

# Washington State Notary Public Guide

## Introduction

Thank you for your interest in the Washington State notary public program. The Washington State Department of Licensing is committed to ensuring that the high standards of the notary public commission are upheld with regards to all of the over 70,000 licensed notaries in the state. To that end, to provide notaries public with guidance on common issues that come up during the notarial process and to guide prospective notaries through the application process, the Department has put together this guide and made it available to anyone who needs assistance.

Current notaries may also wish to read this guide to learn about the changes to the notary rules and laws that may affect their business. In 2017, the Washington legislature adopted new notary laws which come into effect July 1, 2018, and prompted the Department of Licensing to establish new rules which come into effect at the same time. These changes will have considerable impacts on what a notary may do and requirements they must meet and notaries are responsible for knowing this information.

The notary public commission is a venerable position, created in the late 1800s to help prevent fraud. Because of the historical and functional significance, becoming a notary public should not be taken lightly. A notary public is responsible for knowing the laws and rules that govern the position, and while this guide will be a helpful tool, prospective notaries should take time to familiarize themselves with the position, its requirements, and state law. The state statutes and rules that primarily govern notaries appear in [chapter 42.45](#) of the Revised Code of Washington (RCW) and [chapter 308-30](#) of the Washington Administrative Code (WAC). Notaries are also subject to Washington's Uniform Regulation of Business and Professions Act, chapter [18.235 RCW](#).

For further assistance with notary issues, you can reach out to the Washington State Notary Program:

Phone: (360) 664-1550

Email: [notaries@dol.wa.gov](mailto:notaries@dol.wa.gov)

Website: [www.dol.wa.gov/business/notary](http://www.dol.wa.gov/business/notary)

Mailing Address:

Notary Public Program,  
Department of Licensing  
PO Box 9027,  
Olympia, WA 98507-9027

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## **The Licensing and Renewal Process**

The Department of Licensing has worked to keep the notary public application process as simple as possible. A prospective notary need only submit a complete application, proof of a \$10,000 surety bond, and appropriate fees to the Department of Licensing in order to begin the process. Once an applicant has completed all application requirements and proven that he or she is eligible, the Department will have a new certificate of commission mailed out promptly.

New in 2018, notaries public can also apply for an electronic records notary public endorsement, which allows the notary to perform notarial acts on electronic documents as well as paper documents. The application process is similar to the application process for the commission, and can be done at the same time or separately.

### **Qualifications**

RCW 42.45.200; WAC 308-30-030

To receive a notary public commission, an applicant must meet the following basic qualifications:

- *Be 18 years or older*
- *Be a citizen or permanent legal resident of the United States*
- *Be a resident of Washington, or have a place of employment or practice in the state*
- *Be able to read and write English*

**Please note:** Even if an applicant meets these basic qualifications, he or she could be disqualified from receiving a notary public commission for any of the reasons stated in RCW 42.45.210 or RCW 18.235.130.

### **How to apply**

RCW 42.45.200; RCW 42.45.210; WAC 308-30-030; WAC 308-30-040; WAC 308-30-060

To apply for a notary public commission, complete the following steps:

#### **Step 1: Complete the application**

The notary public application can be found on the Department of Licensing website at [www.dol.wa.gov/business/notary](http://www.dol.wa.gov/business/notary). As a new applicant, you are required to complete sections A, B, and D. Section C is optional, for those who wish to apply for an electronic records notary public endorsement (more information on this optional endorsement appears in a later section of this handbook).

Current notaries may notice that the notary application has changed several times over the last several years. In the past, the changes have been mostly structural and layout, and the Department was able to accept older versions of notary applications. The latest application, however, has additional required questions, which means that the Department will require all applicants to use the most recent version of the notary application.

Below, the new application is covered in more detail.

<b>A Applicant information</b>	
Answer the following	
Are you a citizen or permanent legal resident of the United States? ..... <input type="checkbox"/> Yes <input type="checkbox"/> No If you answer "No," you do not qualify as a Notary Public according to state law RCW 42.45.200. If you submit this application, the application fee will not be refunded. All answers are subject to public disclosure.	
Notary commission name (Name as you will sign notarizations and as you would like it to appear on your notary seal/license) See page 1 Instructions	
Social Security number required*	Birthdate (mm/dd/yyyy)
Personal mailing address (PO Box or street including apartment/suite #, City, State, ZIP code)	
(Area code) Telephone number	Email
Full legal name (First, Middle, Last) no initials	
Answer the following	
Can you read and write English? ..... <input type="checkbox"/> Yes <input type="checkbox"/> No	
Have you ever applied for or been a Notary Public in the state of Washington? ..... <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, under what names and license numbers? _____	
Check one	
<input type="checkbox"/> I am a Washington resident. Go to section B.	
<input type="checkbox"/> I am not a Washington resident, but I have a place of employment or practice in Washington. Physical address of place of employment or practice (street including apartment/suite #, City, State, ZIP code), must be in Washington: _____	

Section A is where you will provide information about yourself. There are two questions that you should take note of. The first question about citizenship is a new statutory requirement, which requires that notary publics be citizens or permanent legal residents of the United States. Also, the field labelled "Notary commission name" is for your name as you will sign it and how you want your name to appear on your stamp and your commission certificate, which must contain your last name, and at least initials of your first and middle names. The rest of the information should be filled out as listed.

<b>B Personal data</b>	
If you answer "Yes," to any of the questions below, attach a detailed explanation and any related court documents.	
<b>In this state or any other jurisdiction are you or have you:</b>	
1. Within the last 10 years, defaulted or been convicted of or entered a plea of no contest to a gross misdemeanor or felony crime? (Don't include traffic offenses.)	..... <input type="checkbox"/> Yes <input type="checkbox"/> No
2. Currently under indictment, or is there a criminal complaint, charge, or information pending against you?	..... <input type="checkbox"/> Yes <input type="checkbox"/> No
3. Within the last 10 years, had any action (fine, suspension, revocation, censure, surrender, etc.) taken against any professional or occupational license, certification, or permit held by you?	..... <input type="checkbox"/> Yes <input type="checkbox"/> No
4. Within the last 10 years, had any civil court order, verdict, or judgment entered against you?	..... <input type="checkbox"/> Yes <input type="checkbox"/> No

Section B asks about current or past sanctions or criminal convictions. Answering "Yes" to a question will *not* automatically guarantee an application will be denied; each application will be evaluated on an individual basis to determine if the applicant will be able to uphold the duties of the position before a decision is made. To see more about the information the Department will consider, see, RCW 42.45.210 and RCW 18.235.130.

**D Declaration of applicant**

I, \_\_\_\_\_, solemnly swear or affirm under penalty of perjury that the personal information I have provided in this application is true, complete, and correct; that I have carefully read the materials available at the Notary Public website describing the duties of a notary public in and for the state of Washington; and, that I will perform to the best of my ability, all notarial acts in accordance with the law and rules. I have carefully read the questions in the foregoing application and have answered them completely, and pursuant to RCW 9A.72.085, I declare under penalty of perjury under the law of the state of Washington that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my appointment as a notary public in the state of Washington.

Applicant:  
Sign here  
in front of  
a notary.

X

Sign using your Notary commission name

Date signed

State of Washington

County of \_\_\_\_\_

On this day, \_\_\_\_\_, \_\_\_\_\_ appeared before me,  
Date Applicant full legal name

signed this Declaration of Applicant, and swore (or affirmed) that he/she understood its contents and that its contents are truthful.

(Seal or stamp)

Signature

Printed or stamped name

Title

My appointment expires \_\_\_\_\_

Section D is the oath of office. This section needs to be signed and sworn to *in front of a current notary public*. The oath of office is a sworn statement to uphold the standards of the notary public and that the information in the application is true and correct. To complete this section, you should take your application, with the application complete except for this section, to a current notary, who will help you complete the application.

Step 2: Secure a surety bond

As a requirement of the notary public commission, every notary public must have a \$10,000 surety bond in their name. The surety bond is an insurance policy which protects *the public* in the event that an improper notarization causes financial damage. This is different than errors and omissions insurance, which is not required for a notary public. If you have insurance policies for other reasons, such as automobile or homeowner’s insurance, you can speak to your provider for more information about surety bonds and their requirements.

Step 3: Submit the application

Once you have secured a \$10,000 surety bond and had your application form notarized, submit the application to the Department of Licensing. Include a copy of the bond rider that the insurance company provided. The Department of Licensing does not need proof of any errors and omissions insurance.

Mail your application, along with a \$30 (or \$45 if you are also applying for an electronic records Notary Public endorsement, discussed below) check or money order made out to the Department of Licensing, to the following address:

Notary Public Program  
Department of Licensing  
PO Box 35001  
Seattle, WA 98124-3401

Please allow up to thirty days to process the application. Once the application is processed and approved, the Department will mail a commission certificate.

Step 4: Get a notary stamp/seal

RCW 42.45.150; RCW 42.45.160; WAC 308-30-070; WAC 308-30-080; WAC 308-30-090

Once you have received your notary public commission certificate, you can use your commission to obtain one or more notary stamps or seals. The Department of Licensing does not provide notary stamps and seals. Check office supply stores and specialty notary equipment stores to find a vendor. A number of notary associations also have links to services that provide notary seals or stamps.

In order to have a stamp or seal made, you must provide a copy of your notary commission certificate to your stamp or seal vendor. Vendors are not allowed to create a notary stamp or seal until they have a copy of the certificate. It is your responsibility to make sure that all of the stamp or seal requirements listed below are met and that all of the information on the stamp is accurate and up to date. If any of the information on the stamp or seal changes, it is your responsibility to have your stamp updated.

