

offloading or the vessel's crew disembarking. The tautog harvest tag shall be firmly affixed to the bony portion of the left side gill cover (operculum), such that the tag number faces outward from the body and can be readily viewed. All tautog tagged with a New Jersey commercial tautog harvest tag must be landed in New Jersey.

ii. The Commissioner, or his or her designee, shall issue tautog harvest tags to vessel owners in possession of a valid New Jersey Tautog Permit or a valid New Jersey Non-Directed Fishery Tautog Permit upon application by the permittee on a form provided by the Department. The Department shall make available tautog harvest tags at its Nacote Creek Research Station at the address provided at (c)9 above.

iii. If the permittee requires additional tautog harvest tags after exhausting the initial allotment granted, the permittee may apply to the Department for additional allotments, so long as they have met the reporting requirements pursuant to (c)12vii below.

iv. Tautog harvest tags shall only be valid for the year in which they are issued and are non-transferable. Any unused tautog harvest tags from the previous year must be returned to the Department's Nacote Creek Research Station at the address provided at (c)9 above no later than January 10 of the year following issuance. No vessel shall land any tautog in New Jersey and no dealer shall accept any tautog that is untagged or tagged with an invalid tautog harvest tag and no tag may be reused, altered, or modified.

v. A permittee issued tautog harvest tags shall report any used, lost, stolen, or damaged tautog harvest tags pursuant to (c)12vii below. No vessel shall land in New Jersey and no dealer shall accept any tautog tagged with a tautog harvest tag that has been reported as lost, stolen, or damaged.

vi. In addition to tautog harvest tags, a vessel must also have on-board a valid New Jersey Tautog Permit or a valid New Jersey Non-Directed Fishery Tautog Permit during the open season.

[11.] 12. The annual tautog harvest quota for New Jersey shall be 103,000 pounds or as modified by the Commissioner pursuant to (i) below. All landings of tautog in New Jersey shall be applied to the New Jersey annual quota.

i.-vi. (No change.)

vii. All New Jersey Tautog Permit and New Jersey Non-Directed Fishery Tautog permit holders shall be required to complete monthly reports supplied by the Department. The monthly report shall be signed by the permittee attesting to the validity of the information and be submitted so it is received by the Department no later than five working days following the end of the reported month at the following address:

Tautog Program  
Nacote Creek Research Station  
PO Box 418  
Port Republic, NJ 08241-0418

(1) The monthly report shall include, but not be limited to, the following information: name, permit number, total amount (in pounds) of tautog taken, dates caught, time at sea, duration of fishing time, area fished, crew size, the number of tautog harvest tags used, the number of tautog harvest tags lost, stolen, or damaged, landing port, date sold, and buyer. This information shall be provided for any trip in which tautog are landed.

(2) (No change.)

[12.] 13. Any person violating the provisions of this section shall be subject to the penalties prescribed [in] at N.J.S.A. 23:2B-14 in addition to the following:

i.-ii. (No change.)

iii. Failure to comply with the provisions [of (c)11iii] at (c)12iii above, landing tautog after the season has been closed, or [(c)11vii] (c)12vii above, failure to submit accurate and timely monthly reports, shall result in the suspension during open seasons for tautog or revocation of the vessel's tautog permit according to the following schedule:

(1)-(3) (No change.)

iv. In calculating the period of suspension or revocation applicable [under (c)12iii] pursuant to (c)13iii above, the number of previous suspensions shall be reduced by one for each three-year period in which the permit holder does not commit any other violation subject to this subsection, provided, however, that if more than one suspension is

imposed within a three-year period, only one of those suspensions may be forgiven [under] pursuant to this subparagraph; therefore, a permit holder who incurs more than one suspension within a three-year period shall not be considered a first offender [under] pursuant to this subsection regardless of the length of any subsequent period without violation. The reduction in suspension provided in this subparagraph applies only to the determination of suspension periods; all prior suspensions shall be taken into account in calculating monetary penalties in accordance with N.J.S.A. 23:2B-14.

v. (No change.)

(d)-(y) (No change.)

## LAW AND PUBLIC SAFETY

### (a)

#### DIVISION OF CONSUMER AFFAIRS STATE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

#### Notice of Readoption Board of Examiners of Electrical Contractors Rules Readoption: N.J.A.C. 13:31

Authority: N.J.S.A. 45:5A-6.

Authorized By: Board of Examiners of Electrical Contractors,  
Joseph P. Schooley, Chairman.

Effective Date: January 6, 2022.

New Expiration Date: January 6, 2029.

**Take notice** that pursuant to the provisions of N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 13:31 were scheduled to expire on March 16, 2022. The rules establish standards for the licensing and regulation of electrical contractors and qualified journeyman electricians. Subchapter 1 contains rules of general applicability, such as the fee schedule and the identification of licensees and permittees, and defines terms used throughout Chapter 31. Subchapter 2 concerns licensure and business permit requirements. Subchapter 3 sets forth standards of practice for licensed electrical contractors, business permit holders, and qualified journeyman electricians. Subchapter 4 establishes limited licensure exemptions. Subchapter 5 addresses the registration and continuing education requirements for qualified journeyman electricians.

The Board of Examiners of Electrical Contractors has reviewed these rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated, as required pursuant to N.J.S.A. 52:14B-5.1. Therefore, pursuant to N.J.S.A. 51:1-61, and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted without change and shall continue in effect for a seven-year period.

## TREASURY—GENERAL

### (b)

#### DIVISION OF REVENUE AND ENTERPRISE SYSTEMS

#### New Jersey Notary Public Rules

#### Adopted New Rules: N.J.A.C. 17:50

Proposed: September 16, 2021, at 53 N.J.R. 1809(a).

Adopted: January 11, 2022, by Elizabeth Maher Muoio, New Jersey  
State Treasurer.

Filed: January 11, 2022, as R.2022 d.023, with a **non-substantial change** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: P.L. 2021, c. 179 (N.J.S.A. 52:7-10 et seq.).

