
Washington Administrative Code Notice of Permanent Rules for **Notaries Public – Satisfactory evidence of identity**

This explanatory statement concerns the **Washington State Department of Licensing's adoption of WAC 308-30-155 – Satisfactory evidence of identity.**

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rule making.

Once persons who gave comment during this rule making have had a chance to receive this document, the Department of Licensing will file the amended rules with the Office of the Code Reviser. These rule changes will become effective 31 days after filing (approximately April 23, 2015).

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

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

Notaries are limited in the types of documents they can accept to verify the identity of a person. The department is adopting rule changes that amend the list of satisfactory evidence of identity to allow provisions for passports, and tribal identification. The adoption of these changes will bring state notary rules in-line with industry practices in other states.

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

Can Military and Tribal identification be allowed as permissible forms of evidence of identity?

Any identification card issued by a federal, state, or tribal government that contains the individuals photograph, signature, and physical description is a permissible form of evidence of identity. This would include many tribal identification cards, however, would not include military identification cards as they do not contain a signature.

Can non-current (expired) forms of identification be allowed as permissible forms of evidence of identity?

No, all permissible forms of evidence of identity must be current (non-expired). Individuals who no longer possess a driver's license are able to obtain an identification card issued by a federal, state, or tribal government.

It could be difficult for a Notary Public to determine legal presence.

The permanent rules do not include a requirement for “documentation establishing an individual’s legal presence in the United States.”

How does a Notary Public know which foreign governments are recognized by the United States?

The U.S. Department of State maintains an “A-Z list of countries”, which is kept current on their website. You may find it at <http://www.state.gov/misc/list/index.htm>.

Does a “credible person” providing an oath or affirmation no longer need to be personally known by the Notary Public?

This portion of the rule (WAC 308-30-155(3)) is not changed by this rule-making, other than it has been renumbered.

I prefer to use a driver’s license for evidence of identity.

This rule-making will not affect your ability to use a driver’s license for evidence of identity. It simply adds provisions for identification issued by tribal governments and passports.

May I apply to be a Notary Public?

The “How to become a notary public” page on the Department of Licensing Notary Public website has a wealth of information on how to become a notary public. You may find it at <http://www.dol.wa.gov/business/notary/nrequirements.html>.

WAC Changes:

- Adding documents issued by a tribal government with the individual’s photograph, signature, and physical description.
- Adding an unexpired passport with the individual’s photograph and signature when issued by either the U.S. Department of State or a foreign government which is recognized by the U.S. Department of State.