A notary stamp or seal must conform to the following requirements:

- The stamp or seal must be either circular or rectangular;
  - If circular, the stamp or seal must be a minimum one and five-eighths inches in diameter;
  - If rectangular, the stamp or seal must be a minimum one inch wide by one and five-eighths inches;
- The stamp or seal must contain the following information:
  - The words “notary public”;
  - The words “state of Washington”;
  - The notary public’s name as commissioned;
  - The notary public’s commission expiration date;
  - The notary public’s commission number;
- The text on a stamp or seal must be at least 8 point font
- The stamp or seal must be affixed in permanent ink and be capable of being photocopied.

It is extremely important that you guard your notary stamp and prevent others from using your stamp. The new notary statute states that “the seal or stamp should be kept in a locked and secured

area, under the direct and exclusive control of the notary public,” which generally means that it needs to be kept under lock and key. Even if you work in a secure area, it is vital that the stamp not be accessible by anyone else, both to comply with the law and to ensure the sanctity of your notarial acts.

## Renewing a notary public commission

RCW 42.45.260; WAC 308-30-030(6); WAC 308-30-060

For current active notaries public, renewing a notary public commission is a similar process to application. To renew your commission, you should complete the same process above of filling out the application, acquiring a new surety bond, and submitting these with a \$30 renewal fee. After receiving a new certificate of commission, you will also need to purchase a new notary stamp or seal, as seals and stamps have the notary’s expiration date on them.

Active notaries should also be aware that their current license will remain in effect until their scheduled expiration date, despite the changes that arrive July 1<sup>st</sup>.

## Applying for an Electronic Records Notary Public endorsement

RCW 42.45.200; WAC 308-30-030; WAC 308-30-050; WAC 308-30-060

In addition to the notary public commission, if you wish to be able to notarize documents in electronic formats, you can also apply to add an electronic records notary public endorsement to your commission. The endorsement is added to the commission that is being renewed or applied for and lasts as long as that commission does.

<b>C Electronic Notary endorsement – Complete this section only if you are requesting this endorsement</b>	
<b>If you have an electronic software provider</b> , provide the name and effective date ( <i>date you will begin using the software</i> ).	
Name of electronic software provider	Effective date
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<b>If you do not have an electronic software provider</b> at this time:	
<ul style="list-style-type: none"><li>• You must provide this information within <b>30 days</b> of the issue date of your Notary Public commission.</li><li>• If you fail to do so, we may take disciplinary action against your commission, which may include revoking your endorsement.</li><li>• <b>You cannot perform any electronic notarizations</b> until you have provided us with the name of the electronic software provider you will be using.</li><li>• Submit the name of your electronic software provider either:<ul style="list-style-type: none"><li>• <b>Online</b> at <a href="http://dol.wa.gov/services/professionslogin">dol.wa.gov/services/professionslogin</a>. Access your account using the requested login information, then select <i>Add</i> under the Requirements section of your account dashboard.</li><li>• <b>Email</b> to <a href="mailto:notaries@dol.wa.gov">notaries@dol.wa.gov</a>. Include your Notary Public commission name and license number in the email.</li></ul></li></ul>	

There are three ways to apply for an electronic records notary public endorsement. First, you can fill out section C of the notary public application if you are adding the endorsement at the same

time that you are applying. Second, there is a separate application for an endorsement that you can complete if you are an active notary, currently, to apply for just the endorsement. Finally, this entire process has been simplified on the Department of Licensing online portal, which can be found on the website.

Regardless of what application method you choose, there is a \$15 application fee for the endorsement. Once the fee and application are processed, the Department will send you a new commission certificate with the endorsement included.

As an additional requirement, if you apply for the electronic records endorsement, you will be required to provide the Department with the name of the technology provider that you choose to perform your notarial acts through. If you do not have that information when you apply for your endorsement, you have 30 days from the date the Department issues your endorsement to report the technology provider(s) you plan on using. Also, you can always change or add more technology providers by sending an updated form to the Department or by using the online portal. You cannot perform electronic notarizations until you have notified the Department of your technology selection and you must inform the Department of each technology provider you intend to use before you use them.

For more information on how the electronic records notary public endorsement works, see below in the Electronic Notarial Acts section.

## **How to Notarize**

RCW 42.45.030-.080; RCW 42.45.130-190; WAC 308-30-020; WAC 308-30-100; WAC 308-30-190– -240

The notary public commission represents a serious duty with a substantial effect on legal documents and their validity. Because of the importance of the notary public’s role, and because a notarization has distinct legal repercussions, it is important that each notarial act be done correctly. Each notarial act has its own requirements for what steps need to be taken. Generally, there are three steps that must be taken for each notarization:

1. Identify the signing party
2. Confirm the competence, knowledge, and voluntariness of the signer
3. Perform the notarial act

In addition to these steps, the notary must keep in mind the most important rule of performing notarizations: physical presence.

### **Physical Presence**

RCW 42.45.030; RCW 42.45.040; WAC 308-30-020

Under Washington State law, in *all* cases the signing party *must* “appear physically” before the notary, which means that they must be in the *physical presence* of the notary at the time of the notarial act. Using video communication software or other means of communicating over distances



is *not* permitted. The physical presence rule applies to any signing party, even if they are personally known to the notary. This is also true for electronic notarizations of documents: the signing party or parties must be in the physical presence of the notary even though the documents will be on a computer or online.

## **Identify the signing party**

RCW 42.45.050

One important function of a notary public is to witness that a signing party is the party that they are claiming to be. Because of that, whenever a notary performs a notarial act, they must first be sure to identify the party involved in that notarial act.

There are three ways that a notary can identify a party:

1. Identifying documents
2. Personal knowledge
3. Credible witnesses

### Identifying documents

The most common method of verifying a signer's identity is to look at some form of identifying documents. The Washington State notary statutes point out several options for documents that a notary can use to verify a signer's identity:

- A passport
- A driver's license
- A government-issued identification card
- Another form of government identification that contains the signature or photograph of the individual and is satisfactory to the notary

A notary can accept any identifying document that is either current, or expired for less than three years. As an example, a notary confirming an individual's identity on January 1, 2019, could use a driver's license that is current or that expired anytime from January 2, 2016 through December 31, 2018. Also note that there is nothing requiring these documents to be from any specific jurisdiction; a signer could use an Oregon driver's license or a Canadian passport, as long as it is not more than three years expired.

### Personal Knowledge

Personal knowledge is generally considered the simplest method of identifying an individual. If you personally know the signer, you do not need any additional identifying information.

It may be difficult to identify the level of personal knowledge needed to validate an individual's identity. The notarial statute (RCW 42.45.050) says that a notarial officer "has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed." Generally, you can rely on personal knowledge when you have known the individual a long enough time that you would be willing to swear in court as to who the signer is.

### Credible Witness

As an alternative means of identifying a signing party, a credible witness may be brought in to verify the signer's identity. This is a more difficult standard, because it requires having a third party involved in the process.

In order to use this method, a third-party witness must swear an oath and sign that the signing party to the document is who they say they are. The witness must be credible and personally known to you (see above on personal knowledge), and needs to provide identifying documents (see above on identifying documents) to prove their identity. Finally, both the signer and the witness must appear physically in front of you during the notarial act.

## **Confirm competency, knowledge, and voluntariness of the signer**

RCW 42.45.060

Another important function of the notary public is to identify that the person signing is doing so of their own free will. Being able to see and interact with the signer gives you the opportunity to confirm that the signing party intends to sign the documents in question, is competent to sign them, and is doing so voluntarily.

Examples of situations where the signing party may not be competent, knowing, or signing voluntarily include where the signing party:

- Is signing under duress
- Does not read and write the language of the documents being signed
- Is intoxicated or under the influence of drugs
- Is mentally infirm
- Is underage

If you have doubts about the competency, knowledge, and voluntariness of a signer, you may ask questions and talk with the signer to get a better sense of their mental state. If you are not satisfied that the signer is competent, knowing, or signing voluntarily, you may refuse to perform the notarization.

## **Performing the notarial act**

RCW 42.45.180; WAC 308-30-190; WAC 308-30-200; WAC 308-30-210

Once you have confirmed the identity and mental state of the signing party, the notarial act can take place. The notarial act consists of three parts: recording the act in a notarial journal, performing the notarial duty, and completing the notarial certificate.

### Recording the act in a notarial journal

As of July 1, 2018, Washington State requires that all notarial acts be recorded in a notarial journal. The journal requirement protects notaries by creating a record of the notarial acts they perform. The journal can be purchased anywhere notary and office supplies are sold, and while their format may vary, there are a few requirements that the journal must include:

- You must maintain one, and only one, physical journal for notarial acts at any given time.

The physical journal must be in a permanent, bound register with numbered pages.

- If you have an electronic records notary public endorsement, you may also maintain an electronic journal. This journal may not replace the physical journal, and can only duplicate entries in the physical journal.
- The journal must be kept in a locked and secured area, under the exclusive control of the notary, when not in use.
- You must keep the journal for ten years after the last notarial act recorded in it.

There are a few required pieces of information that every entry in the journal must include. Beyond these, you should include whatever information you believe will be helpful in recording the notarial act, such as more details about the method of identification or the signing party's fingerprint. There is no restriction on using short-hand or abbreviations, however if you choose to do so, you should include a key in case the journal needs to be inspected by a third party. The information required to be in each entry includes:

- The date and time of the act,
- A brief description of the document being signed and the act performed, and
- The full name and address of each signing party,
- The signing party's signature (or the signature of that party's proxy, see RCW 42.45.070), and
- A brief description of how you identified the signing party ("Driver's license," "Credible witness," etc.)

### Perform the notarial duty

Alongside recording the notarial act, it is important that you perform the duty that is being asked of you by the signing party and identified by the notarial certificate. The requirements for each of these duties are slightly different and are discussed below in more detail.

