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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- NOTARIES PUBLIC AND  
JUSTICES OF THE PEACE

Introduced By: Senator Maryellen Goodwin

Date Introduced: April 25, 2017

Referred To: Senate Judiciary

(Secretary of State)

It is enacted by the General Assembly as follows:

1 SECTION 1. The title of Chapter 42-30 of the General Laws entitled "Notaries Public  
2 and Justices of the Peace" is hereby amended to read as follows:

3 ~~CHAPTER 42-30~~

4 ~~Notaries Public and Justices of the Peace~~

5 CHAPTER 42-30

6 JUSTICES OF THE PEACE

7 SECTION 2. Sections 42-30-3, 42-30-4, 42-30-5, 42-30-7, 42-30-10 and 42-30-11 of the  
8 General Laws in Chapter 42-30 entitled "Notaries Public and Justices of the Peace" are hereby  
9 amended to read as follows:

10 ~~42-30-3. Appointment of notaries and justices~~ **Appointment of justices.**

11 The governor shall appoint ~~as many notaries public for the state, and~~ as many justices of  
12 the peace for the several towns and cities, as he or she may deem expedient; and every ~~notary~~  
13 ~~public and~~ justice of the peace, so appointed, shall hold office for four (4) years.

14 **42-30-4. Certificate of engagement -- Term of engagement.**

15 (a) Except as otherwise provided, each ~~notary public and~~ justice of the peace shall, at the  
16 time of receiving his or her commission, file with the secretary of state a certificate that he or she  
17 has been duly engaged thereon, signed by the person before whom the engagement shall have  
18 been taken, and the secretary of state shall, at the request of the ~~notary public or~~ justice of the

1 peace and upon payment of the actual cost thereof, issue a wallet-size identification card to such  
2 person.

3 (b) The term of engagement for each ~~notary public and~~ justice of the peace shall be for a  
4 period of four (4) years.

5 **42-30-5. Application for appointment.**

6 (a) Application. Any individual desiring to be appointed ~~a notary public, or~~ a justice of  
7 the peace, shall make written application to the governor over his or her own signature.

8 (b) Qualifications of applicants.

9 (1) Person qualified for a ~~notary public~~ justice of the peace commission shall be at least  
10 eighteen (18) years of age and reside legally or conduct business on a regular basis within Rhode  
11 Island.

12 (2) The applicant for appointment to the office of ~~notary public or~~ justice of the peace can  
13 speak, read, and write the English language and has sufficient knowledge of the powers and  
14 duties pertaining to that office.

15 (c) Attorneys and accountants. A member of the Rhode Island bar, and certified public  
16 accountants under § 5-3.1-5, shall, regardless of residence, be appointed a ~~notary public~~ justice of  
17 the peace upon application and presentment of a certified copy of his or her certificate of  
18 admission to the bar or certificate of public accountancy.

19 (d) Any such person making written application to be appointed a ~~notary public or~~ justice  
20 of the peace shall, at the time of application, pay to the secretary of state the sum of eighty dollars  
21 (\$80.00).

22 **42-30-7. ~~Powers of notaries and justices~~ Powers of justices.**

23 The officers mentioned in §§ 42-30-3 -- 42-30-5, inclusive, shall possess all the powers  
24 which now are or hereafter may be conferred by law upon justices of the peace ~~or notaries public.~~

25 **42-30-10. ~~Removal of notaries, justices, and commissioners~~ Removal of justices, and**  
26 **commissioners.**

27 Any ~~notary public,~~ justice of the peace or commissioner of deeds, appointed by the  
28 governor, may be removed for cause by the governor, in his or her discretion, within the term for  
29 which that officer shall have been appointed, after giving to that officer a copy of the charges  
30 against him or her and an opportunity to be heard in his or her defense; provided, however, that  
31 any ~~notary public,~~ justice of the peace or commissioner of deeds who is convicted of a felony and  
32 incarcerated shall have his or her commission revoked. Said ~~notary public,~~ justice of the peace or  
33 commissioner of deeds shall not be eligible to apply for a new commission until his or her voting  
34 rights are restored pursuant to R.I. Const., Art. II, Sec. 1.

1           **42-30-11. Continuation of powers without reappointment.**

2           Every justice of the peace ~~and notary public~~ appointed by the governor and not  
3           reappointed, may continue to officiate for a space of thirty (30) days after the date on which his or  
4           her commission expires.

5           SECTION 3. Sections 42-30-8, 42-30-9, 42-30-12, 42-30-13, 42-30-14, 42-30-15 and 42-  
6           30-16 of the General Laws in Chapter 42-30 entitled "Notaries Public and Justices of the Peace"  
7           are hereby repealed.