Effective Dates: January 11, 2022, Proposed Rule;  
February 7, 2022, Changes Upon Adoption.  
Expiration Date: January 11, 2029.

**Summary of Public Comments and Agency Responses:**

The official comment period ended December 17, 2021, and comments were received from Kim Gaedeke, AVP, Government Affairs, Notarize, Inc.

1. COMMENT: The commenter suggests either clarifying the statement at N.J.A.C. 17:50-1.14(a), as it applies to remotely located individuals and not all individuals appearing before a notary, or deleting subsection (a) entirely and letting subsection (e) speak to situations involving remotely located individuals.

RESPONSE: The Division of Revenue and Enterprise Services (Division) found Ms. Gaedeke's commentary to be thoughtful and constructive, and it was appreciative of the effort she put forth in reviewing the new rules. The language referenced in these subsections is taken directly from the statute (N.J.S.A. 52:7-10.9). Prospectively, if the Division receives feedback from practitioners indicating that the language is confusing, it will consider amending the rules. However, at this early stage of the revised program, the Division believes it is appropriate to let the current language stand.

2. COMMENT: The commenter suggests making an amendment so that N.J.A.C. 17:50-1.14(f) would read, "A notarial act performed by a notary public commissioned in New Jersey using communication technology for a remotely located individual is deemed performed in New Jersey and is governed by New Jersey law."

RESPONSE: The language referenced is taken directly from the statute (N.J.S.A. 52:7-10.10q(2)). If the Division receives feedback from practitioners indicating that the language is confusing, the Division will consider amending the rules. However, at this early stage of the revised program, the Division believes it is appropriate to let the current language stand.

3. COMMENT: With respect to N.J.A.C. 17:50-1.14(g), the commenter recommends the inclusion of an additional step of credential analysis to accompany the visual inspection of the identification credential (two instead of one).

RESPONSE: The governing statute (N.J.S.A. 52:7-10.10a(3)) defines identity proofing as follows: "Identity proofing" means a process or service by which a third person provides a notarial officer with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources." Given this language, the Division believes that one form of identity proofing meets the statutory requirement.

4. COMMENT: Relative to N.J.A.C. 17:50-1.14(g), the commenter indicates that the hyperlinks intended to link to some of the allowable identity proofing processes appear to be broken. She also suggests that it would be helpful for clarity and maintaining compliance and uniformity to reference one source for procedures on remote notarization, or to specifically detail the procedures in the rules.

RESPONSE: The Division has verified that all hyperlinks referenced in the rules are working. At this early stage of the revised program, the Division believes it is important to allow flexibility with respect to the processes employed to effectuate remote notarizations and not to be overly prescriptive. This is why the Division makes reference to several technical sources concerning remote notarization in the rules. As the Division and notary community gain experience in this practice space, the Division may consider the development of more detailed procedures for remote notarization.

5. COMMENT: Regarding N.J.A.C. 17:50-1.14(g), the commenter suggests adding the traditional methods of identity verification, such as personal knowledge.

RESPONSE: The Division found that the statute (N.J.S.A. 52:7-10.10) permits the use of personal knowledge as a means of identity verification for remote notarizations. Accordingly, the Division will add a provision at N.J.A.C. 17:50-1.14(g) upon adoption, citing this as an acceptable method of identification.

6. COMMENT: Concerning N.J.A.C. 17:50-1.11, the commenter suggests the Division: grant the notary the ability to have a repository hold their journal; advocate for a legislative change to allow the notary to have

more than one journal at a time; and require the notary to notify the State Treasurer of where the journals are being held and with which vendor.

RESPONSE: The language at N.J.A.C. 17:50-1.11(d) is permissive. Accordingly, notaries are not precluded from using a repository. That said, the Division will monitor feedback from the notary community and if there is concern about this element of the rules, and/or if the more expansive language found at N.J.A.C. 17:50-1.14(m) causes confusion, the Division will consider amending the rules accordingly.

Relative to the use of multiple journals, because the statute (N.J.S.A. 52:7-10.18) limits notaries to one, the Division must allow the current language to stand. The Division will monitor feedback from the notary community closely and, if indicated, suggest changes to the law that allow for greater flexibility in this area.

7. COMMENT: With respect to N.J.A.C. 17:50-1.13, the commenter asks that the Division clarify that subsection (b) applies only to traditional in-person notarization, and not a notarization performed for a remotely located individual.

RESPONSE: If the Division receives feedback from practitioners indicating that the language is confusing, it will consider amending the rules. However, at this early stage of the revised program, the Division believes the language is clear and that it is appropriate to let the current language stand as is.

8. COMMENT: Relative to N.J.A.C. 17:50-1.15, the commenter suggests outlining specific technologies to comply with the rules, including the use of an X.509 compliant digital certificate. The commenter further states that a notary may not, and should not, be required to determine what technologies are compliant with the rules.

RESPONSE: At this early stage of the revised program, the Division is opting to allow flexibility with respect to the processes employed to effectuate electronic notarizations and not to be overly prescriptive. As the Division and notary community gain experience in this practice space, the Division may consider the development of more detailed technical specifications for electronic notarization.

9. COMMENT: Regarding N.J.A.C. 17:50-1.18, the commenter asserts that the proposed fees are not workable for a successful, compliant service and indicates that use of the national standard of \$25.00 per notarial act be employed as a ceiling amount instead.

RESPONSE: The Division based the fees involved in this subchapter on its concern for the consumer, and its regard for precedence. That said, the Division will monitor feedback from the notary community and general public as time progresses. If the fees constitute a substantive block to the adoption of remote or electronic notarization, it will consider raising the fee levels or establishing ceilings as suggested and/or needed.

10. COMMENT: As a general recommendation, the commenter asks the Division to require the registration of remote online notarization vendors.

