

ASSEMBLY, No. 4793

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED OCTOBER 19, 2020

Sponsored by:

Assemblywoman BETTYLOU DECROCE

District 26 (Essex, Morris and Passaic)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman KEVIN J. ROONEY

District 40 (Bergen, Essex, Morris and Passaic)

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Co-Sponsored by:

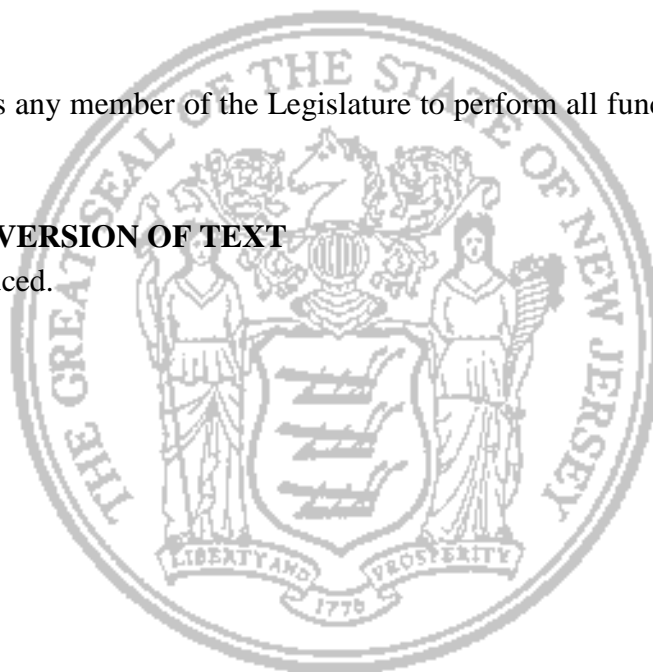
Assemblywomen Carter, Gove, Assemblymen Dancer, Taliaferro, Caputo, Holley, Auth, Assemblywomen Sumter, Stanfield, Assemblymen Verrelli, Scharfenberger, Assemblywoman N.Munoz, Assemblymen DePhillips, DiMaio, Peterson, Assemblywoman Dunn, Assemblymen Thomson and Bergen

SYNOPSIS

Authorizes any member of the Legislature to perform all functions of notary public.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/5/2021)

1 AN ACT concerning notaries public, amending R.S.46:14-6.1 and
2 supplementing Title 46 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. R.S.46:14-6.1 is amended to read as follows:

8 46:14-6.1. Officers authorized to take acknowledgments.

9 a. The officers of this State authorized to take acknowledgments
10 or proofs in this State, or in any other United States or foreign
11 jurisdiction, are:

12 (1) an attorney-at-law;

13 (2) a notary public;

14 (3) a county clerk or deputy county clerk;

15 (4) a register of deeds and mortgages or a deputy register;

16 (5) a surrogate or deputy surrogate;

17 (6) a member of the State Legislature.

18 b. The officers authorized to take acknowledgments or proofs,
19 in addition to those listed in subsection a., are:

20 (1) any officer of the United States, of a state, territory or
21 district of the United States, or of a foreign nation authorized at the
22 time and place of the acknowledgment or proof by the laws of that
23 jurisdiction to take acknowledgments or proofs. If the certificate of
24 acknowledgment or proof does not designate the officer as a justice,
25 judge or notary, the certificate of acknowledgment or proof, or an
26 affidavit appended to it, shall contain a statement of the officer's
27 authority to take acknowledgments or proofs;

28 (2) a foreign commissioner of deeds for New Jersey within the
29 jurisdiction of the commission;

30 (3) a foreign service or consular officer or other representative
31 of the United States to any foreign nation, within the territory of
32 that nation.

33 (cf: P.L.1991, c.308, s.1)

34

35 2. (New section) a. (1) A member of the State Legislature who
36 validates an affidavit, acknowledgment, proof, oath, or affirmation
37 taken before the member in accordance with the provisions of
38 chapter 14 of Title 46 of the Revised Statutes or R.S.41:2-1 may,
39 but shall not be required to, affix a raised seal to the document
40 indicating that he or she is a member of the Legislature of the State
41 of New Jersey and, as such, is authorized by statute to perform such
42 validations.

43 (2) The seal, which shall be provided by the State Treasurer to a
44 member of the Legislature upon request, shall include a depiction of

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 the State Seal. Any legislator using such a seal shall return the seal
2 to the State Treasurer upon leaving office.

3 b. Validation of an affidavit, acknowledgment, proof, oath, or
4 affirmation by a member of the Legislature pursuant to subsection
5 a. of this section shall have the same force and effect as validation
6 and the affixing of a seal by a notary public.

7
8 3. The State Treasurer, pursuant to the “Administrative
9 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
10 rules and regulations necessary to effectuate the purposes of this
11 act.

12
13 4. This act shall take effect on the 90th day following enactment
14 except the State Treasurer may take any anticipatory administrative
15 action in advance as shall be necessary for the implementation of
16 this act.

17
18
19 STATEMENT

20
21 This bill would authorize members of the Legislature to perform
22 all functions of notaries public, and to affix a raised seal to
23 notarized documents.

24 Currently, legislators are authorized to perform some notarial
25 functions pursuant to R.S.41:2-1. This statute provides that
26 legislators are authorized to take oaths, affirmations, and affidavits.
27 Under the bill, members of the Legislature would also be authorized
28 to take acknowledgements or proofs. Currently, under R.S.46:14-
29 6.1, acknowledgements or proofs may be taken only by an attorney-
30 at-law, a notary public, a county clerk or deputy county clerk, a
31 register of deeds and mortgages or a deputy register, a surrogate or
32 deputy surrogate, and certain federal officials and officials of other
33 states.

34 The bill also provides that a member of the Legislature who
35 validates an affidavit, acknowledgment, proof, oath, or affirmation
36 may, but would not be required to, affix a raised seal to the
37 document indicating that he or she is a member of the Legislature of
38 the State of New Jersey and, as such, is authorized by statute to
39 perform such validations. The seal, which would be provided by the
40 State Treasurer to a member of the Legislature upon request, would
41 include a depiction of the State Seal. The bill provides that any
42 legislator using such a seal would be required to return it to the
43 State Treasurer upon leaving office.

44 The bill specifies that the validation of an affidavit,
45 acknowledgment, proof, oath, or affirmation by a member of the
46 Legislature in accordance with the bill would have the same force
47 and effect as validation by a notary public.