

SENATE No. 811

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act making technical changes to the laws regulating a certain notarial act.

PETITION OF:

NAME:

Cynthia Stone Creem

DISTRICT/ADDRESS:

First Middlesex and Norfolk

SENATE No. 811

By Ms. Creem, a 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. The Judiciary.

The Commonwealth of Massachusetts

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

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:

1 SECTION 1. Chapter 183 of the General Laws is hereby amended by striking section 42
2 and inserting in place thereof the following section:

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

11 SECTION 2. Section 1 of chapter 222 of the General Laws is hereby amended by striking
12 out the definition of “Acknowledgment” and inserting in place thereof the following:

13 “Acknowledgment”, a notarial act in which an individual, at a single time and place appears, in
14 person, before a notary public, is identified by the notary public through satisfactory evidence of
15 identity and presents a document to the notary public and indicates that the individual has
16 executed the document for the purposes stated therein, and, if applicable, that the individual was
17 authorized to sign in a particular representative capacity and did so as the act of the person or
18 entity stated therein.

19 SECTION 3. Section 15 of said chapter 222 is hereby amended by striking out subsection
20 (b) and inserting in place thereof the following subsection:

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

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

29 (as partner for _____, a partnership)

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

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

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

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

34 _____ (official signature and seal of notary public)”.
35

36 SECTION 4. Section 20 of said chapter 222 is hereby amended in clause (iii) of
37 subsection (b) by striking out the words “voluntary or free.”

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

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

42 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.”