8           **~~42-30-8. Powers of notaries.~~**

9           ~~Notaries public may, within this state, act, transact, do, and finish all matters and things~~  
10          ~~relating to protests and protesting bills of exchange and promissory notes, and all other matters~~  
11          ~~within their office required by law, take depositions as prescribed by law, and acknowledgments~~  
12          ~~of deeds and other instruments.~~

13          **~~42-30-9. Lists of appointees -- Certificates of appointment.~~**

14          ~~It shall be the duty of the secretary of state to make a list of all notaries public and~~  
15          ~~justices of the peace appointed by the governor and duly qualified, and send a copy thereof to~~  
16          ~~each of the clerks of the supreme, superior, and family courts and to the clerks of the district~~  
17          ~~courts for the second, third, fourth, ninth, tenth, eleventh, and twelfth judicial districts, to be kept~~  
18          ~~in the files of those courts, and the clerks shall, upon application, issue certificates of office to the~~  
19          ~~person entitled thereto, and shall receive a fee of one dollar (\$1.00) for every certificate.~~

20          **~~42-30-12. Continuation of powers without new engagement.~~**

21          ~~Every such officer listed in § 42-30-14 who may be reappointed or continued in office,~~  
22          ~~may continue to officiate while in office without taking a new engagement.~~

23          **~~42-30-13. Fees of notaries.~~**

24          ~~The fees of notaries public shall be as follows:~~

- 25          ~~(1) For noting a marine protest, one dollar (\$1.00);~~
- 26          ~~(2) For drawing and extending a marine protest and recording it, one dollar and fifty cents~~  
27          ~~(\$1.50);~~
- 28          ~~(3) For taking affidavits, twenty five cents (25¢);~~
- 29          ~~(4) For travel, per mile, ten cents (10¢);~~
- 30          ~~(5) For taking acknowledgment of any instrument and affixing his seal, one dollar~~  
31          ~~(\$1.00);~~
- 32          ~~(6) For the protest of a bill of exchange, order or draft, for non-acceptance or~~  
33          ~~nonpayment, or of a promissory note or check for nonpayment, if the amount thereof is five~~  
34          ~~hundred dollars (\$500) or more, one dollar (\$1.00), if it is less than five hundred dollars (\$500);~~

1 ~~for recording the same, fifty cents (50¢);~~

2 ~~(7) For noting the non-acceptance or nonpayment of a bill of exchange, order or draft, or~~  
3 ~~the nonpayment of a promissory note or check, seventy five cents (75¢); and~~

4 ~~(8) For each notice of the non-acceptance or nonpayment of a bill, order, draft, check, or~~  
5 ~~note, given to a party liable for the payment thereof, twenty five cents (25¢);~~

6 ~~provided, that the whole cost of protest, including necessary notices and the record, shall~~  
7 ~~not exceed two dollars (\$2.00), and the whole cost of noting, including notices, shall in no case~~  
8 ~~exceed one dollar and twenty five cents (\$1.25).~~

9 **42-30-14. Public officers having notary powers.**

10 ~~(a) Every state senator, state representative, member of a city or town council, chief,~~  
11 ~~deputy, and assistant clerk of any state court, clerks of the board of canvassers, and worker's~~  
12 ~~compensation court, and municipal clerk and the board of canvassers registrar during the period~~  
13 ~~for which he or she has been elected or appointed, shall, upon completion of the certificate of~~  
14 ~~engagement as set forth in § 42-30-4, have the power to act as a notary public as provided in this~~  
15 ~~chapter.~~

16 ~~(b) Two (2) police officers from each state and local police department, as identified in~~  
17 ~~writing by the chief of police, shall, upon completion of the certificate of engagement as set forth~~  
18 ~~in § 42-30-4, have the power to act as a notary public as provided in this chapter. No office holder~~  
19 ~~set forth in this section shall be required to pay the commission fee as provided in § 42-30-5. The~~  
20 ~~office holders must complete the certificate of engagement as set forth in § 42-30-4.~~

21 **42-30-15. Fees for authentication of a notary public signature.**

22 ~~A fee of five dollars (\$5.00) shall be charged and collected by the secretary of state for~~  
23 ~~the authentication or certification of the signature of a notary public. A fee of no more than one~~  
24 ~~hundred fifty dollars (\$150) shall be charged and collected by the secretary of state for the~~  
25 ~~authentication or certification of the signature(s) of a notary public on all relevant documents~~  
26 ~~filed at one time which pertain to the same matter or transaction.~~

27 **42-30-16. Notary public -- Fraud or deceit in office.**

28 ~~A notary public, who in the exercise of the powers, or in the performance of the duties of~~  
29 ~~such office, shall practice any fraud or deceit, the punishment for which is not otherwise provided~~  
30 ~~for by law, shall be guilty of a misdemeanor and fined not more than one thousand dollars~~  
31 ~~(\$1,000), or imprisoned not more than one year, or both.~~

32 SECTION 4. Title 42 of the General Laws entitled "STATE AFFAIRS AND  
33 GOVERNMENT" is hereby amended by adding thereto the following chapter:

34 [CHAPTER 30.1](#)

1 UNIFORM LAW ON NOTARIAL ACTS

2 **42-30.1-1. Title.**

3 This chapter shall be known and may be cited as the "uniform law on notarial acts."

4 **42-30.1-2. Definitions.**

5 For purposes of this chapter, the following definitions apply:

6 (1) "Acknowledgment" means a declaration by an individual before a notarial officer that  
7 the individual has signed a record for the purpose stated in the record and, if the record is signed  
8 in a representative capacity, that the individual signed the record with proper authority and signed  
9 it as the act of the individual or entity identified in the record.

