

## TITLE 75 SECRETARY OF STATE

### Notice of First Public Comment Period

LSA Document #25-153

## NOTARY APPLICATION FEES; APOSTILLE REQUESTS

### PURPOSE OF NOTICE

The Secretary of State – Business Services Division (division) is soliciting public comment on adding and amending rules at [75 IAC 7](#) concerning fees collected for notary applications and the reasons for rejecting apostille requests filed with the division, as required by House Enrolled Act 1623-2023 (HEA 1623). The division seeks comment on the affected citations listed and any other provisions of Title 75 that may be affected by this rulemaking.

### ADDITIONAL DOCUMENTS

Regulatory Analysis: [20250326-IR-075250153RAA](#)

Notice of Public Hearing: [20250326-IR-075250153PHA](#)

**CITATIONS AFFECTED:** [75 IAC 7-1-7](#); [75 IAC 7-2-1](#); [75 IAC 7-9-1](#); [75 IAC 7-9-2](#); [75 IAC 7-9-3](#); [75 IAC 7-9-4](#); [75 IAC 7-9-5](#); [75 IAC 7-10-1](#); [75 IAC 7-10-2](#)

**AUTHORITY:** [IC 4-5-10-2](#); [IC 33-42-16-2](#)

### OVERVIEW

#### Basic Purpose and Background

Under the directives of HEA 1623, the division is promulgating rules that specify the enhanced access (EA) fees authorized by [IC 4-5-10-2](#) for notary related services and the reasons the division may reject an apostille request. This rulemaking establishes in rule the exact EA fees already being collected by the division for online notary transactions, as well as documenting the existing reasons the division may reject a request for an apostille. These are not new fees nor new rejection reasons, but simply the promulgation in rule of already established fees and rejection reasons. The rulemaking also corrects [75 IAC 7-2-1\(b\)\(2\)](#) to reflect the existing required collection of the residence address of a notary applicant for purposes of determining the county of commission. Additionally, the rule includes the standards for the Hague Convention's single certificate apostille format. As no changes in fees, requirements, or rejection reasons are being made, no impact is expected for customers. Notaries public are the largest group of public officials in Indiana, counting about 55,000 commissioned individuals, and apostilles are often required when Indiana documents are used in foreign countries.

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Scott Willis  
Business Services Director  
Indiana Secretary of State  
302 West Washington Street, Room E-018  
Indianapolis, IN 46204  
[awillis@sos.in.gov](mailto:awillis@sos.in.gov)  
(317) 775-1769

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

David Watkins  
Small Business Ombudsman  
Indiana Economic Development Corporation  
One North Capitol, Suite 700  
Indianapolis, IN 46204  
(317) 607-9176  
[DWatkins@iedc.in.gov](mailto:DWatkins@iedc.in.gov)

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter

regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

### REQUEST FOR PUBLIC COMMENT

The division is soliciting public comment on the proposed rule. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:  
LSA Document #25-153 Notary Application Fees; Apostille Requests  
Scott Willis, Director  
Indiana Secretary of State  
302 West Washington Street, Room E-018  
Indianapolis, IN 46204
- (2) By email to [legal@sos.in.gov](mailto:legal@sos.in.gov). PLEASE NOTE: Email comments will not be considered part of the official written comment period unless they are sent to the address indicated in this notice.
- (3) Attend scheduled public hearing.

### COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than April 25, 2025.

The rule, Regulatory Analysis, appendices referenced in the Regulatory Analysis, and materials incorporated by reference (if applicable) are on file at the Indiana Secretary of State – Business Services Division, 302 West Washington Street, Room E-018, Indianapolis, Indiana and are available for public inspection. Copies of the rule, Regulatory Analysis, and appendices referenced in the Regulatory Analysis are available at the Secretary of State – Business Services Division office.

If the division does not receive substantive comments during the public comment period or public hearing, the rule may be adopted with text that is the same as or does not substantially differ from the text of the proposed rule published in this notice.