RESPONSE: The Division agrees that some form of registration may be required in the future. However, at this early stage of the revised program, the emphasis is on learning through feedback from the notary community on how best to mold the rules, prospectively, as this critical practice space evolves. For this reason, the Division will not include a registration requirement in the initial version of the rules.

**Federal Standards Statement**

The adopted new rules are promulgated pursuant to P.L. 2021, c. 179, which modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. § 7003(b).

The rules additionally reference various Federal notarial officers and the effectiveness of notarial acts taken by these officials. The rules are not adopted under the authority of, or to implement, comply with, or participate in any program established under Federal law or under a State statute that incorporates Federal standards or Federal requirements. Accordingly, N.J.S.A. 52:14B-1 et seq., does not require a Federal standards analysis for the adopted new rules.

**Full text** of the adopted new rules follows (addition to proposal indicated in boldface with asterisks **\*thus\***):

CHAPTER 50  
NOTARY PUBLIC RULES

SUBCHAPTER 1. GENERAL PROVISIONS

17:50-1.1 Purpose

(a) Adopted by the State Treasurer, and administered by the New Jersey Department of the Treasury, Division of Revenue and Enterprise Services, this chapter implements the provisions at P.L. 2021, c. 179.

(b) The rules streamline the commissioning process; clarify and expand upon the requirements to perform notarial acts; provide for the use of new technologies for notarization; and enhance the transparency and accountability of the office of notary public (office).

(c) In implementing the improvements in this chapter, the Department of the Treasury intends to: foster improved notarial service levels Statewide; place New Jersey on a strong footing in the notarial practice space nationally; and bolster the reliability and integrity of notarial practices in general. The ultimate beneficiaries of these advancements will be New Jersey citizens and the State’s business and legal communities that rely on notarial services.

17:50-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Acknowledgment” means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

“Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“Electronic signature” means an electronic symbol, sound, or process attached to, or logically associated with, a record and executed or adopted by an individual with the intent to sign the record.

“In a representative capacity” means 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.

“Non-attorney applicant” means an applicant for an initial or renewal commission as a notary public who is not also a licensed attorney-at-law in this State.

“Notarial act” means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the laws of New Jersey. The term includes:

1. Taking an acknowledgement;
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.

“Notarial journal” means a compendium of each notarial act performed by a notary public and should include the:

1. Date and time of the notarial act;
2. Type of notarization;
3. Date of document notarized;
4. Type of document;
5. Identification provided as proof of identity;
6. Document signer’s printed name;
7. Document signer’s address;
8. Document signer’s signature; and
9. Any other relevant information related to the notarial act.

“Notarial officer” means a notary public or other individual authorized by law to perform a notarial act.

“Notary public” means an individual commissioned by the State Treasurer to perform a notarial act.

“Official stamp” means a physical image affixed to or embossed on a tangible record or an electronic image attached to, or logically associated with, an electronic record.

“Person” has the meaning ascribed to it at N.J.S.A. 1:1-2.

“Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

“Sign” means, with present intent to authenticate or adopt a record to:

1. Execute or adopt a tangible symbol; or
2. Attach to, or logically associate with, the record an electronic symbol, sound, or process.

“Signature” means a tangible symbol or an electronic signature that evidences the signing of a record.

“Stamping device” means:

1. A physical device capable of affixing to, or embossing, on a tangible record an official stamp; or
2. An electronic device or process capable of attaching to, or logically associating with, an electronic record an official stamp.

“Verification on oath or affirmation” means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

17:50-1.3 Qualifications for office, scope of authority, and prohibited acts

(a) A person commissioned as a notary public in this State shall, at the time of appointment:

1. Be at least 18 years of age;
2. Be a legal resident of this State or have a place of employment or practice in this State; and
3. Not be disqualified to receive a commission pursuant to N.J.A.C. 17:50-1.5.

(b) A notary public who has been duly commissioned and qualified is authorized to perform the duties of a notary public throughout the State.

(c) A notary public may not perform a notarial act with respect to a record to which the notary public or the notary public’s spouse or civil union partner is a party, or in which either of them has a direct beneficial interest. A notarial act performed in violation of this subsection is voidable.

(d) A notary public who is not licensed as an attorney-at-law shall not use or advertise the title of lawyer or attorney-at-law, or equivalent terms, in any other language, which means or implies that the notary public is licensed as an attorney-at-law in the State of New Jersey or in any other jurisdiction of the United States.

(e) Notaries public who advertise their services in any language are required to provide with such advertisement a notice that contains the following statement or translation of the following statement if the advertisement is not in English: “I am not an attorney licensed to practice law and may not give legal advice about immigration or any other legal matter or accept fees for legal advice.”

17:50-1.4 Application procedures

(a) An applicant for commission as a notary public shall make application to the State Treasurer on a form prescribed by the State Treasurer. The application shall be endorsed by a member of the Legislature. Renewals shall be made in the same manner as the original application. All applications shall be submitted electronically through a means provided by the State Treasurer at [www.nj.gov/njbgs](http://www.nj.gov/njbgs).

(b) The fee for each application for a commission is \$25.00 and is non-refundable.

(c) Within three months of the receipt of a commission, each notary public shall take and subscribe an oath to faithfully and honestly discharge the duties of the office and to make and keep a true record of all such matters as are required by law. The oath shall be sworn before the clerk of the county in which the notary public resides and shall be filed with said clerk.

(d) The oath of office of a non-resident notary public shall be taken and subscribed before the clerk of the county in which the nonresident notary public maintains the notary public’s office or the county in which the nonresident notary public is an employee of a business with its domicile or primary place of business in this State. The oath shall be sworn before the clerk of the county in which the notary public resides and shall be filed with said clerk.

(e) Upon the administration of the oath, the clerk shall cause the notary public to endorse the certificate of commission and qualification and shall

transmit the certificate to the State Treasurer within 10 days of the administration of the oath, through an electronic method provided by the State Treasurer.