10 (2) "Commissioning officer" means the governor of the state of Rhode Island.

11 (3) "Commissioning agency" means the Rhode Island department of state, office of the  
12 secretary of state.

13 (4) "Electronic" means relating to technology having electrical, digital, magnetic,  
14 wireless, optical, electromagnetic, or similar capabilities.

15 (5) "Electronic signature" means an electronic symbol, sound, or process attached to or  
16 logically associated with a record and executed or adopted by an individual with the intent to sign  
17 the record.

18 (6) "In a representative capacity" means acting as:

19 (i) An authorized officer, agent, partner, trustee, or other representative for a person other  
20 than an individual;

21 (ii) A public officer, personal representative, guardian, or other representative, in the  
22 capacity stated in a record;

23 (iii) An agent or attorney-in-fact for a principal; or

24 (iv) An authorized representative of another in any other capacity.

25 (7) "Notarial act" means an act, whether performed with respect to a tangible or  
26 electronic record, that a notarial officer may perform under the laws of this state. The term  
27 includes taking an acknowledgment, administering an oath or affirmation, taking a verification on  
28 oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a  
29 protest of a negotiable instrument.

30 (8) "Notarial officer" means a notary public or other individual authorized to perform a  
31 notarial act.

32 (9) "Notary public" means an individual commissioned to perform a notarial act by the  
33 commissioning officer.

34 (10) "Official stamp" means a physical image affixed to or embossed on a tangible record

1 or an electronic image attached to or logically associated with an electronic record.

2 (11) "Person" means an individual, corporation, business trust, statutory trust, estate,  
3 trust, partnership, limited liability company, association, joint venture, public corporation,  
4 government or governmental subdivision, agency, or instrumentality, or any other legal or  
5 commercial entity.

6 (12) "Record" means information that is inscribed on a tangible medium or that is stored  
7 in an electronic or other medium and is retrievable in perceivable form.

8 (13) "Sign" means, with present intent to authenticate or adopt a record:

9 (i) To execute or adopt a tangible symbol; or

10 (ii) To attach to or logically associate with the record an electronic symbol, sound, or  
11 process.

12 (14) "Signature" means a tangible symbol or an electronic signature that evidences the  
13 signing of a record.

14 (15) "Stamping device" means:

15 (i) A physical device capable of affixing an official stamp upon a tangible record; or

16 (ii) An electronic device or process capable of attaching to or logically associating an  
17 official stamp with an electronic record.

18 (16) "State" means a state of the United States of America, the District of Columbia,  
19 Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the  
20 jurisdiction of the United States.

21 (17) "Verification on oath or affirmation" means a declaration that a statement in a record  
22 is true, made by an individual under oath or by affirmation before a notarial officer.

23 **42-30.1-3. Authority to perform notarial act.**

24 (a) A Notarial officer may perform a notarial act authorized by this chapter or by law of  
25 this state other than this chapter.

26 (b) A notarial officer may not perform a notarial act with respect to a record to which the  
27 notarial officer or the notarial officer's spouse or domestic partner is a party, or in which either of  
28 them has a direct beneficial interest. A notarial act performed in violation of this subsection is  
29 voidable.

30 **42-30.1-4. Requirements for certain notarial acts.**

31 (a) A notarial officer who takes an acknowledgment of a record shall determine, from  
32 personal knowledge or satisfactory evidence of the identity of the individual, that the individual  
33 appearing before the officer and making the acknowledgment has the identity claimed and that  
34 the signature on the record is the signature of the individual.

1 (b) A notarial officer who takes a verification of a statement on oath or affirmation shall  
2 determine, from personal knowledge or satisfactory evidence of the identity of the individual, that  
3 the individual appearing before the notarial officer and making the verification has the identity  
4 claimed and that the signature on the statement verified is the signature of the individual.

5 (c) A notarial officer who witnesses or attests to a signature shall determine, from  
6 personal knowledge or satisfactory evidence of the identity of the individual, that the individual  
7 appearing before the notarial officer and signing the record has the identity claimed.

8 (d) A notarial officer who certifies or attests a copy of a record or an item that was copied  
9 shall determine that the copy is a full, true, and accurate transcription or reproduction of the  
10 record or item.

