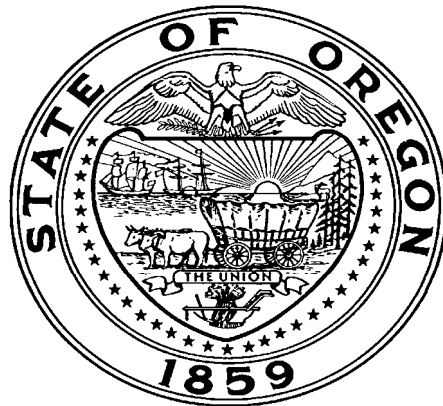


**NOTARY PUBLIC APPLICATION  
MATERIALS  
For  
RE-APPLYING NOTARIES**



**This pamphlet contains an application for a notary public commission, a required Notary Public Open Book Examination, and the source information for that examination.**

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# OREGON REVISED STATUTES

## (ORS) - Excerpts

### **194.005 Definitions for ORS 194.005 to 194.200. As used in ORS 194.005 to 194.200: ...**

(5) “Notarial certificate” and “certificate” mean the part of, or attachment to, a notarized document for completion by the notary and bearing the notary’s signature and official seal.

### **194.010 Appointment of notary public; Certificate of Authorization; office may be nonlucrative; functions not official duties.**

(1) Upon application as prescribed under ORS 194.014, the Secretary of State shall appoint and commission individual persons as notaries public.

(2) Upon appointment as a notary public, the Secretary of State shall send to the person appointed a notarial commission and a Certificate of Authorization with which the person appointed shall obtain an official seal.

(3) The notary public shall retain the commission during the term of appointment.

(4)(a) Only upon presentation by the notary public of the Certificate of Authorization is a vendor authorized to provide the notary with the official seal described under ORS 194.031.

(b) A vendor of official seals shall make note of the receipt of a Certificate of Authorization by a signature of the vendor or an authorized representative of the vendor upon the Certificate of Authorization.

(c) Subject to the procedures set forth under ORS 194.980, any vendor of official seals who furnishes an official seal to any person in violation of paragraph (a) of this subsection may incur a civil penalty in an amount, established by rule of the Secretary of State, that is within the limits set forth under ORS 194.980 (2)(a). Once incurred, the penalty shall be treated in all respects as a civil penalty incurred under ORS 194.980.

(5) Each notary public may file with the Secretary of State a statement waiving the fees specified under ORS 194.164 (1); and in such case the office of notary public is considered nonlucrative.

(6) The functions of a notary public are not considered official duties under section 1, Article III of the Oregon Constitution.

### **194.012 Term of office.**

The term of office of a notary public is four years commencing with the effective date specified in the notarial commission. A notary public may perform notarial acts during the term of the commission, or until the commission is revoked, but may not perform notarial acts during any period when the commission is suspended.

### **194.014 Application for appointment and commission.**

Every individual person, before entering upon the duties of a notary public, shall file with the Secretary of State a completed application for appointment and commission as a notary public. Application shall be made on a form prescribed by the Secretary of State and shall include an oath of office, the legal name and an official signature. Each applicant for appointment and commission as a notary public shall swear, under penalty of perjury, that the answers to all questions on the application are true and complete to the best of the applicant’s knowledge, and that the applicant is qualified to be appointed and commissioned as a notary public. The application process shall be ordered or arranged so that applications may be readily submitted by mail.

### **194.022 Qualifications; written examination.**

Every person appointed and commissioned as a notary public shall:

(1) Be at the time of appointment 18 years of age or older.

(2) Be at the time of appointment a resident of this state, or be a resident of an adjacent state and be regularly employed or carry on a trade or business within this state.

(3) At the time of appointment, be able to read and write the English language.

(4) Be of good moral character.

(5) Not have had a notary commission revoked for official misconduct during the five-year period preceding the date of application.

(6) Not have been convicted of a felony, or of a lesser offense incompatible with the duties of a notary public, during the 10-year period preceding the date of application.

