

**SENATE . . . . . No. 2252**

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**The Commonwealth of Massachusetts**

—————  
**In the Year Two Thousand Fourteen**  
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SENATE, Thursday, July 10, 2014

The committee on Judiciary, to whom was referred the petition (accompanied by bill, Senate, No. 681) of Cynthia S. Creem for legislation to regulate notaries public to protect consumers,- reports the accompanying bill (Senate, No. 2251).

For the committee,  
William N. Brownsberger

**SENATE . . . . . No. 2252**

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**The Commonwealth of Massachusetts**

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An Act regulating notaries public to protect consumers and the validity and effectiveness of recorded instruments.

*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 183 of the General Laws is hereby amended by striking out section  
2 30 and inserting in place thereof the following section:

3           Section 30. [Method of making acknowledgment] The acknowledgment of the execution  
4 of a deed or other written instrument required to be acknowledged shall be by one or more of the  
5 grantors or by the attorney or representative executing it on behalf of a grantor.

6           SECTION 2. Chapter 183 of the General Laws is hereby amended by striking out section  
7 42 and inserting in place thereof the following section:

8           Section 42. [Forms for acknowledgments and certificates of authority] The forms set  
9 forth in the appendix to this chapter for taking acknowledgments to deeds and other instruments  
10 and for certifying the authority of officers taking proofs or acknowledgments may be used; but  
11 this shall not prevent the use of any other forms heretofore or hereafter lawfully used as required  
12 or authorized by any general or special law or regulation or by any executive order regulating  
13 notaries public, including a form that acknowledges the voluntary act of an individual executing

14 a document in a representative capacity but which fails to acknowledge the deed or instrument as  
15 the voluntary or free act and deed of the principal or grantor.

16 SECTION 3. Chapter 222 of the General Laws is hereby amended by striking out section  
17 1 and inserting in place thereof the following section:

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

24 SECTION 4. Said chapter 222 is hereby further amended by striking out sections 8 and  
25 8A and inserting in place thereof the following section:

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

31 (b) A notary shall keep an official notarial seal or stamp that shall be the exclusive  
32 property of the notary, and a notary shall not permit another to use such notarial seal or stamp. A  
33 notary public shall obtain a new seal or stamp upon renewal of his commission, upon receipt of a  
34 new commission, receives a new commission, or if he changes his name. The notarial seal or  
35 stamp shall include: (i) the notary public's name exactly as indicated on the commission; (ii) the

36 words "notary public," "Commonwealth of Massachusetts" or "Massachusetts," (iii) the date of  
37 the expiration of the commission in the following language: "My commission expires \_\_\_\_"; and  
38 (iv) a facsimile of the great seal of the commonwealth. Whenever a notarial seal that requires ink  
39 is employed, black ink shall be used. The requirements of this subsection shall be satisfied by  
40 using a stamp and a seal that, together, include all of the information herein required. Failure to  
41 comply with this section shall not affect the validity of any instrument or the record thereof.

42 SECTION 5. Section 11 of said chapter 222 is hereby amended by inserting after the  
43 word "dependents," in line 2, the following words: or members of the Massachusetts National  
44 Guard or other Reserve Component Commands when conducting mobilization exercises and  
45 Soldier Readiness Processing.

46 SECTION 6. Said chapter 222 is hereby further amended by striking out section 12 and  
47 inserting in place thereof the following section:

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

51 SECTION 7. Chapter 222 is hereby further amended by adding the following 15 sections:

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

54 "Acknowledgment," a notarial act in which an individual, at a single time and place  
55 appears, in person, before a notary public and presents a document; is identified by the notary  
56 public through satisfactory evidence of identity and who indicates to the notary public that the

57 signature on the document before the notary was voluntarily affixed by the individual for the  
58 purposes stated within the document or that the signature on the document was the individual's  
59 free act and deed and, if applicable, that the individual was authorized to sign in a particular  
60 representative capacity.

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

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

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

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

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

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

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

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

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

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

94 "Regular place of work or business," a place where an individual spends a substantial  
95 portion of his working or business hours.

