

2020 Indiana Notary Public Update

Indiana secretary of state's office



Notary Legislation

Senate Enrolled Act 372

Effective July 1, 2018

- Introduced Continuing Education Requirements
- Authorization of Electronic Notarial Acts
- Required SOS to adopt administrative rules

Effective July 1, 2020

- Authorization of Remote Notarial Acts

Recording Notarizations

Effective July 1, 2020, IC 32-21-2-3 now requires an acknowledgement **AND** a proof for instruments that must be recorded. The Secretary of State's office was not involved in this legislative change.

Remote notaries are not authorized to perform proofs. Therefore, remote notarizations may not be performed on documents that must be recorded.

For further information, please consult the title company you are working with and they will contact their underwriter for acceptable procedures.

If you are a member of Indiana Land Title Association (ILTA), should also consider contacting them at www.indianalandtitle.org and request their FAQ directive on this matter.

You can find a summary of the issue at <https://www.nationalnotary.org/knowledge-center/news/law-updates/in-senate-bill-340>

IC 33-42-17-3

A remote notary public who is physically present in Indiana may perform the following notarial acts as remote notarial acts:

- (1) Taking an acknowledgment.
- (2) Administering an affirmation or oath.
- (3) Taking a verification on an oath or affirmation.
- (4) Attesting to or witnessing a signature.
- (5) Attesting to or certifying a copy of a document or record.

What is a Notary?

- Indiana State Public Official
- Commissioned for an eight (8) year term
- Independently verify signatures and oaths



Applying for a Notary Public Commission

BE SURE TO HAVE THE FOLLOWING BEFORE BEGINNING YOUR APPLICATION

- \$25,000 Surety Bond Certificate
- Signature Sample
- Indiana State Police Limited Criminal History Record (\$16.32 per search, available online).
- Employer Consent Form (if applicant resides out-of-state but is primarily employed in Indiana.

PAY NONREFUNDABLE APPLICATION FEE

COMPLETE NOTARY EDUCATION COURSE AND EXAM

NOTES ON ELIGIBILITY:

To become a Notary an individual must not be disqualified to receive a commission under IC 33-42-13, and IC 5-8-3-1. You will be asked to affirm this information in the application process, and may be required to upload a positive response document providing additional details.



Traditional vs. Electronic. vs. Remote

Traditional

- Hard Copy Document
- Wet Ink Signatures
- Wet Ink Seal
- In Person Meeting

Electronic

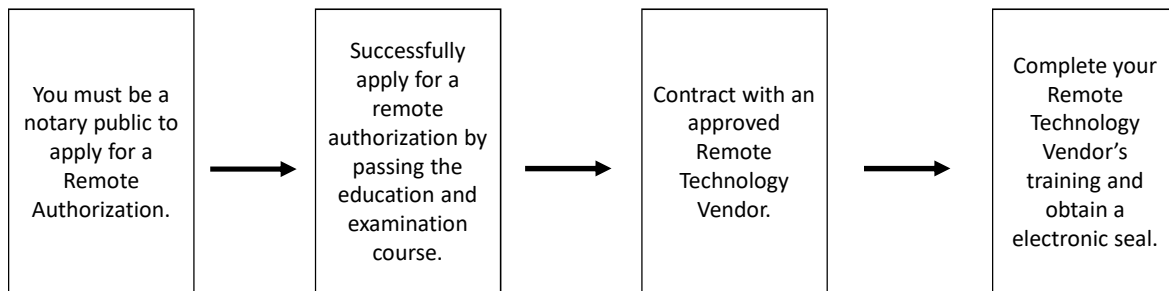
- Electronic Document
- Electronic Signatures
- Electronic Seal
- In Person Meeting

Remote

- Electronic Document
- Electronic Signatures
- Electronic Seal
- Two-Way Audio Visual Meeting on SOS Approved Platform



Becoming a Remote Notary



Continuing Education

Notaries Public are required to take three continuing education courses during their eight year term. The completion of continuing education will not extend the commission term or exempt an notary from applying for a renewal at the end of their term.

Continuing education is required to ensure that notaries stay current with the latest developments, skills, and new technologies required for their field.

Only courses administered through the Secretary of State's office will fulfill the continuing education requirement. Failure to complete the continuing education requirement will result in the expiration of your Notary Public Commission.