(7) Have satisfactorily completed a written examination prescribed by the Secretary of State to determine the fitness of the person to exercise the functions of the office of notary public. The written examination shall be included as part of the application form and the examination shall allow questions to be answered on an open-book basis. Answers to the questions shall be discernible from a review of the application materials furnished to the applicant.

### **194.031 Notarial seal; exception for notarization of certain plats; filing of sample imprint; replacement seal; rules.**

(1) The official seal of a notary public shall be a stamp made of rubber or some other substance capable of making a legible imprint on paper in black ink. The imprint must legibly reproduce under photographic methods.

(2) The Secretary of State shall adopt rules prescribing the size and form of the imprint of the official seal to promote uniformity, legibility and permanency.

(3) Except as provided in subsection (4) of this section, the attempt to notarize an instrument required to be notarized shall be of no effect unless it bears an imprint of the official seal of the notary who performed the notarization made in the manner required under subsections (1) and (2) of this section.

(4) The imprint of the official seal of a notary public shall not be required to effectuate a notarization of a subdivision or partition plat required under ORS 92.010 to 92.190 or a condominium plat required under ORS 100.115, or any replat, supplement or amendment thereto, if the following appear below the notary's signature:

(a) The printed name of the notary public;

(b) The words "NOTARY PUBLIC - OREGON";

(c) The words "COMMISSION NO." immediately followed by the notary public's commission number; and

(d) The words "MY COMMISSION EXPIRES" immediately followed by the date the notary public's commission expires, expressed in terms of the month, by name not abbreviated, two-digit date and complete year.

(5) Upon delivery of an official seal to a notary public, the notary public shall cause an imprint of the official seal to be filed in the office of the Secretary of State, together with any other information that is by rule required. The filing shall be done in the manner and within the time prescribed by rule.

(6) Any notary whose official seal is lost, misplaced, destroyed, broken, damaged or that is otherwise unworkable shall immediately mail or deliver written notice of that fact to the Secretary of State. The Secretary of State shall issue a Certificate of Authorization, which the notary public may use to obtain a replacement seal.

(7) A seal embosser may be used as an adjunct to the official seal. The use of the seal embosser shall be in compliance with any rules adopted by the Secretary of State.

#### **194.043 Scope of appointment and commission.**

Each notary public appointed and commissioned by the Secretary of State may perform notarial acts anywhere within this state. A notary public so appointed and commissioned may not perform notarial acts in another state, but may notarize a document originating in another state if the notarization is performed in this state.

#### **194.047 Change of address.**

Any person appointed and commissioned, as a notary public whose residential or business address is changed shall, within 30 days after the change, mail or deliver a notice of address change to the Secretary of State. The notice shall include the old address and the new address.

#### **194.063 Application for new commission; resignation.**

(1) No person may be automatically reappointed as a notary public.

(2) Prior to expiration of a commission, a notary public may apply for a new commission in the manner provided by ORS 194.005 to 194.200, and subject to the qualifications prescribed therein.

(3) A person shall resign a notarial commission by mailing or delivering a letter of resignation indicating the effective date of the resignation to the Secretary of State, if:

(a) The person no longer desires to be commissioned as a notary public;

(b) The person ceases to reside in Oregon, or if the person is a nonresident notary, ceases to be regularly employed or to carry on a trade or business within Oregon; or

(c) The person becomes unable to read or write.

#### **194.152 Journal of notarial acts; rules; disclosure.**

(1) Each notary public shall provide, keep, maintain and protect one or more chronological journals of notarial acts performed by the notary public except for administering an oath or affirmation or certifying or attesting a copy.

(2) The Secretary of State shall adopt rules prescribing the form of the notarial journal to promote uniformity and establish the retention or disposition of the notarial journal and other notarial records, and prescribe rules to provide for exceptions to the notarial journal.

