory evidence of identity of each person including:
314 (A) a notation of the type of identification document, the issuing agency, its serial or
315 identification number, and its date of issuance or expiration, provided that if the identification
316 number on the document is the person's Social Security number, instead of including the number,
317 the notary shall write in the words "Social Security number" or the acronym "SSN"; or (B) a
318 notation if the notary identified the individual on the oath or affirmation of a credible witness or
319 based on the notary's personal knowledge of the individual;

320 (6) the fee, if any, charged for the notarial act; and(7) the address where the notarization
321 was performed.(d) A notary public shall not record a Social Security or credit card number in the
322 journal.(e) A notary public shall record in the journal the circumstances for not completing a
323 notarial act that was requested by the principal.(f) A journal shall not be required for a notary
324 public who is an attorney admitted to practice law in any jurisdiction or who is employed by
325 such attorney. If such attorney or person so employed elects to maintain such journal, the
326 provisions of this section shall not be construed in any way to impair or infringe on the attorney-
327 client privilege or the attorney work product doctrine.(g) Except as provided in subsection (f),
328 the journal may be examined without restriction by a law enforcement officer in the course of an
329 official investigation, subpoenaed by court order, or surrendered at the direction of the secretary
330 of the commonwealth. Nothing in this section shall prevent a notary public from seeking
331 appropriate judicial protective orders.(h) A notary public shall safeguard the journal and all other
332 notarial records and surrender or destroy them only by rule of law, by court order, or at the
333 direction of the secretary of the commonwealth.(i) When not in use, the journal shall be kept in a
334 secure area under the exclusive control of the notary public, and shall not be used by any other
335 notary nor surrendered to an employer upon termination of employment.Section 24. Fees

336 charged by a notary public for the following services shall not exceed the amounts specified
337 herein until July 1, 2009, after which time maximum fees shall be set by the secretary of the
338 commonwealth:(a) For taking an acknowledgment or proof of a deed, or other instrument, to
339 include the seal and the writing of the certificate, the sum of \$10 for each signature taken. (b) For
340 administering an oath or affirmation to one person and executing the jurat, including the seal, the
341 sum of \$10.(c) For all services rendered in connection with the taking of any deposition, the sum
342 of \$20, and in addition thereto, the sum of \$5 for administering the oath to the witness and the
343 sum of \$5 for the certificate to the deposition.(d) For every protest for the nonpayment of a
344 promissory note or for the nonpayment or non- acceptance of a bill of exchange, draft, or check,
345 the sum of \$10.(e) For serving every notice of nonpayment of a promissory note or of
346 nonpayment or non-acceptance of a bill of exchange, order, draft, or check, the sum of \$5.(f) For
347 recording every protest, the sum of \$5.(g) For certifying a copy of a power of attorney under
348 chapter 201B, the sum of \$10.No fee may be charged to notarize signatures on absentee ballot
349 identification envelopes or other voting materials.No fee may be charged to a United States
350 military veteran for notarization of an application or a claim for a pension, allotment, allowance,
351 compensation, insurance, or any other veteran's benefit.Section 25. When a notary commission
352 expires, is resigned, or is revoked, the notary shall as soon as reasonably practicable, destroy or
353 deface all notary seals and stamps so that they may not be used, and retain the notarial journal
354 and records for seven years after the date of expiration, resignation, or revocation.Section 26.
355 Within ten days after the change of a notary public's residence, business or mailing address, or
356 name, the notary shall send to the secretary of the commonwealth a signed notice of the change,
357 giving both the old and new information. Section 27. A notary public's commission may be
358 revoked for official misconduct as defined in section 13, or for other good cause, as determined

359 by the Governor with the consent of the Governor's Council as set forth in Article XXXVII of
360 the Articles of Amendments to the Massachusetts Constitution.

361 SECTION 6. Chapter 262 of the General Laws is hereby amended by striking section 41
362 and inserting in place thereof the following section: Section 41. The maximum fees of notaries
363 public shall be as provided in section 24 of chapter 222.