(f) After the administration of the oath, the clerk shall provide a notice to the person that a notary public who is not licensed as an attorney-at-law shall not use or advertise the title of lawyer or attorney-at-law, or equivalent terms, in any language, which mean or imply that the notary public is, licensed as an attorney-at-law in the State of New Jersey or in any other jurisdiction of the United States. The notice shall also state that a notary public who advertises the notary public's services in any language, is required to provide with such advertisement a notice in the language of the advertisement, which contains the following statement or translation of the following statement if the advertisement is not in English: "I am not an attorney licensed to practice law and may not give legal advice about immigration or any other legal matter or accept fees for legal advice."

(g) The State Treasurer shall cancel and revoke the appointment of any notary public who fails to take and subscribe the oath within three months of the receipt of the commission and any appointment so canceled and revoked shall be null, void, and of no effect.

#### 17:50-1.5 Commissioning of nonresidents; additional requirements

(a) A person who is not a legal resident of the State of New Jersey, but who maintains, or is regularly employed in, an office in this State or is an employee of a business with its domicile or primary place of business in this State and performs his or her employment duties remotely from a home office or a co-working space may apply for a commission by complying with the requirements at N.J.A.C. 17:50-1.4 and certifying the following additional information through the online commissioning site at [www.nj.gov/njbgs](http://www.nj.gov/njbgs):

1. The residence and the address of the applicant, and the office or place of employment of the applicant in this State; and

2. Once commissioned, any such nonresident notary public shall file online with the State Treasurer at [www.nj.gov/njbgs](http://www.nj.gov/njbgs) a certificate showing any change of residence or change of the office or place of employment of the notary public in this State.

#### 17:50-1.6 Name change; filing evidence of continuance of powers and privileges

(a) If a notary public adopts a name different from that which the notary public used at the time the notary public was commissioned, before the notary public provides a signature to any record that the notary public is authorized or required to sign as a notary public, the notary public shall make, sign, and file a statement in writing and under oath, on a form prescribed and furnished online at [www.nj.gov/njbgs](http://www.nj.gov/njbgs) by the State Treasurer, setting forth the circumstances under which the notary public has adopted the new name.

(b) The statement shall state whether the new name has been adopted through marriage or civil union or by a change of name proceeding or otherwise, and such other information as the State Treasurer shall require. Such statement, or a certified copy, shall be evidence of the right of the notary public to continue to exercise the powers and privileges and perform the duties of a notary public in the changed or new name.

#### 17:50-1.7 Denial, revocation, suspension, or limitation

(a) The State Treasurer may refuse to renew a commission of a notary public; or suspend, revoke, or otherwise limit the commission of a notary public for any act or omission that demonstrates that the individual lacks the honesty, integrity, competence, or reliability necessary to act as a notary public, including:

1. Failure to comply with P.L. 2021, c. 179 (N.J.S.A. 52:7-10 et seq.);

2. A fraudulent, dishonest, or deceitful misstatement or omission in the application for commission as a notary public submitted to the State Treasurer;

3. A finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on fraud, dishonesty, or deceit, including, but not limited to, a violation of section 1 at P.L. 1997, c. 1 (N.J.S.A. 2C:21-31) or section 1 at P.L. 1994, c. 47 (N.J.S.A. 2C:21-22), but nothing in this paragraph shall be deemed to supersede P.L. 1968, c. 282 (N.J.S.A. 2A:168A-1 et seq.);

4. A conviction of a crime of the second degree or above, but nothing in this paragraph shall be deemed to supersede P.L. 1968, c. 282 (N.J.S.A. 2A:168A-1 et seq.);

5. Failure by the notary public to discharge any duty required by any law, including P.L. 2021, c. 179 (N.J.S.A. 52:7-10 et seq.), any rules promulgated thereunder by the State Treasurer, and any other State or Federal law;

6. Use of false or misleading advertising or representation by the notary public representing that the notary is commissioned, licensed, or authorized to practice or engage in work that the notary is not commissioned, licensed, or authorized to engage in;

7. In the case of a notary public who is not an attorney licensed to practice law, any of the following:

i. Giving legal advice;

ii. Acting as an immigration consultant or an expert on immigration matters;

iii. Otherwise performing the duties of an attorney licensed to practice law in New Jersey;

iv. A disciplinary or other administrative action resulting in a finding of culpability if the applicant holds any professional license regulated by the State; or

v. Creating or reinforcing, by any means, a false impression that the person is licensed to engage in the practice of law in this State or any other state, including, but not limited to, committing a violation of P.L. 1994, c. 47 (N.J.S.A. 2C:21-22) or P.L. 1997, c. 1 (N.J.S.A. 2C:21-31);

8. Failure to take and subscribe to the oath pursuant to section 8 of P.L. 2021, c. 179 (N.J.S.A. 52:7-14.) within three months of the receipt of a notary public commission;

9. Withholding access to, or possession of, an original record or photocopy provided by a person who seeks performance of a notarial act by the notary public, except where allowed by law; or

10. The denial of an application for notary public in another state; the refusal to renew in another state; or the suspension, revocation, or other limitation of the commission of the notary public in another state.

(b) When the State Treasurer denies an application for a notary public; refuses to renew a commission of a notary public; or suspends, revokes, or otherwise limits the commission of a notary public, the State Treasurer shall provide written notice to the applicant or commission holder.

(c) The written notice at (b) above shall include:

1. The name, email address, and telephone number of a contact person at the Division of Revenue and Enterprise Services;

2. The specific details concerning the reasons for the denial; and

3. Notification that the person can submit a request for a hearing, in writing, to the Division's contact person.

(d) The request for a hearing must be received within 20 calendar days from the date the person received the notice of the denial and must include a detailed statement of the reasons that the person believes the State Treasurer's determination is improper, together with supporting documentation, if any. It should also include a statement as to whether the person is represented by legal counsel, and if so, the name, address, and telephone number of said counsel.

