

**Title Alert 2017-08  
Revised Uniform Law on  
Notarial Acts (RULONA)**

**October 17, 2017  
PA - STANDARD**

**Purpose:** To advise Approved Attorneys of key provisions of the Revised Uniform Law on Notarial Acts.

**Background:** Pennsylvania adopted the Revised Uniform Law on Notarial Acts<sup>1</sup> (RULONA) as Act 73 of 2013 on October 9, 2013. RULONA will be effective on October 26, 2017 and replaces the Notary Public Law of 1953 and the Uniform Acknowledgment Act of 1941. RULONA includes new requirements relative to the appointment and reappointment of notaries public and the information that a notary public must include in the notary's journal (previously referred to as the notary's register). In addition, there are a few key provisions regarding notarial acts<sup>2</sup>:

1. Contents of the stamp. RULONA contains new requirements regarding the contents of the notary public's official stamp, which is used to authenticate all of the acts, instruments and attestations of the notary public. The stamp will no longer include the municipality in which the notary public maintains an office. The stamp must show clearly in the following order:
  - a. The words "Commonwealth of Pennsylvania";
  - b. The words "Notary Seal";
  - c. The name as it appears on the commission of the notary public and the words "Notary Public";
  - d. The name of the county in which the notary public maintains an office; and
  - e. The date the notary public's commission expires.

Note that a notary public may continue to use his/her existing stamp until the current commission expires.

2. Short form certificates. RULONA provides that a notarial act shall be evidenced by a certificate and allows for short form certificates of notarial acts including acknowledgment in an individual capacity, acknowledgment in a representative capacity<sup>3</sup>, acknowledgment by an attorney at law pursuant to 42 Pa.C.S. § 327, verification on oath or affirmation, for witnessing or attesting a signature, certifying a copy of a record, and certifying the transcript of a deposition. RULONA specifies that short form certificates are sufficient for the purposes indicated if completed with the information otherwise required for a certificate of notarial act.<sup>4</sup> See attached Exhibit "A" for the short form certificates for acknowledgments provided by RULONA.

<sup>1</sup> 57 Pa.C.S.A. § 301 *et seq.*

<sup>2</sup> A "notarial act" is defined under RULONA as an "act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the laws of this Commonwealth. The term includes: (1) taking an acknowledgment; (2) administering an oath or affirmation; (3) taking a verification on oath or affirmation; (4) witnessing or attesting a signature; (5) certifying or attesting a copy or deposition; and (6) noting a protest of a negotiable instrument."

<sup>3</sup> RULONA defines "In a representative capacity" as follows: "Acting as: (1) an authorized officer, agent, partner, trustee or other representative for a person other than an individual; (2) a public officer, personal representative, guardian or other representative, in the capacity stated in a record; (3) an agent or attorney-in-fact for a principal; or (4) an authorized representative of another in any other capacity."

<sup>4</sup> 57 Pa.C.S.A. §§ 316 and 315.

3. Conflicts of interest. A notary public cannot notarize a document that his or her spouse is signing where either the notary public or his or her spouse has a direct or pecuniary interest.

Keep in mind that the requirement of personal appearance remains intact under RULONA. That is, the individual making the acknowledgment must physically appear before the notary public. Pennsylvania law currently does not permit the physical appearance requirement to be fulfilled via any form of electronic means and does not authorize "remote notarization." Refer to our previously issued Title Alerts 2012-22 Remote Notarizations and 2017-02 Insurability of Online ("Remote") Notarizations for more details regarding remote or online notarizations.

Compliance with RULONA is critical to our efforts in fraud prevention and in eliminating risk associated with defects in title, including the potential for a court to invalidate any document because it does not provide constructive notice.

**Standard:** Commencing October 26, 2017, Approved Attorneys must ensure that documents to be recorded and insured comply with RULONA.

If you have any questions, please feel free to contact us.

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**NOTE TO APPROVED ATTORNEYS:** Under the Approved Attorney system, the scope of our relationship is limited to the functions of underwriting and the issuance of title insurance policies on your behalf and does not include closing or escrow services. We sometimes provide information and recommendations with regard to your closing or escrow business as a courtesy to you. Moreover, some communications, depending on whether noncompliance could impact on liability under our policies or closing protection letters, should be considered directives. This Title Alert is being provided to you with those considerations in mind.

\* \* \* \* This Title Alert should become a permanent part of your records to assure compliance with its requirements. \* \* \* \*

**EXHIBIT "A"**  
**Forms of Short Form Certificates for Acknowledgments**  
**Per 57 Pa.C.S.A. § 316**

(1) For an acknowledgment in an individual capacity:

State of \_\_\_\_\_  
County of \_\_\_\_\_

This record was acknowledged before me on \_\_\_\_\_ (date) by \_\_\_\_\_ (name(s) of individual(s)).

Signature of notarial officer  
Stamp  
Title of office  
My commission expires: \_\_\_\_\_

(2) For an acknowledgment in a representative capacity:

State of \_\_\_\_\_  
County of \_\_\_\_\_

This record was acknowledged before me on \_\_\_\_\_ (date) by \_\_\_\_\_ (name(s) of individual(s)) as \_\_\_\_\_ (type of authority, such as officer or trustee) who represent that (he, she or they) are authorized to act on behalf of \_\_\_\_\_ (name of party on behalf of whom record was executed).

Signature of notarial officer  
Stamp  
Title of office  
My commission expires: \_\_\_\_\_

(2.1) For an acknowledgment by an attorney at law pursuant to 42 Pa.C.S. § 327 (relating to oaths and acknowledgments):

State of \_\_\_\_\_  
County of \_\_\_\_\_

This record was acknowledged before me on \_\_\_\_\_ (date) by \_\_\_\_\_ (name of attorney) Supreme Court identification number \_\_\_\_\_ as a member of the bar of the Pennsylvania Supreme Court certified that he/she was personally present when \_\_\_\_\_ (name(s) of individual(s)) executed the record and that \_\_\_\_\_ (name(s) of individual(s)) executed the record for the purposes contained therein.

Signature of notarial officer  
Stamp  
Title of office  
My commission expires: \_\_\_\_\_