

**TITLE 4  
ADMINISTRATION  
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**PART VIII. BUREAU OF [COMMISSIONS,] ELECTIONS AND [LEGISLATION]  
NOTARIES**

**SUBPART C. COMMISSIONS AND NOTARIES PUBLIC**

**CHAPTER 161. FEES**

**§ 161.1. Schedule of fees.**

(a) As used in this chapter, the term Bureau means the Bureau of Elections and Notaries or any successor bureau of the Department of State.

(b) [The Bureau of Commissions fee schedule shall conform with the following table] The following fees are charged for services provided by the Bureau, relating to commissions, notaries public and the public acts and transactions of the Secretary of the Commonwealth and the Department of State:

<i>Description</i>	<i>Fee (in dollars)</i>
[COMMISSIONS	
Commissioner of Deeds	\$25
Notary Public Commission	\$25
Railroad Police or Institutional Police Commission	\$5
Notice of Election of Sheriff (called Sheriff's Writ)	\$5
Treasures Commission	\$5
District Justices	\$3
Register of Wills Bond	\$2
Recorder of Deeds Bond	\$2]

CERTIFICATES

[Great Seal Certificate	\$10
Certificate requiring Secretary's Seal	\$7]

For certifying copies of any public papers or records on file

with the Bureau, the copy fee (if the Bureau furnished the copy),

plus \_\_\_\_\_ \$15

For certifying matters of public record with the Bureau

(including no record), the copy fee (if the Bureau furnished the copy),

plus \_\_\_\_\_ \$15

MISCELLANEOUS

[Writs including Great Seal \$5

Filing Bond for any Public Office \$2

Filing Recognizance for any Public Office \$2]

Application for appointment and commission as a notary public \$42

Application for renewal of appointment and commission as a notary public \$42

[Photocopies] Copies (per page) \$1

Master list of notaries public \$50

Other notary public-related lists and data requests \$25

Approval of notary public education course \$700

Renewal of approval of notary public education course \$200

Duplicate copy of commission \$15

[Department of State] The Bureau may charge equivalent fees for any service not specified.

[NOTARY PUBLIC FEE SCHEDULE

Executing affidavits (no matter how many signatures)	\$5
Executing acknowledgments	\$5
In executing acknowledgments each additional name	\$2
Executing certificates (per certified copy)	\$5
Administering oaths (per individual taking an oath)	\$5
Taking depositions, per page	\$3
Executing verifications	\$5
Executing protests, per page	\$3]

**CHAPTER 163. SPECIAL RULES OF ADMINISTRATIVE PRACTICE AND  
PROCEDURE**

**§ 163.1. Applicability of general rules.**

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) [are] is applicable to the activities of and proceedings before the [Commission Bureau] Department of State relating to commissions and notaries public.

**CHAPTER 167. NOTARIES PUBLIC**

**SUBCHAPTER A. GENERAL PROVISIONS**

**§ 167.1. Scope.**

(a) This chapter implements and supplements 57 Pa.C.S. Chapter 3 (relating to the Revised Uniform Law on Notarial Acts) (act) and is to be read together with the applicable provisions of the act.

(b) This chapter governs the qualification, commissioning, notarial acts, conduct and discipline of notaries public in this Commonwealth.

**§ 167. 2. Definitions.**

(a) The definitions in section 302 of the act are incorporated by reference and have the same meaning when used in this chapter.

(b) The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—57 Pa. C.S. Chapter 3 (relating to the Revised Uniform Law on Notarial Acts).

*Applicant*—An individual who seeks appointment or renewal of appointment to the office of notary public.

*Appoint or Appointment*—The naming of an individual to the office of notary public after determination that the individual has complied with section 321(a) and (b) of the act (relating to appointment and commission as a notary public; qualifications; no immunity or benefit) and Subchapter B (relating to qualifications for appointment and commission), but prior to the individual complying with section 321(c), (d), (d.1) and (d.2) of the act. The term includes initial appointment, as well as renewal of appointment and commission.

*Appointee*—An individual who has been appointed or reappointed to the office of notary public but who has not yet recorded the bond, oath of office and commission in compliance with section 321(d.2)(1) or (2) of the act.

*Certificate of education*—A certificate issued by an education provider under § 167.95 (relating to certificate of education) signifying that the person named therein has successfully completed the approved education program provided by the provider.

*Direct or pecuniary interest*—An interest in the transaction or record that results in actual or potential gain or advantage, financial or otherwise, other than receiving a regular salary, hourly wage or notarial fee. A regular salary or hourly wage includes bonuses, provided the bonus is not related to or contingent upon the completion of the notarized transaction.

*Electronic notarization*—The performance of notarial acts with respect to electronic records using tamper-evident technologies.

*Electronic notarization technology provider*—A provider of tamper-evident technology for performing notarial acts with respect to electronic records, which has been approved by the Department in accordance with § 167.84 (relating to standards for approval of electronic notarization technology).

*Electronic notary public*—A notary public who has notified the Department that the notary is performing notarial acts with respect to electronic records and who has notified the Department of each technology the notary intends to use to perform notarial acts electronically.

*Examination*—A proctored computer-based examination required by section 322(a) of the act (relating to examination, basic education and continuing education) and described in § 167.15 (relating to notary public examination), to determine the fitness of an applicant to exercise the functions of the office of notary public and administered by a professional testing organization under contract with the Department at times, places and costs established by the professional testing organization.

Home address—The residence address of an applicant or notary public, which must include street and number.

Non-inking embosser – A device that, when pressed into paper, creates a raised impression without color or ink. Also referred to as a crimping embosser.

Office—The place of employment or practice in this Commonwealth of an applicant or notary public.

Office address—An applicant or notary public’s address of place of employment or practice in this Commonwealth, which must include street and number.

Remote notarization—The performance of notarial acts facilitated by communication technology for a remotely located individual.

Remote notarization technology provider—A provider of communication technology and identity proofing for performing notarial acts with respect to remotely located individuals, which has been approved by the Department in accordance with § 167.86 (relating to standards for approval of remote communication technology).

Remote notary public—A notary public who has notified the Department that the notary is performing notarial acts for a remotely located individual using communication technology and who has notified the Department of each technology the notary intends to use to perform notarial acts remotely.

Renewal of appointment and commission—The process by which an individual who holds an active commission as a notary public in this Commonwealth is reappointed and obtains another four-year commission to the office of notary public, in compliance with section 321(a) – (e) of the act (relating to appointment and commission as a notary public; qualifications; no immunity or benefit).

Spouse—An individual holding a marriage license issued or recognized under 23 Pa.C.S. Chapter 13 (relating to marriage license) who is married to a notary public.

Tangible—Perceptible by touch when used in conjunction with “record,” “medium” or “symbol.”