(e) Upon the Division's timely receipt of the items set forth at (d) above, it shall determine whether a contested case exists, and if it does, the Division shall transmit the matter to the Office of Administrative Law for a hearing as a contested case.

(f) If the person has either failed to file a timely appeal or has expressly waived the right to appeal, the decision shall become a final decision.

(g) All hearings pursuant to this section shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(h) Any appeal of the final agency decision shall be solely to the Appellate Division of the Superior Court within time limits allowed by New Jersey Court Rule 2:2-3. The final agency decision shall include notice to the appellant of the right to file an appeal to the Appellate Division, the time frames, and related procedures.

#### 17:50-1.8 Certificates and stamps

(a) All notarial acts shall be evidenced by a certificate and stamped by the notary public.

- (b) Certificates shall:
  1. Be executed contemporaneously with the performance of the notarial act;
  2. Be signed and dated by the notarial officer;
  3. Identify the jurisdiction in which the notarial act is performed;
  4. Contain the title of office of the notary public; and
  5. If the notarial officer is a notary public, indicate the date of expiration of the officer’s commission.

(c) A certificate of a notarial act is sufficient if it meets the requirements at (a) above and:

- 1. Is in a short form as set forth at N.J.A.C. 17:50-1.10;
- 2. Is in a form otherwise permitted by the law of this State; and
- 3. Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed.

(d) A notarial officer may not affix the officer’s signature to, or logically associate it with, a certificate until the notarial act has been performed.

(e) If a notarial act regarding a tangible record is performed, a certificate shall be part of, or attached to, the record.

(f) If a notarial act regarding an electronic record is performed, the certificate shall be affixed to, or logically associated with, the electronic record.

- (g) The official stamp of a notary public shall:
  1. Include the name of the notary public, the title “Notary Public, State of New Jersey,” and the notary public’s commission expiration date; and
  2. Be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.

(h) If a notarial act regarding a tangible record is performed by a notary public, an official stamp shall be affixed to or embossed on the certificate near the signature of the notary public to be clear and readable.

(i) If a notarial act regarding an electronic record is performed by a notary public and the certificate contains the information specified at (b) above, an official stamp must be attached to or logically associated with the certificate.

(j) Stamping device. A notary public is responsible for the security of the stamping device used by the notary public and may not allow another individual to use the device to perform a notarial act, except at the specific instruction of a notary public who cannot physically use the stamping device.

(k) The stamping device is the property of the notary public and not of the notary public’s employer, even if the employer paid for the stamping device.

(l) If the stamping device used by the notary public is lost or stolen, the notary public or the notary public’s personal representative shall notify the State Treasurer at <https://www.nj.gov/treasury/revenue/revgencode.shtml> of the loss or theft within 10 calendar days.

17:50-1.9 Requirement for individuals unable to sign

If an individual is physically unable to sign a record, the individual may direct an individual other than the notarial officer to sign the record with the individual’s name. The notarial officer shall insert “Signature affixed by (name of other individual) at the direction of (name of individual)” or words of similar import.

17:50-1.10 Certificate forms

(a) The following short form certificates of notarial acts are sufficient for the purposes indicated if the requirements at N.J.A.C. 17:50-1.6 are satisfied.

- 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 (date)

- 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))  
On \_\_\_\_\_ (date)  
As \_\_\_\_\_ (type of authority, such as officer or trustee) of  
(name of party on behalf of whom record was executed).

\_\_\_\_\_  
Signature of notarial officer  
Stamp

\_\_\_\_\_  
Title of office  
My commission expires (date)

3. For a verification on oath or affirmation:  
State of \_\_\_\_\_  
County of \_\_\_\_\_  
Signed and sworn to (or affirmed) before me on \_\_\_\_\_ (date) by

\_\_\_\_\_  
(Name(s) of individual(s) making statement)

\_\_\_\_\_  
Signature of notarial officer  
Stamp

\_\_\_\_\_  
Title of office  
My commission expires (date)

4. For witnessing or attesting a signature:  
State of \_\_\_\_\_  
County of \_\_\_\_\_  
Signed (or attested) before me on (date) \_\_\_\_\_

\_\_\_\_\_  
(Name(s) of individual(s))

\_\_\_\_\_  
Signature of notarial officer  
Stamp

\_\_\_\_\_  
Title of office  
My commission expires (date)

5. For certifying a copy of a record:  
State of \_\_\_\_\_  
County of \_\_\_\_\_  
I certify that this is a true and correct copy of a record in the possession  
of \_\_\_\_\_ (name).  
Dated \_\_\_\_\_ (date)

\_\_\_\_\_  
Signature of notarial officer  
Stamp

\_\_\_\_\_  
Title of office  
My commission expires (date)

17:50-1.11 Journal requirement

(a) A notary public shall maintain a journal of all notarial acts performed.

1. The journal may be created and maintained on a tangible medium or in an electronic format.

2. A notary public shall maintain only one journal at a time to chronicle all notarial acts, whether those notarial acts are performed regarding tangible or electronic records.

3. If the journal is maintained on a tangible medium, it shall be a permanent, bound register with consecutively numbered lines and consecutively numbered pages.

4. If the journal is maintained in an electronic format, it shall be in a permanent, tamper-evident electronic format.

(b) For each notarial act, the notary public shall record in the journal:

1. The date and time of the notarial act;

2. The type of notarial act, including, but not limited to, the taking of an acknowledgment, the taking of a proof of a deed, the administration of an oath, or the taking of an affidavit;

3. The name and address of each person for whom the notarial act is performed;

4. If the identity of the individual is based on personal knowledge, a statement to that effect;

5. If the identity of the individual is based on satisfactory evidence, a brief description of the method of identification and the identification credential presented, if any, including, if applicable, the type, date of issuance, and date of expiration of an identification document, or the name and signature of any identifying witness and, if applicable, the type, date of issuance, and date of expiration of a document identifying the witness; and

6. An itemized list of all fees charged for the notarial act.

(c) If a notary public's journal is lost or stolen, the notary public shall notify the State Treasurer within 10 days of the loss or theft at <https://www.nj.gov/treasury/revenue/revgencode.shtml> (select Notary application).