11 (e) A notarial officer who makes or notes a protest of a negotiable instrument shall  
12 determine the matters set forth in §6a-3-505 of the Uniform Commercial Code.

13 **42-30.1-5. Personal appearance required.**

14 If a notarial act relates to a statement made in or a signature executed upon a record, the  
15 individual making the statement or executing the signature shall appear personally before the  
16 notarial officer.

17 **42-30.1-6. Identification of individual.**

18 (a) A notarial officer has personal knowledge of the identity of an individual appearing  
19 before the notarial officer if the individual is personally known to the notarial officer through  
20 dealings sufficient to provide reasonable certainty regarding the legal identity of the individual.

21 (b) A notarial officer has satisfactory evidence of the identity of an individual appearing  
22 before the notarial officer if the notarial officer can identify the individual:

23 (1) By means of:

24 (i) A passport, driver's license, or government issued non-driver identification card,  
25 which is current or expired not more than three (3) years before performance of the notarial act;  
26 or

27 (ii) Another form of government identification issued to an individual, which is current or  
28 expired not more than three (3) years before performance of the notarial act, contains the  
29 signature or a photograph of the individual, and is satisfactory to the notarial officer; or

30 (2) By a verification on oath or affirmation of a credible witness personally appearing  
31 before the notarial officer and known to the notarial officer or whom the notarial officer can  
32 identify on the basis of a passport, driver's license, or government issued non-driver identification  
33 card, which is current or expired not more than three (3) years before performance of the notarial  
34 act.

1 (c) A notarial officer may require an individual to provide additional information or  
2 identification credentials necessary to assure the notarial officer of the identity of the individual.

3 **42-30.1-7. Authority to refuse to perform notarial act.**

4 (a) A notarial officer may refuse to perform a notarial act if the notarial officer is not  
5 satisfied that:

6 (1) The individual executing the record is competent or has the capacity to execute the  
7 record; or

8 (2) The individual's signature is knowingly and voluntarily made.

9 (b) A notarial officer may refuse to perform a notarial act unless refusal is prohibited by  
10 law other than this chapter.

11 **42-30.1-8. Signature if individual unable to sign.**

12 If an individual is physically unable to sign a record, the individual may direct an  
13 individual other than the notarial officer to sign the individual's name on the record. The notarial  
14 officer shall insert "signature affixed by (name of other individual) at the direction of (name of  
15 individual)" or words of similar import.

16 **42-30.1-9. Notarial act in this state.**

17 (a) A notarial act may be performed in this state by:

18 (1) A notary public of this state;

19 (2) A member in good standing of the Rhode Island bar and certified public accountants  
20 under §5-3.1-5, shall, regardless of residence, be appointed a notary public upon application and  
21 presentment of a certified copy of their certificate of admission to the bar or certificate of public  
22 accountancy;

23 (3) Every state senator, state representative, member of a city or town council, chief,  
24 deputy, and assistant clerk of any state court, clerks of the board of canvassers and workers'  
25 compensation court, municipal clerks, and the board of canvassers registrar during the period for  
26 which they have been elected, appointed or employed in such office;

27 (4) Two (2) police officers from each state and local police department of this state, as  
28 identified in writing by the chief of police.

29 (b) No notary public set forth in §§42-30.1-9(a)(3) and (4) shall be required to pay an  
30 application fee. The notaries public set forth in §§42-30.1-9(a)(3) and (4) must complete the  
31 appropriate oath of office as set forth in §42-30.1-20(c). The notaries public set forth in §§42-  
32 30.1-9(a)(3) and (4) who may be reappointed or continued in office, may continue to officiate  
33 while in office without taking a new oath of office.

34 (c) The signature and title of an individual performing a notarial act in this state are prima



1 facie evidence that the signature is genuine and that the individual holds the designated title.

2 (d) The signature and title of a notarial officer described in subsection (a) of this section  
3 establish the authority of the officer to perform the notarial act.

4 **42-30.1-10. Notarial act in another state.**

5 (a) A notarial act performed in another state has the same effect under the law of this  
6 state as if performed by a notarial officer of this state, if the act performed in that state is  
7 performed by:

8 (1) A notary public of that state;

9 (2) A judge, clerk, or deputy clerk of a court of that state; or

10 (3) Any other individual authorized by the law of that state to perform the notarial act.

11 (b) The signature and title of an individual performing a notarial act in another state are  
12 prima facie evidence that the signature is genuine and that the individual holds the designated  
13 title.

14 (c) The signature and title of a notarial officer described in subsection (a)(1) or (2) of this  
15 section conclusively establish the authority of the officer to perform the notarial act.

16 **42-30.1-11. Notarial act under authority of federally recognized Indian tribe.**

17 (a) A notarial act performed under the authority and in the jurisdiction of a federally  
18 recognized Indian tribe has the same effect as if performed by a notarial officer of this state, if the  
19 act performed in the jurisdiction of the tribe is performed by:

20 (1) A notary public of the tribe;

21 (2) A judge, clerk, or deputy clerk of a court of the tribe; or

22 (3) Any other individual authorized by the law of the tribe to perform the notarial act.