**§ 167.3. Fees.**

(a) The maximum fees of notaries public may not exceed:

Taking acknowledgment

(per first individual making acknowledgment in certificate) \$ 5

(per each additional name in same certificate) \$ 2

Administering oath or affirmation

(per individual taking oath or affirmation) \$ 5

Taking verification on oath or affirmation

(per individual making declaration) \$ 5

Witnessing or attesting a signature

(per signature) \$ 5

Certifying or attesting a copy or deposition

(per certified copy) \$ 5

Noting a protest of a negotiable instrument

(per page) \$ 3

(b) In addition to the fees authorized in subsection (a), electronic notaries public and remote notaries public may charge a fee in the amount not to exceed \$20 per notarial act performed with respect to electronic records or using communication technology.

(c) A notary public shall provide an itemized receipt for all fees charged by the notary.

(d) A notary public may not charge any fee under subsection (a) for notarizing the supporting affidavit required in an Emergency Absentee Ballot or the affidavit of a person needing assistance to vote an absentee ballot.

(e) A notary public may not charge a fee under subsection (a) when other applicable law dictates that no fee may be charged. For example, see 51 Pa.C.S. § 9101 (relating to acknowledgments and administering oaths without charge).

## **SUBCHAPTER B. QUALIFICATIONS FOR APPOINTMENT AND COMMISSION**

### **§ 167.11. Eligibility and application requirements for initial appointment and commission.**

(a) The requirements for eligibility are set forth in sections 321, 322 and 323(a) of the act (relating to appointment and commission as notary public; qualifications; no immunity or benefit; examination, basic education and continuing education and sanctions).

(b) An applicant for appointment and commission as a notary public who has never held a notary commission in this Commonwealth must:

(1) Be at least 18 years of age.

(2) Be a citizen or permanent legal resident of the United States.

(3) Be a resident of or have a place of employment or practice in this Commonwealth.

(4) Be able to read and write English.

(5) Not be disqualified to receive a commission under section 323(a) of the act.

(6) Have completed a basic education course of at least three hours approved by the Department within the six-month period immediately preceding submission of the application, as required by section 322(b) of the act. The applicant shall submit a certificate of education evidencing successful completion of the basic education course.

(7) Have passed the examination required by section 322(a) of the act within the six-month period immediately following the Department's authorization to take the examination as specified in § 167.15(e)(2).

(8) Submit the application of a form prescribed by the Department.

(9) Pay the required fee as specified in § 161.1 (relating to schedule of fees).

(c) Applicant not residing in this Commonwealth. If an applicant is not a resident of this Commonwealth, the applicant must have an office in this Commonwealth. The office must be on an ongoing basis and at an established location in this Commonwealth. The applicant must be able to receive mail at the office address.

(d) Signature. The applicant's signature on the application must match the applicant's name as provided on the application.

**§ 167.12. Eligibility and application requirements for renewal of appointment and commission where there has been no lapse in commission.**

(a) The requirements for eligibility are set forth in sections 321, 322 and 323(a) of the act (relating to appointment and commission as notary public; qualifications; no immunity or benefit; examination, basic education and continuing education and sanctions).

(b) An applicant for appointment and commission as a notary public who holds a notary commission in this Commonwealth at the time the application for renewal is received by the Department must:

(1) Be at least 18 years of age.

(2) Be a citizen or permanent legal resident of the United States.

(3) Be a resident of or have a place of employment or practice in this Commonwealth.

(4) Be able to read and write English.

- (5) Not be disqualified to receive a commission under section 323(a) of the act.
  - (6) Have completed at least three hours of Department approved continuing education within the six-month period immediately preceding submission of the application, as required by section 322(c) of the act. The applicant shall submit a certificate of education evidencing successful completion of the continuing education course.
  - (7) Submit the application of a form prescribed by the Department.
  - (8) Pay the required fee as specified in § 161.1 (relating to schedule of fees).
- (c) Timing of application. A notary public must submit an application for renewal prior to the expiration of the commission under which the notary public is acting. A notary public may submit an application for renewal up to 60 days prior to the expiration of the commission under which the notary public is acting.
- (d) Applicant not residing in this Commonwealth. If an applicant is not a resident of this Commonwealth, the applicant must have an office in this Commonwealth. The office must be on an ongoing basis and at an established location in this Commonwealth. The applicant must be able to receive mail at the office address.
- (e) Signature. The applicant's signature on the application must match the applicant's name as provided on the application.

**§ 167.13. Eligibility and application requirements for renewal of appointment and commission where there has been a lapse in commission.**

- (a) The requirements for eligibility are set forth in sections 321, 322 and 323(a) of the act (relating to appointment and commission as notary public; qualifications; no immunity or benefit; examination, basic education and continuing education and sanctions).

(b) An applicant for appointment and commission as a notary public who previously held a notary commission in this Commonwealth, but the commission has expired at the time the application for renewal is received by the Department, must comply with § 167.11 (relating to eligibility and application requirements for initial appointment and commission).

**§ 167.14. Name of notary public on application for appointment and commission.**

(a) The name of a notary public on an application for appointment and commission shall consist of any one of the following:

(1) A first personal name (first name), additional name or initial (middle name or initial) and surname (family or last name).

(2) A first name and last name, omitting the middle name or middle initial.

(3) A first initial, middle name and last name.

(b) The name of a notary public may not consist of initials alone or nicknames.

(c) The name of a notary public may include generational suffixes such as Junior, Senior, II, III, IV or any abbreviations thereof. The name of a notary public may not include prefixes or suffixes that denote a professional or occupational title such as “Doctor,” “Reverend” or “Esquire” or any abbreviations thereof.

(d) Upon request of the Department, the name of the notary public as used in an application for appointment and commission must be proven by submission of satisfactory evidence including, a passport, driver's license or government-issued nondriver identification card, which is current and unexpired, or other equivalent evidence as determined by the Department.

**§ 167.15. Notary public examination.**

(a) Applicant who does not hold a commission as a notary public. The requirements for the examination are set forth in section 322(a) of the act (relating to examination, basic education and continuing education).

(1) An applicant for appointment and commission as a notary public who does not hold a commission in this Commonwealth must pass an examination administered by the Department or a professional testing organization under contract with the Department.

(2) An applicant who does not hold a commission as a notary public includes an applicant who never held a commission as a notary public and an applicant who previously held a commission as a notary public but whose commission has since expired.

(b) Administration of exam. An applicant may not take the examination prior to submission of and approval by the Department of an application for appointment.

(c) Timing of examination.

(1) Upon approval by the Department of an application for appointment, an applicant will be authorized to take the examination for a period of 6 months.

(2) An applicant may retake the examination within the 6-month period, but no more than one time per 24-hour period.

(d) Examination results.

(1) An applicant shall attain a scaled score of 75 or higher to pass the examination.

(2) Examination results are valid for a period of one year from the date of the examination.

