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HOUSE BILL NO. 2055

Offered January 9, 2013

Prefiled January 9, 2013

A BILL to amend and reenact §§ 47.1-4 and 47.1-23 of the Code of Virginia, relating to notaries; qualifications.

Patron—Robinson

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That §§ 47.1-4 and 47.1-23 of the Code of Virginia are amended and reenacted as follows:****§ 47.1-4. Qualification for appointment.**

To be qualified to be commissioned as a notary in the Commonwealth, each such person shall be (i) shall be at least ~~eighteen~~ 18 years of age, (ii) shall be a ~~citizen~~ legal resident of the United States, (iii) shall be able to read and write the English language, (iv) shall never have been convicted of a felony under the laws of the United States, ~~this the~~ Commonwealth, or any other state, unless such person has been pardoned for such felony, has had his conviction vacated by the granting of a writ of actual innocence, or has had his rights restored, and (v) shall otherwise be in compliance with the provisions of this title. A nonresident of Virginia may register and be commissioned as a notary only if he is regularly employed in ~~this the~~ Commonwealth and meets all of the requirements of this section. A member of the armed services of the United States shall be eligible to register and be commissioned as a notary notwithstanding the provisions of § 2.2-2800.

§ 47.1-23. Grounds for removal from office.

The Secretary may revoke the commission of any notary who:

1. Submits or has submitted an application for commission and appointment as a notary public which contains a substantial and material misstatement of fact;

2. Is convicted or has been convicted of any felony under the laws of the United States or this Commonwealth, or the laws of any other state, unless the notary has been pardoned for such offense, has had his conviction vacated by a granting of a writ of actual innocence, or has had his rights restored;

3. Is found to have committed official misconduct by a proceeding as provided in Chapter 5 (§ 47.1-24 et seq.) ~~of this title~~;

4. Fails to exercise the powers or perform the duties of a notary public in accordance with this title; provided that if a notary is adjudged liable in any court of ~~this the~~ Commonwealth in any action grounded in fraud, misrepresentation, impersonation, or violation of the notary laws of the Commonwealth, such notary shall be presumed removable under this section;

5. Performs a prohibited act pursuant to § 47.1-15 ~~of this title~~;

6. Is convicted of the unauthorized practice of law pursuant to § 54.1-3904, or is a licensed attorney at law whose license is suspended or revoked;

7. Ceases to be a ~~citizen~~ legal resident of the United States;

8. Becomes incapable of reading or writing the English language;

9. Is adjudicated mentally incompetent; or

10. Fails to keep the official physical seal, journal, or device, coding, disk, certificate, card, software, or passwords used to affix the notary's official electronic signature or seal under the exclusive control of the notary when not in use.

INTRODUCED

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