23 (b) The signature and title of an individual performing a notarial act under the authority  
24 of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the  
25 signature is genuine and that the individual holds the designated title.

26 (c) The signature and title of a notarial officer described in subsection (a)(1) or (2) of this  
27 section conclusively establish the authority of the officer to perform the notarial act.

28 **42-30.1-12. Notarial act under federal authority.**

29 (a) A notarial act performed under federal law has the same effect under the law of this  
30 state as if performed by a notarial officer of this state, if the act performed under federal law is  
31 performed by:

32 (1) A judge, clerk, or deputy clerk of a court;

33 (2) An individual in military service or performing duties under the authority of military  
34 service who is authorized to perform notarial acts under federal law;

1 (3) An individual designated a notarizing officer by the United States Department of  
2 State for performing notarial acts overseas; or

3 (4) Any other individual authorized by federal law to perform the notarial act.

4 (b) The signature and title of an individual acting under federal authority and performing  
5 a notarial act are prima facie evidence that the signature is genuine and that the individual holds  
6 the designated title.

7 (c) The signature and title of an officer described in subsection (a)(1), (2), or (3) of this  
8 section conclusively establish the authority of the officer to perform the notarial act.

9 **42-30.1-13. Foreign notarial act.**

10 (a) In this section, "foreign state" means a government other than the United States of  
11 America, a state not including the state of Rhode Island, or a federally recognized Indian tribe.

12 (b) If a notarial act is performed under authority and in the jurisdiction of a foreign state  
13 or constituent unit of the foreign state or is performed under the authority of a multinational or  
14 international governmental organization, the act has the same effect under the law of this state as  
15 if performed by a notarial officer of this state.

16 (c) If the title of office and indication of authority to perform notarial acts in a foreign  
17 state appears in a digest of foreign law or in a list customarily used as a source for that  
18 information, the authority of an officer with that title to perform notarial acts is conclusively  
19 established.

20 (d) The signature and official stamp of an individual holding an office described in  
21 subsection (c) of this section are prima facie evidence that the signature is genuine and the  
22 individual holds the designated title.

23 (e) An apostille in the form prescribed by the Hague Convention of October 5, 1961, and  
24 issued by a foreign state party to the convention conclusively establishes that the signature of the  
25 notarial officer is genuine and that the officer holds the indicated office.

26 (f) A consular authentication issued by an individual designated by the United States  
27 Department of State as a notarizing officer for performing notarial acts overseas and attached to  
28 the record with respect to which the notarial act is performed conclusively establishes that the  
29 signature of the notarial officer is genuine and that the officer holds the indicated office.

30 **42-30.1-14. Certificate of notarial act.**

31 (a) A notarial act must be evidenced by a certificate. The certificate must:

32 (1) Be executed contemporaneously with the performance of the notarial act;

33 (2) Be signed and dated by the notarial officer and, if the notarial officer is a notary  
34 public, be signed in the same manner as on file with the commissioning agency;

1           (3) Identify the jurisdiction in which the notarial act is performed;  
2           (4) Contain the title of office of the notarial officer; and  
3           (5) If the notarial officer is a notary public, indicate the date of expiration, if any, of the  
4 officer's commission.

5           (b) If a notarial act regarding a tangible record is performed by a notary public, an official  
6 stamp must be affixed to or embossed on the certificate. If a notarial act is performed regarding a  
7 tangible record by a notarial officer other than a notary public and the certificate contains the  
8 information specified in subsections (a)(2), (a)(3), and (a)(4) of this section, an official stamp  
9 may be affixed to the certificate. If a notarial act regarding an electronic record is performed by a  
10 notarial officer and the certificate contains the information specified in subsections (a)(2), (a)(3),  
11 and (a)(4) of this section, an official stamp may be attached to or logically associated with the  
12 certificate.

13           (c) A certificate of a notarial act is sufficient if it meets the requirements of subsections  
14 (a) and (b) of this section and:

15           (1) Is in a short form set forth in §42-30.1-15;  
16           (2) Is in a form otherwise permitted by the law of this state;  
17           (3) Is in a form permitted by the law applicable in the jurisdiction in which the notarial  
18 act was performed; or

19           (4) Sets forth the actions of the notarial officer and the actions are sufficient to meet the  
20 requirements of the notarial act as provided in §§42-30.1-4, 42-30.1-5, and 42-30.1-6 or law of  
21 this state other than this chapter.

22           (d) By executing a certificate of a notarial act, a notarial officer certifies that the notarial  
23 officer has complied with the requirements and made the determinations specified in §§42-30.1-3,  
24 42-30.1-4, and 42-30.1-5.