(d) The notary public shall:

1. Retain the journal for 10 years after the performance of the last notarial act chronicled in the journal; or

2. Write to the State Treasurer at <https://www.nj.gov/treasury/revenue/revgencode.shtml> for instructions on how to send or transmit the journal securely to the Division.

(e) On resignation from, or the revocation or suspension of, a notary public's commission, the notary public shall either:

1. Retain the journal for 10 years after the performance of the last notarial act chronicled in the journal; or

2. Write to the State Treasurer at <https://www.nj.gov/treasury/revenue/revgencode.shtml> for instructions on how to send or transmit the journal securely to the Division.

(f) On the death or adjudication of incompetency of a current or former notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the journal shall, within 45 days, write to the State Treasurer at <https://www.nj.gov/treasury/revenue/revgencode.shtml> for instructions on how to send or transmit the journal securely.

(g) In lieu of maintaining a journal, a notary public who is an attorney-at-law admitted to practice in this State, who is employed by an attorney-at-law, or who is employed by, or acting as an agent for, a title insurance company licensed to do business in this State pursuant to P.L. 2001, c. 210 (N.J.S.A. 17:22A-26 et seq.), may maintain a record of notarial acts in the form of files regularly maintained for the attorney's law practice or the title insurance company's business activities, as the case may be.

#### 17:50-1.12 Copy certification requirements

A notarial officer who certifies or attests to a copy of a record, or an item that was copied, shall determine that the copy is a full, true, and accurate transcription or reproduction of the record or item.

#### 17:50-1.13 Forms of identification

(a) A notarial officer who takes an acknowledgment or verification of a record, or who witnesses or attests to a signature, shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

(b) Satisfactory forms of identification are as follows:

1. Personal knowledge. A notarial officer has personal knowledge of the identity of an individual appearing before the notarial officer if the individual is personally known to the notarial officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

2. Documentation. A notarial officer has satisfactory evidence of the identity of an individual appearing before the notarial officer if the notarial officer can identify the individual by means of:

i. A passport, driver's license, or government-issued non-driver identification card, which is current or expired not more than three years before the performance of the notarial act;

ii. Another form of government-issued identification, which is current or expired not more than three years before the performance of the notarial act, and which:

(1) Contains the individual's signature or a photograph of the individual's face; and

(2) Is satisfactory to the notarial officer; or

iii. A verification of oath or affirmation of a credible witness personally appearing before the notarial officer or using communication technology to appear before the notarial officer and personally known to the notarial officer or whom the notarial officer can identify based on a passport, driver's license, or government-issued non-driver identification card, which is current or expired not more than three years before the performance of the notarial act.

(c) A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the notarial officer of the identity of the individual.

#### 17:50-1.14 Requirements for use of communications technology

(a) If a notarial act relates to a statement made in, or a signature executed on, a record, the individual making the statement or executing the signature shall appear personally before the notarial officer or shall use communication technology to appear before the notarial officer.

(b) This section does not apply to a record to the extent it is governed by a law governing the creation and execution of wills or codicils, except as to a tangible record that is governed by a law governing the creation or execution of wills and codicils in which case, this section shall apply.

(c) As used in this section:

1. "Biometric identification" means using a human's physical or behavioral human features to digitally identify a person. Examples of biometric identification includes systems that use fingerprints and facial and voice patterns.

2. "Communication technology" means an electronic device or process that:

i. Allows a notarial officer and a remotely located individual to communicate with each other simultaneously by sight and sound; and

ii. When necessary and consistent with other applicable law, facilitates communication with a remotely located individual who has a vision, hearing, or speech impairment.

3. "Digital public key certificate" means an electronic credential issued by a trusted third-party that is used to identify a person who signed an electronic record.

4. "Dynamic knowledge-based authentication assessment" means identifying a person by asking the person a set of questions derived from public or private data sources for which the person has not been provided prior answers.

5. "Foreign state" means a jurisdiction other than the United States, a state, or a Federally recognized Indian tribe.

6. "Identity proofing" means a process or service by which a third person provides a notarial officer with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.

7. "Outside the United States" means a location outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory, insular possession, or other location subject to the jurisdiction of the United States.

8. "Remotely located individual" means an individual who is not in the physical presence of a notarial officer performing a notarial act.

(d) Before a notary public performs the notary public's initial notarial act pursuant to this section, the notary public must notify the State Treasurer electronically at [www.nj.gov/njbgs](http://www.nj.gov/njbgs) that the notary public will be performing such notarial acts and identify the technologies the notary public intends to use.

(e) A remotely located individual may comply with this subchapter and N.J.S.A. 46:14-2.1.a and b (officers authorized to take acknowledgements and proofs) by using communication technology to appear before a notarial officer.

(f) A notarial act performed using communication technology for a remotely located individual is deemed performed in New Jersey and is governed by New Jersey law.