(3) A notary public who is an employee may enter into an agreement with the employer pursuant to which agreement the notarial journal or journals of the notary, in compliance with rules adopted under subsection (2) of this section, are retained or disposed of by the employer upon termination of employment.

(4) A notarial journal in the possession of a notary public who is not a public official or employee is exempt from disclosure under ORS 192.410 to 192.505. A notarial journal in the possession of the Secretary of State, or in the possession of a notary public who is a public official or employee, is not exempt from disclosure under ORS 192.410 to 192.505 unless the Secretary of State or other custodian determines that the public interest in disclosure is outweighed by the interests of the parties in keeping the journal record of the notarial act confidential. A determination by the Secretary of State or other custodian under this subsection is subject to review under ORS 192.410 to 192.505.

(5) This section does not apply to the record of protests of commercial paper, which shall be as provided in ORS 194.090.

#### **194.158 Prohibited acts.**

(1) A notary public may not perform a notarial act if the notary is a signer of or named in the document that is to be notarized.

(2) A notary may not indorse or promote any product, service, contest or other offering if the notary's title or seal is used in the endorsement or promotional statement.

**194.162 Misrepresentation of notarial powers; notice of notarial powers and fees.**

- (1) A notary public may select notarial certificates pursuant to ORS 194.005 to 194.200 and 194.505 to 194.595.
- (2) A notary may not make representations to have powers, qualifications, rights or privileges that the office of notary does not have including the power to counsel on immigration matters.
- (3) A notary who is not licensed to practice law in this state and who advertises notarial services in a language other than English shall include in the advertisement, notice or sign, in the same language and in English, the following:
  - (a) A statement, prominently displayed: "I am not licensed to practice law in the State of Oregon and I am not permitted to give legal advice on immigration or other legal matters or accept fees for legal advice."; and
  - (b) The fees for notarial acts specified under ORS 194.164.
- (4) The notary shall post the notice required under subsection (3) of this section in a conspicuous place in the notary's place of business.
- (5) A person may not use the term "notario publico" or any equivalent non-English term, in any business card, advertisement, notice, sign or in any other manner that misrepresents the authority of a notary public.

**194.164 Maximum fees for notarial acts; exception.**

- (1) The Secretary of State shall adopt by rule a schedule fixing the maximum fees that a notary public may charge for performing notarial acts...

**194.166 Grounds for refusal to issue; revocation or suspension of commission.**

The Secretary of State may refuse to appoint any person as notary public or may revoke or suspend the commission of any notary public upon any of the following grounds:

- (1) Failure to meet or maintain the qualifications required under ORS 194.005 to 194.200 or refusal of the consent described under ORS 194.024.
- (2) Substantial and material misstatement or omission of fact in the application submitted to the Secretary of State.
- (3) Engaging in official misconduct.
- (4) Conviction of a felony, or of a lesser offense incompatible with the duties of a notary public.
- (5) Revocation, suspension, restriction or denial of a professional license issued by a governmental entity, if the revocation, suspension, restriction or denial was for misconduct, dishonesty or any cause substantially relating to the duties or responsibilities of a notary public.
- (6) When adjudged liable for damages in any suit grounded in fraud or misrepresentation or in any suit based upon a failure to discharge fully and faithfully the duties as notary public.
- (7) The use of false or misleading advertising wherein the notary public has represented that the notary public has powers, qualifications, rights or privileges that the office of notary does not have, including the power to counsel on immigration matters.
- (8) Engaging in the unauthorized practice of law.
- (9) Charging more than the maximum fees adopted by the Secretary of State by rule under ORS 194.164.
- (10) Failure to comply with ORS 194.162 (3) and (4).
- (11) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit the notary public or another or substantially injure another.
- (12) Failure to complete an acknowledgment at the time the notary's signature and official seal are affixed to the document.
- (13) Execution of any certificate as a notary public containing a statement known to the notary public to be false.
- (14) Using officially an official seal, seal embosser or other device making an imprint or impression that does not conform to ORS 194.031 or to the rules of the Secretary of State.
- (15) Failure to give notice of change of address as required under ORS 194.047 or apply for, or give notice of, a change of name as required under ORS 194.052.

