

## Department of Planning and Budget 2007 Fiscal Impact Statement

**1. Bill Number** SB826

**House of Origin**    ☐ Introduced    ☐ Substitute    ☐ Engrossed  
**Second House**    ☐ In Committee    ☐ Substitute    ☒ Enrolled

**2. Patron**        Devolites Davis

**3. Committee**    Passed both Houses

**4. Title**            Notaries public.

**5. Summary/Purpose:** The bill rewrites the notary law to include electronic notarization and details the application and technology requirements for electronic notarization. These particular provisions become effective July 1, 2008. A list of prohibited acts for notaries is included (e.g., use of official seal to promote or oppose products, candidates, etc.; use of signature or seal on incomplete documents; committing fraud under the guise of an official act) that subject the notary to suspension, removal, or reprimand as under current law.

In addition, the bill codifies the fee of \$35 for commissioning an electronic notary as set in Item 53 of the current appropriation act.

Finally, the bill provides for a \$10 electronic notarization fee which will go to the Secretary of the Commonwealth's Technology Trust Fund.

**6. Fiscal Impact Estimates are:** Preliminary

**6a. Expenditure Impact:**

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Positions</i> | <i>Fund</i> |
|--------------------|----------------|------------------|-------------|
| 2007-08            | \$0            |                  |             |
| 2008-09            | \$304,740      |                  | Special     |
| 2009-10            | \$304,740      |                  | Special     |
| 2010-11            | \$304,740      |                  | Special     |
| 2011-12            | \$304,740      |                  | Special     |
| 2012-13            | \$304,740      |                  | Special     |

**6b. Revenue Impact:**

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Positions</i> | <i>Fund</i> |
|--------------------|----------------|------------------|-------------|
| 2007-08            | \$0            |                  |             |
| 2008-09            | \$304,740      |                  | Special     |
| 2009-10            | \$304,740      |                  | Special     |
| 2010-11            | \$304,740      |                  | Special     |
| 2011-12            | \$304,740      |                  | Special     |
| 2012-13            | \$304,740      |                  | Special     |

- 7. Budget amendment necessary:** No, the fiscal impacts are not incurred until FY 2009.
- 8. Fiscal implications:** Working from calendar year 2006 records, the Secretary of the Commonwealth's office (SOC) estimates that 30,474 notary commissions are taken each year. With this bill, the SOC will charge an additional \$10 for electronic notarization. The \$10 electronic notarization fee will go to the SOC's Technology Trust Fund, resulting in estimated revenue to the Fund of \$304,740 each year. This revenue will be used by the SOC to fund the technology necessary to supervise and regulate electronic notary activities; however, the exact annual cost is not known at this time. As stated in lines 427 and 428 of the bill, the notary provisions are not effective until July 1, 2008.
- 9. Specific agency or political subdivisions affected:** Secretary of the Commonwealth
- 10. Technical amendment necessary:** No
- 11. Other comments:** None.

**Date:** 02/27/07 / wfb

**Document:** G:\BOS Stuff\2007 Session\2007 Legislation\SB826ER.Doc

**cc:** Secretary of the Commonwealth