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SENATE BILL NO. 118

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 28, 2008)

(Patrons Prior to Substitute—Senators Edwards, Quayle [SB 327], and Hurt [SB 550])

*A BILL to amend and reenact § 47.1-15, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to notarial certificates.***Be it enacted by the General Assembly of Virginia:****1. That § 47.1-15, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:**

§ 47.1-15. (Effective until July 1, 2008) Prohibitions.

A notary shall not:

1. Notarize a document if the signer is not in the presence of the notary at the time of notarization, unless otherwise authorized by law to do so.

2. Use the official notary title or seal to endorse, promote, denounce, or oppose any product, service, contest, candidate, or other offering.

3. Notarize a signature on a document without notarial certificate wording on the same page as the signature *unless the notarial certificate includes the name of each person whose signature is being notarized.*

4. Affix an official signature or seal on a notarial certificate that is incomplete.

A notary shall not perform any official act with the intent to deceive or defraud.

A nonattorney notary shall not assist another person in drafting, completing, selecting, or understanding a document or transaction requiring a notarial act. This section does not preclude a notary who is duly qualified, trained, or experienced in a particular industry or professional field from selecting, drafting, completing, or advising on a document or certificate related to a matter within that industry or field or prevent a notary from adding a notarial certificate to a paper at the direction of a principal or lawful authority.

A notary may decline to notarize a document.

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4. Affix an official signature or seal on a notarial certificate that is incomplete.

A notary shall not perform any official act with the intent to deceive or defraud.

A nonattorney notary shall not assist another person in drafting, completing, selecting, or understanding a document or transaction requiring a notarial act. This section does not preclude a notary who is duly qualified, trained, or experienced in a particular industry or professional field from selecting, drafting, completing, or advising on a document or certificate related to a matter within that industry or field or prevent a notary from adding a notarial certificate or electronic notarial certificate to a paper or electronic document at the direction of a principal or lawful authority.

A notary may decline to notarize a document.