### PROPOSED RULE

SECTION 1. [75 IAC 7-1-7](#) IS ADDED TO READ AS FOLLOWS:

#### [75 IAC 7-1-7](#) "Apostille authentication" defined

Authority: [IC 33-42-16-2](#)

Affected: [IC 33-42-15-1](#)

**Sec. 7. "Apostille authentication" means a certificate or an attestation of authenticity of an Indiana public official's signature issued by the secretary of state under [IC 33-42-15-1](#) for accepting documents by foreign countries under the Hague Convention of October 5, 1961, Abolishing the Requirement of Legalisation for Foreign Public Documents.**

*(Secretary of State; [75 IAC 7-1-7](#))*

SECTION 2. [75 IAC 7-2-1](#) IS AMENDED TO READ AS FOLLOWS:

#### [75 IAC 7-2-1](#) Notary public application

Authority: [IC 33-42-16-2](#)

Affected: [IC 4-21.5](#); [IC 33-42-12-1](#)

Sec. 1. (a) The secretary of state commissions notaries public under the provisions of [IC 33-42-12-1](#). Each An applicant applying for a notary commission must electronically submit an application using the notary application prescribed by the secretary of state.

(b) The application for a notary public commission must include the following:

- (1) The applicant's name to be used in acting as a notary public.

- (2) The applicant's mailing **residence** address.
- (3) The applicant's county of residence.
- (4) The applicant's date of birth.
- (5) The applicant's driver's license number or state-issued identification number.
- (6) The applicant's Social Security number.
- (7) An image of the applicant's signature sample.
- (8) An image of the applicant's twenty-five thousand dollar (\$25,000) surety bond.
- (9) A passing score on the notary examination.
- (10) Payment of the nonrefundable application fee to the secretary of state.
- (11) A criminal background check that is not more than six (6) months old that may be required by the secretary of state.
- (12) A disclosure of any ~~and all~~ disciplinary actions or commission revocations taken against the applicant.

(c) A non-Indiana resident, primarily employed in Indiana, must also submit the following:

- (1) The mailing address of the applicant's place of employment.
- (2) The county where the applicant is employed.
- (3) A written statement documenting employment on company letterhead.

(d) Once an applicant successfully complies with all the requirements of subsection (b), and, when applicable, subsection (c), the secretary of state shall issue a notary commission with a unique commission number and expiration date and indicate this on the public database.

(e) If an applicant fails to comply with the requirements of subsection (b)(1) through (b)(10), and, **when applicable**, subsection (c), ~~when applicable~~, the secretary of state shall inform the applicant that the application has been rejected.

(f) If an applicant fails to comply with the requirements of subsection (b)(11) or has a disqualifying offense, the secretary of state shall inform the applicant that the application has been denied.

(g) If an applicant is rejected three (3) times within thirty (30) days, the applicant must wait thirty (30) days before submitting another application.

(h) If an application is denied, the applicant is entitled to timely notice and a hearing, as described in [IC 4-21.5](#).

(Secretary of State; [75 IAC 7-2-1](#); filed Mar 26, 2020, 1:09 p.m.: [20200401-IR-075190329FRA](#), eff Mar 31, 2020, see Executive Order 20-15, posted at [20200422-IR-GOV200234EOA](#))

SECTION 3. [75 IAC 7-9](#) IS ADDED TO READ AS FOLLOWS:

## Rule 9. Electronic Notary Transactions; Fees

### [75 IAC 7-9-1](#) Application or reapplication for commission

Authority: [IC 4-5-10-2](#); [IC 33-42-16-2](#)

Affected: [IC 4-5-10-5](#); [IC 33-42-12-1](#)

**Sec. 1.** For an initial or a reapplication for commission, the secretary of state shall, in addition to other applicable fees, collect the following:

(1) Sixty-seven dollars and fifty-four cents (\$67.54) to the enhanced access fund established by [IC 4-5-10-5](#).

(2) One dollar and eighty-three cents (\$1.83) for electronic payment processing.

(Secretary of State; [75 IAC 7-9-1](#))

### [75 IAC 7-9-2](#) Duplicate commission certificate

Authority: [IC 4-5-10-2](#); [IC 33-42-16-2](#)  
Affected: [IC 4-5-10-5](#); [IC 33-42-12-1](#)

**Sec. 2.** For a request for duplicate commission certificate, the secretary of state shall, in addition to other applicable fees, collect the following:

- (1) Seven dollars and fifty cents (\$7.50) to the enhanced access fund established by [IC 4-5-10-5](#).
- (2) Fifty-five cents (\$0.55) for electronic payment processing.