### Complete the notarial certificate

An essential element to performing a notarial act is completing the notarial certificate, where your signature and seal will be placed. The certificate contains your verification of the act being witnessed. It may be a separate document, or it may be a section on an existing document.

Each certificate has a few required components that must be present; the minimum language is provided in state law, but the actual language may vary from document to document. As long as you can identify all four components in the notarial certificate, the language in the statement of particulars can vary from the language provided by state law. The components required for a notarial certificate include:

- **Venue:** the state and county where the notarial act was performed.
- **"Statement of particulars":** the statement of which notarial act is being performed, which must include who the signing party is, when they are signing, and what they are specifically attesting to. For example, the statement of particulars for an acknowledgement may say, "This record was acknowledged before me on (date) by (name of signing party)."
- **Notary's Signature:** there should be a space designated for your signature.
- **Notary's Stamp:** there should also be a space designated for your seal or stamp.

It is important that a notary public who is not a licensed attorney should avoid making recommendations about adding certificates or changing substantive language in a notarial certificate because this may constitute legal advice. What exactly does or does not constitute legal advice depends on the facts of the situation, so the Department of Licensing cannot make specific recommendations regarding all situations. Remember, though, that the unauthorized practice of law is a gross misdemeanor in the state of Washington and is subject to other regulatory bodies such as the Washington State Bar Association, which may have more detailed information or guidelines available.

Given the need for notaries to avoid giving out legal advice, the Department sometimes receives questions about what a notary should do if a client presents them with incomplete documents. If a customer comes with a document that has no notarial certificate, you can provide the customer with all available certificates and have them choose the certificate they wish to add. Notaries are also allowed to correct clerical errors on a notarial certificate, such as spelling errors or an incorrect state printed on the certificate. Additionally, notaries can always seek advice from an attorney or suggest that the signing party do so if there are any specific questions.

The notarial certificate should be entirely on one page and should be incorporated as part of the document being notarized whenever possible. If the notarial certificate is on its own page, or is separate from the rest of the document, you should indicate on both the document being notarized and the certificate that the certificate is attached as a separate page.

A list of the notarial certificates provided by statute can be found later in this handbook.

## **Venue requirements**

RCW 42.45.080; WAC 308-30-110

It is important to note the geographical limitations on a notary's ability to perform notarial acts. Your notarial commission gives you the power to perform notarial acts anywhere in the state of Washington. This means that you and every signing party must be in Washington State at the time of the notarial act. Additionally, you should remember the physical presence requirement; all parties to a notarial act must be physically present with you for you to perform the notarial act. If you wish to perform notarial acts in another state or country, you will need to be licensed by the appropriate authority for that state or country.

## **Electronic Notarial Acts**

As of July 1, 2018, notaries with an electronic records notary public endorsement will be permitted to perform notarial acts on electronic documents. In doing so, you will affix an electronic copy of your seal or stamp and your digital signature to an electronic document, usually in a .pdf format, and have the signing parties affix digital signatures to the document concurrently. This endorsement will allow for quicker transmission of documents, particularly in industries where large numbers of documents are transferred regularly, such as in the real estate industry.

How to apply for an electronic records endorsement was covered in an earlier section. This section will discuss how to notarize electronic documents, and limitations on the endorsement.

## How to notarize electronic documents

RCW 42.45.190; WAC 308-30-120– -180; WAC 308-30-200

Once you have an electronic records notary public endorsement, you can notarize electronic documents using appropriate software from a third party notary technology provider. As noted above, you must report each technology provider you intend to use to the Department before using that technology. One way to think about this software is as the analog for your physical seal or stamp; it is what you use to apply your seal or stamp image (and your signature), and you can only get it once you have your endorsement. Any technology you use must be “tamper-evident” and meet the minimum requirements of WAC 308-30-130. There are several companies that are offering these services, which you can find by searching online. The Department of Licensing does not endorse any particular notary technology at this time.

The basic requirements of electronic notarization are the same as they are for any notarization, as all requirements of chapter 42.45 RCW and chapter 308-30 WAC apply to both types of notarial acts. The specifics of how to notarize electronic documents, once you have secured your endorsement, vary based on the company and service that you choose, which makes giving specific information difficult. You should speak to your technology provider if you need more assistance about how to perform notarial acts with this software.

## Limitations on electronic notarization

RCW 42.45.180; WAC 308-30-110(3); WAC 308-30-200

While the incoming laws and rules allow notaries with electronic records endorsements to perform notarizations on electronic documents, there are two major limitations that you should keep in mind.

The first major limitation is that every party to the notarial act must still be physically present with you during the notarization. This means that even though the documents are electronic, the signing parties must still be signing these electronic documents on a computer in front of you. This is in contrast to another notary topic, known as remote notarization, where notaries may notarize documents over online communications software such as Skype, Facetime, or Google Hangouts. Washington law does **not** authorize notaries to perform remote notarizations.

The second major limitation has already been discussed, which is the journal requirement. The journal requirement is the same for electronic notarial acts as it is for all other notarial acts: each notarial act must be recorded in your journal. As stated above, a notary’s physical journal must contain records of all notarial acts, including electronic notarial acts. Electronic notarial software may create an electronic journal as a duplicate, but even then, you must record the act in your physical journal.

## Specific Notarial Acts

RCW 42.45 lists the notarial acts that a notary public may perform, which includes:

- Taking an acknowledgement
- Witnessing or attesting signatures

- Administering oaths or affirmations
- Taking verification of oaths or affirmations
- Certifying or attesting a copy
- Receiving or noting a protest of a negotiable instrument
- Certifying an event has occurred or an act has been performed.

Below are descriptions of each of these acts and the minimum requirements of what a notary must do to complete them, in addition to the steps set out above. RCW 42.45.140 provides short form certificates that are considered sufficient under Washington State law. These short form certificates are the minimum examples provided by Washington State law; the certificates used in practice may have additional language included.

### Taking an acknowledgement

RCW 42.45.010(1) and (8); RCW 42.45.030(1); RCW 42.45.140(1) and (2)

A notary who takes an acknowledgement confirms that the person before them was the signing party on a document that has already been signed. In this case, the notary has to confirm not that the document is being signed during the notarial act, but that the document was signed in the past and that the signing party before the notary was the signing party for the original signature.

It is important to note that an acknowledgement can be taken in either an individual or a representative capacity. These two acts have slightly different requirements, with the latter requiring additional information.

- **Individual:** For an individual acknowledgement, the signing party is confirming that they personally signed the document in the past.
- **Representative:** An individual may need to sign a record in a representative capacity, either for another individual (such as under a power of attorney) or on behalf of a business entity. For these acknowledgements, the representative must identify their title of authority and the party on behalf of whom the document is being acknowledged.

For acknowledgements in an individual capacity, the sample certificate is:

State of \_\_\_\_\_

County of \_\_\_\_\_

This record was acknowledged before me on (date) by (name(s) of individuals).

\_\_\_\_\_  
(Signature of notary public)

(Stamp)

\_\_\_\_\_  
(Title of office)  
My commission expires:

.....  
(date)

For acknowledgements in a representative capacity, the sample certificate is:

State of \_\_\_\_\_

County of \_\_\_\_\_

This record was acknowledged before me on (date) by (name(s) of individuals) as (type of authority, such as officer or trustee) of (name of party on behalf of whom record was executed).

(Stamp)

\_\_\_\_\_  
(Signature of notary public)

\_\_\_\_\_  
(Title of office)

My commission expires:

....  
(date)

### Witnessing or attesting signatures

RCW 42.45.010(8); RCW 42.45.030(3); RCW 42.45.140(4)

Witnessing or attesting a signing party's signature can be done in one of two ways:

- Witness the signature taking place, by having the signing party physically present to sign the document.
- If the document is already signed, then the signing party can have the signature attested instead, where the signing party *signs a second time* in the notary's presence.

The sample certificate for witnessing or attesting a signature is:

State of \_\_\_\_\_

County of \_\_\_\_\_

Signed or attested before me on (date) by (name(s) of individuals).

(Stamp)

\_\_\_\_\_  
(Signature of notary public)

\_\_\_\_\_  
(Title of office)

My commission expires:

....  
(date)

### Administering oath or affirmation

RCW 42.45.010(8)

Administering an oath or affirmation is by itself a simple process. The notary asks the swearing party to raise their right hand and either swear an oath or solemnly affirm that they will perform an action or uphold a specific standard based on the situation. For example, these are commonly used for swearing an official into office, where the new office-holder swears to uphold the standards of that office.

Because taking an oath or affirmation is primarily a verbal act, there is no certificate associated with it.

## **Taking verification of an oath or affirmation**

RCW 42.45.010(8); RCW 42.45.030(2); RCW 42.45.140(3)

This notarial duty, also known as a “jurat,” is a combination of witnessing a signature and administering an oath. There are three steps that a notary will perform as part of this act:

- First, the signing party brings a written statement to the notary to be verified.
- Second, the notary has the signing party raise their hand and either swear an oath or solemnly affirm that the contents of the document are true.
- Finally, after the oath, the signing party signs the document in front of the notary.

The sample certificate for taking verification of an oath or affirmation is:

State of \_\_\_\_\_

County of \_\_\_\_\_

Signed and sworn to (or affirmed) before me on (date) by (name(s) of individuals making statement).

\_\_\_\_\_  
(Signature of notary public)

(Stamp)

\_\_\_\_\_  
(Title of office)

My commission expires:

....

(date)

## **Certifying or attesting a copy**

RCW 42.45.010(8); RCW 42.45.030(4); RCW 42.45.130(5)

A notary who certifies or attests a copy of a document is verifying that the document in question is an exact copy of another document. The notary must compare the copy with the original document and determine that the copy is a full, true, and accurate transcription or reproduction of the original.

The simplest way to ensure that the copy meets this standard is for the notary to make the copy themselves when possible. The notary, however, should avoid copying public documents that



indicate that they should not be copied. Copies of these documents should be obtained ahead of time by the person requesting the certification.