**194.505 Definitions for ORS 194.505 to 194.595. As used in ORS 194.005 to 194.200 and 194.505 to 194.595, unless the context requires otherwise:**

- (1) An "acknowledgment" is a statement by a person that the person has executed an instrument for the purposes stated therein and, if the instrument is executed in a representative capacity, that the person signed the instrument with proper authority and executed it as the act of the person or entity represented and identified therein.
- (2) "In a representative capacity" means:
  - (a) For and on behalf of a corporation, partnership, trust or other entity, as an authorized officer, agent, partner, trustee or other representative;
  - (b) As a public officer, personal representative, guardian or other representative, in the capacity recited in the instrument;
  - (c) As an attorney-in-fact for a principal; or
  - (d) In any other capacity as an authorized representative of another.

- (3) A “notarial act” or “notarization” is any act that a notary public of this state is authorized to perform, and includes taking an acknowledgment, administering an oath or affirmation, taking a verification upon oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy and noting a protest of a negotiable instrument.
- (4) “Notarial officer” means a notary public or any other officer authorized to perform notarial acts.
- (5) “Oath” and “affirmation” mean a notarial act or part thereof in which a notary certifies that a person made a vow in the presence of the notary on penalty of perjury.
- (6) A “verification upon oath or affirmation” is a statement by a person who asserts it to be true and makes the assertion upon oath or affirmation.

**194.515 Notarial acts.**

- (1) In taking an acknowledgment, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the acknowledgment is the person whose true signature is on the instrument.
- (2) In taking a verification upon oath or affirmation, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the verification is the person whose true signature is on the statement verified.
- (3) In witnessing or attesting a signature the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the officer and named therein.
- (4) In certifying or attesting a copy of a document or other item, the notarial officer must determine that the proffered copy is a full, true and accurate transcription or reproduction of that which was copied.
- (5) In making or noting a protest of a negotiable instrument a notarial officer must determine the matters set forth in ORS 73.0505.
- (6) A notarial officer has satisfactory evidence that a person is the person whose true signature is on a document if that person:
- (a) Is personally known to the notarial officer;
  - (b) Is identified upon the oath or affirmation of a credible witness personally known to the notarial officer; or
  - (c) Is identified on the basis of identification documents.
- (7) For purposes of this section, “personally known” means familiarity with a person resulting from interactions with that person over a period of time sufficient to eliminate every reasonable doubt that the person has the identity claimed.
- (8) For purposes of subsection (6)(c) of this section, a notarial officer has satisfactory evidence upon which to identify a person if:
- (a) The person produces at least one current document issued by the federal government or a state, county, municipal or other local government and containing the person’s photograph, signature and physical description; or
  - (b) The person produces at least two current documents, each issued by an institution, a business entity, the federal government or a state, county, municipal or other local government and each containing the person’s signature.
- (9) If a notarial officer is also an employee of a financial institution, as defined in ORS 706.008, and the person to be identified is a customer of the financial institution, one of the two current documents required under subsection (8)(b) of this section may be a signature card signed by the customer and held by the financial institution in connection with the financial institution’s transactions with the customer.

**194.565 Certificate of notarial acts.**

- (1) A notarial act must be evidenced by a certificate signed and dated by a notarial officer. The certificate must include identification of the jurisdiction in which the notarial act is performed and the title of the office the notarial officer holds and may include the official stamp or seal of office. If the officer is a notary public, the certificate must also indicate the date of expiration, if any, of the commission of office, but omission of that information may subsequently be corrected. If the officer is a commissioned officer on active duty with the military services of the United States, it must also include the officer’s rank.
- (2) A certificate of a notarial act is sufficient if it meets the requirements of subsection (1) of this section and it:
- (a) Is in the short form set forth in ORS 194.575;
  - (b) Is in a form otherwise prescribed by the law of this state;
  - (c) Is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or
  - (d) Sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.
- (3) By executing a certificate of a notarial act, the notarial officer certifies that the officer has made the determinations required by ORS 194.515.

