

Legislative Bill Drafting Commission  
12013-02-3

S. -----  
Senate  
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IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
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IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

**\*EXECLA\***

(Relates to procedures for appoint-  
ment and reappointment of notaries  
public)

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Exec. notaries public

AN ACT

to amend the executive law, in  
relation to procedures for appoint-  
ment and reappointment of notaries  
public, certificates of official  
character, and certification of  
electronic notarial records

The People of the State of New  
York, represented in Senate and  
Assembly, do enact as follows:

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal:

s15 Addabbo	s34 Fernandez	s28 Krueger	s01 Palumbo	s42 Skoufis
s43 Ashby	s60 Gallivan	s24 Lanza	s21 Parker	s11 Stavisky
s36 Bailey	s12 Gianaris	s16 Liu	s19 Persaud	s45 Stec
s57 Borrello	s59 Gonzalez	s50 Mannion	s13 Ramos	s35 Stewart-
s46 Breslin	s26 Gounardes	s04 Martinez	s05 Rhoads	Cousins
s25 Brisport	s53 Griffo	s07 Martins	s33 Rivera	s44 Tedisco
s55 Brouk	s40 Harckham	s02 Mattera	s39 Rolison	s06 Thomas
s09 Canzoneri-	s54 Helming	s48 May	s61 Ryan	s49 Walczyk
Fitzpatrick	s41 Hinchey	s37 Mayer	s18 Salazar	s52 Webb
s17 Chu	s47 Hoylman-	s03 Murray	s10 Sanders	s38 Weber
s30 Cleare	Sigal	s20 Myrie	s23 Scarcella-	s08 Weik
s14 Comrie	s31 Jackson	s51 Oberacker	Spanton	
s56 Cooney	s27 Kavanagh	s58 O'Mara	s32 Sepulveda	
s22 Felder	s63 Kennedy	s62 Ortt	s29 Serrano	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a078 Alvarez	a140 Conrad	a150 Goodell	a017 Mikulin	a016 Sillitti
a031 Anderson	a032 Cook	a116 Gray	a122 Miller	a052 Simon
a121 Angelino	a039 Cruz	a100 Gunther	a051 Mitaynes	a075 Simone
a037 Ardila	a043 Cunningham	a139 Hawley	a145 Morinello	a114 Simpson
a035 Aubry	a021 Curran	a083 Heastie	a144 Norris	a094 Slater
a120 Barclay	a018 Darling	a028 Hevesi	a045 Novakhov	a005 Smith
a106 Barrett	a053 Davila	a128 Hunter	a069 O'Donnell	a118 Smullen
a105 Beephan	a072 De Los Santos	a029 Hyndman	a091 Otis	a022 Solages
a107 Bendett	a003 DeStefano	a079 Jackson	a132 Palmesano	a110 Steck
a082 Benedetto	a070 Dickens	a104 Jacobson	a088 Paulin	a010 Stern
a042 Bichotte	a054 Dilan	a011 Jean-Pierre	a141 Peoples-	a127 Stirpe
Hermelyn	a081 Dinowitz	a134 Jensen	Stokes	a102 Tague
a117 Blankenbush	a147 DiPietro	a115 Jones	a023 Pheffer	a064 Tannousis
a015 Blumencranz	a009 Durso	a077 Joyner	Amato	a086 Tapia
a073 Bores	a099 Eachus	a125 Kelles	a063 Pirozzolo	a071 Taylor
a098 Brabenec	a048 Eichenstein	a040 Kim	a089 Pretlow	a001 Thiele
a026 Braunstein	a074 Epstein	a013 Lavine	a019 Ra	a033 Vanel
a138 Bronson	a109 Fahy	a065 Lee	a030 Raga	a055 Walker
a046 Brook-Krasny	a061 Fall	a126 Lemondes	a038 Rajkumar	a143 Wallace
a020 Brown, E.	a008 Fitzpatrick	a095 Levenberg	a006 Ramos	a112 Walsh
a012 Brown, K.	a004 Flood	a060 Lucas	a062 Reilly	a041 Weinstein
a093 Burdick	a057 Forrest	a135 Lunsford	a087 Reyes	a024 Weprin
a085 Burgos	a124 Friend	a123 Lupardo	a149 Rivera	a059 Williams
a142 Burke	a050 Gallagher	a129 Magnarelli	a027 Rosenthal, D.	a113 Woerner
a119 Buttenschon	a131 Gallahan	a101 Maher	a067 Rosenthal, L.	a080 Zaccaro
a133 Byrnes	a007 Gandolfo	a036 Mamdani	a025 Rozic	a096 Zebrowski
a044 Carroll	a068 Gibbs	a130 Manktelow	a111 Santabarbara	a056 Zinerman
a058 Chandler-	a002 Giglio, J.A.	a108 McDonald	a090 Sayegh	
Waterman	a148 Giglio, J.M.	a014 McDonough	a076 Seawright	
a049 Chang	a066 Glick	a097 McGowan	a084 Septimo	
a136 Clark	a034 Gonzalez-	a146 McMahan	a092 Shimsky	
a047 Colton	Rojas	a137 Meeks	a103 Shrestha	