The sample certificate for certifying or attesting a copy is:

State of \_\_\_\_\_

County of \_\_\_\_\_

I certify that this is a true and correct copy of a record in the possession of \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature of notary public)

(Stamp)

\_\_\_\_\_  
(Title of office)

My commission expires:

....

(date)

### **Certifying or noting a protest of a negotiable instrument**

RCW 42.45.010(8); RCW 42.45.030(5)

As of July 1, 2018, a Washington notary is only allowed to certify and note protest of negotiable instruments under the direct supervision of a licensed attorney or a licensed financial institution such as a bank. This act requires specialized training and specific circumstances, so only notaries who are acting under the narrow circumstances permitted by statute duty should perform this act.

### **Certifying an event has occurred or an act has been performed**

RCW 42.45.010(8); RCW 42.45.140(6); WAC 308-30-110

A notary may certify that an event has occurred or an act has been performed based on personal knowledge or “satisfactory evidence,” which often refers to the oath or affirmation of a credible witness personally known to the notary. When relying on the oath or affirmation of a witness, the act is very similar to performing a jurat, in that you will have the witness swear an oath or affirmation that the event occurred or the act was performed, then will have the signing party sign the document documenting that event or act. If the notary is relying on their own observations, they may skip this and simply notarize the document.

Keep in mind that just like with a jurat, if a notary is relying on the oath or affirmation of a third party reliable witness, that reliable witness should be someone that the notary has a personal - enough connection such that they would be willing and able to testify to that relationship in court.

The sample certificate for taking verification of an oath or affirmation is:

State of \_\_\_\_\_

County of \_\_\_\_\_

I certify that the event described in this document has occurred or been performed.

\_\_\_\_\_  
(Signature of notary public)

(Stamp)

\_\_\_\_\_  
(Title of office)

My commission expires:

....

(date)

## **Frequently Asked Questions**

### **What sort of things could disqualify my application? Will a DUI disqualify me, and should I report it?**

The notary public application asks about every applicant’s criminal history to determine their fitness for a notary public commission. If you report a criminal history, your application will not be automatically rejected; each application is examined to determine the fitness of each candidate.

The reasons that the Department may deny an application are listed in RCW 42.45.210 and RCW 18.235.130. Some of the most common of these reasons include:

- Failure to comply with the laws and requirements that govern notary publics;
- A conviction of either a felony or a crime involving fraud, dishonesty, or deceit; or,
- A fraudulent, dishonest, or deceitful misstatement or omission on a notary public application

Generally, the Department examines whether the application demonstrates that the applicant has the honesty, integrity, competence, and reliability to uphold the position. If there is some information that you need to disclose, it is recommended that you include a detailed summary of the facts to allow for a more complete review.

With regards to driving under the influence (“DUI”), the notary public application asks about felonies and gross misdemeanors, but does not ask for traffic offenses. In Washington, driving under the influence is not strictly a traffic offense; it can be charged as a gross misdemeanor or felony. For this reason, any convictions should be reported on the notary public application. As above, any disclosure on the application should be supported by a description of the facts.

### **Can I perform a notarization from just a copy of someone’s driver license and a matching signature?**

No. In Washington State, the signing party must be in the physical presence of the notary. This is a common error and can put a notary at risk for disciplinary action and/or civil liability for improper notarization.

### **Should I keep copies of the documents that I notarize for my own records?**

No. RCW 42.45.230(6) states that a notary public may not keep copies of documents that they notarize, unless they are a licensed attorney or other legal professionals as specified in the law. By keeping a notarial journal that meets the requirements of RCW 42.45.180 and WAC 308-30-200, a notary should have sufficient record of their notarial acts.

### **Can I charge for performing notarizations?**

Yes. A notary can charge up to \$10 per notarial act. They may also charge for travel expenses if the amount is agreed upon by the person requesting the notarization prior to the travel. See WAC 308-30-220.

### **Am I required to perform a notarial act when someone requests one?**

No. You always have the authority to refuse to perform a notarial act unless refusal is prohibited by another law, such as Washington anti-discrimination laws. A notary has the authority to refuse to perform a notarial act if the notary is not satisfied with the evidence of a party's identity or if the notary is not satisfied that the individual signing a record is competent, has the capacity to sign the record, and is doing so knowingly or voluntarily. See RCW 42.45.050 and RCW 42.45.060.

### **Can I notarize I-9 employment forms, certificate of life forms, or other specific forms?**

The I-9 employment form asks for a signature from for the U.S. Citizenship and Immigration Services an individual as a business representative, not a notary. Because of this, an I-9 form does not need to be notarized.

Certificate of life forms, which generally ask for signature by a public official to confirm that an individual is alive to receive pension benefits, generally may be notarized by a notary public. Washington State allows a notary public to certify that an event has occurred or an act has been performed and this has been interpreted to include verifying that an individual appeared before the notary on a specific date while alive. As always, please check with your specific clients and/or other appropriate authorities to confirm whether a specific form requires notarization.

For other specific forms, the question can be answered by determining if there is a notarial certificate that needs to be filled out as part of the document and if that certificate falls under one of the notarial duties discussed above and authorized by chapter 42.45 RCW listed above. If there is a notarial certificate that conforms to state requirements, or if a certificate can be logically attached to the document, then it is probably appropriate to notarize the document.

### **Is a state employee's notarial journal public record or private property?**

While generally a notary's journal is considered private property, the journal entries that a notary public creates during the course of work as a state or local government employee in Washington are likely public records, due to the nature of government employee's work and

Washington public disclosure laws. The Department recognizes that this may create difficulties for state or local government employees who perform notarizations both while working and outside of work.

A notary may be able to argue that specific journal entries are not public record, because they were created outside of the scope of their employment. In order to prove this, though, the notary is responsible for demonstrating which entries are work-related and which are not. To help prove which entries are public record, the notary public can segregate their state-work notarizations and after-hours notarizations into different sections of the journal, such as recording all of the after-hours notarizations in the back of the journal. Color coding journal entries may be another way to distinguish which entries are public record.

The Department advises any notary who works for the state or a local government agency in Washington to consult with their agency's public records advisor on these issues.

### **What is a Notario Publico and how does it relate to a notary public commission?**

The terms "Notario Publico" or "notario" are similar to notary public commissions as we understand them in Washington, but a notary public should be careful not to confuse the two. It is illegal under RCW 42.45.230(3) for a Washington notary to advertise themselves as a notario publico or notario.

In some foreign countries, notario publicos serve similar functions to notary publics, but have additional authority similar to licensed attorneys. There have been several cases of American notary publics advertising themselves as notario publicos, which may lead some people to believe that a notary public is capable of offering legal advice, which is not the case.

Because the term notario publico has been associated with legal practice, a notary public must avoid advertising themselves as a "notario" or "notario publico" unless they are also a licensed attorney.

### **Is there an education requirement to get a Notary Public Commission?**

At this time there is no education requirement or examination as part of the notary public commission application. The Department of Licensing strongly recommends notaries public seek out education regarding their commission and there are a number of organizations that provide notary education. Additionally, we recommend that notaries keep a copy of this handbook and refer to it if they have any questions about the notary practice.

Finally, a notary with questions may reach out to the Department of Licensing by phone or email to get answers to questions that aren't answered elsewhere.

### **Can a notary notarize a document for a spouse or family member?**

Generally, a notary public should not perform a notarial act for a spouse or family member.

Under Washington law, a notary may not notarize their own signature nor perform a notarial act if the notary's spouse or domestic partner are a party or will have a direct beneficial interest. While not expressly prohibited by chapter 42.45 RCW, it is also generally inadvisable for a notary to notarize a document for extended family members. A notary that performs a notarial act for a family

member may be seen as having a conflict of interest in the transaction, which could call the notarial act into question.

## **Can a notary perform notarial acts for documents or signing parties in other languages?**

There is nothing in state law that forbids a notary public from notarizing a document written in a foreign language or for a signing party that does not speak English. However, the notary must be sure they can still meet the requirements for performing a notarial act.

A notary is generally not responsible for confirming the contents of a document (outside of certifying a copy, but that has unique standards), however, they do need to make sure the correct notarial certificate is on the document. As of July 1, 2018, all notarial certificates must either be in English, or in dual-languages where one of the languages is English, so the notary should be able to identify the certificate on a document being notarized.

A notary should also be aware of the inherent additional difficulty associated with confirming the identity of a signing party when they do not share a common language. Speaking different languages can make it difficult for a notary to properly identify the signing party and what is being asked of them. If the notary has access to a translator that they can rely on, it can help to alleviate this risk.

Remember, a notary has the right to refuse to notarize a document if they cannot confirm the required information for that notarial act, including the identity of the signing party.

## **What do I need to know about Apostilles? Are they the same as notarizations?**

When documents will be used outside the United States in courts or other official capacities, they usually must be verified through a process called an apostille. Apostilles are performed by the Washington Secretary of State's office, who verify the commission of the person who notarized the documents.

One of the key differences between apostilles and notarizations is that notarizations are handled by notaries public, whereas apostilles are handled by the Secretary of State's office. A notary cannot perform an apostille. You can find more information about apostilles through the Secretary of State's website.