96 "Satisfactory evidence of identity," identification of an individual based on: (i) at least 1  
97 current document issued by a Federal or state government agency bearing the photographic  
98 image of the individual's face and signature; (ii) the oath or affirmation of a credible witness  
99 unaffected by the document or transaction who is personally known to the notary and who

100 personally knows the individual; or (iii) identification of an individual based on the notary  
101 public's personal knowledge of the identity of the principal. For a person who is not a United  
102 States citizen, "satisfactory evidence of identity" shall mean identification of an individual based  
103 on a valid passport, or another government-issued document evidencing the individual's  
104 nationality or residence and which bears a photographic image of the individual's face and  
105 signature.

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

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

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

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

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

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

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

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

129 Section 15. A person commissioned as a notary public may perform notarial acts in any  
130 part of the commonwealth for a term of 7 years, unless the commission is earlier revoked or the  
131 notary resigns.

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

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

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 whose name is signed on the preceding or attached document, and acknowledged to  
144 me that (he) (she) signed it voluntarily for its stated purpose.

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

146 (as \_\_\_\_\_ for \_\_\_\_\_, a corporation or other entity)

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

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

149 \_\_\_\_\_ (official signature and seal of notary)”

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

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 who signed the preceding or attached document in my presence, and who swore or  
156 affirmed to me that the contents of the document are truthful and accurate to the best of (his)  
157 (her) knowledge and belief.

158 \_\_\_\_\_ (official signature and seal of notary)”

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

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

166           \_\_\_\_\_ (official signature and seal of notary)”

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

168           “On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, I certify that the (preceding) (following)  
169 (attached) document is a true, exact, complete, and unaltered copy made by me of  
170 \_\_\_\_\_ (description of the document), presented to me by  
171 \_\_\_\_\_.

172           \_\_\_\_\_ (official signature and seal of notary)”

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

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

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

178                   (iii) the notary public notarizes the signature by mark through an  
179 acknowledgment, jurat or signature witnessing.

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

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

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

187 (iii) in the notary public's judgment, the principal is acting of his own free will;

188 (iv) the notary public signs the principal's name in the presence of the principal  
189 and the witnesses;

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

191 (vi) the notary public writes below the signature: "Signature affixed by notary  
192 public in the presence of (names and addresses of principal and two witnesses)"; and

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

195 (h) This section shall not require a notary public to use the forms set forth above if  
196 another form of acknowledgment, jurat, signature witnessing or copy certification is required or  
197 allowed by any court rule or court form or is required by any general or special law, including,  
198 but not limited to, section 2-504 of chapter 190B, any Federal statute, or any regulation adopted  
199 pursuant to any such provision or law; provided, however, that the forms set forth in this section  
200 may be used in lieu of any equivalent form authorized or promulgated by any such law, statute or  
201 regulation, including but not limited to section 42 of chapter 183 and the forms set forth in the

202 appendix to chapter 183, if any such law, statute or regulation does not expressly prohibit the use  
203 of other forms.

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

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

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

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

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

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

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

220 (v) the notary public is a party to or is named in the document that is to be  
221 notarized, unless: (A) a notary public is named in a document for the sole purpose of receiving  
222 notices relating to the document; or (B) a notary public is licensed as an attorney in the

223 commonwealth, or is employed by an attorney so licensed, and is named as an executor, trustee  
224 or in any fiduciary capacity in a document;

225 (vi) the notary public will receive as a direct result of the notarial act any  
226 commission, fee, advantage, right, title, interest, cash, property or other consideration exceeding  
227 the maximum fees provided in section 24, or has any financial interest in the subject matter of  
228 the document; provided, however, that this section shall not preclude a notary public who is  
229 licensed as an attorney in the commonwealth, or is employed by an attorney so licensed, from  
230 notarial acts relative to any document in connection with which the attorney receives a legal fee  
231 for professional legal services.

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

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

240 (c) A non-attorney notary public shall not influence a person either to enter into or avoid  
241 a transaction involving a notarial act by the notary public, except that the notary public may  
242 provide assistance relating to that transaction, if he or she is duly qualified, trained, or acting  
243 pursuant to a standard or practice recognized in a particular industry or professional field in

244 selecting, drafting or completing a certificate or other document related to a matter within such  
245 industry or field.