**194.575 Short forms.**

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by ORS 194.565 (1):

**(1) For an acknowledgment in an individual capacity:**

State of \_\_\_\_\_

County of \_\_\_\_\_

This instrument was acknowledged before me on (date) by (name(s) of person(s))

(Signature of notarial officer)

(Seal, if any)

\_\_\_\_\_  
Title (and Rank)

My commission expires: \_\_\_\_\_

**(2) For an acknowledgment in a representative capacity:**

State of \_\_\_\_\_

County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ (date) by \_\_\_\_\_ (name(s) of person(s)) as \_\_\_\_\_ (type of authority, e.g., officer, trustee, etc.) of \_\_\_\_\_. (name of party on behalf of whom instrument was executed)

(Signature of notarial officer)

(Seal, if any)

\_\_\_\_\_  
Title (and Rank)

My commission expires: \_\_\_\_\_

**(3) For a verification upon oath or affirmation:**

State of \_\_\_\_\_

County of \_\_\_\_\_

Signed and sworn to (or affirmed) before me on \_\_\_\_\_ (date) by \_\_\_\_\_. (name(s) of person(s) making statement)

(Signature of notarial officer)

(Seal, if any)

\_\_\_\_\_  
Title (and Rank)

My commission expires: \_\_\_\_\_

**(4) For witnessing or attesting a signature:**

State of \_\_\_\_\_

County of \_\_\_\_\_

Signed or attested before me on \_\_\_\_\_ (date) by \_\_\_\_\_. (name(s) of person(s))

(Signature of notarial officer)

(Seal, if any)

\_\_\_\_\_  
Title (and Rank)

My commission expires: \_\_\_\_\_

**(5) For attestation of a copy of a document:**

State of \_\_\_\_\_  
County of \_\_\_\_\_

I certify that this is a true and correct copy of a document in the possession of \_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature of notarial officer)  
(Seal, if any)

\_\_\_\_\_  
Title (and Rank)

My commission expires: \_\_\_\_\_

**194.578 Use of signature stamp by blind or disabled person.**

(1) As used in this section, “blind person” and “visually impaired individual” have the meanings given those terms in ORS 346.110.

(2) Notwithstanding any provision of ORS 194.005 to 194.200 or ORS 194.505 to 194.595:

(a) A blind person, a visually impaired individual or a person with a disability who is unable to sign any document because of the disability may use a signature stamp whenever the signature of the person is required on any document presented for notarization;

(b) In performing any notarial act involving the signature of a person described in paragraph (a) of this subsection, a notarial officer, in the manner prescribed by the Secretary of State by rule, shall witness the use of the signature stamp and accept the stamp in lieu of the signature of the person; and

(c) The notarial certificate of an act signed with a signature stamp shall contain the phrase “signed by stamp before me” or words to that effect.

**194.980 Civil penalty; factors; notice; hearing.**

(1) In addition to any other penalty provided by law, any notary public who is found to have performed an act of official misconduct may incur a civil penalty in the amount adopted under subsection (2) of this section, plus any costs of service or recording costs.

(2)(a) The Secretary of State shall by rule establish the amount of civil penalty that may be imposed for a particular act of official misconduct. A civil penalty shall not exceed \$1,500 per act of official misconduct...