# **Washington Laws and Rules**

## **Notary Laws: Revised Code of Washington**

### **RCW 42.45.010**

#### **Definitions.**

In this chapter:

- (1) "Acknowledgment" means a declaration by an individual in the presence of a notarial officer stating that the individual has signed a record of the individual's free will for the purpose stated in the record and, if the record is signed in a representative capacity, the individual also declares that he or she signed the record with proper authority and signed it as the act of the individual or entity identified in the record.
- (2) "Department" means the department of licensing.
- (3) "Director" means the director of licensing or the director's designee.
- (4) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (5) "Electronic records notary public" means an individual commissioned by the director to perform a notarial act with respect to electronic records. Nothing in chapter 281, Laws of 2017 authorizes an electronic records notary public to provide court reporting services.
- (6) "Electronic signature" means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.
- (7) "In a representative capacity" means acting as:
  - (a) An authorized officer, agent, partner, trustee, or other representative for a person other than an individual;
  - (b) A public officer, personal representative, guardian, or other representative, in the capacity stated in a record;
  - (c) An agent or attorney-in-fact for a principal; or
  - (d) An authorized representative of another in any other capacity.
- (8) "Notarial act" means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of this state. The term includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, certifying the occurrence of an event or the performance of an act, and noting a protest of a negotiable instrument if the protest was prepared under the authority of an attorney licensed to practice law in this state or another state, or was prepared under the authority of a financial institution that is regulated by this state, another state, or the federal government.
- (9) "Notarial officer" means a notary public or other individual authorized to perform a notarial act.
- (10) "Notary public" means an individual commissioned to perform a notarial act by the director.

- (11) "Official stamp" means a physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record.
- (12) "Person" means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
- (13) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in human perceivable form.
- (14) "Sign" means, with present intent to authenticate or adopt a record:
- (a) To execute or adopt a tangible symbol; or
  - (b) To attach to or logically associate with the record an electronic symbol, sound, or process.
- (15) "Signature" means a tangible symbol or an electronic signature that evidences the signing of a record.
- (16) "Stamping device" means:
- (a) A physical device capable of affixing to or embossing on a tangible record an official stamp; or
  - (b) An electronic device or process capable of attaching to or logically associating with an electronic record an official stamp.
- (17) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
- (18) "Verification on oath or affirmation" means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

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#### **RCW 42.45.020**

##### **Authority to perform notarial act.**

- (1) A notarial officer may perform a notarial act authorized by this chapter or by law of this state other than this chapter.
- (2) (a) A notarial officer may not perform a notarial act with respect to a record to which the officer or the officer's spouse or domestic partner is a party, or in which any of the above have a direct beneficial interest.
- (b) A notarial officer may not notarize the notarial officer's own signature.
- (c) A notarial act performed in violation of this subsection (2) is voidable.

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#### **RCW 42.45.030**

##### **Certain notarial acts—Requirements.**

- (1) A notarial officer who takes an acknowledgment of a record shall determine, from personal

knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

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

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

(4) A notarial officer who certifies or attests a copy of a record or an item that was copied shall compare the copy with the original record or item and determine that the copy is a full, true, and accurate transcription or reproduction of the record or item.

(5) A notarial officer may make or note a protest of a negotiable instrument only if the notarial officer is licensed to practice law in this state, acting under the authority of an attorney who is licensed to practice law in this or another state, or acting under the authority of a financial institution regulated by this state, another state, or the federal government. In making or noting a protest of a negotiable instrument the notarial officer or licensed attorney shall determine the matters set forth in RCW [62A.3-505](#)(b).

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#### **RCW 42.45.040**

##### **Personal appearance.**

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

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#### **RCW 42.45.050**

##### **Identification of individual.**

(1) A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

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

(a) By means of:

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

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



(b) By a verification on oath or affirmation of a credible witness personally appearing before the officer and personally known to the officer and who provides satisfactory evidence of his or her identity as described in (a) of this subsection.

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

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#### **RCW 42.45.060**

##### **Refusal to perform notarial act.**

(1) A notarial officer has the authority to refuse to perform a notarial act if the officer is not satisfied that:

(a) The individual executing the record is competent or has the capacity to execute the record;  
or

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

(2) A notarial officer has the authority to refuse to perform a notarial act unless refusal is prohibited by law other than this chapter.

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#### **RCW 42.45.070**

##### **Individual unable to sign—Signature.**

Except as otherwise provided in RCW [64.08.100](#), if an individual is physically unable to sign a record, the individual may direct an individual other than the notarial officer to sign the individual's name on the record. The notarial officer shall insert "signature affixed by (name of other individual) at the direction of (name of individual)" or words of similar import.

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#### **RCW 42.45.080**

##### **Notarial act in this state.**

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

(a) A notary public of this state;

(b) A judge, clerk, or deputy clerk of a court of this state; or

(c) Any other individual authorized to perform the specific act by the law of this state.

(2) The signature and title of an individual authorized by chapter 281, Laws of 2017 to perform a notarial act in this state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of a notarial officer described in subsection (1)(a) or (b) of this section conclusively establishes the authority of the officer to perform the notarial act.

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**RCW 42.45.090****Notarial act in another state—Effect in this state.**

- (1) A notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed in that state is performed by:
    - (a) A notary public of that state;
    - (b) A judge, clerk, or deputy clerk of a court of that state; or
    - (c) Any other individual authorized by the law of that state to perform the notarial act.
  - (2) The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.
  - (3) The signature and title of a notarial officer described in subsection (1)(a) through (c) of this section conclusively establishes the authority of the officer to perform the notarial act.
- 

**RCW 42.45.100****Notarial act under authority of federally recognized Indian tribe.**

- (1) A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notarial officer of this state, if the act performed in the jurisdiction of the tribe is performed by:
    - (a) A notary public of the tribe;
    - (b) A judge, clerk, or deputy clerk of a court of the tribe; or
    - (c) Any other individual authorized by the law of the tribe to perform the notarial act.
  - (2) The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.
  - (3) The signature and title of a notarial officer described in subsection (1)(a) through (c) of this section conclusively establishes the authority of the officer to perform the notarial act.
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**RCW 42.45.110****Notarial act under federal authority.**

- (1) A notarial act performed under federal law has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed under federal law is performed by:
    - (a) A judge, clerk, or deputy clerk of a court;
    - (b) An individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;
    - (c) An individual designated a notarizing officer by the United States department of state for performing notarial acts overseas; or
    - (d) Any other individual authorized by federal law to perform the notarial act.
-

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

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

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### **RCW 42.45.120**

#### **Foreign notarial act.**

(1) In this section, "foreign state" means a government other than the United States, a state, or a federally recognized Indian tribe.

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

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

(4) The signature and official stamp of an individual holding an office described in subsection (3) of this section are prima facie evidence that the signature is genuine and the individual holds the designated title.

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

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

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### **RCW 42.45.130**

#### **Certificate of notarial act.**

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

- (a) Be executed contemporaneously with the performance of the notarial act;
- (b) Be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the department;
- (c) Identify the jurisdiction in which the notarial act is performed;
- (d) Contain the title of office of the notarial officer;
- (e) Be written in English or in dual languages, one of which must be English; and

- (f) If the notarial officer is a notary public, indicate the date of expiration, if any, of the officer's commission.
- (2) Regarding notarial act certificates on a tangible record:
- (a) If a notarial act regarding a tangible record is performed by a notary public, an official stamp must be affixed to or embossed on the certificate.
  - (b) If a notarial act regarding a tangible record is performed by a notarial officer other than a notary public and the certificate contains the information specified in subsection (1)(b), (c), and (d) of this section, an official stamp may be affixed to or embossed on the certificate.
- (3) Regarding notarial act certificates on an electronic record:
- (a) If a notarial act regarding an electronic record is performed by an electronic records notary public, an official stamp must be attached to or logically associated with the certificate.
  - (b) If a notarial act regarding an electronic record is performed by a notarial officer other than a notary public and the certificate contains the information specified in subsection (1)(b), (c), and (d) of this section, an official stamp may be attached to or logically associated with the certificate.
- (4) A certificate of a notarial act is sufficient if it meets the requirements of subsections (1) through (3) of this section and:
- (a) Is in a short form set forth in RCW [42.45.140](#);
  - (b) Is in a form otherwise permitted by the law of this state;
  - (c) Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or
  - (d) Sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in RCW [42.45.030](#), [42.45.040](#), and [42.45.050](#) or law of this state other than this chapter.
- (5) By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in RCW [42.45.030](#), [42.45.040](#), and [42.45.050](#).
- (6) A notarial officer may not affix the officer's signature to, or logically associate it with, a certificate until the notarial act has been performed.
- (7) If a notarial act is performed regarding a tangible record, a certificate must be part of, or securely attached to, the record. If a notarial act is performed regarding an electronic record, the certificate must be affixed to, or logically associated with, the electronic record. If the director has established standards pursuant to RCW [42.45.250](#) for attaching, affixing, or logically associating the certificate, the process must conform to the standards.

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## **RCW 42.45.140**

### **Short form certificates.**

The following short form certificates of notarial acts are sufficient for the purposes indicated, if

completed with the information required by RCW [42.45.130](#) (1) through (4):

(1) For an acknowledgment in an individual capacity:

State of .....

County of .....

This record was acknowledged before me on (date) by (name(s) of individuals).

(Stamp)

.....  
(Signature of notary public)

.....  
(Title of office)  
My commission expires:  
.....  
(date)

(2) For an acknowledgment in a representative capacity:

State of .....

County of .....

This record was acknowledged before me on (date) by (name(s) of individuals) as (type of authority, such as officer or trustee) of (name of party on behalf of whom record was executed).

(Stamp)

.....  
(Signature of notary public)

.....  
(Title of office)  
My commission expires:  
.....  
(date)

(3) For verification on oath or affirmation:

State of .....

County of .....

Signed and sworn to (or affirmed) before me on (date) by (name(s) of individuals making statement).

(Stamp)

.....  
(Signature of notary public)

.....  
(Title of office)  
My commission expires:  
.....  
(date)

(4) For witnessing or attesting a signature:

State of .....

County of .....

Signed or attested before me on (date) by (name(s) of individuals).

(Stamp) . . . .  
(Signature of notary public)  
  
. . . .  
(Title of office)  
My commission expires:  
. . . .  
(date)

(5) For certifying or attesting a copy of a record:

State of .....

