SENATE . . . . . No. 2312

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

SENATE, Thursday, March 1, 2018

The committee on the Judiciary, to whom was referred the petition (accompanied by bill, Senate, No. 811) of Cynthia S. Creem for legislation to make technical changes to the laws regulating a certain notarial act,- reports the accompanying bill (Senate, No. 2312).

For the committee,
William N. Brownsberger

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In the One Hundred and Ninetieth General Court
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An Act making technical changes to the laws regulating a certain notarial act.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 183 of the General Laws is hereby amended by striking section 42, as most recently amended by section 2 of chapter 289 of the Acts of 2016, and inserting in place thereof the following section:

Section 42. The forms set forth in the appendix to this chapter and in section 15 of chapter 222 for taking acknowledgments to deeds and other instruments and for certifying the authority of officers taking proofs or acknowledgments may be used but the existence of those forms shall not preclude the use of any other forms lawfully used as required or authorized by any general or special law or any regulation or executive order regulating notaries public, including forms that acknowledge the act of an individual executing a document in a representative capacity but fail to acknowledge the deed or instrument as the act of the principal or grantor.

SECTION 2. Section 1 of chapter 222 of the General Laws, as most recently amended by section 3 of said chapter 289, is hereby amended by striking out the definition of "Acknowledgment" and inserting in place thereof the following: "Acknowledgment", a notarial

act in which an individual, at a single time and place appears, in person, before a notary public, is identified by the notary public through satisfactory evidence of identity and presents a document to the notary public and indicates that the individual has executed the document for the purposes stated therein, and, if applicable, that the individual signed in a representative capacity and did so as the act of the represented person or entity.

SECTION 3. Section 15 of said chapter 222, as appearing in section 6 of said chapter 289, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:

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

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

(as partner for _____, a partnership)

(as _____ for _____, a corporation or other entity)

(as attorney in fact for _____, the principal)

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

as the act of the (partnership)(corporation or other entity)(principal)( ).

_____ (official signature and seal of notary public)".

SECTION 4. Section 20 of said chapter 222, as appearing in said section 6 of said chapter 289, is hereby amended in clause (iii) of subsection (b) by striking out the words "voluntary or free."

SECTION 5. Form 13, as set forth in the appendix to chapter 183 of the General Laws, is hereby amended by removing the word "free."

SECTION 6. Form 14, as set forth in the appendix to chapter 183 of the General Laws, is hereby amended by removing the word "free."

SECTION 7. Form 15, as set forth in the appendix to chapter 183 of the General Laws, is hereby amended by removing the word "free."

SECTION 8. The provisions of this Act shall take effect upon passage, and shall apply to instruments and documents recorded or filed before, on or after said date, except with respect to the subject matter of any final judgment to the contrary by a court of competent jurisdiction prior to said effective date. Section 30 of chapter 183 of the General Laws, as amended by section 1 of chapter 289 of the Acts of 2016; subsections (h) and (i) of section 15 of chapter 222 of the General Laws, as appearing in section 6 of said chapter 289; subsection (k) of section 16 of said chapter 222, as so appearing, and subsections (b) and (c) of section 20 of said chapter 222, as so appearing, shall take effect July 1, 2018, and shall apply to instruments and documents recorded or filed before, on or after said date, except with respect to the subject matter of any final judgment to the contrary by a court of competent jurisdiction prior to said effective date.