## Steps to Renewing Your Oregon Notary Public Commission

	Step	Action
<i>Application</i>	1	<p><i>On the enclosed application, complete <u>ALL</u> blanks.</i></p> <p><b>Note:</b>  <b>Commission Name:</b> This is your legal name as it appears on your official identification. You must sign your legal signature. You cannot use titles or honorifics such as Mr., Mrs., Dr., Rev., unless they are part of your legal name. You cannot use corporate designations, such as P.C. or L.L.C.  <b>Applicant Signature:</b> This is your official signature, and you must always sign exactly as you did on your application. You must sign your legal signature.  <b>Address where notary materials should be mailed:</b> Please include a business name or suite number if this is necessary for the post office to deliver to you.  <b>Employer Name:</b> If no employer, please indicate that.</p>
	2	<p><i>Go before an existing notary public to swear your oath and have your signature notarized.</i></p> <p><b>Note:</b>  Oath of Office. This must always be completed before mailing. Everything in this section except your signature is to be completed by the person performing the notarization. If you are already a notary, for purposes of this application, you are considered to be the applicant, NOT the notary.</p>
	3	<p><i>Make out a check for \$20 payable to the State of Oregon or the Corporation Division.</i></p> <p><b>Note:</b>  This \$20.00 application fee covers only the cost of processing your application for a 4-year commission; it does not include the notary seal or notarial journal. The seal and journal may be purchased from an office supply store after completing the application process and receiving your certificate of authorization form.</p>
<i>Complete your test</i>	4	<p><i>Read the entire notary application packet.</i></p>
	5	<p><i>Complete the open book notarial exam.</i></p> <p><b>Note:</b>  Parts of answers can be found in more than one place in the booklet. You may only miss 3 of the 20 questions to pass the exam.</p>
<i>Mail your application</i>	6	<p><i>Mail your completed application, test, and fee to:</i></p> <p style="text-align: center;">Secretary of State Corporation Division  Attn: Notary Section  255 Capitol Street NE, Suite 151  Salem, OR 97310-1327</p> <p>Allow 2-3 weeks for processing. You will be mailed your commission and a Certificate of Authorization form (allowing you to purchase a notary seal), a copy of the Oregon Revised Statutes (ORS) and Administrative Rules (OARs), and a copy of the Oregon Notary Public Guide.</p> <p><b>Note:</b>  <b>Please read all of the Notary Public publications carefully, you are responsible for following all of the Laws and Rules.</b></p>

### Before You Mail Your Application, Test and Non-refundable Fee

#### *Double Check*

- √ Did you complete all sections of the application?
- √ Did you sign the application before a notary?
- √ Did you complete the open book test?
- √ Did you include a \$20 check with your application or submit your MasterCard or VISA card number information?

## After Your Application Has Been Approved

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### Complete These Steps

Step	Action
1	<p>When you receive your commission from the Secretary of State's office, proof read the commission for the spelling of your name and note the expiration date.</p> <p>If it is correct, take your Certificate of Authorization to a maker of rubber stamps to have your seal made.</p> <p>If you question any of the information, call this office at (503) 986-2593.</p>
2	<p>After your seal is made, proof read the seal ensuring that the spelling of your name, commission number and expiration date are correct.</p>
3	<p>Stamp a clean imprint of your seal (in black ink) on the Certificate of Authorization to complete the requirement of filing your imprint with the Secretary of State.</p> <p><b>Mail to:</b> Secretary of State Corporation Division Notary Section 255 Capitol Street NE, Suite 151 Salem, OR 97310-1327</p>
4	<p>After you have purchased your notary journal and have reached the effective date of your commission, you are ready to notarize.</p>

**If you have any questions regarding the application process or the exam, please call (503) 986-2593 before sending the application in.**

## Follow-up Information

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- ◆ You will receive a new commission and Certificate of Authorization with a new commission number and expiration date.
- ◆ You will need to have a new notary seal made. The new seal cannot be used until the effective date of the new commission.
- ◆ You may continue to use the same journal, but must update the information in the front.
- ◆ Destroy your old seal within 30 days after the expiration of your commission.
- ◆ **When re-applying, please do not send in your application more than 2 1/2 months before your commission expires. If you do, your application will not be processed and your fee will not be refunded.**