**§ 167.16. Notary public bond.**

(a) The requirements for the notary public bond are set forth in section 321(d) of the act (relating to appointment and commission as notary public; qualifications; no immunity or benefit).

(b) An applicant shall obtain a surety bond in the amount of \$25,000.

(c) Transitional provision. A notary public who holds a commission on \_\_\_\_\_ may continue to use the notary public's bond until the expiration of that commission. Editor's note: The blank refers to the date of publication of the final form rulemaking in the Pennsylvania Bulletin.

**§ 167.17. Appointment and issuance of commission.**

(a) The requirements for the oath of office, bond, official signature, recording and filing are set forth in section 321 of the act (relating to appointment and commission as notary public; qualifications; no immunity or benefit).

(b) Upon determination that an applicant has complied with the requirements for appointment of the act and this subchapter, the Department will appoint the applicant to the office of notary public and provide the commission certificate to the recorder of deeds of the county where the appointee maintains an office.

(c) Within 45 days after appointment and prior to entering into the duties of a notary public, the appointee shall:

(1) Obtain a bond in accordance with section 321(d) of the act and as set forth in § 167.16 (relating to notary public bond).

(2) Take the oath of office in accordance with section 321(c) of the act.

(3) Appear before the recorder of deeds in the proper county and record the bond, oath and commission in the office of the recorder of deeds in accordance with section 321(d.2) of the act.

(4) Register the appointee's official signature in the proper county office in accordance with section 321(d.1) of the act.

(d) After recording the bond, oath and commission, the recorder of deeds shall deliver the commission certificate to the notary public.

**§ 167.18. Effect of failure to record bond, oath and commission and register official signature within 45 days.**

(a) In accordance with section 321(f) of the act (relating to appointment and commission as notary public; qualifications; no immunity or benefit), the commission of a notary public who fails to record the bond, oath and commission or register the notary’s official signature within 45 days of appointment shall be null and void.

(b) An appointee whose commission becomes null and void under subsection (a) may apply for appointment and commission as set forth in § 167.13 (relating to eligibility and application requirements for renewal of appointment and commission where there has been a lapse in commission).

**SUBCHAPTER C. OFFICIAL STAMP AND STAMPING DEVICE**

**§ 167.21. Official stamp.**

(a) The requirements for the official stamp are set forth in section 317 of the act (relating to official stamp).

(b) The official stamp of a notary public must show clearly in the following order:

(1) The words “Commonwealth of Pennsylvania – Notary Seal.”

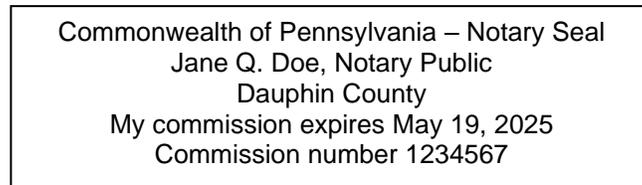
(2) The name of the notary public as it appears on the commission and the words “Notary Public.”

(3) The name of the county in which the notary public maintains an office.

(4) The date the notary public’s current commission expires.

(5) The seven-digit commission identification number assigned by the Department.

Example of stamp:



(c) A word or term on the official stamp may not be abbreviated, except for name suffixes as specified in § 167.41(d) (relating to name of notary public).

(d) Transitional provision. A notary public who holds a commission on \_\_\_\_\_ may continue to use the notary public’s official stamp until the expiration of that commission. The blank refers to the date of publication of the final form rulemaking in the Pennsylvania Bulletin.

**§ 167.22. Stamping device.**

(a) The requirements for the stamping device are set forth in section 318 of the act (relating to stamping device).

(b) A stamping device does not include a non-inking embosser.

(c) The stamping device is the exclusive property of the notary public. The notary public shall maintain custody and control of the stamping device at all times during the duration of the notary public’s commission. The notary public shall keep the physical stamping device in a secure location and accessible only to the notary public. The notary public shall secure an electronic stamping device by a password or other means of personal authentication.

(d) Notification of loss or theft of the stamping device under section 318(b) of the act shall be made in writing or by email to the Department within 15 days after the date the notary public or personal representative or guardian discovers that the stamping device was lost or stolen. For the

purpose of this section, the term “loss” includes stamping devices that are misplaced, destroyed or otherwise made unavailable. The notification must include:

- (1) A statement that the notary public does not possess the stamping device.
- (2) The date the notary public discovered that the stamping device was lost or stolen.
- (e) In accordance with section 318(a)(2.1), an individual whose notary public commission has been suspended or revoked shall deliver the stamping device to the Department within 15 days after notice of the suspension or revocation from the Department.

#### **SUBCHAPTER D. JOURNAL**

##### **§ 167.31. Identification of notary public in journal.**

(a) Each journal of a notary public, whether maintained on a tangible medium or in an electronic format, must contain all of the following information in any order:

- (1) The notary public’s
  - (i) Name as it appears on the commission.
  - (ii) Commission number.
  - (iii) Commission expiration date.
  - (iv) Office address.
  - (v) Signature.
- (2) A statement that, in the event of the death or incompetency of the notary public, the journal shall be delivered within 30 days to the office of the recorder of deeds in the county where the notary public last maintained an office.
- (3) The meaning of any not commonly abbreviated word or symbol used in recording a notarial act in the journal.

(b) If a notary public's name, commission expiration date or office address changes before the notary public ceases to use the journal, the notary public shall add the new information after the old information and the date which the information changed.

**§ 167.32. Journal entries.**

(a) *Journal entry requirements.* The requirements for journal entries are set forth in section 319(c) of the act (relating to journal).

(b) *Separate entries.* Each notarial act must be indicated as a separate entry in the journal. Any blank lines between journal entries must be stricken.

(c) *Prohibited entries.*

A journal may not contain any personally identifiable information about any individual appearing before the notary public. As used in this subsection, personally identifiable information includes:

(i) Any information about an individual that can be used to distinguish or trace an individual's identity, such as social security number, date and place of birth, mother's maiden name, or biometric records.

(ii) Any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information.

(d) *Optional entries.* A journal may contain:

(1) The signature of the individual for whom the notarial act is performed and any additional information about a specific transaction that might assist the notary public to recall the transaction, including the date of the record.

(2) Terminal numbers, including the last four digits of a driver's license, passport or Social Security number.

(e) Fees. When documenting notarial fees in the journal, each fee charged must correspond to the notarial act performed. If a notary public waives the right to charge a fee, the notary shall indicate this fact in the journal entry using notations such as “n/c”, “0” (zero) or “—” (dash).

