

House Bill 1619

By: Representatives Epps of the 131st and Holland of the 157th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 17 of Title 45 of the Official Code of Georgia Annotated, relating to
2 notaries public, so as to define certain terms; to provide that a notary public shall have
3 personal knowledge or evidence of the identity of the person whose signature he or she
4 notarizes; to require a notary public to maintain a journal of notarial acts; to prohibit fees for
5 certain notarial acts for veterans, firefighters, police officers, and sheriff's deputies; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 17 of Title 45 of the Official Code of Georgia Annotated, relating to notaries public,
10 is amended by inserting immediately following Code Section 45-17-8.2 new Code sections
11 45-17-8.3 and 45-17-8.4 to read as follows:

12 "45-17-8.3.

13 (a) As used in this Code section, the term:

14 (1) 'Personal knowledge' means familiarity with an individual resulting from interactions
15 with that individual over a period of time sufficient to ensure beyond a reasonable doubt
16 that the individual has the identity he or she claims.

17 (2) 'Satisfactory evidence of identity' consists of either:

18 (A) At least one current document issued by a federal or state governmental agency
19 bearing the photographic image of an individual's face, his or her signature, and a
20 physical description of the individual;

21 (B) A valid passport;

22 (C) The oath or affirmation of one credible person of whom the notary public has
23 personal knowledge who is unaffected by the document or transaction being notarized
24 that he or she has personal knowledge of the individual being identified; or

25 (D) The oath or affirmation of two credible persons who are unaffected by the
26 document or transaction being notarized that each has personal knowledge of an

1 individual and each of whom presents documentation set forth in subparagraph (A) or
2 (B) of this paragraph.

3 (b) A notary public shall not perform a notarial act unless he or she has personal
4 knowledge or satisfactory evidence of the identity of the person whose signature is being
5 notarized.

6 45-17-8.4.

7 (a) A notary public shall maintain in a sequential journal a record of all notarial acts
8 performed. The journal shall be kept under the exclusive control of the notary.

9 (b) For every notarial act, the notary shall record in the journal:

10 (1) The date and time of the notarial act;

11 (2) The type of notarial act, such as acknowledgment or jurat;

12 (3) The type, title, or description and the date of every document notarized;

13 (4) A statement as to how the signer's identity was confirmed, including, if applicable,
14 the type of identification document, with its serial number and date of issuance or
15 expiration, or the name and signature of any identifying witness, with the type of any
16 document used to identify the witness, along with its serial number and date of issuance
17 or expiration; and

18 (5) The fee charged for the notarial act.

19 (c) In lieu of a sequential journal of notarial acts, a notary public who is an attorney at law
20 admitted to practice in this state may maintain a record of notarial acts in the form of office
21 files regularly maintained for the attorney's law practice."

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SECTION 2.

24 Said chapter is further amended by inserting at the end of Code Section 45-17-11, relating
25 to fees of notaries, a new subsection (e) to read as follows:

26 "(e) No notary public may receive compensation from or charge any fee to a United States
27 military veteran or a firefighter, police officer, or sheriff's deputy for notarization of an
28 application or a claim for a pension, allotment, allowance, compensation, insurance policy,
29 or any other benefit resulting from any such person's public service."

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SECTION 3.

31 All laws and parts of laws in conflict with this Act are repealed.