



**Secretary of State
Business Programs Division**

Notary Public, P.O. Box 942877, Sacramento, CA 94277-0001

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To: Notary Public Education Vendors
From: William A. Downs
Notary Public & Special Filings Section

Subject: New Law and Information

New Laws:

Assembly Bill 2566 (Nazarian) (Chapter 762, Statutes of 2016), in conjunction with Senate Bill 997 (Lora) (Chapter 491, Statutes of 2016), effective January 1, 2017, amends California Civil Code section 1185, for specific forms of identification that can be used for proof of the identity when appearing before a notary public.

Effective January 1, 2017, these bills eliminate the requirement that a valid passport from the applicant's country of citizenship be stamped by the United States Citizenship and Immigration Services of the Department of Homeland Security, and add a valid consular identification document issued by a consulate from the applicant's country of citizenship, as proof of identity. These bills also add an identification card issued by a federally recognized tribal government as proof of identity. California Civil Code section 1185 requires forms of identification as follows:

A notary public may establish the identity of a person appearing before the notary public using identification documents if there is an absence of any information which would lead a reasonable person to believe that the individual is not the person he or she claims to be and:

1. There is reasonable reliance on any one of the following forms of identification, provided it is current or was issued within 5 years:
 - a. An identification card or driver's license issued by the California Department of Motor Vehicles;
 - b. A United States passport;
 - c. An inmate identification card issued by the California Department of Corrections and Rehabilitation, if the inmate is in custody in prison; or
 - d. Any form of inmate identification issued by a sheriff's department, if the inmate is in custody in a local detention facility; or
2. There is reasonable reliance on any one of the following forms of identification, provided it is current or was issued within 5 years, provided that it also contains a photograph, description of the person, signature of the person, and an identifying number:
 - a. A valid consular identification document issued by a consulate from the applicant's country of citizenship, or a valid passport from the applicant's country of citizenship;
 - b. A driver's license issued by another state or by a Canadian or Mexican public agency authorized to issue drivers' licenses;
 - c. An identification card issued by another state;
 - d. An identification card issued by any branch of the Armed Forces of the United States (caution: current military identification cards may not have all of the required elements);

- e. An employee identification card issued by an agency or office of the State of California, or by an agency or office of a city, county, or city and county in California;
- f. An identification card issued by a federally recognized tribal government.

Assembly Bill 2217 (Hadley) (Chapter 133, Statutes of 2016), effective January 1, 2017, amends California Government Code sections 8211 and 8223 by increasing the fees which may be charged for certain notarial acts.

California Government Code sections 8211 and 8223 were amended as follows:

8211. Fees charged by a notary public for the following services shall not exceed the fees prescribed by this section.

(a) For taking an acknowledgment or proof of a deed, or other instrument, to include the seal and the writing of the certificate, the sum of fifteen dollars (\$15) for each signature taken.

(b) For administering an oath or affirmation to one person and executing the jurat, including the seal, the sum of fifteen dollars (\$15).

(c) For all services rendered in connection with the taking of any deposition, the sum of thirty dollars (\$30), and in addition thereto, the sum of seven dollars (\$7) for administering the oath to the witness and the sum of seven dollars (\$7) for the certificate to the deposition.

(d) No fee may be charged to notarize signatures on vote by mail ballot identification envelopes or other voting materials.

(e) For certifying a copy of a power of attorney under Section 4307 of the Probate Code the sum of fifteen dollars (\$15).

(f) In accordance with Section 6107, no fee may be charged to a United States military veteran for notarization of an application or a claim for a pension, allotment, allowance, compensation, insurance, or any other veteran's benefit.

8223. (a) A notary public who holds himself or herself out as being an immigration specialist, immigration consultant, or any other title or description reflecting an expertise in immigration matters shall not advertise in any manner whatsoever that he or she is a notary public.

(b) A notary public qualified and bonded as an immigration consultant under Chapter 19.5 (commencing with Section 22440) of Division 8 of the Business and Professions Code may enter data, provided by the client, on immigration forms provided by a federal or state agency. The fee for this service shall not exceed fifteen dollars (\$15) per individual for each set of forms. If notary services are performed in relation to the set of immigration forms, additional fees may be collected pursuant to Section 8211. This fee limitation shall not apply to an attorney, who is also a notary public, who is rendering professional services regarding immigration matters.

(c) This section shall not be construed to exempt a notary public who enters data on an immigration form at the direction of a client, or otherwise performs the services of an immigration consultant, as defined by Section 22441 of the Business and Professions Code, from the requirements of Chapter 19.5 (commencing with Section 22440) of Division 8 of the Business and Professions Code. A notary public who is not qualified and bonded as an immigration consultant under Chapter 19.5 (commencing with Section 22440) of Division 8 of the Business and Professions Code may not enter data provided by a client on immigration forms nor otherwise perform the services of an immigration consultant.

Senate Bill 974 (Chapter 366, Statutes of 2016), effective January 1, 2017 amends sections 8205, 8206, 8213, and 8213.5 of the Government Code.

This bill amends Government Code section 8213 to require a person taking the oath of office before the county clerk to serve as a notary public to present identification documents meeting certain requirements specified in statute as satisfactory evidence of identity. Section 8213 was

also amended to provide that if the oath of office is taken and subscribed before a notary public, the oath and bond may be filed with the county clerk by certified mail or any other means of physical delivery that provides a receipt.