(f) Transitional provision. A notary public who holds a commission on \_\_\_\_\_ may continue to use the notary public’s journal until the expiration of that commission. *Editor’s note: The blank refers to the date of publication of the final form rulemaking in the Pennsylvania Bulletin.*

**§ 167.33. Format of journal maintained on a tangible medium.**

In addition to format requirements set forth in section 319(b) of the act (relating to journal), journals maintained in a tangible medium must comply with all of the following:

- (1) Be a bound register with numbered pages.
- (2) The cover and pages inside the cover must be bound together by any binding method that is designed to prevent the insertion, removal or substitution of the cover or a page. This includes smyth sewing or stitching, glue, staples, grommets or another permanent binding, but does not include the use of tape, paperclips or binder clips.
- (3) Each page must be consecutively numbered from the beginning to the end of the journal. A page number must be preprinted.

**§ 167.34. Format of journal maintained in an electronic format.**

(a) In addition to format requirements set forth in section 319(b) of the act (relating to journal), a journal maintained in an electronic format must be tamper-evident. The notary public must ensure that:

(1) A journal maintained in electronic format is designed to prevent the insertion between existing entries, removal or an entry or substitution of an entry.

(2) A journal maintained in electronic format is securely stored and recoverable in the event of a hardware or software malfunction.

(3) The journal is available in a PDF format upon request.

(4) If a signature is contained in an electronic journal entry, the signature must be:

(i) Attached to or logically associated with the electronic notarial journal entry.

(ii) Linked to the data in a manner so that any subsequent alterations to the electronic journal entry are detectable.

(b) A journal maintained in electronic format which is delivered to the office of the recorder of deeds in compliance with section 319(e) and (g) of the act must be delivered in a format prescribed by the receiving recorder of deeds.

**§ 167.35. Custody and control of journal; notification of lost or stolen journal.**

(a) In addition to requirements set forth in section 319(h) of the act (relating to journal), a notary public shall maintain custody and control of the journal at all times during the duration of the notary public's commission. The journal is the exclusive property of the notary public. The notary public shall keep the journal in a secure location and accessible only to the notary. The notary public shall secure an electronic journal by a password or other means of personal authentication.

(b) Notification of loss or theft of the journal under section 319(d) of the act shall be made in writing or by email to the Department within 15 days after the date the notary public or personal representative or guardian discovers that the journal was lost or stolen. For the purpose of this

section, the term “loss” includes journals that are misplaced, destroyed or otherwise made unavailable. The notification must include:

- (1) A statement that the notary public does not possess the journal.
- (2) The date the notary public discovered that the journal was lost or stolen.

**§ 167.36. Inspection and certified copies of journal.**

(a) *Inspection.* A notary public shall permit inspection of the journal to any person requesting to view the journal. The request for inspection may be oral or in writing. The inspection shall occur in the presence of the notary public.

(b) *Certified copies.* Requests for certified copies of the journal made in accordance with section 319(g.1) of the act (relating to journal) may be oral or in writing and specify the particular entry or time period sought. The notary public shall provide the certified copy within 15 days of receipt of the request.

**SUBCHAPTER E. SCOPE OF PRACTICE**

**§ 167.41. Authority of notary public to perform notarial act.**

(a) A notary public may perform the notarial acts authorized by the act in any county in this Commonwealth.

(b) Notaries public may not perform the notarial acts authorized by the act outside the geographical borders of this Commonwealth or in other states or jurisdictions, unless authorized by the other state or jurisdiction to perform the acts.

**§ 167.42. Personal appearance.**

(a) To appear personally before a notary public under section 306 of the act (relating to personal appearance required) means that the individual making the statement or executing the signature and the notary public are:

(1) Physically present before each other when the notarial act is executed.

(2) Able to observe and interact with each other.

(3) Able to see, hear, communicate with and give identification credentials to each other without the use of electronic devices such as telephones, computers, video cameras or facsimile machines.

(b) Personal appearance does not include appearance by audio, video or computer technology, unless the notary public is performing notarial acts facilitated by communication technology for a remotely located individuals pursuant to section 306.1 of the act (relating to notarial act performed for remotely located individual).

(c) Where a notary public is certifying or attesting a copy or deposition, the individual requesting the certification is not required to appear personally before the notary public.

(d) Where a notary public is administering an oral oath or affirmation in a criminal, civil or administrative proceeding in this Commonwealth, the individual taking the oath or affirmation is not required to appear personally before the notary public, as long as the notary and the individual are able to hear and communicate with each other by means of electronic devices such as telephones, computers or video cameras.

**§ 167.43. Identification of individual appearing before notary public – satisfactory evidence.**

(a) General.

(1) For purposes of section 307(b)(1)(i) of the act (relating to identification of individual), a passport, driver’s license or government-issued non-driver identification card include:

(i) A passport or passport card issued by the United States Department of State which is current and unexpired.

(ii) A passport issued by a foreign government, which is current and unexpired, provided it uses letters, characters and a language that are read, written and understood by the notary public.

(iii) A driver’s license or nondriver identification card issued by a state of the United States, which is current and unexpired.

(iv) A driver’s license or nondriver identification card issued by a foreign government, which is current and unexpired, provided it uses letters, characters and a language that are read, written and understood by the notary public.

(2) For purposes of section 307(b)(1)(ii) of the act, other forms of government identification may include:

(i) Identification card issued by any branch of the United States Armed Forces.

(ii) Inmate identification card issued by the Department of Corrections for an inmate who is currently in the custody of the Department of Corrections.

(iii) Identification card issued by the United States Department of Homeland Security.

(iv) Social Security card.

(v) Pennsylvania state and state-related university identification card.

(vi) Pennsylvania Medical Marijuana Identification card

(b) Credible Witness.

(1) For purposes of section 307(b)(2) of the act, the credible witness:

(i) Appears before the notary public with the record signer.

(ii) Must be personally known to the notary public.

(iii) Personally knows the record signer.

(iv) Does not have a direct or pecuniary interest with respect to the record being notarized.

(2) The credible witness shall make a verification on oath or affirmation that the following is true:

(i) The individual appearing before the notary public is the person named in the record.

(ii) The credible witness personally knows the individual appearing before the notary public through dealings sufficient to provide the credible witness with reasonable certainty that the individual has the identity claimed.

(iii) The credible witness has no direct or pecuniary interest with respect to the record being notarized.

**§ 167.44. Use of interpreter; language of record.**

(a) A notary public shall be able to communicate directly with the individual for whom a notarial act is being performed in a language they both understand or indirectly through an interpreter. The interpreter must be able to communicate directly with the individual for whom the notarial act is being performed and with the notary public at the time of the notarization.

(b) A notary public may perform a notarial act on a record that is a translation of a record that is in a language that the notary public does not understand only if the person performing the

translation signs a verification on oath or affirmation stating that the translation is accurate and complete. The notarized translation and verification must be attached to the record and must comply with the act and this chapter relating to certificate of notarial act.

