



**Secretary of State
Business Programs Division**

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

**New Laws Affecting Notaries Public
Beginning January 1, 2013**

Chapter 202 (Assembly Bill 2326 Wagner) takes effect January 1, 2013. The text of the new law can be found at www.leginfo.ca.gov/pub/11-12/bill/asm/ab_2301-2350/ab_2326_bill_20120827_chaptered.pdf.

The primary changes to notarial law provided by AB 2326 effective January 1, 2013 are as follows:

- 1. Civil Code section 1195 – Proof of Execution.** Existing law prohibits the use of a proof of execution by a subscribing witness for a power of attorney, grant deed, mortgage, deed of trust, quitclaim deed, security agreement or any instrument that requires a notary public to obtain a thumbprint in the notary public's official journal from the party signing the document. The law is now expanded to prohibit the use of a proof of execution for any other document affecting real property; however, proof of execution of a trustee's deed and deed of reconveyance are permitted.

- 2. Government Code section 8206—Thumbprint.** Existing law requires a notary public to require a party signing a deed, quitclaim deed, deed of trust affecting real property or a power of attorney document to place his or her thumbprint in the notary public's official journal. The law is now expanded to require a party signing any other document affecting real property to place his or her thumbprint in the notary public's journal. This does not apply to a trustee's deed resulting from a decree of foreclosure or a nonjudicial foreclosure pursuant to Civil Code section 2924, or to a deed of reconveyance.