(g) A notarial officer located in this State may perform a notarial act using a communication technology for a remotely located individual, regardless of whether the individual is physically located in this State, if the notarial officer:

1. Ensures the remote session is interactive and secure, meaning the notary and person are viewing each other directly in real time and that the session cannot be viewed and/or recorded by an unauthorized party. The

notarial officer must follow the security procedures of the National Notary Association, as supplemented ([https://www.nass.org/sites/default/files/resolutions/2018-02/nass-support-revised-enotarization-standards-winter18\\_0.pdf](https://www.nass.org/sites/default/files/resolutions/2018-02/nass-support-revised-enotarization-standards-winter18_0.pdf));

2. Is able reasonably to confirm that a record before the notarial officer is the same record in which the remotely located individual made a statement or on which the remotely located individual executed a signature;

3. Obtains satisfactory identification for the remotely located individual that, for purposes of this subsection, means:

i. Visually verifies a proof of identity document as set forth at N.J.A.C. 17:50-1.13(b)2; and

ii. Uses **\*personal knowledge to authenticate the individual's identity, or\*** one of the following methods of identity proofing to authenticate the individual's identity, which are incorporated herein by reference, as amended and supplemented:

(1) Dynamic knowledge-based authentication that is provided online by a third-party and that substantially follows recommended practices for this form of identification, as set forth by any of the three following authorities: National Notary Association (January 2017), available at: <https://www.nationalnotary.org/file%20library/nna/reference-library/model-enotarization-act.pdf>; the National Association of Secretaries of State (February 19, 2018) at: [https://www.nass.org/sites/default/files/resolutions/2018-02/nass-support-revised-enotarization-standards-winter18\\_0.pdf](https://www.nass.org/sites/default/files/resolutions/2018-02/nass-support-revised-enotarization-standards-winter18_0.pdf); and the Mortgage Industry Standards Maintenance Organization (*MISMO Remote Online Notarization Standards, Final Candidate Recommendation (CR) Version, Version 1. (2019)*). The Mortgage Industry Standards Maintenance Organization, Washington, D.C.) available at: [www.mismo.org/standards-and-resources/emortgage-specifications/remot-online-notarization-standards](http://www.mismo.org/standards-and-resources/emortgage-specifications/remot-online-notarization-standards);

(2) Biometric identity verification that is in substantial compliance with National Institute of Standards and Technology requirements, as set forth at Special Publication 800-76-2, <https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-76-2.pdf>; and

(3) Digital public key certificate issued by a trusted third-party in substantial compliance with the National Notary Association's recommended practice, set forth at: <https://www.nationalnotary.org/file%20library/nna/reference-library/model-enotarization-act.pdf>, (Appendix II/Rule2, Public Key Certificate); and

iii. For a remotely located individual who is located outside the United States, ensures the record:

(1) Is to be filed with, or relates to, a matter before a public official or court, governmental entity, or other entity subject to the jurisdiction of the United States; or

(2) Involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with the United States; and

iv. For the purposes of (g)3iii above, the act of making the statement or signing the record is not prohibited by the foreign state in which the remotely located individual is located;

4. Completes a certificate and stamp in accordance with the requirements set forth at N.J.A.C. 17:50-1.8(b), (c), (d), (e), (g), and (h); and

5. Creates an audio-visual recording of the performance of the notarial act.

(h) A notarial officer in this State may use communication technology to take an acknowledgement of a signature on a tangible record that is in the possession of the notary public if the record is displayed to, and identified by, the remotely located individual during the audio-visual session.

(i) A notarial officer may perform a notarial act with respect to a tangible record not physically present before the notarial officer, if:

1. The remotely located individual, during the audio-visual session:

i. Signs the record; and

ii. Signs a declaration, substantially in the following form, which is part of or securely attached to the record:  
 "I declare under penalty of perjury that the record to which this declaration is attached is the same record on which [name of notarial officer] performed a notarial act and before whom I appeared by means of communication technology on [date]."

[Printed name of remotely located individual]  
 [Signature of remotely located individual"]; and  
 iii. Sends the record and declaration to the notarial officer not later than three days after the notarial act was performed; and

2. The notarial officer:  
 i. In the audio-visual recording required records the individual signing the record and declaration; and

ii. After receipt of the record and declaration from the individual, executes the notarial certificate and stamps the same as required at (g) above, which must include the following statement or words of similar import:

"I [name of notarial officer] witnessed, by means of communication technology, [name of remotely located individual] sign the attached record and declaration on [date]."

(j) A notarial act performed in compliance with (g) above is effective as of the date on which the declaration was signed by the remotely located individual.

(k) A notarial officer in this State may administer an oath to a remotely located individual using communication technology. The notarial officer shall identify the remotely located individual by obtaining satisfactory forms of identification pursuant to (g) above, creating an audio-visual recording of the individual taking the oath, and preserving a copy of the audio-visual recording for 10 years.

(l) If a notarial act is performed pursuant to this section, the certificate of notarial act as required at (g) above or the certificate required at N.J.S.A. 46:14-2.1.c must indicate that the notarial act was performed using communication technology.

(m) A notarial officer, a guardian, conservator, or agent of a notarial officer, or a personal representative of a deceased notarial officer shall retain the audio-visual recording created pursuant to this section or cause the recording to be retained by a repository designated by or on behalf of the person required to retain the recording, for a period of 10 years.

17:50-1.15 Electronic notarization—general provisions and definitions

(a) A notarial officer may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person may not require a notarial officer to perform a notarial act with respect to an electronic record with a technology that the notarial officer has not selected.

(b) As used in this section:

1. "Tamper-evident" means that any change to a record shall provide evidence of the change.

2. "Logically associated with" means connecting, cross-referencing, or otherwise linking a certificate with a notarized record accurately and reliably, in a tamper-evident manner.

17:50-1.16 Requirements for electronic notarization

(a) With the exception of wills, codicils, and testamentary trusts, a notarial officer located in this State may perform a notarial act using a tamper-evident technology if the individual requesting the act appears in person before the notarial officer at the time of the act and the officer:

1. Obtains a satisfactory form of identification for the individual pursuant to N.J.A.C. 17:50-1.13; and

2. After executing the notarial act, completes an electronic certificate with an electronic signature and stamp, including all elements required at N.J.A.C. 17:50-1.13, and attaches the certificate and stamp to, or logically associates the certificate and stamp with, the notarized record.

(b) Before a notary public performs the notary public's initial notarial act with respect to an electronic record, the notary public shall notify the State Treasurer electronically at [www.nj.gov/njbgs](http://www.nj.gov/njbgs) that the notary public will be performing notarial acts with respect to electronic records and identify the technology that the notary public intends to use.