1) Single House Bill (introduced and printed separately in either or  
both houses). Uni-Bill (introduced simultaneously in both houses and printed  
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2  
signed copies of bill and: in Assembly 2 copies of memorandum in support, in  
Senate 4 copies of memorandum in support (single house); or 4 signed copies  
of bill and 6 copies of memorandum in support (uni-bill).

1 Section 1. Section 131 of the executive law, as added by chapter 13  
2 of the laws of 1992, the section heading as amended and subdivision 14  
3 as added by chapter 92 of the laws of 2010, subdivisions 3, 9, and 10 as  
4 amended by chapter 171 of the laws of 2000, subdivisions 5, 12 and 13 as  
5 amended by chapter 129 of the laws of 2001, is amended to read as  
6 follows:

7 § 131. Procedure of appointment; fees and commissions; fee payment  
8 methods. 1. New appointment. (a) Applicants for a notary public commis-  
9 sion shall submit to the secretary of state with their application, the  
10 oath of office, duly executed before any person authorized to administer  
11 an oath, together with their signature.

12 [2.] (b) Upon being satisfied of the competency and good character of  
13 applicants for appointment as notaries public, the secretary of state  
14 shall issue a commission to such persons; and the official signature of  
15 the applicants and the oath of office filed with such applications shall  
16 take effect.

17 [3.] (c) The secretary of state shall receive a non-refundable appli-  
18 cation fee of sixty dollars from applicants for appointment, which fee  
19 shall be submitted together with the application. No further fee shall  
20 be paid for the issuance of the commission.

21 [4.] (d) A notary public identification card indicating the appoint-  
22 ee's name, address, county and commission term shall be transmitted to  
23 the appointee.

24 [5.] (e) The commission, duly dated, and a certified copy or the  
25 original of the oath of office and the official signature, and twenty  
26 dollars apportioned from the application fee shall be transmitted by the  
27 secretary of state to the county clerk of the county in which the  
28 appointee resides by the tenth day of the following month. Transmission

1 may be accomplished by electronic means that results in a submission of  
2 such records and fees by the secretary of state to the county clerk. For  
3 purposes of this section, "electronic" shall have the same meaning as  
4 set forth in section three hundred two of the state technology law.

5 [6.] (f) The county clerk shall make a proper index of commissions and  
6 official signatures transmitted to that office by the secretary of state  
7 pursuant to the provisions of this section.

8 [7.] 2. Reappointment. (a) Applicants for reappointment of a notary  
9 public commission shall submit to the [county clerk] secretary of state  
10 with their application the oath of office, duly executed before any  
11 person authorized to administer an oath, together with their signature.

12 [8.] (b) Upon being satisfied of the completeness of the application  
13 for reappointment, the [county clerk] secretary of state shall issue a  
14 commission to such persons; and the official signature of the applicants  
15 and the oath of office filed with such applications shall take effect.

16 [9.] (c) The [county clerk] secretary of state shall receive a non-re-  
17 fundable application fee of sixty dollars from each applicant for reap-  
18 pointment, which fee shall be submitted together with the application.  
19 No further fee shall be paid for the issuance of the commission.

20 [10.] (d) The commission, duly dated, and a certified or original copy  
21 of the [application] oath of office and the official signature, and  
22 [forty] twenty dollars apportioned from the application fee plus inter-  
23 est as may be required by statute shall be transmitted by the [county  
24 clerk] secretary of state to the [secretary of state] county clerk of  
25 the county in which the appointee resides by the tenth day of the  
26 following month. Transmission may be accomplished by electronic means  
27 that results in a submission of such records and fees by the secretary  
28 of state to the county clerk.

1 [11.] (e) The [secretary of state] county clerk shall make a proper  
2 record of commissions transmitted to that office by the [county clerk]  
3 secretary of state pursuant to the provisions of this section.

4 [12.] 3. Electronic notarization. (a) After registration of the capa-  
5 bility to perform electronic notarial acts pursuant to section one  
6 hundred thirty-five-c of this article, the secretary of state shall  
7 transmit to the county clerk the exemplar of the notary public's elec-  
8 tronic signature and any change in commission number or expiration date  
9 of the notary public's commission. Transmission may be accomplished by  
10 electronic means.