**§ 167.45. Notification of change in name or other information; effect of certain address changes.**

(a) A notary public shall notify the Department within 30 days of any change in the information on file with the Department, including the notary public's:

- (1) Name.
- (2) Office address and phone number.
- (3) Home address and phone number.
- (4) Email address.
- (5) Selected electronic notarization technology provider, if applicable, and as required by § 167.81 (relating to notification to Department).
- (6) Selected remote notarization technology provider, if applicable, and as required by § 167.81 (relating to notification to Department).
- (7) Resignation from the office of notary public.

(b) The notice shall be made in writing, electronically or by email and must state the effective date of the change.

(c) Name change.

- (1) Notice of a change in name pursuant to subsection (a)(1) must be on a form prescribed by the Department and accompanied by evidence of the name change (such as a marriage certificate, court order or divorce decree).

(2) When the name of a notary public is changed, the notary public may continue to perform notarial acts in the name in which the notary was commissioned until the expiration of the notary public's term.

(3) Application for renewal of appointment of the notary public shall be made in the new name.

(d) *Effect of certain address changes.* A notary public who has neither a home address nor office address ~~neither resides nor has a place of employment or practice~~ in this Commonwealth will be deemed to have resigned from the office of notary public as of the date the residency ceases or employment or practice within this Commonwealth terminates.

## **SUBCHAPTER F. NOTARIAL ACTS**

### **§ 167.61. Acknowledgments.**

In addition to the requirements for acknowledgements in section 305(a) of the act (relating to requirements for certain notarial acts), all of the following requirements apply:

(1) A record must either be signed in the notary public's presence or a record must be signed prior to the acknowledgment. A record may not be signed subsequent to an acknowledgment.

(2) If the record is signed prior to appearance before the notary public, the individual making the acknowledgment shall acknowledge that the signature on the record is his own when appearing before the notary.

### **§ 167.62. Oaths and affirmations.**

(1) An oath or affirmation may be oral or in writing. If in writing, the individual making the oath or affirmation shall personally appear before the notary public when executing the individual's signature.

(2) In administering a testimonial oath or affirmation, the notary public shall require the individual taking the oath or affirmation to voluntarily swear or affirm that the statements the individual is giving are true and correct.

(3) In administering an oath of office, the notary public shall require the individual taking the oath or affirmation to voluntarily swear or affirm that the individual will perform the duties and acts of the office faithfully.

**§ 167.63. Verifications on oath or affirmation.**

In addition to the requirements for verifications on oaths and affirmations in section 305(b) of the act (relating to requirements for certain notarial acts), all of the following requirements apply:

(1) A record containing a statement that is being verified on oath or affirmation must be signed in the notary public's presence.

(2) A record containing a statement that is being verified may not be signed subsequent to the verification on oath or affirmation.

(3) In taking a verification on oath or affirmation, the notary public shall administer an oath or affirmation to the individual making the statement by requiring that the individual swear or affirm that the statements contained in the record are true.

**§ 167.64. Witnessing or attestation of signatures.**

In addition to the requirements for witnessing or attestation of signatures in section 305(c) of the act (relating to requirements for certain notarial acts), all of the following requirements apply:

- (1) A record containing a signature that is being witnessed or attested must be signed in the notary public's presence.
- (2) A record containing a signature that is being witnessed or attested may not be signed prior to or subsequent to the witnessing or attestation of the signature.

**§ 167.65. Certified or attested copies and depositions.**

In addition to the requirements for certifying or attesting a copy or deposition are set forth in section 305(d) of the act (relating to requirements for certain notarial acts), all of the following requirements apply:

- (1) The notary public shall compare the record to a copy of the record made by the requester or made by the notary public to determine that the copy is a complete and accurate transcription or reproduction of the record.
- (2) The notary public shall examine the record for alteration or tampering.
- (3) In issuing a certified or attested copy, the notary public does not guarantee the authenticity of the record, its contents or its effects.
- (4) Records for which a notary public may not issue a certified copy include:
  - (i) Vital records (birth and death certificates).
  - (ii) United States Naturalization Certificates.
  - (iii) Any government-issued record that on its face states “do not copy,” “illegal to copy” or words of similar meaning.
  - (iv) Any record that is prohibited by law to copy or certify.

(5) Records for which a notary public may issue a certified copy include:

- (i) Public records.
- (ii) Passports.
- (iii) Driver's licenses.
- (iv) Transcripts.
- (v) Diplomas.
- (vi) Contracts.
- (vii) Leases.
- (viii) Bills of sale.
- (ix) Medical records, consents or waivers.
- (x) Powers of attorney.

**§ 167.66. Protests of negotiable instruments.**

(a) As set forth in section 305(e) of the act (relating to requirements for certain notarial acts), a notary public who makes or notes a protest of a negotiable instrument shall determine the matters set forth in 13 Pa.C.S. § 3505(b) (relating to evidence of dishonor).

(b) For purposes of this section, a protest is a certificate of dishonor made by a United States consul or vice consul or a notary public or other person authorized to administer oaths by the law of the place where dishonor occurs.

(c) A protest may be made upon information satisfactory to the notary public and shall:

- (1) Identify the negotiable instrument.
- (2) Certify either that presentment has been made or, if not made, the reason why it was not made.
- (3) State that the instrument has been dishonored by nonacceptance or nonpayment.

- (d) The protest may also certify that notice of dishonor has been given to some or all parties.
- (e) The individual requesting the protest shall be identified in the protest as the holder of the dishonored negotiable instrument.

## **SUBCHAPTER G. NOTARIAL CERTIFICATES**

### **§ 167.71. Certificate of notarial act.**

In addition to the requirements for certificates of notarial acts as set forth in sections 315, 316 and 306.1(c) of the act (relating to certificate of notarial act; short form certificates; and notarial certificate), the following requirements apply:

- (1) The certificate of notarial act must be worded and completed using the English language. The certificate may be simultaneously worded and completed in another language that is read, written and understood by the notary public. The foreign language certificate must be immediately adjacent to the English-language certificate and the English-language certificate shall prevail in the event of any conflict between the translations.
- (2) “Commonwealth of Pennsylvania” may be used instead of “State of Pennsylvania” on certificates of notarial acts.
- (3) A certificate may contain information as may be required to satisfy any legal requirements or the business needs of the parties to the transaction.
- (4) For the purposes of section 315(f)(1) of the act, “securely attached” means stapled, grommeted or otherwise bound to the tangible record. The term “securely attached” does not include the use of tape, paperclips or binder clips.

(5) The notary public’s signature on a tangible or electronic certificate must match the notary’s name on the commission.

## **SUBCHAPTER H. ELECTRONIC AND REMOTE NOTARIZATION**

### **§ 167.81. Notification to Department.**

In addition to the requirements set forth in section 320 of the act (relating to notification regarding performance of notarial act on electronic records; selection of technology) and the requirements set forth in section 306.1 of the act (relating to notarial act performed for remotely located individual), the following requirements apply:

(1) Prior to acting as an electronic notary public, a notary public shall notify the Department electronically at notaries.pa.gov that the notary will be performing notarial acts with respect to electronic records and shall identify each technology the notary intends to use.

