

Insights

Changes in Indiana's Notaries Public Law - Effective July 1, 2018

June 19, 2018

On July 1, 2018, Senate Enrolled Act No. 539 ("SEA 539") will go into effect. This new act impacts the largest group of public officials in Indiana—notaries public. SEA 539 will change both the notary seal requirements and education requirements for every notary applying to be commissioned or recommissioned after July 1st. Those changes and others are summarized as follows:

- New notary seals and seals for notaries renewing commission beginning July 1, 2018 must contain:
 - Words "notary public"
 - Words "state of Indiana"
 - Word "seal"
 - Name of notary public exactly as it appears on the commission
 - Words "commission number" followed by the commission number
 - Words "my commission expires" followed by the expiration date

These requirements do not apply until an existing notary public is recommissioned after the expiration of their current commission. So that old seal is temporarily "grandfathered."

- Education course and examination
 - Must complete education course and must pass an examination before being commissioned, or recommissioned at next renewal date
 - Must complete a continued education course every two years during commission term (begins for recommission renewals or new applications on July 1, 2020)
- Surety bond in the amount of \$25,000
- Sample of notary signature on file
- Includes non-residents primarily employed in Indiana

In addition to these changes, a different law passed in March of 2018, Senate Enrolled Act No. 372 ("SEA 372") permits—upon a separate registration, an additional fee, and an additional education component—a notary public to become a remote notary public. This law will become effective July 1, 2019, and it will allow notaries to remotely notarize documents electronically, so long as there is a two-way audio and visual communication, and the notary is



physically located in Indiana.

Though many of the changes in SEA 539 are not prompted until the notary public applies to be recommissioned, there still may be discrepancies between recorders' offices and grandfathered seals as it is unknown as to the ability of the recorders' offices to track the grandfathered seals. As a result, the Secretary of State Business Services Division has recommended, if economically feasible, to update all seals to meet the new seal requirements.

If you have any questions regarding the information in this alert, please contact Christopher D. Long at clong@kdlegal.com or your Krieg DeVault LLP Real Estate Group attorney.