



Oregon's New Laws for Notaries

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Topics We Will Address Today

- **New Laws effective September 1, 2013 include changes to:**
 - **ID requirements**
 - **Use of credible witnesses**
 - **Journal**
 - **Signature by Third Party aka Signature by Proxy**



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ID Requirements

- Driver's license or ID card
- U.S. passport, card or foreign passport
- U.S. military ID
- ID from federally recognized tribe
- Government ID with photo, signature and physical description



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ID Requirements (cont.)

- May now accept expired ID if within three years of notarization
- May now accept:
 - Driver's instruction permit
 - Provisional or limited term driver's license
 - Non-expired temporary license or ID card
 - Any U.S. government-issued ID that includes a photo and signature only



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Credible Witnesses

- Personally known
- Or presents acceptable identification document



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Journals

- Paper, electronic or both
- Each must be in chronological order
- Electronic journal must be accessible to Secretary of State
- Full name and address of signer
- Entry must be completed at notarization
- Keep for 10 years



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Notary Stamps

- Must be reproducible if copied
- Black or dark ink recommended
- May own more than one
- Notary responsible to keep stamps secure from unauthorized use



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Notary Certificate

- “Instrument” replaces “record”
- Certify:
 - Authority
 - Signer not spouse
 - Complied with requirements
 - Signer personally appeared
 - Identified signer



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Notary Certificate (cont.)

- You may correct errors and omissions on the certificate
- NNA recommendation for Notary to initial and date correction



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Other Significant Changes

- May not notarize for spouse
- Unauthorized Practice of Law
 - May not draft legal documents
 - May not give advice
 - May not act as immigration consultant
- Right to refuse to perform act



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Signature by Third Party

- Person directs third party
- Signer and third party present
- Notary witnesses
- “Signature affixed by (name of individual) at direction of (name of individual)”
- Notary completes certificate



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Signature by Third Party (cont.)

- Third party also signs journal as they did on document
- Include third party's information and signature in journal as if they were credible witness



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Notary Application Changes

- Notary may reside anywhere if works in Oregon
- May not have had a commission revoked in 10 years



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Electronic Notarization

- May now notarize electronically
- Must inform Secretary of State of tamper-evident technology used
- Send notice via e-mail using Electronic Notarization Form
- Familiarize yourself with guidelines on SOS website



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