(2) Prior to acting as a remote notary public, a notary public shall notify the Department electronically at notaries.pa.gov that the notary will be performing notarial acts for a remotely located individual using communication technology and shall identify each technology the notary intends to use.

(3) The notification required by (1) and (2) must occur with the addition or deletion of each electronic or remote technology provider during the course of a notary public’s commission and at the beginning of each new commission.

### **§ 167.82. Use of technology.**

An electronic notary public or a remote notary public shall use an electronic notarization or remote notarization technology provider approved by the Department.

**§ 167.83. Electronic notarization technology provider application.**

(a) Any person offering a tamper-evident technology that enables notaries public to perform notarial acts with respect to electronic records shall be approved by the Department as an electronic notarization technology provider before authorizing use of the technology to notaries commissioned in this Commonwealth.

(b) Any person applying to the Department for approval as an electronic notarization technology provider must submit an application to the Department on a form prescribed by the Department. The application shall include a description of the technology, including:

(1) Hardware and software specifications and requirements for the provider's electronic notarization technology,

(2) A description of the type(s) of technology used in the provider's electronic notarization technology, and

(3) A demonstration of how the technology is used to perform notarial acts with respect to electronic records.

(c) Upon a determination that the technology conforms to § 167.84 (relating to standards for approval of electronic notarization technology), the Department shall approve the person offering the technology as an electronic notarization technology provider.

**§ 167.84. Standards for approval of electronic notarization technology.**

In addition to the requirements set forth in section 320 of the act (relating to notification regarding performance of notarial act on electronic record; selection of technology), a tamper-evident technology used to perform notarial acts with respect to electronic records must meet all of the following:

- (1) Comply with State and Federal law, including the act and this chapter.
- (2) Allow a person inspecting an electronic record to determine whether there has been any tampering with the integrity of a certificate of notarial act logically associated with a record or with the attachment or association of the notarial act with that electronic record.
- (3) Include all of the notary public's identifying and commissioning information as a part of, or a secure attachment to, the underlying notarized electronic record.
- (4) Verify the authorization of the notary public to perform notarial acts with respect to electronic records by verifying the name, commission number and commission expiration date with the Department prior to authorizing use of the electronic notarization technology, and
- (5) Suspend the use of any electronic notarization technology for any notary public whose commission has expired or has been revoked or suspended by the Department.

**§ 167.85. Remote notarization technology provider application.**

(a) Any person offering a communication technology that enables notaries public to perform notarial acts for remotely located individuals shall be approved by the Department as a remote notarization technology provider before authorizing use of the technology to notaries commissioned in this Commonwealth.

(b) Any person applying to the Department for approval as a remote notarization technology provider must submit an application to the Department on a form prescribed by the Department.

The application shall include a description of the technology, including:

- (1) Hardware and software specifications and requirements for the provider's remote notarization technology,

(2) A description of the type(s) of technology used in the provider's remote notarization technology, and

(3) A demonstration of how the technology is used to perform notarial acts with respect to remotely located individuals.

(c) Upon a determination that the technology conforms to § 167.86 (relating to standards for approval of remote notarization technology), the Department shall approve the person offering the technology as a remote notarization technology provider.

**§ 167.86. Standards for approval of remote notarization technology.**

(a) In addition to the requirements set forth in section 306.1 of the act (relating to notarial act performed for remotely located individual), a communication technology used to perform notarial acts for remotely located individuals must meet all of the following:

(1) Comply with State and Federal law, including the act and this chapter.

(2) Allow the notary public to communicate with the remotely located individual simultaneously by sight and sound.

(3) Make reasonable accommodations for an individual with a vision, hearing or speech impairment in accordance with law.

(4) Include two types of processes or services by which a third person provides a notary public with a means to verify the identity of the remotely located individual by a review of personal information from public or private data sources. Identify proofing methods may include the use of credential analysis, dynamic knowledge-based authentication, biometrics or other means of identification.

(5) Create an audio-visual recording of all interactions between the notary public and the remotely located individual during the performance of the notarial act.

- (6) Retain the audio-visual recording for a period of 10 years as designated by the notary public or enable the remote notary public to download and retain the audio-visual recording.
- (7) Allow a person inspecting an electronic record to determine whether there has been any tampering with the integrity of a certificate of notarial act logically associated with a record or with the attachment or association of the notarial act with that electronic record.
- (8) Include all of the notary public’s identifying and commissioning information as a part of, or a secure attachment to, the underlying notarized electronic record.
- (9) Verify the authorization of the notary public to perform notarial acts facilitated by communication technology by verifying the name, commission number and commission expiration date with the Department prior to authorizing use of the remote notarization technology, and
- (10) Suspend the use of any remote notarization technology for any notary public whose commission has expired or has been revoked or suspended by the Department.

## **SUBCHAPTER I. NOTARY PUBLIC EDUCATION**

### **§ 167.91. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*Certificate of approval*—A certificate issued by the Department under § 167.92 (relating to provider certificate of approval) certifying that the education provider named therein offers an education program course of study approved by the Department.

Course of study—Basic or continuing education under section 322(b) and (c) of the act (relating to basic and continuing education), offered via live classroom instruction or distance education.

Distance education—An education process based on the geographical separation of the learner and instructor, which provides interaction between the learner and instructor. Examples include online learning and webinars.

Pennsylvania business registration number—The number assigned by the Department's Bureau of Corporations and Charitable Organizations to a business entity or fictitious name registrant that is authorized to conduct business in this Commonwealth.

Provider—An individual or business entity that offers, supplies or provides an approved course of study.

### **§ 167.92. Certificate of approval.**

(a) In accordance with section 322(d) of the act (pertaining to preapproval), a provider shall obtain a certificate of approval from the Department for each course of study offered.

(b) To apply for a certificate of approval, a provider shall submit to the Department:

(1) A completed “Notary Public Education Provider Application or Amendment” form.

(2) The fee required by § 161.1(a) (relating to schedule of fees).

(3) A course of study satisfying the requirements of § 167.93 (relating to course of study).

(c) A provider is responsible for all employees, agents, instructors, contractors and subcontractors providing or involved in providing an approved course of study on behalf of the provider and the acts of the employees, agents, instructors, contractors and subcontractors will be deemed the acts of the provider.

(d) The certificate of approval will expire 3 years from the date of issuance. A provider may apply for renewal of approval of a course of study up to 90 days before the expiration of the certificate of approval.

(e) A certificate of approval is non-transferable to another provider or course of study.