The due date for continuing education courses will be the last day of the month that your commission was originally issued every two years during your commission. (e.g. for a commission issued on 03/15/2024, the first CE due date will be 03/31/2026)

Application & Continuing Education Fees

Initial Notary Public Application - \$75

Renewal Notary Public Application - \$75

Continuing Education - \$50 (every other year)

Remote Notary Public Authorization - \$100

Notary Fees

- A Notary may charge a fee of \$10 per notarial act
- A Remote Notary Public may charge a fee of \$25 per Remote Notarial Act
- A Notary may charge the Federal Mileage Rate for Travel



Notary Seals

As of September 1, 2018, a seal MUST contain the following:

- Words "notary public"
- Words "state of Indiana"
- Word "seal"
- Name of the notary public exactly as it appears on the commission
- The words "commission number" followed by the commission number. (NPOxxxxxx)
- The words "my commission expires" followed by the expiration date



Signed: Susie Signer

State of Indiana
County of: Boone

On this 17th day of March, 2019, this record was signed before me by Susie Signer.



Nancy N. Notary
Notary Public Signature
Commissioned in _____ county.

Notary Certificates

A notarization is not complete without a proper notarial certificate. A notary should NEVER simply stamp a document with their seal.

The notarial certificate is a written statement, signed and sealed by the notary public, certifying the facts of a notarial act. Different notarial acts require their own unique certificate wording.

Notaries public should never take it upon themselves to select or substitute a certificate on behalf of a person. However, a notary public is free to have the client review the types of certificates and allow them to choose the one they feel is correct.

Signed: Susie Signer

State of Indiana
County of: Boone

On this 17th day of March, 2019, this record was signed before me by Susie Signer.



Nancy N. Notary
Notary Public Signature
Commissioned in _____ county.

County where the act occurs

County of commissioning

Signatures a Notary can Notarize

A notary is prohibited from notarizing documents for themselves, their spouse, or any party that may directly benefit the notary or their spouse.



Notarizing in Special Circumstances

- A notary must decide that the signer is aware of what they are signing
- A notary should not authenticate a signature or take the acknowledgment of a person who is incoherent, disoriented, intoxicated or incapacitated
- A notary is not expected to explain the details or ramifications of documents to people before they sign
- Notaries must decide for themselves if they are comfortable notarizing the signature of
 - Minor children
 - Persons who are blind or deaf
 - Persons who are mentally incapacitated or illiterate
 - Persons who are seriously ill or dying

Submit A Notary Complaint

FOR STAFF USE ONLY		
Date (month, day, year)	Commission number	Staff initials
PERSONAL INFORMATION OF COMPLAINANT		
Name		
Home address (number and street, city, state, and ZIP code)		
Business address (number and street, city, state, and ZIP code)		
Home telephone number () ()	Business telephone number () ()	E-mail address
Basis of complaint: What notary actions or inactions are at issue?		
<input type="checkbox"/> Notary had a financial interest in the transaction. <input type="checkbox"/> Notary did not witness the signing of the notarized document. <input type="checkbox"/> Notary did not have a valid commission. <input type="checkbox"/> Other:		

Prohibited Acts

A notary public shall not:

- Use a name other than that by which the notary was commissioned
- Acknowledge an instrument in which the notary's name appears as a party
- Take the acknowledgement or administer the oath to any one who the notary KNOWS has been adjudged mentally incompetent and is under the guardianship of another
- Take the acknowledgment of a person who doesn't speak English unless the nature and effect of the document is translated into a language the person understands
- Acknowledge an affidavit unless the person acknowledges the truth of the statements or acknowledge an instrument unless the person who executed the instrument signs it before the notary or affirms that the signature is their own
- Affix his or her name to a blank document
- Post date or antedate any document
- Prepare or fill in blanks in a legal document

Fraudulent Advertising

- Notario publico deception is fraudulent advertising or misrepresentation by a notary
 - This does not apply to notaries who are attorneys admitted to practice law in Indiana
- It is illegal for a notary to advertise without including the following disclosure:
 - “I am not an attorney licensed to practice law in Indiana and I may not give legal advice or accept fees for legal advice.”
- If the disclosure is made in written advertisements, it must appear in a conspicuous size. If the disclosure is made in a spoken ad, it must be spoken at a normal volume and speed
 - For written ads, this includes business cards and letterhead

