



STATE OF WASHINGTON
DEPARTMENT OF LICENSING
PO Box 9020, Olympia, Washington 9850-9020

Washington Administrative Code
Notice of Permanent Rules for
Notaries Public

Adoption of: Chapter 308-30 WAC

Effective date: These rule changes will become effective 31 days after filing or on July 1, 2018.

What are the agency's reasons for adopting this rule?

Replacing all existing sections and adding new sections to Chapter 308-30 WAC to implement the provisions of Chapter 42.45 RCW Revised Uniform Law on Notarial Acts, effective July 1, 2018.

Summary of all public comments received on this rule proposal and the agency's response to those comments:

Comment: Erik Kupka from Ingram, Zelasko, & Goodwin, LLP, opposed the rules and requested that the statutory exemption for notaries keeping journals be expanded from attorneys to include attorney support staff.

Response: This comment is outside the scope of the incoming rules, as it requires a statutory change to modify the exemption as it appears in RCW 42.45.

Comment: Bill Anderson from the National Notary Association generally supports the proposed rules and commented that the incoming notary rules should reinstate the requirement that notaries post their fee schedule for customers. Mr. Anderson also commented that the allowance to consolidate notarial journal entries should include additional information to provide sufficient information for the notary's protection.

Comment: Cathy Betts from the National Notary Association supports the proposed rules. She mentioned her support of the incoming journal requirement, and the protection it offers notaries public. She also requested that the requirement that notaries post their fee schedule for customers be reinstated.

Response to preceding two comments: While the department recognizes the value in preventing notaries from overcharging their customers, the department has concerns about enforcing this requirement, and has decided to keep this requirement removed from the draft rules.

Comment: Rebecca Jacobs from Attorney & Notary Supply of Washington generally supports the proposed rules. In addition, Ms. Jacobs commented that the surety bond should not be required to be signed by the notary, because it was a requirement that was added by previous rulemaking, and slows the application process for new notaries. Ms. Jacobs also commented that the current rules require a notary to

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The Department of Licensing appreciates your involvement in this rulemaking process. If you have any questions, please contact Damon Monroe, Agency Rules Coordinator, at (360) 902-3843 or email dmonroe@dol.wa.gov.

send their commission to a stamp vendor to receive a stamp, and that this should be amended to read that a copy of the commission be provided to stamp vendors.

Response: The Department has incorporated the requested change to allow a copy of the notarial certificate to be used. The removal of the signature requirement is a substantive change that will require additional research by the Department, but will be given consideration in future rulemaking.

Comment: Chris Shultz from Old Republic Title Company commented on the Department's requirements for adherence from other organizations throughout the state.

Response: While adherence from other organizations to accept documents is beyond the authority of the Department, Mr. Schulz has been put into contact with representatives for such organizations for more information.

Comment: Casey Kaul from the Pierce County Auditors Office commented that the requirement that stamp ink be changed to limit the ink to permanent black or blue ink.

Response: The Department has received multiple comments on both requiring and not requiring specific ink colors. The current requirement is that notary stamp ink be capable of being photocopied, which should assuage concerns about notary stamps being unable to be reproduced. The Department will continue to watch this issue in the future.

Changes made to the proposed WAC as a result of public comment:

WAC 308-30-080 shall be amended to add the words "a copy" to the certificate requirement.

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