**§ 167.93. Course of study.**

(a) A course of study must meet the following requirements:

(1) The course of study must include instruction on the required topics as set forth in sections 322(b)(1) or 322(c)(1) of the act (relating to examination, basic education and continuing education).

(2) The course of study must contain a table of contents, and the pages must be consecutively numbered.

(3) The course of study must contain procedures to establish the identity of a person physically attending a classroom course of study or virtually attending a course of study to whom proof of completion shall be issued in accordance with § 167.95 (relating to certificate of education).

(4) The course of study must contain procedures to ensure that a person physically attending a classroom course of study or virtually attending a course of study via interactive means is present for the required time.

(5) The course of study must include a schedule of the time allotted for the following:

(a) Break periods, if any.

(b) Each major subject area.

(c) Each student participation activity, if any.

(d) Completion, correction and discussion of any practice tests used, if any.

(6) If any video is used for instruction, the course of study must include a brief synopsis of the information presented therein. In addition, the provider shall include the video in the materials presented to the Department for review.

(7) The course of study must include copies of any handout materials, workbooks, visuals aids, description of student participation exercises and practice tests used during the course of study.

(b) If the course of study provides for an instructor or course evaluation by the students, time to complete the evaluation may not be included as part of the course of study.

(c) A provider shall revise an approved course of study as necessary to ensure that the information provided in an approved course of study reflects developments in the law and current notary practice.

**§ 167.94. Notification of changes.**

Within 30 days of any change in the approved course of study or any information contained in the most recent application approved by the Department, a provider must submit to the Department a “Notary Public Education Provider Application or Amendment” form identifying the changes.

**§ 167.95. Certificate of education.**

(a) A provider shall issue a certificate of education to a notary public applicant upon successful completion of an approved course of study.

(b) The certificate of education must consist of a certificate signed by a provider or an employee, agent, instructor, contractor or subcontractor of a provider, which contains the following information:

- (1) The name of the education provider as it appears on the certificate of approval issued by the Department for the approved course of study.
- (2) The name of the approved course of study and whether it is basic education or continuing education.
- (3) The name of the notary public applicant who completed the approved course of study.
- (4) The date the notary public applicant completed the approved course of study.
- (5) The statement that the certificate of education is valid for a period of 6 months from the date of issuance.

**§ 167.96. Record of attendees.**

A provider shall maintain documentation of the persons who attend each session of an approved course of study for a period of 5 years.

**§ 167.97. Representatives of the Department attending approved course of study.**

A provider shall permit representatives of the Department to attend any approved course of study, without prior notice and at no charge, for the purpose of observation, monitoring, auditing and investigating the instruction given.

**§ 167.98. Termination of certificate of approval.**

The Department may terminate a certificate of approval upon any of the following grounds:

- (1) Violation of any of the provisions of the act or this chapter.
- (2) Misrepresentation of the laws of this Commonwealth concerning the duties and functions of a notary public.
- (3) Deviation from the course of study approved by the Department.

- (4) Failure to respond to a request for information from the Department.
- (5) Representations by the provider that any other product, goods, or services provided by the provider are endorsed or recommended by the Department.
- (6) Failure to prepare course attendees to pass the notary public examination such that an annual combined scaled score of all attendees of 60% or more is not maintained.

## **SUBCHAPTER J. STANDARDS OF CONDUCT**

### **§ 167.111. Conflict of interest.**

- (a) In accordance with section 304(b) of the act (relating to authority to perform notarial act), a notary public may not perform a notarial act with respect to a record in which the notary public or the notary public's spouse has a direct or pecuniary interest. ~~A direct or pecuniary interest includes an interest in the transaction or record that results in actual or potential gain or advantage, financial or otherwise, other than receiving a regular salary, hourly wage or notarial fees. Regular salary or hourly wage includes bonuses, provided the bonus is not related to or contingent upon the completion of the notarized transaction.~~
- (b) A notary public may not notarize a notary public's own signature.
- (c) A notary public may perform a notarial act with respect to a record that the notary public's spouse is signing, only if the notary public and the notary public's spouse have no direct or pecuniary interest in the record.

### **§ 167.112. Duty of candor.**

A notary public or an applicant for appointment and commission as a notary public shall comply with all requests of the Department for information related to an application for appointment, commissioning, investigations, and the performance of notarial acts.

**§ 167.113. Refusal to perform notarial acts.**

A notary public may not refuse to provide notarial services on the basis of a customer's race, color, National origin, religion, sexual orientation, sex, gender, pregnancy, gender identity, gender expression, disability or marital status.

**SUBCHAPTER K. PROHIBITED ACTS AND SANCTIONS**

**§ 167.121. Acts or omissions providing the basis for sanctions.**

(a) As set forth in § 323(a) of the act (relating to sanctions), the Department may deny, refuse to renew, revoke, suspend, reprimand or impose a condition on a commission as a notary public for an act or omission that demonstrates that the individual lacks the honesty, integrity, competence or reliability to act as a notary public. Such acts or omissions include:

- (1) Notarizing the individual's own signature or statement.
- (2) Notarizing a spouse's signature or statement, when the notary public or the spouse has a direct or pecuniary interest in the record.
- (3) Affixing to or logically associating the notary's official stamp or signature with a record or notarial certificate before the notarial act has been performed.
- (4) Post-dating or pre-dating notarial acts.
- (5) Altering a record after it has been notarized. This includes altering the notarial certificate.
- (6) Retaining a customer's record or identification credential or retaining a copy of a customer's record or identification credential, unless permitted by law.
- (7) Issuing to the order of any State agency or the Commonwealth a personal check without sufficient funds on deposit.

- (8) Performing a notarial act within this Commonwealth when the person was not commissioned as a notary public or was otherwise not authorized to perform a notarial act.
- (9) Performing a notarial act in another state under the authority of the notary public's commission in this Commonwealth.
- (10) Making a representation that the notary public has powers, qualifications, rights or privileges that the notary public does not have.
- (11) Use of the term "notario," "notario publico," "notario publica" or any non-English equivalent term in a manner which misrepresents the authority of the notary public.
- (12) Engaging in the unauthorized practice of any regulated profession, including the practice of law.
- (13) Using the notary public's title or official stamp for a purpose other than to perform a notarial act.
- (14) Failure to require the physical presence of an individual making a statement in or executing a signature on a record.
- (15) Failure to have personal knowledge or satisfactory evidence of the identity of an individual appearing before the notary public.
- (16) Executing a notarial certificate that contains a statement known to the notary public to be false.
- (17) Placing the official stamp over any signature in the record to be notarized or over any writing in a notarial certificate.
- (18) Permitting any other person to use the notary public's official stamp or stamping device to perform a notarial act.

(19) Using another notary public’s stamping device or embosser to perform a notarial act.

(20) Violating a disciplinary order of the Department.