(Secretary of State; [75 IAC 7-9-2](#))

#### **[75 IAC 7-9-3](#) Continuing education**

Authority: [IC 4-5-10-2](#); [IC 33-42-16-2](#)  
Affected: [IC 4-5-10-5](#); [IC 33-42-12-1](#)

**Sec. 3.** For continuing education, the secretary of state shall, in addition to other applicable fees, collect the following:

- (1) Forty-eight dollars and two cents (\$48.02) to the enhanced access fund established by [IC 4-5-10-5](#).
- (2) One dollar and thirty-five cents (\$1.35) for electronic payment processing.

(Secretary of State; [75 IAC 7-9-3](#))

#### **[75 IAC 7-9-4](#) Remote notary application**

Authority: [IC 4-5-10-2](#); [IC 33-42-16-2](#)  
Affected: [IC 4-5-10-5](#); [IC 33-42-12-1](#)

**Sec. 4.** For an application for registration as a remote notary public, the secretary of state shall, in addition to other applicable fees, collect the following:

- (1) Ninety-two dollars and five cents (\$92.05) to the enhanced access fund established by [IC 4-5-10-5](#).
- (2) Two dollars and thirty-one cents (\$2.31) for electronic payment processing.

(Secretary of State; [75 IAC 7-9-4](#))

#### **[75 IAC 7-9-5](#) Remote technology vendor application**

Authority: [IC 4-5-10-2](#); [IC 33-42-16-2](#)  
Affected: [IC 4-5-10-5](#); [IC 33-42-12-1](#)

**Sec. 5.** For a remote technology vendor application, the secretary of state shall collect one thousand five hundred dollars (\$1,500) to the enhanced access fund established by [IC 4-5-10-5](#).

(Secretary of State; [75 IAC 7-9-5](#))

SECTION 4. [75 IAC 7-10](#) IS ADDED TO READ AS FOLLOWS:

## **Rule 10. Apostille authentications**

#### **[75 IAC 7-10-1](#) Requests for apostille; refusal**

Authority: [IC 33-42-16-2](#)  
Affected: [IC 33-42-15-2](#)

**Sec. 1. (a)** A request for an apostille authentication must include the following:

- (1) The date of the request.
- (2) The fee required by [IC 33-42-15-2](#).
- (3) The country for which the document is being authenticated.
- (4) The name of the requestor.

- (5) The return mailing address of the requestor.
- (6) The document requiring an apostille authentication.

(b) The secretary of state may refuse to issue an apostille authentication for a notarized document if the notarization does not comply with [IC 33-42](#).

(c) The secretary of state may refuse to issue an apostille authentication for a photocopy or facsimile signature.

(d) The secretary of state may refuse to issue an apostille authentication for a document that is:

- (1) an official or a public record;
- (2) available as a certified copy from the custodian of the record; and
- (3) not signed by a custodian of the record.

(e) If the secretary of state refuses to issue an apostille authentication, the secretary of state, not later than ten (10) business days after the filing is delivered, shall:

- (1) return the document or notify the person that submitted the request of the refusal; and
- (2) provide a brief explanation in a record of the reason for the refusal.

(Secretary of State; [75 IAC 7-10-1](#))

#### **[75 IAC 7-10-2](#) Single certificate format**

Authority: [IC 33-42-16-2](#)

Affected: [IC 33-42-15](#)

**Sec. 2. (a) The secretary of state shall adopt a format for apostille authentications that is consistent with the Trilingual Model Apostille Certificate maintained by the Hague Conference on Private International Law.**

**(b) The format adopted under subsection (a) must be used even if the document's destination country has not ratified or adopted the Hague Convention of October 5, 1961, Abolishing the Requirement of Legalisation for Foreign Public Documents (Apostille Convention). The certificate must include a statement to facilitate the use of the certificate in foreign countries that have not ratified or adopted the Apostille Convention.**

(Secretary of State; [75 IAC 7-10-2](#))

*Posted: 03/26/2025 by Legislative Services Agency*