

[§1]

Authority

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

[§2]

Definitions

- (1) Words and terms used in these rules have the same meaning as each has in the Revised Uniform Law on Notarial Acts, RCW 42.45.010.
- (2) “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.
- (3) “Commission” is equivalent to the term “license” as defined in RCW 18.235.010(6).
- (4) “Department” means the Washington state department of licensing.
- (5) “Director” means the director of the department of licensing or the director’s designee.
- (6) “Electronic journal” means a chronological record of notarizations maintained by a notary public in an electronic format in compliance with these rules.
- (7) “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.
- (8) “Electronic notarial acts” means notarizations or notarial acts with respect to electronic records.
- (9) “Enrollment” means 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.
- (10) “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.
- (11) “Technology Provider” means an individual or entity that offers the services of a tamper-evident technology for electronic notarial acts.

- (12) “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.
- (13) “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.
- (14) “Venue” means the state and county where the notary public is physically located while performing a notarial act.

[§3]

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.

[§4]

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 30 calendar days to allow the applicant to cure any defects. After the 30 day period, the application shall be cancelled and any application fees forfeited.
- (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.

[§5]

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 [§28], 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.

[§6]

Application fees

The following fees shall be charged by the department:

| Title of Fee | Fee |
|--|------------|
| Application for notary public commission | \$30.00 |
| Application for electronic records notary public endorsement | \$15.00 |
| Renewal of notary public commission | \$30.00 |
| Renewal of electronic records notary public endorsement | \$15.00 |
| Duplicate certificate of commission (including name change) | \$15.00 |

[§7]

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;
 - (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.
 - (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.

[§8]

Acquiring notary seal or stamp

- (1) A notary public shall procure a notary seal or stamp only after receiving a certificate evidencing the notary public’s commission from the department, and shall provide 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 a notary seal or stamp after July 1, 2018, is subject to and shall comply with the rules in [§7].

- (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.

[§9]

Replacement of lost or stolen notary seals or stamps.

- (1) When a notary seal or stamp is lost or stolen the notary public shall notify the department in writing within 10 business days of discovering the seal or stamp was lost or stolen.
- (2) The notary public may not obtain a replacement notary seal or stamp until they have properly notified the department that the original was lost or stolen.
- (3) A replacement notary seal or stamp must contain some variance from the original seal or stamp.
- (4) If the lost or stolen notary seal or stamp is found or recovered after a replacement has been obtained, the original seal or stamp shall be destroyed.

[§10]

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:

- (1) Sign the notarial certificate using the exact name that appears on the notary's certificate of commission and their seal or stamp.
- (2) Ensure that the notary public's name is legibly printed or stamped adjacent to their signature.

[§11]

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) Electronic notarial acts shall conform to the requirements listed in these rules and RCW 42.45.040 on signing parties appearing before the notary.

[§12]

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.

[§12]

Authorized electronic notarial acts

A notary public who has received an electronic records notary public endorsement from the department may perform any electronic notarial act, except that a notary public may not administer an oath or affirmation as an electronic notarial act.

[§13]

Requirements for technologies and technology providers

A tamper-evident technology shall comply with these rules:

- (1) A technology provider requiring enrollment prior to performance of electronic notarial acts shall enroll only notaries public who have been issued an electronic records notary public endorsement pursuant to [§3].
- (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.

[§14]

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.

[§15]

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 RCW 42.45.140.
- (2) An electronic notarial certificate shall be completed at the time of notarization and in the physical presence of the principal.

[§17]

Certification of electronic notarial acts

A notary public shall sign each electronic notarial certificate with an electronic signature that complies with [§18] and authenticate an electronic notarial act with an official stamp that complies with [§19].

[§18]

Electronic signature of notary

- (1) A notary public shall use a tamper-evident technology that complies with [§13] 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.

[§19]

Electronic stamp of notary

- (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 RCW 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 [§7].
- (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 [§7].
- (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 RCW 42.45 and these rules.
- (5) Only the notary public to whom the tamper-evident technology is registered shall generate an official stamp.

[§20]

Journal of notarial acts required

- (1) A notary public shall record each notarial act in a chronological 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.

- (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.

[§21]

Format of journals of notarial acts

- (1) A tangible notarial journal shall:
 - (a) Be a permanently 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.
- (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.

[§22]

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) 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.

[§23]

Fees for notarial acts

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

| NOTARIAL ACT | FEE |
|--|------------|
| Witnessing or attesting a signature | \$10.00 |
| Taking an acknowledgement or a 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 charge 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.

[§24]

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.

[§25]

Forms

- (1) The forms in RCW 42.45.150 are suggested certificates with the sufficient information included. These forms may be used; however, when a specific form is required by a specific statute, the required form shall be used.
- (2) A non-attorney 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.

[§26]

Change of address or name

- (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.

[§27]

Evidence of authenticity

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

[§28]

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, RCW 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 [§22].

[§29]

Change of application information

If any of the information submitted on a notary public's commission or endorsement applications pursuant to [§3] changes, the notary public shall report this change to the department in writing within fifteen days.