County of .....

I certify that this is a true and correct copy of a record in the possession of .....

Dated: . . . .  
. . . .  
(Signature of notary public)  
(Stamp)  
  
. . . .  
(Title of office)  
My commission expires:  
. . . .  
(date)

(6) For certifying the occurrence of an event or the performance of any act:

State of .....

County of .....

I certify that the event described in this document has occurred or been performed.

Dated: . . . .  
. . . .  
(Signature of notary public)  
(Stamp)  
  
. . . .  
(Title of office)  
My commission expires:  
. . . .  
(date)

## **RCW 42.45.150**

### **Official stamp.**

(1) It is unlawful for any person intentionally to manufacture, give, sell, procure, or possess a seal or stamp evidencing the current appointment of a person as a notary public until the director has issued a notary commission. The official seal or stamp of a notary public must include:

- (a) The words "notary public";
- (b) The words "state of Washington";
- (c) The notary public's name as commissioned;
- (d) The notary public's commission expiration date; and
- (e) Any other information required by the director.

(2) The size and form or forms of the seal or stamp shall be prescribed by the director in rule.

(3) The seal or stamp must be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.

(4) The seal or stamp used at the time that a notarial act is performed must be the seal or stamp evidencing the notary public's commission in effect as of such time, even if the notary public has received the seal or stamp evidencing his or her next commission.

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## **RCW 42.45.160**

### **Stamping device—Security.**

(1) A notary public is responsible for the security of the notary public's stamping device and may not allow another individual to use the device to perform a notarial act. On resignation from, or the revocation or expiration of, the notary public's commission, or on the expiration of the date set forth in the stamping device, the notary public shall disable the stamping device by destroying, defacing, damaging, erasing, or securing it against use in a manner that renders it unusable. On the death or adjudication of incompetency of a notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the stamping device shall render it unusable by destroying, defacing, damaging, erasing, or securing it against use in a manner that renders it unusable.

(2) The seal or stamp should be kept in a locked and secured area, under the direct and exclusive control of the notary public. If a notary public's stamping device is lost or stolen, the notary public or the notary public's personal representative or guardian shall notify promptly the department on discovering that the device is lost or stolen. Any replacement device must contain a variance from the lost or stolen seal or stamp.

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## **RCW 42.45.170**

### **Fees.**

(1) The director may establish by rule the maximum fees that may be charged by notaries public for various notarial services.

(2) A notary public need not charge fees for notarial acts.

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### **RCW 42.45.180**

#### **Journal.**

(1) A notary public shall maintain a journal in which the notary public chronicles all notarial acts that the notary public performs. The notary public shall retain the journal for ten years after the performance of the last notarial act chronicled in the journal. The journal is to be destroyed as required by the director in rule upon completion of the ten-year period.

(2) Notwithstanding any other provision of this chapter requiring a notary public to maintain a journal, a notary public who is an attorney licensed to practice law in this state is not required to chronicle a notarial act in a journal if documentation of the notarial act is otherwise maintained by professional practice.

(3) A notary public shall maintain only one tangible journal at a time to chronicle notarial acts, whether those notarial acts are performed regarding tangible or electronic records. The journal must be a permanent, bound register with numbered pages. An electronic records notary public may also maintain an electronic format journal, which can be kept concurrently with the tangible journal. The electronic journal must be in a permanent, tamper-evident electronic format complying with the rules of the director.

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

- (a) The date and time of the notarial act;
- (b) A description of the record, if any, and type of notarial act;
- (c) The full name and address of each individual for whom the notarial act is performed; and
- (d) Any additional information as required by the director in rule.

(5) The journal shall be kept in a locked and secured area, under the direct and exclusive control of the notary public. Failure to secure the journal may be cause for the director to take administrative action against the commission held by the notary public. If a notary public's journal is lost or stolen, the notary public promptly shall notify the department on discovering that the journal is lost or stolen.

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

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### **RCW 42.45.190**

#### **Notarial acts on electronic records—Technology—Notification—Standards.**

(1) A notary public may not perform notarial acts with respect to electronic records unless the notary public holds a commission as an electronic records notary public.

(2) An electronic records notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records that meet the standards provided in subsection

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(4) of this section. A person cannot require an electronic records notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

(3) Before an electronic records notary public performs the notary public's initial notarial act with respect to an electronic record, an electronic records notary public shall notify the department that he or she will be performing notarial acts with respect to electronic records and identify the technology the electronic records notary public intends to use.

(4) The director shall establish standards for approval of technology in rule. If the technology conforms to the standards, the director shall approve the use of the technology.

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### **RCW 42.45.200**

#### **Commission—Qualifications—Oath—Surety bond—Commission term—Electronic records notary public.**

(1) An individual qualified under subsection (2) of this section may apply to the director for a commission as a notary public. The applicant shall comply with and provide the information required by rules established by the director and pay any application fee.

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

- (a) Be at least eighteen years of age;
- (b) Be a citizen or permanent legal resident of the United States;
- (c) Be a resident of or have a place of employment or practice in this state;
- (d) Be able to read and write English; and
- (e) Not be disqualified to receive a commission under RCW [42.45.210](#).

(3) Before issuance of a commission as a notary public, an applicant for the commission shall execute an oath of office and submit it to the department in the format prescribed by the director in rule.

(4) Before issuance of a commission as a notary public, the applicant for a commission shall submit to the director an assurance in the form of a surety bond in the amount established by the director in rule. The assurance must be issued by a surety or other entity licensed or authorized to write surety bonds in this state. The assurance must be effective for a four-year term or for a term that expires on the date the notary public's commission expires. The assurance must cover acts performed during the term of the notary public's commission and must be in the form prescribed by the director. If a notary public violates law with respect to notaries public in this state, the surety or issuing entity is liable under the assurance. The surety or issuing entity shall give at least thirty days' notice to the department before canceling the assurance. The surety or issuing entity shall notify the department not later than thirty days after making a payment to a claimant under the assurance. A notary public may perform notarial acts in this state only during the period that a valid assurance is on file with the department.

(5) On compliance with this section, the director shall issue a commission as a notary public to an applicant for a term of four years or for a term that expires on the date of expiration of the assurance, whichever comes first.

(6) A commission to act as a notary public authorizes the notary public to perform notarial acts. The

commission does not provide the notary public any immunity or benefit conferred by law of this state on public officials or employees.

(7) An individual qualified under (a) of this subsection may apply to the director for a commission as an electronic records notary public. The applicant shall comply with and provide the information required by rules established by the director and pay the relevant application fee.

(a) An applicant for a commission as an electronic records notary public must hold a commission as notary public.

(b) An electronic records notary public commission may take the form of an endorsement to the notary public commission if deemed appropriate by the director.

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### **RCW 42.45.210**

#### **Grounds to deny, refuse to renew, revoke, suspend, or condition commission of notary public.**

(1) In addition to conduct defined as unprofessional under RCW [18.235.130](#), the director may take action as provided for in RCW [18.235.110](#) against a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public, including:

(a) Failure to comply with this chapter;

(b) A fraudulent, dishonest, or deceitful misstatement or omission in the application for a commission as a notary public submitted to the department;

(c) A conviction of the applicant or notary public of any felony or crime involving fraud, dishonesty, or deceit;

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

(e) Failure by the notary public to discharge any duty required of a notary public, whether by this chapter, rules of the director, or any federal or state law;

(f) Use of false or misleading advertising or representation by the notary public representing that the notary public has a duty, right, or privilege that the notary public does not have;

(g) Violation by the notary public of a rule of the director regarding a notary public;

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

(i) Failure of the notary public to maintain an assurance as provided in RCW [42.45.200](#)(4); or

(j) Making or noting a protest of a negotiable instrument without being a person authorized by RCW [42.45.030](#)(5).

(2) If the director denies, refuses to renew, revokes, suspends, imposes conditions, or otherwise sanctions, a commission as a notary public, the applicant or notary public is entitled to timely notice and hearing in accordance with chapter [34.05](#) RCW.

(3) The authority of the director to take disciplinary action on a commission as a notary public does

not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.

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### **RCW 42.45.220**

#### **Database of notaries public.**

The director shall maintain an electronic database of notaries public:

- (1) Through which a person may verify the authority of a notary public to perform notarial acts; and
  - (2) Which indicates whether a notary public has notified the director that the notary public will be performing notarial acts on electronic records.
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### **RCW 42.45.230**

#### **Prohibited acts.**

- (1) A commission as a notary public does not authorize an individual to:
    - (a) Assist persons in drafting legal records, give legal advice, or otherwise practice law;
    - (b) Act as an immigration consultant or an expert on immigration matters;
    - (c) Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship, or related matters;
    - (d) Receive compensation for performing any of the activities listed in this subsection; or
    - (e) Provide court reporting services.
  - (2) A notary public may not engage in false or deceptive advertising.
  - (3) A notary public, other than an attorney licensed to practice law in this state, or a Washington-licensed limited license legal technician acting within the scope of his or her license, may not use the term "notario" or "notario publico."
  - (4) A notary public, other than an attorney licensed to practice law in this state or a limited license legal technician acting within the scope of his or her license, may not assist another person in selecting the appropriate certificate required by RCW [42.45.130](#).
  - (5) A notary public, other than an attorney licensed to practice law in this state, or a Washington-licensed limited license legal technician acting within the scope of his or her license, may not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice, or otherwise practice law. If a notary public who is not an attorney licensed to practice law in this state, or a Washington-licensed limited license legal technician acting within the scope of his or her license, in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media, and the internet, the notary public shall include the following statement, or an alternate statement authorized or required by the director, in the advertisement or representation, prominently and in each language used in the advertisement or representation: "I am not an attorney licensed to practice law in this state. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities." If the form of advertisement or representation is not broadcast media, print media, or the internet and
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does not permit inclusion of the statement required by this subsection because of size, it must be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

(6) Except as otherwise allowed by law, a notary public may not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public. A notary public may not maintain copies or electronic images of documents notarized unless the copies or images are maintained by an attorney or Washington-licensed limited license legal technician acting within his or her scope of practice for the performance of legal services or for other services performed for the client and the copies or images are not maintained solely as part of the notary transaction.

