

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4207

BY DELEGATES SHOTT AND HANSHAW

[Passed March 5, 2018; in effect ninety days from passage.]

1 AN ACT to amend and reenact §39-4-20 of the Code of West Virginia, 1931, as amended, relating
2 to receiving a commission to act as a notary public; authorizing an online electronic
3 application process to apply to receive a commission to act as a notary public; removing
4 the oath of office and requiring an applicant to swear or affirm under penalty of perjury that
5 answers to questions in the application are true and if appointed, the applicant will perform
6 faithfully all notarial acts in accordance with the law; and eliminating the \$1000 bond
7 requirement.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. REVISED UNIFORM LAW ON NOTARIAL ACTS.

§39-4-20. Commission as notary public; qualifications; no immunity or benefit; disposition of fees.

1 (a) An individual qualified under subsection (b) of this section may apply to the Secretary
2 of State for a commission as a notary public through the Secretary of State's online notary system.
3 The applicant shall comply with and provide the information required by rules promulgated by the
4 Secretary of State and pay any application fee.

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

6 (1) Be at least eighteen years of age;

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

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

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

10 (5) Have a high school diploma or its equivalent; and

11 (6) Not be disqualified to receive a commission under §39-4-23 of this code.

12 (c) Before issuance of a commission as a notary public, an applicant shall provide a
13 statement on the notary application that they solemnly swear or affirm, under penalty of perjury,
14 that the answers to all questions in this application are true, complete, and correct; that he or she
15 has carefully read the notaries public law of West Virginia; and, if appointed and commissioned

16 as a notary public, he or she will perform faithfully, to the best of his or her ability all notarial acts
17 in accordance with the law.

18 (d) On compliance with this section, the Secretary of State shall issue a commission as a
19 notary public to an applicant for a term of five years.

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2018.

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Governor