

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5332

By Delegate Toney and Young

[Introduced January 29, 2024; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §39-4-20 of the Code of West Virginia, 1931, as amended, relating to
 2 exempting persons previously commissioned as a notary public from the requirement that
 3 notary publics have a high school diploma or its equivalent in order to be recommissioned
 4 as a notary public.

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 of
 2 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 18 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~~ For any applicant that has not been commissioned as a notary prior to January 1,
 11 2018, have a high school diploma or its equivalent; and

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

13 (c) Before issuance of a commission as a notary public, an applicant shall provide a
 14 statement on the notary application that they solemnly swear or affirm, under penalty of perjury,
 15 that the answers to all questions in this application are true, complete, and correct; that he or she
 16 has carefully read the notaries public law of West Virginia; and, if appointed and commissioned as
 17 a notary public, he or she will perform faithfully, to the best of his or her ability all notarial acts in
 18 accordance with the law.

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

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

NOTE: The purpose of this bill is to exempt persons who have previously been commissioned as a notary public from the requirement of having a high school diploma or its equivalent.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.