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

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

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

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

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

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

264 (j) A notary public shall not claim to have powers, qualifications, rights, or privileges  
265 that the office of notary public does not provide, including the power to counsel on immigration  
266 matters.

267 Section 18. (a) No notary public shall advise clients, offer legal advice or represent or  
268 advertise himself or herself as a legal specialist or consultant unless the individual is an attorney  
269 licensed to practice law in the commonwealth. No notary public shall state or imply in any  
270 communication that he can or will obtain special favors from or has special influence with any  
271 government agency. No notary public who is not licensed to practice law in the commonwealth  
272 shall make a literal translation of his or her status as “licensed” or as a “notary public” into a  
273 language other than English without regard to the true meaning of the word or phrase in that  
274 language, or use any other term that implies that the notary public is an attorney so licensed, in  
275 any document, including an advertisement, stationery, letterhead, business card, or other written  
276 or broadcast material describing the notary public or his services.

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

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

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

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

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

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

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

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

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



305 (e) A notary public who is not an attorney licensed to practice law in the commonwealth  
306 or who is not employed by an attorney so licensed, shall not conduct a real estate closing and  
307 shall not act as a real estate closing agent. A notary public who is employed by an attorney so  
308 licensed may notarize a document in conjunction with a real estate closing conducted by the  
309 attorney. A notary public who is employed by a lender may notarize a document in conjunction  
310 with the closing of his employer's real estate loans.

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

314 Section 19. (a) The attorney general or district attorney may prosecute any person  
315 committing a violation under this chapter. Any person convicted of committing such violation  
316 shall be punished for a first offense by a fine of not more than \$1,000 or by imprisonment in a  
317 jail or house of correction for not more than 6 months, or by both such fine and imprisonment,  
318 and for subsequent offenses by a fine of not more than \$5,000 or by imprisonment in a jail or  
319 house of correction for not more than one year, or by both such fine and imprisonment. The  
320 attorney general or district attorney may file a petition for injunctive relief against any person  
321 who violates this chapter. If the attorney general, district attorney or the state secretary has cause  
322 to believe that, as a result of official misconduct, a person holding the office of notary public is  
323 unsuitable to hold that office, the attorney general, district attorney or the state secretary shall  
324 provide notice to the governor of such official misconduct. Any conviction based on a violation  
325 of this chapter shall be grounds for the revocation of a notary's appointment. If the court finds  
326 that a person so convicted either knew or should have known his conduct to be in violation of  
327 this chapter, the court may require such person to pay to the commonwealth a civil penalty of not

328 more than \$5,000 for each such violation and also may require the person to pay the reasonable  
329 costs of investigation and litigation of such violation, including reasonable attorneys' fees.

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

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

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

341 Section 20. A notary shall perform any notarial act for any person requesting such an act  
342 who tenders the fee provided for in section 24, unless:

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

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

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

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

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

354 (b) Except as may be required by the office of the state secretary for the issuance of an  
355 apostille,

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

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

363 (3) Failure of a document executed in a representative capacity to contain an  
364 acknowledgment that the instrument was also the voluntary or free act and deed of the principal  
365 or grantor shall not have any effect on the validity of the underlying document, or the recording  
366 thereof.

367 Section 22. A non-attorney notary public who advertises notarial services in a language  
368 other than English shall include in the advertisement, notice, letterhead, or sign the following,

369 prominently displayed in the same language the statement: “I am not an attorney and have no  
370 authority to give advice on immigration or other legal matters.”

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

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

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

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

380 (2) the type of notarial act;

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

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

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

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

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

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

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

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

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

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

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

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

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

416 Section 24. Maximum fees charged by a notary public shall be set by the secretary of the  
417 commonwealth; provided, however, that no fee may be charged to notarize any signature on an  
418 absentee ballot identification envelope or other voting materials, or on any application or claim  
419 by a United States military veteran for a pension, allotment, allowance, compensation, insurance,  
420 or other veteran's benefit.

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

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

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

432           SECTION 8. Chapter 262 of the General Laws is hereby amended by striking section 41  
433 and inserting in place thereof the following section:

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

436           SECTION 9. This act shall apply to all commissions of notary public or justice of the  
437 peace authorized by chapter 222 of the General Laws, including commissions received or  
438 renewed before the effective date of this act.