# OREGON ADMINISTRATIVE RULES (OAR) - Excerpts

## Use of Official Seal — ORS 194.005(5), 194.031(3) and 194.335

### 160-100-0110

- (1) A notary public shall use the notary public's official seal to perform a notarial act.
- (2) A notary public shall use the notary public's official seal by placing a legible imprint of the official seal on a notarial certificate.
- (3) A notary public shall **not** place an imprint of the notary public's official seal over any signature in a document to be notarized or in a notarial certificate, nor over any writing in a notarial certificate.
- (4) When a notarial certificate is on a separate piece of paper attached to the document to be notarized or when there are attachments to the document to be notarized, such as pictures, a notary public may use an additional imprint of the notary public's official seal to mark for identification the document or attachment if the imprint does not make any part of the document or attachment illegible.
- (5) A notary public shall not use the notary public's official seal for any purpose other than to perform a notarial act.
- (6) A notary public shall not permit any other person to use the notary public's official seal for any purpose.
- (7) A notary public shall not use any other notary public's official seal or any other object in lieu of the notary public's official seal to perform a notarial act.

## Use of Official Seal Embosser — ORS 194.031(6) and 194.335

### 160-100-0130

- (1) A notary public may use an official seal embosser to perform a notarial act but only in *addition* to the notary public's official seal... (3) A notary public shall not place the embossment over any signature in a document to be notarized or in a notarial certificate nor over any writing in a notarial certificate...

## Filing Imprint of Official Seal with Secretary of State — ORS 194.031(4)

### 160-100-0140

- A notary public shall file the following information with the Secretary of State within ten days after the date the notary public receives the notary public's official seal and Certificate of Authorization from a vendor of official seals:
- (1) An imprint of the notary public's official seal. The imprint shall be placed in the location designated for the imprint on the Certificate of Authorization;
  - (2) The Certificate of Authorization. The Certificate of Authorization shall be the original Certificate of Authorization issued by the Secretary of State to the notary public. The Certificate of Authorization shall be completed by the vendor with the information required on the Certificate of Authorization.

## Notarial Acts Not Required to be Recorded in Notarial Journal — ORS 194.152(1) - (2) and (5)

### 160-100-0230

- A notary public may, but is not required to, record in a notarial journal any information about the following notarial acts performed or documents notarized by the notary public:
- (1) Administering an oath or affirmation;
  - (2) Certifying or attesting a copy of a document;
  - (3) Affidavits;
  - (4) Billing statements for media advertising;
  - (5) Protests of commercial paper (to be recorded as provided in ORS 194.090 and 73.0505).
  - (6) Verifications upon oath or affirmation.

## Disposition of Notarial Records Upon Termination of Commission

### Termination of Commission Due to Expiration — No Application for New Commission — ORS 194.154

### 160-100-0300

- (1) A notary public whose commission was terminated because of expiration, and who has not applied for a new commission within 30 days after the date of termination shall arrange for the storage of his/her notarial records, *except records of protests of commercial paper (see OAR 160-100-0350)*, in any form and at any location. The records or any reproduction of the records must be readable and the notary public must be able to obtain possession of such records within 15 days of receipt of a request for such records.

(2) A notary public shall file a statement with the Secretary of State within ten days after the date the notary public stored such records. The statement shall include:

- (a) The name of the notary public;
- (b) The notary public's commission number;
- (c) The notary public's commission expiration date;
- (d) The cause of termination of the notary public's commission, i.e., expiration;
- (e) The date the notary public stored such notarial records;
- (f) The street address and exact location at such address where such records are stored and any subsequent relocation of such records.

(3) A notary public shall store such records for a period of seven years after the date of commission expiration. After the seven-year period, the notary public may destroy such records.

(4) A notary public shall destroy the official seal and/or official seal embosser immediately upon expiration of the commission.