25           (e) A notarial officer may not affix the notarial officer's signature to, or logically  
26 associate it with, a certificate until the notarial act has been performed.

27           (f) If a notarial act is performed regarding a tangible record, a certificate must be part of,  
28 or securely attached to, the record. If a notarial act is performed regarding an electronic record,  
29 the certificate must be affixed to, or logically associated with, the electronic record. If the  
30 commissioning agency has established standards pursuant to §42-30.1-27 for attaching, affixing,  
31 or logically associating the certificate, the process must conform to the standards.

32           **42-30.1-15. Short form certificates.**

33           The following short form certificates of notarial acts are sufficient for the purposes  
34 indicated, if completed with the information required by §§42-30.1-14(a) and (b):





1 may not allow another individual to use the device to perform a notarial act. On resignation from,  
2 or the revocation or expiration of, the notary public's commission, or on the expiration of the date  
3 set forth in the stamping device, if any, the notary public shall disable the stamping device by  
4 destroying, defacing, damaging, erasing, or securing it against use in a manner that renders it  
5 unusable. On the death or adjudication of incompetency of a notary public, the notary public's  
6 personal representative or guardian or any other person knowingly in possession of the stamping  
7 device shall render it unusable by destroying, defacing, damaging, erasing, or securing it against  
8 use in a manner that renders it unusable.

9 If a notary public's stamping device is lost or stolen, the notary public or the notary  
10 public's personal representative or guardian shall notify promptly the commissioning agency on  
11 discovering that the device is lost or stolen.

12 **42-30.1-18. Journal.**

13 (a) A notary public, other than an individual licensed to practice law in this state and their  
14 staff and employees who are notaries public, shall maintain a journal in which the notary public  
15 chronicles all notarial acts that the notary public performs. The notary public shall retain the  
16 journal for seven (7) years after the performance of the last notarial act chronicled in the journal.

17 (b) A journal may be created on a tangible medium and/or in an electronic format. A  
18 notary public may maintain more than one journal at a time to chronicle all notarial acts, whether  
19 those notarial acts are performed regarding tangible or electronic records. If a journal is  
20 maintained on a tangible medium, it must be a permanent, bound register with numbered pages. If  
21 a journal is maintained in an electronic format, it must be in a permanent, tamper-evident  
22 electronic format complying with the rules of the commissioning agency.

23 (c) An entry in a journal must be made contemporaneously with performance of the  
24 notarial act and contain the following information:

25 (1) The date and time of the notarial act;

26 (2) A description of the record, if any, and type of notarial act;

27 (3) The full name and address of each individual for whom the notarial act is performed;

28 (4) If identity of the individual is based on personal knowledge, a statement to that effect;

29 (5) If identity of the individual is based on satisfactory evidence, a brief description of the  
30 method of identification and the identification credential presented, if any, including the date of  
31 issuance and expiration of any identification credential; and

32 (6) The fee, if any, charged by the notary public.

33 (d) If a notary public's journal is lost or stolen, the notary public promptly shall notify the  
34 commissioning agency on discovering that the journal is lost or stolen.

1 (e) On resignation from, or the revocation or suspension of, a notary public's commission,  
2 the notary public shall retain the notary public's journal in accordance with subsection (a) of this  
3 section and inform the commissioning agency where the journal is located.

4 (f) On the death or adjudication of incompetency of a current or former notary public, the  
5 notary public's personal representative or guardian or any other person knowingly in possession  
6 of the journal shall retain the notary public's journal in accordance with subsection (a) of this  
7 section and inform the commissioning agency where the journal is located.

8 **42-30.1-19. Notification regarding performance of notarial act on electronic record-**  
9 **selection of technology.**

10 (a) A notary public may select one or more tamper-evident technologies to perform  
11 notarial acts with respect to electronic records. A person may not require a notary public to  
12 perform a notarial act with respect to an electronic record with a technology that the notary public  
13 has not selected.

14 (b) Before a notary public performs the notary public's initial notarial act with respect to  
15 an electronic record, a notary public shall notify the commissioning agency that the notary public  
16 will be performing notarial acts with respect to electronic records and identify the technology the  
17 notary public intends to use. If the commissioning agency has established standards for approval  
18 of technology pursuant to §42-30.1-27, the technology must conform to the standards. If the  
19 technology conforms to the standards, the commissioning agency shall approve the use of the  
20 technology.

21 **42-30.1-20. Commission of notary public; Qualifications -- No immunity or benefit.**

22 (a) An individual qualified under subsection (b) of this section may apply to the  
23 commissioning officer for a commission as a notary public. The applicant shall comply with and  
24 provide the information required by rules established by the commissioning agency and pay the  
25 sum of eighty dollars (\$80.00).