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### **RCW 42.45.240**

#### **Validity of notarial acts.**

Except as otherwise provided in RCW [42.45.020](#)(2), the failure of a notarial officer to perform a duty or meet a requirement specified in this chapter does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under this chapter does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on law of this state other than this chapter or law of the United States. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts. Nothing in chapter 281, Laws of 2017 gives the director authority to invalidate a notarial act.

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### **RCW 42.45.250**

#### **Rules.**

- (1) The director may adopt rules necessary to implement this chapter.
- (2) In adopting, amending, or repealing rules about notarial acts with respect to electronic records, the director shall consider standards, practices, and customs of other jurisdictions that substantially enact this chapter.

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### **RCW 42.45.260**

#### **Commissions in effect July 1, 2018—Continuation.**

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

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### **RCW 42.45.270**

#### **Uniform regulation of business and professions act—Application.**

The uniform regulation of business and professions act, chapter [18.235](#) RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

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**RCW 42.45.900**

**Short title.**

This chapter may be known and cited as the revised uniform law on notarial acts.

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**RCW 42.45.901**

**Application.**

This chapter applies to a notarial act performed on or after July 1, 2018.

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**RCW 42.45.902**

**Savings.**

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

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**RCW 42.45.903**

**Application—Construction.**

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

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**RCW 42.45.904**

**Relation to electronic signatures in global and national commerce act.**

This chapter modifies, limits, and supersedes the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

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**RCW 42.45.905**

**Effective date—2017 c 281.**

This act takes effect July 1, 2018.

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## **Notary Rules: Washington Administrative Code**

### **WAC 308-30-010**

#### **Authority.**

This chapter implements the revised uniform law on notarial acts, chapter 42.45 RCW.

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### **WAC 308-30-020**

#### **Definitions.**

Words and terms used in these rules have the same meaning as in the Revised Uniform Law on Notarial Acts, RCW 42.45.010.

"Appear personally" means being in the same physical location as another individual and close enough to see, hear, communicate with, and exchange tangible identification credentials with that individual.

"Commission" is equivalent to the term "license" as defined in RCW 18.235.010(6).

"Department" means the Washington state department of licensing.

"Director" means the director of the department of licensing or the director's designee.

"Electronic journal" means a chronological record of notarizations maintained by a notary public in an electronic format in compliance with these rules.

"Electronic notarial acts" means notarizations or notarial acts with respect to electronic records.

"Electronic notarial certificate" means the part of, or attachment to, an electronic record that is completed by the notary public, contains the information required under RCW 42.45.130 and the notary's official stamp, bears that notary's electronic signature, and states the facts attested to by the notary in a notarization performed on an electronic record.

"Enroll" and "enrollment" mean a process for registering a notary public with a technology provider to access and use a tamper-evident technology in order to perform electronic notarial acts.

"Principal" means:

- (a) An individual whose electronic signature is notarized; or
- (b) An individual, other than a witness required for an electronic notarial act, taking an oath or affirmation from the notary public.

"Sole control" means at all times being in the direct physical custody of the notary public or safeguarded by the notary with a password or other secure means of authentication.

"Tamper-evident technology" means a set of applications, programs, hardware, software, or other technologies designed to enable a notary public to perform electronic notarial acts and to display evidence of any changes made to an electronic record.

"Technology provider" means an individual or entity that offers the services of a tamper-evident technology for electronic notarial acts.

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"Venue" means the state and county where the notary public is physically located while performing a notarial act.

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### **WAC 308-30-030**

#### **Application process for notary public commission.**

(1) To apply for a notary public commission, an applicant who meets the requirements of RCW 42.45.200(2) shall submit an application on forms provided by the department. The application shall include:

- (a) Evidence of a ten thousand dollar surety bond, signed by the notary public, that conforms to RCW 42.45.200(4);
- (b) Payment of the prescribed fee; and
- (c) A signed and notarized oath of office.

(2) As part of a notary public commission application, an applicant shall provide both their legal name and their commission name. The applicant's commission name must contain their surname, and at least the initials of the applicant's first and middle name.

(3) To apply for an electronic records notary public endorsement, an applicant who meets the requirements of RCW 42.45.200(7) shall submit an electronic records notary public application on forms provided by the department and pay the prescribed fee.

(4) An applicant may only apply for an electronic records notary public endorsement if:

- (a) They currently hold an active notary public commission; or
- (b) They are applying for a notary public commission and an electronic records notary public endorsement simultaneously.

(5) An individual applying for an electronic records notary public endorsement must inform the department within thirty days of applying of the tamper-evident technology provider that they have enrolled with before they perform their first electronic notarial act.

(6) A notary public shall reapply with the department for each commission term before performing notarial acts.

(7) A notary public may elect not to apply for an electronic records notary public endorsement.

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### **WAC 308-30-040**

#### **Approval or denial of application.**

(1) Upon the applicant's fulfillment of the requirements for a notary public commission or an electronic records notary public endorsement, the department shall approve the application and issue the commission or endorsement.

(2) If the department receives an incomplete or invalid application, the department shall hold the application for thirty calendar days to allow the applicant to cure any defects. After the thirty day period, the application shall be canceled and any application fees forfeited.

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- (3) An applicant may not perform any notarial acts before receiving a notary public commission from the department.
- (4) A notary public may not perform any electronic notarial acts before receiving an electronic records notary public endorsement from the department.
- (5) The department may deny a commission or endorsement application if the applicant fails to comply with these rules or does not meet the requirements for licensure.

**WAC 308-30-050**

**Term of commission.**

- (1) The term of a notary public commission shall expire on the expiration date of the notary public's surety bond, no more than four years after their commission date.
- (2) Unless terminated pursuant to WAC 308-30-270, an electronic records notary public endorsement is valid from the date the endorsement is issued by the department, and continues as long as the notary public's current commission remains valid.

**WAC 308-30-060**

**Application fees.**

The following fees shall be charged by the department:

Type of Fee	FEE
Application for notary public commission	\$10.00
Application for electronic records notary public endorsement	\$10.00
Renewal of notary appointment	\$10.00
Renewal of electronic records notary public endorsement	\$10.00
Duplicate certificate of commission (including name change)	\$10.00

**WAC 308-30-070**

**Size and form of official seal or stamp.**

An official seal or stamp shall conform to the following requirements:

- (1) The seal or stamp shall include the following information:
- (a) The words "notary public";
  - (b) The words "state of Washington";
  - (c) The notary public's name as commissioned;
  - (d) The notary public's commission expiration date; and
  - (e) The notary public's commission number.



- (2) The type on this seal or stamp shall be a minimum of 8 point type.
  - (3) The seal or stamp shall conform to the following physical requirements:
    - (a) The seal or stamp shall be minimum one and five-eighths inches diameter if circular, or one inch wide by one and five-eighths inches long if rectangular;
    - (b) The face of the seal or stamp shall be permanently affixed; and
    - (c) If the stamp is affixed to a tangible record, it shall be applied in permanent ink and shall be capable of being photocopied.
  - (4) The seal or stamp shall not contain the Washington state seal.
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### **WAC 308-30-080**

#### **Acquiring official seal or stamp.**

- (1) A notary public shall procure an official seal or stamp only after receiving a certificate evidencing the notary public's commission from the department, and shall provide a copy of this certificate to their chosen seal or stamp vendor as part of procuring the stamp.
  - (2) A notary public with a commission in effect on July 1, 2018, may continue to use their notarial seal until the commission's date of expiration. A notary public who procures an official seal or stamp after July 1, 2018, is subject to and shall comply with the rules in WAC 308-30-070.
  - (3) The stamp a notary public acquires is the exclusive property of the notary public, and shall not be surrendered to an employer upon termination of employment, regardless of whether the employer paid for the seal or for the notary's bond or appointment fees.
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### **WAC 308-30-090**

#### **Replacement of lost or stolen official seal or stamp.**

- (1) When an official seal or stamp is lost or stolen the notary public shall notify the department in writing within ten business days of discovering the seal or stamp was lost or stolen.
  - (2) The notary public may not obtain a replacement official seal or stamp until they have properly notified the department that the original was lost or stolen.
  - (3) A replacement official seal or stamp must contain some variance from the original seal or stamp.
  - (4) If the lost or stolen official seal or stamp is found or recovered after a replacement has been obtained, the original seal or stamp shall be destroyed.
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### **WAC 308-30-100**

#### **Notary signature.**

In addition to the requirements listed in RCW 42.45.130, a notary public signing the notarial certificate of a completed notarial act shall sign the notarial certificate using the exact name that appears on the notary's certificate of commission and their seal or stamp.

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**WAC 308-30-110****Requirements for notarial acts.**

- (1) In performing a notarial act, the notary public shall be physically within the geographic borders of the state of Washington.
- (2) A notarial officer who certifies that an event has occurred or an act has been performed shall determine, from personal knowledge or satisfactory evidence, that the occurrence or performance took place.
- (3) Electronic notarial acts shall conform to the requirements listed in these rules and RCW 42.45.040 on signing parties appearing before the notary.

