

Report on the Status of the State of New Jersey's Notary Education

**Division of Revenue and Enterprise Services
New Jersey Department of the Treasury
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Introduction

This annual report outlines the status of New Jersey's notary public education program, which is administered by the Department of the Treasury, Division of Revenue and Enterprise Services (herein referred to as "The Division").

Under State law (P.L. 2021, c. 179), the State Treasurer is tasked with assessing the efficacy of the State's notarial education program and adjusting the program's content as notarial technologies and processes evolve. As part of this process, the law requires the Treasurer to publish on the Department of the Treasury's web site a report on the state of notary education in New Jersey, on or before September 30 each year. The required reporting elements are as follows:

1. Summary of commissioning activity
2. An assessment regarding the need for new or changed educational content
3. The estimated timelines for delivering the new or changed content

This report addresses the three elements above and also provides background on recent program changes implemented in connection with P.L. 2021, c. 179.

Background

P.L. 2021, c. 179 established the foundations for an updated notarial program. The law instituted a number of important changes that collectively help to modernize the notary commissioning process and general notarial practices in this State, including provisions that:

- Allow for remote and electronic notarizations;
- Mandate electronic filing of commission applications;
- Institute specific identification standards;
- Set forth specific requirements for notary journals;
- Establish requirements for notary certificates and stamps;
- Specify expanded effectiveness of notarial acts performed outside of this State; and
- Require education for and testing of non-attorney notaries public.

The Division implemented the general provisions of the law on October 21, 2021 and the educational/testing requirements on July 22, 2022. To support the updated notarial program, the Division adjusted the State's administrative rules to reflect the new procedural requirements for notaries, with emphasis on conducting remote/electronic notarizations, compliance with identification and journal standards, and meeting requirements for notary certificates and stamps. Further, the Division updated the New Jersey Notary Public Manual (Manual) to reflect these new requirements.

With regard to education/testing, the law requires new applicants for notary commissions to provide proof that they have completed a six-hour course of study and passed an examination prescribed and approved by the State Treasurer. For commission renewals, applicants who have completed the six-hour course of study and passed an examination prescribed by the State Treasurer at least one time, or

who were commissioned before the October 22, 2021 (effective date of P.L. 2021, c.179), must complete a three-hour continuing education course.

The updated Manual is designed to facilitate the transition to the new education/testing regime. The Division's web site directs applicants for new and renewed commissions to read the Manual and requires them to attest that they have read it before they are permitted to proceed with their applications.

Applicants for renewed commissions only have to attest that they have read the Manual.

New applicants must attest that they have read the Manual and proceed to the testing process. The fee-based test encompasses 50 questions drawn from content in the Manual. Applicants must answer at least 80%, or 40 questions correctly, within 75 minutes, to receive a passing grade and may take the test up to three times without having to pay another test fee (\$2.50). The Division permits applicants to use the Manual to answer test questions in an open book format.

The Division modified its online commissioning service so that the educational and testing components described above integrate with and flow seamlessly into the application form and the electronic review and approval process for new and renewed commissions. From a functional perspective, given the high degree of automation, the transitional education and testing processes work well. However, as will be discussed below, the Division is committed to further enhancing the educational component.

Summary of Commissioning Activity

Because the new notary public law has been in effect for a short period of time, it is too early to determine the future trajectory of notary commissioning activity in precise terms.

Assessment on the Need for New or Changed Educational Content

The Division reviewed other State programs that require education and testing as a prerequisite for granting notary commissions and conducted detailed walk-throughs of several educational and testing sites managed by an online third-party service provider (a national leader in the field of notary education). Based on this information, the Division is assessing its program and will recommend adjustments as appropriate in light of on-going commissioning activity and feedback from notaries public and other stakeholders. This may include offering tailored online classes that guide applicants through the various sections of the Manual and that offer sample test questions during the classes.

Estimated Timelines for Delivering New or Changed Content

The Division will develop timelines for delivering new or changed educational content as its assessment of the program progresses.

Conclusion

The Division successfully implemented P.L. 2021, c. 179, which updated New Jersey's notary public program. It modified the State's administrative rules and Manual so that they conform to the law and developed a transitional, online educational and testing process that is highly automated and functioning well. The transitional testing process includes an open book examination based on the Manual.

It is too early to determine the future trajectory of notary commissioning activity precisely. However, the Division believes that the State will benefit from the new, more stringent, education-based commissioning process. Specifically, applicants who are conversant with the requirements of the law and regulations as set forth in the Manual, and who demonstrate their knowledge by passing a test, will be prepared to render higher quality notarial services to the public and the business and legal communities.

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