26 (b) An applicant for a commission as a notary public must:

27 (1) Be at least eighteen (18) years of age;

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

29 (3) Be a resident of or have a place of employment or practice in this state;

30 (4) Be able to read and write English;

31 (5) Not be disqualified to receive a commission under §42-30.1-22; and

32 (6) Have passed the examination required under §42-30.1-21(a).

33 (c) Before issuance of a commission as a notary public, an applicant for the commission  
34 shall execute an oath of office and submit it to the commissioning agency.

1 (d) On compliance with this section, the commissioning officer shall issue a commission  
2 as a notary public to an applicant for a term of four (4) years.

3 (e) Every notary public appointed by the commissioning officer and not reappointed, may  
4 continue to officiate for a space of thirty (30) days after the date on which their commission  
5 expires.

6 (f) A commission to act as a notary public authorizes the notary public to perform  
7 notarial acts. The commission does not provide the notary public any immunity or benefit  
8 conferred by law of this state on public officials or employees.

9 **42-30.1-21. Examination of notary public.**

10 (a) An applicant for a commission as a notary public must pass an examination  
11 administered by the commissioning agency or an entity approved by the commissioning agency.  
12 The examination must be based on the course of study described in subsection (b) of this section.

13 (b) An applicant who does not hold a commission in this state or has been unable to pass  
14 the examination described in subsection (a) of this section must attend a course of study. The  
15 commissioning agency or an entity approved by the commissioning agency shall offer regularly, a  
16 course of study that covers the laws, rules, procedures, and ethics relevant to notarial acts.

17 **42-30.1-22. Grounds to deny, refuse to renew, revoke, suspend, or condition**  
18 **commission of notary public.**

19 (a) The commissioning officer may deny, refuse to renew, revoke, suspend, or impose a  
20 condition on a commission as notary public for any act or omission that demonstrates the  
21 individual lacks the honesty, integrity, competence, or reliability to act as a notary public,  
22 including without limitation:

23 (1) Failure to comply with this chapter;

24 (2) A fraudulent, dishonest, or deceitful misstatement or omission in the application for a  
25 commission as a notary public submitted to the commissioning officer and/or agency;

26 (3) A conviction of the applicant or notary public of any felony or a crime involving  
27 fraud, dishonesty, or deceit;

28 (4) A finding against, or admission of liability by, the applicant or notary public in any  
29 legal proceeding or disciplinary action based on the applicant's or notary public's fraud,  
30 dishonesty, or deceit;

31 (5) Failure by the notary public to discharge any duty required of a notary public, whether  
32 by this chapter, rules of the commissioning agency, or any federal or state law;

33 (6) Use of false or misleading advertising or representation by the notary public  
34 representing that the notary public has a duty, right, or privilege that the notary public does not



1 have:

2 (7) Violation by the notary public of a rule of the commissioning agency regarding a  
3 notary public;

4 (8) Denial, refusal to renew, revocation, suspension, or conditioning of a notary public  
5 commission in another state; or

6 (9) Termination or revocation of a certificate of admission to the Rhode Island bar or a  
7 certificate of public accountancy.

8 (b) If the commissioning officer denies, refuses to renew, revokes, suspends, or imposes  
9 conditions on a commission as a notary public, the applicant or notary public is entitled to timely  
10 notice and hearing in accordance with chapter 35 of title 42.

11 (c) The authority of the commissioning officer to deny, refuse to renew, suspend, revoke,  
12 or impose conditions on a commission as a notary public does not prevent a person from seeking  
13 and obtaining other criminal or civil remedies provided by law.

14 **42-30.1-23. Database of notaries public.**

15 The commissioning agency shall maintain an electronic database of notaries public:

16 (1) Through which a person may verify the authority of a notary public to perform  
17 notarial acts; and

18 (2) Which indicates whether a notary public has notified the commissioning agency that  
19 the notary public will be performing notarial acts on electronic records.

20 **42-30.1-24. Prohibited acts.**

21 (a) A commission as a notary public does not authorize an individual to:

22 (1) Assist persons in drafting legal records, give legal advice, or otherwise practice law;

23 (2) Act as an immigration consultant or an expert on immigration matters;

24 (3) Represent a person in a judicial or administrative proceeding relating to immigration  
25 to the United States, United States citizenship, or related matters; or

26 (4) Receive compensation for performing any of the activities listed in this subsection.

27 (b) A notary public may not engage in false or deceptive advertising.

28 (c) A notary public cannot translate the English words, "notary public" into any other  
29 language for purposes of advertising notarial services or for any other purpose.