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**WAC 308-30-120****Authorized electronic notarial acts.**

A notary public who has received an electronic records notary public endorsement from the department may perform the following electronic notarial acts:

- (1) Taking an acknowledgment;
- (2) Taking a verification on oath or affirmation;
- (3) Witnessing or attesting a signature;
- (4) Certifying or attesting a copy;
- (5) Certifying that an event has occurred or an act has been performed; and
- (6) Noting a protest of a negotiable instrument, if the notary public is:
  - (a) Licensed to practice law in the state of Washington;
  - (b) Acting under the authority of an attorney who is licensed to practice law in this or another state; or
  - (c) Acting under the authority of a financial institution regulated by this state, another state, or the federal government.

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**WAC 308-30-130****Requirements for technologies and technology providers.**

A tamper-evident technology shall comply with these rules:

- (1) A technology provider shall enroll only notaries public who have been issued an electronic records notary public endorsement pursuant to WAC 308-30-030.
- (2) A technology provider shall take reasonable steps to ensure that a notary public who has enrolled to use the technology has the knowledge to use it to perform electronic notarial acts in compliance with these rules.

(3) A tamper-evident technology shall require access to the system by a password or other secure means of authentication.

(4) A tamper-evident technology shall enable a notary public to affix the notary's electronic signature and seal or stamp in a manner that attributes such signature and seal or stamp to the notary.

(5) A technology provider shall provide prorated fees to align the usage and cost of the tamper-evident technology with the term limit of the notary public electronic records notary public endorsement.

(6) A technology provider shall suspend the use of any tamper-evident technology for any notary public whose endorsement has been revoked, suspended, or canceled by the state of Washington or the notary public.

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### **WAC 308-30-140**

#### **Refusal of requests to use system.**

In addition to the reasons listed in RCW 42.45.060, a notary public shall refuse a request to:

- (1) Use a tamper-evident technology that the notary does not know how to operate; or
- (2) Perform an electronic notarial act if the notary has a reasonable belief that a tamper-evident technology does not meet the requirements set forth in these rules.

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### **WAC 308-30-150**

#### **Completion of electronic notarial certificate**

(1) For every electronic notarial act, a notary public shall complete an electronic notarial certificate that complies with the requirements of these rules, RCW 42.45.130 and 42.45.140.

(2) An electronic notarial certificate shall be completed at the time of notarization and in the physical presence of the principal.

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### **WAC 308-30-160**

#### **Certification of electronic notarial acts.**

A notary public shall sign each electronic notarial certificate with an electronic signature that complies with WAC 308-30-170 and authenticate an electronic notarial act with an official stamp that complies with WAC 380-30-180.

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### **WAC 308-30-170**

#### **Electronic notarial signature.**

(1) A notary public shall use a tamper-evident technology that complies with WAC 308-30-130 of these rules to produce the notary's electronic signature in a manner that is capable of independent verification.

(2) A notary public shall take reasonable steps to ensure that no other individual may possess or access a tamper-evident technology used to produce the notary's electronic signature.

(3) A notary public shall keep in the sole control of the notary all or any part of a tamper-evident technology whose exclusive purpose is to perform electronic notarial acts.

(4) For the purposes of this section, "capable of independent verification" means that any interested individual may confirm through the department that a notary public who signed an electronic record in an official capacity had authority at that time to perform electronic notarial acts.

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### **WAC 308-30-180**

#### **Electronic notarial stamp.**

(1) An electronic stamp may be used to authenticate an electronic notarial act if the electronic notarial certificate conforms to the rules set forth in RCW 42.45.130 and 42.45.140.

(2) An electronic stamp of a notary public used to authenticate an electronic notarial act shall conform to RCW 42.45.150 and WAC 308-30-070.

(3) The electronic stamp of a notary public shall be a digital image that appears in the likeness or representation of a traditional physical notary public official stamp meeting the requirements of RCW 42.45.150 and WAC 308-30-070.

(4) The tamper-evident technology used to create a notary public's electronic stamp shall not be used for any purpose other than performing electronic notarial acts under chapter 42.45 RCW and these rules.

(5) Only the notary public to whom the tamper-evident technology is registered shall generate an official stamp.

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### **WAC 308-30-190**

#### **Journal of notarial acts required.**

(1) A notary public shall record each notarial act in a journal at the time of notarization in compliance with RCW 42.45.180 and these rules.

(2) If a notary public performs notarial acts involving different statements or documents for the same individual on the same date, the notary public may record a single entry in the journal for all of the statements or documents. The entry shall include the number of statements or documents notarized and shall otherwise conform to RCW 42.45.180 and these rules.

(3) The fact that the notary public's employer or contractor keeps a record of notarial acts shall not relieve the notary of the duties required by these rules.

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### **WAC 308-30-200**

#### **Format of journals of notarial acts.**

- (1) A tangible notarial journal shall:
  - (a) Be a permanent, bound book with numbered pages; and
  - (b) Have the capacity to record for each notarial act:
    - (i) The information required by RCW 42.45.180(4);
    - (ii) A description of the notary public's method of identifying the principal; and
    - (iii) The principal's signature, or the signature of an authorized party in compliance with RCW 42.45.070.
- (2) If a notary public keeps an electronic journal pursuant to RCW 42.45.180(3), the electronic journal shall:
  - (a) Be maintained only in addition to the tangible journal;
  - (b) Have the capacity to record the information required for a tangible notarial journal;
  - (c) Enable access by a password or other secure means of authentication;
  - (d) Be tamper-evident;
  - (e) Create a duplicate record of the journal as a backup; and
  - (f) Be capable of providing tangible or electronic copies of any entry made in the journal.
- (3) A notary public's journal is the exclusive property of the notary public, and shall not be surrendered to an employer upon demand or termination, whether the employer paid for the journal or the notary's bond or application fees.

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### **WAC 308-30-210**

#### **Disposition of journal.**

- (1) Ten years after the performance of the last notarial act chronicled in a tangible journal, the journal is to be destroyed by shredding or other destruction that leaves any entry in the journal illegible.
- (2) Ten years after the performance of the last notarial act chronicled in an electronic journal, the journal is to be destroyed by deleting any remaining records pertaining to the electronic journal and deleting any remaining tamper-evident technology in the notary's possession.
- (3) The personal representative or guardian of a notary public shall follow RCW 42.45.180(6) related to the disposition of the notary public's journals upon the death or adjudication of incompetency of the notary public.
- (4) Nothing in this section shall require a notary to dispose of their notarial journal or journals if doing so would be in conflict with the law of another jurisdiction that requires a notary to keep their journal for a longer period of time.
- (5) The notary public, or the notary's personal representative, shall provide access instructions to the department for any electronic journal maintained or stored by the notary, upon commission resignation, revocation, or expiration without renewal, or upon the death or adjudicated incompetence of the notary.

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**WAC 308-30-220****Fees for notarial acts.**

(1) The maximum fees a notary may charge for notarial acts are:

Type of Fee	FEE
Witnessing or attesting a signature	\$10.00
Taking an acknowledgement or verification upon oath or affirmation	\$10.00
Certifying or attesting a copy	\$10.00
Administering an oath or affirmation	\$10.00
Certifying that an event has occurred or an act has been performed	\$10.00

(2) A notary public need not charge for notarial acts.

(3) A notary public may not charge fees for receiving or noting a protest of a negotiable instrument.

(4) A notary public may additionally charge the actual costs of copying any instrument or record.

(5) A notary public may charge a travel fee when traveling to perform a notarial act if:

(a) The notary public and the individual requesting the notarial act agree upon the travel fee in advance of the travel; and

(b) The notary public explains to the individual requesting the notarial act that the travel fee is in addition to the notarial fee in subsection (1) of this section and is not required by law.

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**WAC 308-30-230****Testimonials.**

A notary may not endorse or promote any service, contest, or other offering if the notary's seal or title is used in the endorsement or promotional statement.

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**WAC 308-30-240****Forms.**

(1) The forms in RCW 42.45.140 are examples of certificates with the sufficient information included. When a specific form is required by another statute of this state, the required form shall be used.

(2) A nonattorney notary may not assist another person in drafting, completing, selecting, or understanding a document or transaction requiring a notarial act. This does not preclude a notary who is duly qualified in a particular profession from giving advice relating to matters in that professional field.

**WAC 308-30-250****Change of name or address.**

- (1) When a notary public changes his or her name or address, the department of licensing must be notified of such change on forms prescribed by the department.
  - (2) A name change notification must be accompanied by a bond rider from the bonding company amending the notary bond, and the prescribed fee for a name change which provides a duplicate notary certificate showing the new name. There is no charge for an address change and a new certificate is not issued.
  - (3) A notary that submits a name change notification shall continue to use their original notary stamp or seal and their original name and signature until they receive a new commission certificate and seal or stamp with the new information.
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**WAC 308-30-260****Evidence of authenticity.**

Requests for evidence of authenticity should be addressed to the Washington office of the secretary of state, corporations and charities division.

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**WAC 308-30-270****Termination or suspension of commission or endorsement.**

- (1) The department may take action against the commission and/or endorsement of a notary public who fails to comply with these rules as provided in RCW 42.45.210, 42.45.270, and chapter 18.235 RCW. Any restriction, suspension, or revocation of a notary public's commission will automatically have the same effect on any endorsement the notary public holds.
  - (2) A notary public may terminate their notary public commission and/or electronic records endorsement by notifying the department of this intent in writing and disposing of all or any part of a tamper-evident technology in the notary's control whose purpose was to perform electronic notarizations.
  - (3) A notary public may terminate the electronic records notary public endorsement and maintain the underlying notary public commission.
  - (4) A notary public whose commission is terminated or expired, either by the notary or the department, shall disable their official stamp by destroying, defacing, damaging, or securing the device against use. The notary shall maintain their notarial journals for ten years as required by RCW 42.45.180 and WAC 308-30-210.
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**WAC 308-30-280****Change of application information.**

If any of the information submitted on a notary public's commission or endorsement applications pursuant to WAC 308-30-030 changes, the notary public shall report this change to the department in

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writing within fifteen days.