Revocation of a Notary Commission

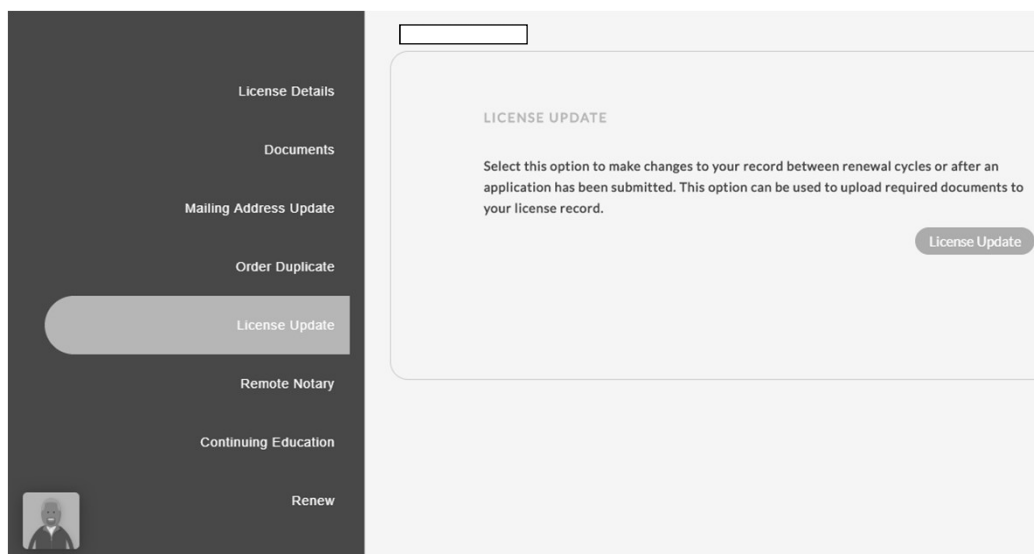
- The Secretary of State’s office may investigate any violation of the prohibited acts or notario publico deception and revoke the commission of a notary public
 - If the Secretary of State revokes a notary’s commission for violation of a prohibited act, the notary may not reapply for 5 years
 - If the Secretary revokes a commission based on notario publico deception, the notary may never reapply
- If a notary violates a prohibited act, a judge may revoke the notary’s commission
- If a notary is convicted of notario publico deception, the judge shall permanently revoke the commission

Change of Information

- A notary **MUST** inform the Secretary of State's office within **thirty (30) days of any change in the following information:**
 - Name
 - Mailing address
 - Email address
 - Phone number
 - Employer's name, address, or phone number
- If the notary changes their name, they must:
 - Provide a bond rider
 - Upload a new signature sample

Renewal notices, continuing education reminders and other important communications are sent to the notary's email address. It is imperative to maintain a current email address with the office. It is also required by law.

INBIZ Navigation



Employees as Notaries

- A notary is not required to provide notary services to the general public, but cannot be compelled to do so
- A notary may agree to provide notarial services as a matter of employment
- A notary must exercise independent judgment and authority. The notary is still personally responsible for their actions
- If the employer-employee relationship is terminated:
 - The seal is the property of the notary public and must remain with the notary public.
 - If an employer paid for an employees surety bond the employer may cancel the employees' surety bond. The notary bears the responsibility to obtain a new surety bond

Notary Resources

- Indiana Code
- Notary Associations
- Indiana Notary Guide
- Remote Technology Vendors
- Governmental Body Requiring the Notarial Act
- Legal advice from an Attorney



Notary Verification

<https://mylicense.in.gov/everification/Search.aspx>

Search for a License

Welcome to Web Lookup/Verification

- Please enter search criteria below to start your search (enter data in any field- we will search with whatever information you provide to us- remember less is more!)
- If you have partial information, or not sure of the exact name etc.. **you may use a wildcard search by placing a "*" following the partial data entered** (example - not sure if Alan or Allen, enter AI*) to search.
- [Click here to search for a Facility](#) instead of a person.

Search Criteria

Profession: <input type="text" value="Notary Public"/>	First/Mid Name: <input type="text"/>
License Type: <input type="text" value="All"/>	Last Name: <input type="text"/>
Attribute Type: <input type="text" value="All"/>	City: <input type="text"/>
License Number: <input type="text"/>	State: <input type="text" value="--All--"/>
License Status: <input type="text" value="All"/>	County: <input type="text"/>
Doing Business As: <input type="text"/>	Zipcode: <input type="text"/>

Contact Information & Resources

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 317-234-9768

Notary Guide
<https://inbiz.in.gov/Assets/NotaryGuide.pdf>

Apply/Manage your Notary
<https://inbiz.in.gov/certification/notary>

Verify A Notary Public's Status
<https://mylicense.in.gov/EVerification/Search.aspx>