

November 25, 2015

To: Notary Public Education Vendors

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Subject: New Law and Information

New Law:

Assembly Bill 1036 (Quirk) (Chapter 42, Statutes of 2016), effective January 1, 2016, amends California Civil Code section 1185, which provides specific forms of identification that can be used for proof of the identity of an individual or credible witness appearing before a notary public.

Effective January 1, 2016, any form of inmate identification that is current or has been issued within 5 years by a sheriff's department if the inmate is in custody in a local detention facility, has been added as an allowable form of identification to prove the identity of a credible witness or an individual who executes a written instrument appearing before a notary public.

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 passport issued by a foreign government, provided that it has been stamped by the U.S. Citizenship and Immigration Services;
 - 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. A military identification card (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.