(c) The notarial officer shall ensure that the officer's electronic signature stamp is reliable. To be considered reliable, an electronic signature and stamp must be:

1. Unique to the notarial officer;
2. Capable of independent verification;
3. Retained under the notary public's sole control; and
4. Attached to, or logically associated with, the electronic document in a tamper-evident manner.

(d) The notary public shall not disclose any access information used to affix the electronic notary’s signature and seal, except when requested by law enforcement, the courts, and with reasonable precautions, electronic document preparation, and transmission vendors.

17:50-1.17 Criteria for refusal to perform a notarial act

(a) A notarial officer may refuse to perform a notarial act if the officer is not satisfied that:

1. The individual executing the record is competent or has the capacity to execute the record;
2. The individual’s signature is knowingly and voluntarily made;
3. The individual’s signature on the record or statement substantially conforms to the signature on a form of identification used to determine the identity of the individual; or
4. The physical appearance of the individual signing the record or statement substantially conforms to the photograph on a form of identification used to determine the identity of the individual.

(b) A notarial officer may refuse to perform a notarial act, unless the individual presenting the record provides the officer with proof that refusal is prohibited by a State of New Jersey law other than N.J.S.A. 52:7-10 et seq.

17:50-1.18 Fees for notarial services

(a) Notarial officers may collect the following fees for services rendered:

1. For administering oaths, taking affidavits, taking proofs of a deed, and taking acknowledgments, \$2.50 per act.
2. For administering oaths, taking affidavits, taking proofs of a deed, and taking acknowledgments of the grantors in the transfer of real estate, regardless of the number of such services performed in a single transaction to transfer real estate, \$15.00.
3. For administering oaths, taking affidavits, and taking acknowledgments of the mortgagors in the financing of real estate, regardless of the number of such services performed in a single transaction to finance real estate, \$25.00.

(a)

**DIVISION OF REVENUE AND ENTERPRISE SYSTEMS**

**New Jersey Notary Public Rules Continuing Education and Examination Requirements**

**Adopted New Rules: N.J.A.C. 17:50-2**

Proposed: October 18, 2021, at 53 N.J.R. 1775(a).  
 Adopted: January 13, 2022, by Elizabeth Maher Muoio, New Jersey State Treasurer.  
 Filed: January 13, 2022, as R.2022 d.024, **without change**.  
 Authority: P.L. 2021, c. 179 (N.J.S.A. 52:7-10 et seq.).  
 Effective Date: February 7, 2022.  
 Expiration Date: January 11, 2029.

**Summary of Public Comment and Agency Response:**  
**No public comments were received.**

**Federal Standards Statement**

N.J.S.A. 52:14B-1 et seq., requires State agencies that adopt, readopt, or amend State rules exceeding any Federal standards or requirements to include in the rulemaking document a Federal standards analysis.  
 The new rules do not modify, limit, or supersede 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described at 15

U.S.C. § 7003(b). Further, the rules are not promulgated under the authority of, or to implement, comply with, or participate in any program established under Federal law or under a State statute that incorporates Federal standards or Federal requirements. Accordingly, N.J.S.A. 52:14B-1 et seq., does not require a Federal standards analysis for the adopted new rules.

Full text of the adopted new rules follows:

**SUBCHAPTER 2. CONTINUING EDUCATION AND EXAMINATION REQUIREMENTS**

17:50-2.1 Purpose

Adopted by the State Treasurer and administered by the New Jersey Department of the Treasury, Division of Revenue and Enterprise Services, this subchapter implements the provisions at P.L. 2021, c. 179, with respect to the establishment of education and testing requirements for non-attorney applicants for new and renewed notary public commissions. In implementing this subchapter, the Department intends to: foster improved notarial service levels Statewide; place New Jersey on a strong footing in the notarial practice space nationally; and bolster the reliability and integrity of notarial practices in general. The ultimate beneficiaries of these advancements will be New Jersey’s citizens and the State’s business and legal communities that rely on notarial services.

17:50-2.2 Education and testing requirements for initial notary public commissions

(a) A non-attorney applicant for an initial commission as a notary public shall complete a course of study that fosters the applicants’ understanding of the statutes, rules, procedures, and ethical requirements documented in the State of New Jersey Notary Manual at [www.nj.gov/njbgs](http://www.nj.gov/njbgs). The State Treasurer shall ensure that the online course can be accessed through [www.nj.gov/njbgs](http://www.nj.gov/njbgs).

(b) Before being granted an initial notary public commission, a non-attorney applicant shall pass an online test at [www.nj.gov/njbgs](http://www.nj.gov/njbgs) that confirms the applicant’s understanding of the course content at (a) above. The State Treasurer shall ensure the online test and test instructions are accessible at [www.nj.gov/njbgs](http://www.nj.gov/njbgs) and that the testing process is integrated with the State’s online notary public commissioning system. The online system shall generate certificates of approval evidencing that applicants have passed the test. The system shall also record that applicants have passed the test and clear them to submit their notary public commission applications.

(c) The State Treasurer may charge up to \$15.00 for administering each test.

17:50-2.3 Continuing education requirement for renewed notary public commissions

(a) A non-attorney applicant for renewal of a commission who has previously completed the educational and testing requirements at N.J.A.C. 17:50-2.2(a) and (b) at least one time, or who was commissioned for the first time before July 22, 2021, the effective date of P.L. 2021, c. 179, shall complete a continuing education course. The course shall focus on the statutes, rules, procedures, and ethical requirements documented in the State of New Jersey Notary Manual at [www.nj.gov/njbgs](http://www.nj.gov/njbgs). The State Treasurer shall ensure that the online course can be accessed at [www.nj.gov/njbgs](http://www.nj.gov/njbgs).

(b) The State Treasurer shall ensure the online course is integrated with the State’s online notary public commissioning system. The online system shall provide certificates of approval evidencing that applicants have completed the continuing education course. The system shall also record that applicants have completed the course and clear them to submit their notary public commission applications.