(21) Issuance of a certificate of dishonor of a negotiable instrument, also known as a protest of commercial paper as defined in 13 Pa.C.S. § 3505(b), that was owned or held for collection by a financial institution, trust company or investment company when the notary public was a party to the commercial paper in an individual capacity.

(22) Issuance of a certificate of dishonor of a negotiable instrument, also known as a protest of commercial paper as defined in 13 Pa.C.S. § 3505(b), of a non-commercial or other record that does not fit the definition of negotiable instrument as defined in 13 Pa.C.S. § 3104 (relating to negotiable instrument).

(23) Issuance of a certificate of dishonor of a negotiable instrument, also known as a protest of commercial paper as defined in 13 Pa.C.S. § 3505(b), in a manner not in accordance with 13 Pa.C.S. § 3505.

(24) Submission of the following types of records to the Department or Secretary of the Commonwealth in reply to correspondence from the Department or other government agency or initiating proceedings through the following record types:

(i) Conditional Acceptance, or a similar record purporting to “conditionally accept” presentment of an official record, and demanding proof of a list of claims in order to fully accept the official record.

(ii) Affidavit in Support of Conditional Acceptance, or a similar record purporting to attest to the facts of a record and signed by the same notary public who is attesting.

(iii) Notice of Dishonor, or a similar record purporting to give notice that a Conditional Acceptance has not been accepted by the government agency to which it was sent and thereby was dishonored.

(iv) Accepted for Value, or similar stamp or certificate purporting to accept for a disclosed or undisclosed value an official record sent to the notary public by the Department, the Secretary of the Commonwealth or other governmental agency. The certificate claims to establish an amount of money payable or accrued to the signor of the certificate.

(v) Notice of Protest, or a similar record purporting to be a Protest of Commercial Paper that has been dishonored, when the Commercial Paper is not, in fact, a negotiable instrument under 13 Pa.C.S. Division 3 (relating to negotiable instruments) and subject to the laws stated therein regarding dishonor and protest.

(vi) Other records attempting to apply 13 Pa.C.S. Division 3 to non-negotiable instruments or other records not included in the scope of Division 3.

(vii) Other record types purporting to follow the Uniform Commercial Code and not related to a filing under 13 Pa.C.S. Division 9 (relating to secured transactions).

(b) For the purposes of section 323(a) of the act and this subchapter, an act or omission includes an act or omission occurring within or outside this Commonwealth.

**§ 167.122. Offenses involving fraud, dishonesty or deceit.**

(a) As set forth in § 323(a)(3) of the act (relating to sanctions), the Department may deny, refuse to renew, revoke, suspend, reprimand or impose a condition on a commission as a notary public for conviction of or acceptance of Accelerated Rehabilitative Disposition by the applicant

or notary public of an offense involving fraud, dishonesty or deceit. An offense involving fraud, dishonesty or deceit includes:

- (1) Theft and related offenses, which includes all offenses defined in 18 Pa.C.S. Chapter 39 Subchapter B (relating to theft and related offenses).
- (2) Forgery and fraudulent practices, which includes all offenses defined in 18 Pa.C.S. Chapter 41 (relating to forgery and fraudulent practices).
- (3) Bribery and related offenses, which includes all offenses defined in 18 Pa.C.S. Chapter 47 (relating to bribery and corrupt influence).
- (4) Perjury or falsification in official matters and related offenses, which includes all offenses defined in 18 Pa.C.S. Chapter 49, Subchapter A (relating to perjury and falsification in official matters).
- (5) Obstructing governmental operations and related offenses, which includes all offenses defined in 18 Pa.C.S. Chapter 51 Subchapter A (relating to definition of offenses generally).
- (6) Abuse of office and related offenses, which includes all offenses defined in 18 Pa.C.S. Chapter 53 (relating to abuse of office).
- (7) Criminal attempt if the underlying crime involves fraud, dishonesty or deceit. See 18 Pa.C.S. § 901 (relating to criminal attempt).
- (8) Criminal solicitation if the underlying crime involves fraud, dishonesty or deceit. See 18 Pa.C.S. § 902 (relating to criminal solicitation).
- (9) Criminal conspiracy if the underlying crime involves fraud, dishonesty or deceit. See 18 Pa.C.S. § 903 (relating to criminal conspiracy).

(b) For the purposes of section 323(a)(3) of the act and this chapter, “conviction of or acceptance of Accelerated Rehabilitative Disposition” includes conviction or acceptance of Accelerated Rehabilitative Disposition or other similar diversionary program in any other state or jurisdiction.

**§ 167.123. Factors considered in sanctions.**

When imposing any action authorized by section 323 of the act (relating to sanctions), including denial of application, the Department may consider a variety of factors including:

- (1) Nature, number and severity of any acts, offenses, official misconduct or crimes under consideration.
- (2) Evidence pertaining to the honesty, credibility, truthfulness and integrity of the applicant or notary public.
- (3) Actual or potential monetary or other harm to the general public, group, individual or customer.
- (4) History of complaints received by the Department.
- (5) Prior disciplinary record or warning from the Department.
- (6) Evidence in mitigation.
- (7) Evidence in aggravation.
- (8) Occupational, vocational or professional license disciplinary record.
- (9) Evidence of rehabilitation, such as reference letters and proof of class attendance.
- (10) Criminal record.
- (11) Reports from law enforcement agencies.
- (12) Willfulness.
- (13) Negligence.

**§ 167.124. Unauthorized practice of law.**

In determining whether a notary public has assisted a person in drafting legal records, gave legal advice or is otherwise practicing law in violation of section 325 of the act (relating to prohibited acts), the Department will take into consideration the factors in Pennsylvania Bar Association Unauthorized Practice of Law Committee Formal Opinion 2006-01 or any successor opinion.

**§ 167.125. Reporting requirements.**

A notary public shall notify the Department of:

- (1) Conviction of or acceptance of Accelerated Rehabilitative Disposition in resolution of a felony or an offense involving fraud, dishonesty or deceit within 30 days of the disposition or on the next application for renewal of appointment and commission, whichever is sooner.
- (2) Disciplinary action taken against the notary public's commission by the commissioning authority of another state or jurisdiction within 30 days of receiving notice of the disciplinary action or on the next application for renewal of appointment and commission, whichever is sooner.
- (3) A finding against, or admission of liability by, the notary public in any criminal, civil or administrative proceeding within 30 days of conclusion of the legal proceeding or on the next application for renewal of appointment and commission, whichever is sooner.
- (4) A finding by the Pennsylvania Bar Association or the courts of this Commonwealth or the bar or courts of any other state or jurisdiction finding that the notary public has engaged in the unauthorized practice of law within 30 days of conclusion of the proceeding

or on the next application for renewal of appointment and commission, whichever is sooner.

(5) A payment to a claimant under the notary's bond within 30 days of the surety making the payment or on the next application for renewal of appointment and commission, whichever is sooner.