



Legs, Regs, and You!

2024 Montana Notary
Conference



Introduction

- Matt Miller, President and Founder of the CLIN
- What is The California League of Independent Notaries?
- Agenda for Today's Presentation:
 - Legs, Regs and You!
 - Policy Trends to Watch
 - How to Stay Informed
 - Why You Should Get Involved
 - Q & A Session





Leveraging Competitive Advantage through Policy Awareness

- **Stay Compliant:** Being informed helps to ensure compliance with evolving statutory requirements.
- **Risk Mitigation:** Awareness of policy changes reduces the risk of unintentional violations and potential disciplinary actions.
- **Reputation Enhancement:** Demonstrating a commitment to staying up to date enhances trust and credibility with clients.
- **Expanded Opportunities:** Proactive knowledge allows for the timely adoption of new service offerings. *More Opps equals more Aughts!*



Digital ID's - A Fast Growing Trend



- 6 states introduced a bill to adopt Digital ID's including:
 - Hawaii
 - Illinois
 - Kansas
 - New Jersey
 - Pennsylvania
 - Tennessee
- 13 States have active mDL's
- 13 States have Adopted Legislation but are Not Yet Active
- 7 Have not yet Legalized or Announced plans to Launch



Policy Trends to Watch: Protections Against Deed Fraud

Arizona - H 2409 - Prohibits a deed or conveyance of real estate to be acknowledged before a Notary using communication technology.

Arizona - H 2588 - Removes the automatic authority of an AZ attorney to perform notarial acts. Requires all applicants for a Notary commission to obtain a valid fingerprint clearance card. Requires each journal entry to contain legible thumbprint(s) for certain instruments.

Maine - LD 2240 / SP 960, Section 9 - Requires any instrument affecting title to real property and recorded with a registrar of deeds to be acknowledged before a person authorized to perform notarial acts in the state of Maine.

Policy Trends to Watch: Access to Affordable Notarial Services

New York - S 7943 - Requires general hospitals and nursing homes to offer **FREE** notarial services to patients; requires a notary public employee to be present from 8 a.m. to 6 p.m on business days.

New York - A 4124 / S 5014 - Requires every banking institution and credit union to have a Notary Public employee on staff and available on the premises of each bank or credit union during regular business hours. Authorizes banks and credit unions to have the option to charge a fee for notarization that does not exceed the statutory fees established in law.



Policy Trends to Watch: Disclosure of Fees Charged



North Carolina - AR 7745 - Travel Fees, Journal Requirements: ADOPTED 12/14/2023

1. A notary public who charges travel fees shall refer to the IRS website for the current federal business mileage rate.
2. If a principal requests a fee estimate from a notary, the notary shall provide an estimate that includes the estimated total; and the basis for the charges.
3. A notary public who charges travel fees shall obtain **advance written consent**.
4. A notary public shall preserve the written consent as a notarial record in the notary's journal; or if written consent is not included in a journal, then a record of the written consent
5. A notarial journal shall include, with regard to a specific notarial act for which fees were charged; how much the notary charged for each act performed; and if travel reimbursement was charged: the actual reimbursement charged and the fee charged per mile.

Policy Trends to Watch: Disclosure of Fees Charged



Colorado - Admin Rule 2.4 Itemization Of Charges: **ADOPTED**

- Proposed AR 2.4 requires a Notary Public to both:
 - (1) inform a customer, before performing a notarial act, of any service that is an additional charge to the notarial act; and
 - (2) provide an itemized invoice/receipt of each specific charge.

If a notary public fails to itemize these specific charges, the amount charged is **presumed** to solely cover the notarial act. If that amount charged exceeds the statutory fee limit in section 24-21-529, C.R.S., the invoice is **presumptive evidence** of a violation of RULONA.

Apostille Fraud Alert!!!



Fake Apostilles have been discovered originating from an apostille facilitator in NV!

➤ Do Your Due Diligence!

- Check Reviews
- Ask for client References
- Request a Scan of the Apostille
 - Verify apostille authenticity before release of Apostille
 - Apostilles can be Verified Online or by Phone

How to Find and Track Legislation



- Your State's Legislative Website
 - ex: <https://www.leg.mt.gov>
- The CLIN (calnotaries.org)
- NNA (nationalnotary.org)
- Billtrack50.com
- GovTrack.us
- Google News Alerts
- Attend Notary Events
 - Conferences
 - Roundtables
 - Meetups



Why You Should Get Involved



Career Notaries: Don't Get Left Behind!

New Notaries: We're Investing in You!

Tech Savvy Notaries: Tools in Your Toolbox!

Traditional Notaries: There's a Seat at the Table for You!

Questions and Answers



Thank You for Attending!

All US Notaries are Welcome to Join!

Estate Planning Contacts List Included with Membership!

Monthly Roundtable, Sept 5, 2024, 5pm PT

All are Welcome, Free To Attend

calnotaries.org |
415-448-7343

matt@calnotaries.org |