Existing law requires specified communications between the Secretary of State and notaries public to be made by certified mail. Existing law also specifies that, wherever any notice or communication required by laws to be mailed by registered mail to or by the state, the mailing of the notice by certified mail is deemed a sufficient compliance with that requirement. This bill amends Government Code sections 8205, 8206 and 8213.5 to authorize the use of any other means of physical delivery that provides a receipt for these communications.

Secretary of State's Sample Workbook:

Vendors who submit their own prepared workbook can view the changes made to the Secretary of State's Sample Workbook as a reference on the Vendors Application page once the page has been updated. The revised sample workbook page numbers will be included. The link to the webpage is www.sos.ca.gov/notary/become-vendor/.

Approved vendors currently using the Secretary of State's sample workbook must submit the declaration, a cover page, a copy of the 2017 sample workbook, a Notary Public Education Vendor Application or Amendment form with the third box checked and a copy of the proof of completion certificate to the Secretary of State's office and receive an amended certificate of approval prior to providing the course(s) on or after January 1, 2017. All approved vendors will be notified by email once the Vendor Applications webpage has been revised with the sample workbook for 2017.

Vendors who choose to change their original course to the Secretary of State's sample workbook will need to submit the following package of documents to the Secretary of State's office: the declaration, cover page, a schedule as described in California Code of Regulations, Title 2, section 20800.1(f), copy of the sample workbook for 2017, Notary Public Education Vendor Application or Amendment form with the third box checked, and a copy of the proof of completion certificate.

Guidelines for Submitting New and Amended Workbooks:

All existing workbooks must be amended to include the changes to the law that take effect January 1, 2017. Amended workbooks must be submitted to the Secretary of State for approval. No course may be taught or workbook used without prior Secretary of State approval of the workbook containing the amendments to conform to the changes to law. Workbooks and courses not approved by January 1, 2017 must be discontinued after that date and will be removed from our website until the amended workbooks are approved. A vendor with a currently approved course who fails to submit an amended workbook may have their vendor's certificate terminated.

When submitting the amendments, be sure to send the entire workbook along with a completed Notary Public Education Vendor Application or Amendment form with the third box checked and the course number indicated along with a copy of the proof of completion certificate. Do not spiral bind the workbook or insert your course material in a binder when submitting the workbook for review and approval. To expedite the processing of amendments, clearly mark or highlight the changes and include a change flag on the pages with changes. Our reviewers can then focus on the changed information.

Reminders:

If you are no longer providing notary public education courses, send a letter to the Secretary of State, 1500 11th Street, Sacramento, CA 95814, Attn: Education Unit, informing us that you wish to cancel the approval of your course(s). Be sure to include the course name(s) and Vendor ID number(s). A vendor who chooses to stop offering education courses but does not send a letter requesting their approved course(s) be cancelled will have their vendor's certificate(s) terminated through the administrative hearing process.

If you have any changes to your contact information, address, phone number, email address or any other applicable changes -- please remember to submit the changes to our office within 30 business days. All changes must be submitted using the Notary Public Education Vendor Application or Amendment form with the second box checked. The application is available on the Vendor Applications page on our website at www.sos.ca.gov/notary/become-vendor/. Be sure to include, on the application form, your Vendor ID number along with your course name as it appears on your approval certificate when submitting changes to your contact information or when submitting amendments to approved courses.

Be sure to fully complete your students' proof of completion certificates, to include the identification information. Pursuant to the California Code of Regulations (§20800.5.), the certificate must be completed by the vendor, not by your students.

The most current version of the Notary Public Application is on our website at www.sos.ca.gov/notary/forms/. When printing the application, we ask that you print the application and the instruction pages to assist your course attendees with completing the application. Now that the application is three pages, the instructions can be printed on one double-sided page separate from the application. Please ensure your students receive all three pages of the application.

Requests for Notary Public Handbooks can be sent via email to the EdVendors@sos.ca.gov mailbox. Include with your request the number of boxes you are requesting along with the complete mailing address and a telephone number. This information is required for the FedEx air bill. Requests for handbooks received prior to the new handbooks being available will be held until the new handbooks are available for shipping.

Vendors who schedule Live Scan technicians to prepare notary public applicants' fingerprints at the time of their course should remind the Live Scan technician to include the applicant's social security number when transmitting the fingerprints to the California Department of Justice.

Passport photos must meet the same guidelines that apply to obtaining a U.S. Passport. The guidelines established by the U.S. Department of State are available online at www.travel.state.gov. Passport photos must be attached to the application and cannot be sent to our office separately. If an applicant does not have a passport photo at the time of the exam, the applicant should wait until the notary public application is returned to them then attach the photo to the notary public application and return everything to the Secretary of State for further review.

Our current notary public application processing time is available on our website at www.sos.ca.gov/notary/processing-times/.

All active notary public commissions are listed on our website at www.sos.ca.gov/notary/notary-public-listing/ and updated daily.

Current and previous Notary News newsletters are available on our website at www.sos.ca.gov/notary/newsletter. The 2017 newsletter will be available on our website soon.

Please feel free to email us at EdVendors@sos.ca.gov if you have any questions.