11 (b) Registration of the capability to perform electronic notarizations  
12 shall be treated as a new appointment by the secretary of state.

13 4. Fees. (a) Except for changes made in an application for reappoint-  
14 ment, the secretary of state shall receive a non-refundable fee of ten  
15 dollars for changing the name or address of a notary public.

16 [13.] (b) The secretary of state may issue a duplicate identification  
17 card to a notary public for one lost, destroyed or damaged upon applica-  
18 tion therefor on a form prescribed by the secretary of state and upon  
19 payment of a non-refundable fee of ten dollars. Each such duplicate  
20 identification card shall have the word "duplicate" stamped across the  
21 face thereof, and shall bear the same number as the one it replaces.

22 [14.] (c) The secretary of state [and any county clerk,] shall accept  
23 payment for any fee relating to appointment or reappointment as a notary  
24 in the form of cash, money order, certified check, company check, bank  
25 check or personal check. The secretary of state [and any county clerk]  
26 may provide for accepting payment of any such fee due [to him or her] by  
27 credit or debit card, which may include payment through the internet.

28 § 2. Section 132 of the executive law is amended to read as follows:

1 § 132. Certificates of official character of notaries public. The  
2 secretary of state or the county clerk of the county in which the  
3 commission of a notary public is filed may certify to the official char-  
4 acter of such notary public and any notary public may file [his] their  
5 autograph signature and a certificate of official character in the  
6 office of any county clerk of any county in the state and in any regis-  
7 ter's office in any county having a register and thereafter such county  
8 clerk may certify as to the official character of such notary public.  
9 The secretary of state shall collect for each certificate of official  
10 character issued [by him] the sum of one dollar. The county clerk and  
11 register of any county with whom a certificate of official character has  
12 been filed shall collect for filing the same the sum of [one dollar] ten  
13 dollars. For each certificate of official character issued, with seal  
14 attached, by any county clerk, the sum of [one dollar] five dollars  
15 shall be collected [by him].

16 § 3. Section 133 of the executive law, as amended by chapter 376 of  
17 the laws of 1953, is amended to read as follows:

18 § 133. Certification of notarial signatures. The county clerk of a  
19 county in whose office any notary public has qualified or has filed  
20 [his] their autograph signature and a certificate of [his] official  
21 character, shall, when so requested and upon payment of a fee of [fifty  
22 cents] three dollars, affix to any certificate of proof or acknowledg-  
23 ment or oath signed by such notary anywhere in the state [or] of New  
24 York, a certificate under [his] their hand and seal, stating that a  
25 commission or a certificate of [his] official character of such notary  
26 with [his] their autograph signature has been filed in [his] the county  
27 clerk's office, and that [he] the county clerk was at the time of taking  
28 such proof or acknowledgment or oath duly authorized to take the same;

1 that [he] the county clerk is well acquainted with the handwriting of  
2 such notary public or has compared the signature on the certificate of  
3 proof or acknowledgment or oath with the autograph signature deposited  
4 in [his] their office by such notary public and believes that the signa-  
5 ture is genuine. An instrument with such certificate of authentication  
6 of the county clerk affixed thereto shall be entitled to be read in  
7 evidence or to be recorded in any of the counties of this state in  
8 respect to which a certificate of a county clerk may be necessary for  
9 either purpose. In addition to the foregoing powers, a county clerk of  
10 a county in whose office a notary public has qualified may certify the  
11 signature of an electronic notary public, registered with the secretary  
12 of state pursuant to section one hundred thirty-five-c of this article,  
13 provided such county clerk has received from the secretary of state, an  
14 exemplar of the notary public's registered electronic signature.

15 § 4. Subparagraph (i) of paragraph (d) of subdivision 6 of section  
16 135-c of the executive law, as amended by chapter 104 of the laws of  
17 2022, is amended to read as follows:

18 (i) A notary public may certify that a tangible copy of the signature  
19 page and document type of an electronic record [remotely] notarized by  
20 such notary public is an accurate copy of such electronic record. Such  
21 certification must (1) be dated and signed by the notary public in the  
22 same manner as the official signature of the notary public provided to  
23 the secretary of state pursuant to section one hundred thirty-one of  
24 this article, and (2) comply with section one hundred thirty-seven of  
25 this article.

26 § 5. This act shall take effect immediately. Applications for a nota-  
27 ry commission post-marked, submitted to or received by the county clerk

- 1 prior to such effective date, but not yet processed, may be processed by
- 2 the county clerk to which any such application has been submitted.