30 (d) A notary public, other than an attorney licensed to practice law in this state, may not  
31 advertise or represent that the notary public may assist persons in drafting legal records, give  
32 legal advice, or otherwise practice law. If a notary public who is not an attorney licensed to  
33 practice law in this state in any manner advertises or represents that the notary public offers  
34 notarial services, whether orally or in a record, including broadcast media, print media, and the

1 Internet, the notary public shall include the following statement, or an alternate statement  
2 authorized or required by the commissioning agency, in the advertisement or representation,  
3 prominently and in each language used in the advertisement or representation: "I am not an  
4 attorney licensed to practice law in this state. I am not licensed to draft legal records, give advice  
5 on legal matters, including immigration, or charge a fee for those activities." If the form of  
6 advertisement or representation is not broadcast media, print media, or the Internet and does not  
7 permit inclusion of the statement required by this subsection because of size, it must be displayed  
8 prominently or provided at the place of performance of the notarial act before the notarial act is  
9 performed.

10 (d) Except as otherwise allowed by law, a notary public may not withhold access to or  
11 possession of an original record provided by a person that seeks performance of a notarial act by  
12 the notary public.

13 **42-30.1-25. Validity of notarial acts.**

14 Except as otherwise provided in §42-30.1-3(b), the failure of a notarial officer to perform  
15 a duty or meet a requirement specified in this chapter does not invalidate a notarial act performed  
16 by the notarial officer. The validity of a notarial act under this chapter does not prevent an  
17 aggrieved person from seeking to invalidate the record or transaction that is the subject of the  
18 notarial act or from seeking other remedies based on law of this state other than this chapter or  
19 law of the United States of America. This section does not validate a purported notarial act  
20 performed by an individual who does not have the authority to perform notarial acts.

21 **42-30.1-26. Fees for authentication of a notary public signature.**

22 A fee of five dollars (\$5.00) shall be charged and collected by the office of the secretary  
23 of state for the authentication or certification of the signature of a notary public. In any event  
24 where the office of the secretary of state shall authenticate or certify the signatures of a notary  
25 public upon multiple relevant documents presented simultaneously, and all of which documents  
26 pertain to the same matter or transaction and are to be filed at one time, the aggregate fee charged  
27 for said authentications or certifications shall be the lesser of the above-referenced fee charged  
28 per each authentication or certification, or one hundred and fifty dollars (\$150).

29 **42-30.1-27. Rules and regulations.**

30 (a) The commissioning agency may adopt rules and regulations to implement this  
31 chapter. Rules and regulations adopted regarding the performance of notarial acts with respect to  
32 electronic records may not require, or accord greater legal status or effect to, the implementation  
33 or application of a specific technology or technical specification. The rules and regulations may:

34 (1) Prescribe the manner of performing notarial acts regarding tangible and electronic

1 records;

2 (2) Include provisions to ensure that any change to or tampering with a record bearing a  
3 certificate of a notarial act is self-evident;

4 (3) Include provisions to ensure integrity in the creation, transmittal, storage, or  
5 authentication of electronic records or signatures;

6 (4) Prescribe the process of granting, renewing, conditioning, denying, suspending, or  
7 revoking a notary public commission and assuring the trustworthiness of an individual holding a  
8 commission as notary public;

9 (5) Include provisions to prevent fraud or mistake in the performance of notarial acts;

10 (6) Provide for the administration of the examination under §42-30.1-21(a) and the  
11 course of study under §42-30.1-21(b); and

12 (7) Establish a schedule of fees for notary public services.

13 (b) In adopting, amending, or repealing rules about notarial acts with respect to electronic  
14 records, the commissioning agency shall consider, so far as is consistent with this chapter:

15 (1) The most recent standards regarding electronic records promulgated by national  
16 bodies, such as the National Association of Secretaries of State;

17 (2) Standards, practices, and customs of other jurisdictions that substantially enact this  
18 chapter; and

19 (3) The views of governmental officials and entities and other interested persons.

20 **42-30.1-28. Notary public commission effect.**

21 A commission as a notary public in effect on January 1, 2018, continues until its date of  
22 expiration. A notary public who applies to renew a commission as a notary public on or after  
23 January 1, 2018, is subject to and shall comply with this chapter. A notary public, in performing  
24 notarial acts after January 1, 2018, shall comply with this chapter.

25 **42-30.1-29. Savings clause.**

26 This chapter does not affect the validity or effect of a notarial act performed before  
27 January 1, 2018.

28 **42-30.1-30. Uniformity of application and construction.**

29 In applying and construing this uniform law on notarial acts, consideration must be given  
30 to the need to promote uniformity of the law with respect to its subject matter among states that  
31 enact it.

32 **42-30.1-31. Relation to electronic signatures in global and national commerce act.**

33 This chapter modifies, limits, and supersedes the Electronic Signatures in Global and  
34 National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede

1 [§101\(c\) of that act, 15 U.S.C. §7001\(c\), or authorize electronic delivery of any of the notices](#)  
2 [described in §103\(b\) of that act, 15 U.S.C. §7003\(b\).](#)

3 SECTION 5. This act shall take effect on January 1, 2018.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- NOTARIES PUBLIC AND  
JUSTICES OF THE PEACE

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- 1 This act would establish a new application and certification process for notarial officers.
- 2 This act would take effect on January 1, 2018.

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