

SENATE No. 972

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. 972

By Ms. Creem, a petition (accompanied by bill, Senate, No. 972) of Cynthia Stone Creem for legislation to make technical changes to the laws regulating a certain notarial act. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 877 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith certain updates to the laws related to notarization, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Section 42 of chapter 183 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out, in line 8, the word “voluntary”.

3 SECTION 2. Said section 42 of said chapter 183, as so appearing, is hereby further
4 amended by striking out, in line 10, the words “voluntary or free”.

5 SECTION 3. Forms (13), (14) and (15) of the Appendix in said chapter 183, as so
6 appearing, are hereby amended by striking out the word “free”, each time it appears.

7 SECTION 4. Section 1 of chapter 222 of the General Laws is hereby amended by striking
8 out the definitions of “Acknowledgment,” “Affirmation,” “Jurat,” “Oath,” and “Signature
9 witnessing,” and inserting in place thereof the following definitions:-

10 “Acknowledgment”, a notarial act in which an individual, at a single time and place
11 appears, in person, in the physical presence of a notary public, is identified by the notary public
12 through satisfactory evidence of identity and presents a document to the notary public and
13 indicates that the individual has executed the document for the purposes stated therein and, if
14 applicable, that the individual signed in a representative capacity and did so as the act of the
15 represented person or entity.

16 "Affirmation", a notarial act, or part thereof, that is legally equivalent to an oath and in
17 which an individual, at a single time and place appears, in person, in the physical presence of a
18 notary public, is identified by the notary public through satisfactory evidence of identity and the
19 individual makes a vow of truthfulness or fidelity under the penalties of perjury without invoking
20 a deity.

21 “Jurat”, a notarial act in which an individual, at a single time and place appears, in
22 person, in the physical presence of a notary public, is identified by the notary public through
23 satisfactory evidence of identity and: (i) presents a document; (ii) signs the document in the
24 physical presence of the notary public and (iii) takes an oath or affirmation before the notary
25 public vouching for the truthfulness or accuracy of the contents of the signed document.

26 “Oath”, a notarial act, or part thereof, that is legally equivalent to an affirmation and in
27 which an individual, at a single time and place, appears in person in the physical presence of a

28 notary public, is identified by the notary public through satisfactory evidence of identity and
29 takes a vow of truthfulness or fidelity under the penalties of perjury by invoking a deity.

30 “Signature witnessing”, a notarial act in which an individual, at a single time and place,
31 appears, in person, in the physical presence of a notary public, is identified by the notary public
32 through satisfactory evidence of identity and presents a document and signs the document in the
33 physical presence of the notary public.”

34 SECTION 5. Section 15 of said chapter 222, as so appearing, is hereby amended by
35 striking out, in line 15, the word “voluntarily”.

36 SECTION 6. Said section 15 of said chapter 222, as so appearing, is hereby further
37 amended by striking out, in line 21, the word “voluntary”.

38 SECTION 7. Section 20 of said chapter 222, as so appearing, is hereby amended by
39 striking out, in lines 21 and 22, the words “voluntary or free”.

40 SECTION 8. Notwithstanding any general or special law to the contrary, an instrument or
41 document that was recorded or filed in a registry of deeds before the effective date of this act that
42 was not executed by the grantor shall not be presumed to be invalid if the instrument or
43 document was executed or acknowledged by an attorney or representative acting with legal
44 authority on behalf of the grantor.

45 SECTION 9. Notwithstanding any general or special law to the contrary, an instrument or
46 document that was recorded or filed in a registry of deeds before the effective date of this act that
47 did not contain a formal statement or form acknowledging that the grantor, or an attorney or
48 representative acting with legal authority on behalf of the grantor, executed the instrument or

49 document voluntarily or freely shall not be presumed to be invalid for failing to contain such a
50 formal statement or form.