## **Notary Public's Responsibilities When Agreement Has Been Entered into with Employer — ORS 194.154 and 194.335**

### **160-100-0360**

A notary public who has entered into an agreement with his her employer relating to the employer's retention and disposal of the notary public's notarial records following termination of employment pursuant to ORS 194.152(3) shall retain a written copy of the agreement which may be examined by the Secretary of State upon request...

### **Notarial Fees and Waiver of Notarial Fees**

#### **Maximum Amount of Notary Fees Permitted to be Charged — ORS 194.160(1)**

### **160-100-0400**

A notary public shall not charge, attempt to charge, or receive a notary fee that is more than:

- (1) \$5 for taking an acknowledgment;
- (2) \$5 for taking a verification upon an oath or affirmation;
- (3) \$5 for certifying a copy of a document;
- (4) \$5 for witnessing or attesting a signature;
- (5) \$5 for protesting commercial paper, except a check drawn on an insolvent financial institution in which case the fee is \$0;
- (6) \$1 for administering an oath or affirmation without a signature;
- (7) \$1 for taking a deposition, each page;
- (8) \$1 for all other notarial acts not specified in this rule.

## **Filing Statement of Waiver of Notary Fees; Withdrawing Statement of Waiver — ORS 194.010(5)**

### **160-100-0420**

- (1) A notary public may file with the Secretary of State a statement waiving the right to charge a notary fee.
- (2) If a notary public files a written statement of waiver, then the notary public shall:
  - (a) Not charge, attempt to charge or receive any notary fee for a notarial act performed after the date the notary public filed the statement of waiver;
  - (b) Not display a list of notary fees otherwise required by OAR 160-100-0410.
- (3) If a notary public who has filed a statement of waiver wants to charge a fee to perform a notarial act, then notary public shall file with the Secretary of State a written statement withdrawing the statement of waiver and shall comply with the requirements of OAR 160-100-0400 and 160-100-0410.

## **Conviction of a Lesser Offense Incompatible with the Duties of a Notary Public — ORS 194.166, 194.335 and 194.990**

### **160-100-0510**

"Conviction of a lesser offense incompatible with the duties of a notary public" as cited in ORS 194.166(4) and OAR 160-100-0610(67) shall mean having been convicted in any court of the State of Oregon or any other state or federal jurisdiction of one of the crimes listed below or any comparable crime:

- (1) 162.075 — False swearing;
- (2) 162.085 — Unsworn falsification;
- (3) 162.235 — Obstructing governmental or judicial administration;
- (4) 162.295 — Tampering with physical evidence;
- (5) 162.305 — Tampering with public records;
- (6) 162.335 — Compounding a felony;

- (7) 162.355 — Simulating legal process;
- (8) 162.365 — Criminal impersonation;
- (9) 162.375 — Initiating a false report;
- (10) 162.385 — Giving false information to police officer for a citation;
- (11) 162.425 — Misuse of confidential information;
- (12) 165.007 — Forgery in the 2nd degree;
- (13) 165.017 — Criminal possession of a forged instrument in the 2nd degree;
- (14) 165.037 — Criminal simulation;
- (15) 165.042 — Fraudulently obtaining a signature;
- (16) 165.080 — Falsifying business records;
- (17) 165.095 — Misapplication of entrusted property;
- (18) 165.100 — Issuing a false financial statement;
- (19) 165.102 — Obtaining execution of documents by deception;
- (20) Any misconduct identified of the notary offenses listed in ORS 194.990;
- (21) Any other offense of a similar nature to the above listed crimes, which is incompatible with the duties of a notary public.

## 15 Steps to a Proper Notarization

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**While it would be impossible to compile an all-inclusive list of the actions constituting reasonable care, Notaries who fully comply with the following 15-step checklist will avert the most common pitfalls that result in legal problems.**

<b>Step 1</b>	<p><b><i>Require The Personal Appearance Of Every Constituent.</i></b></p> <p>The signer must appear in person before the Notary on the date and location stated in the notarial certificate. “Personal Appearance” means the signer is in the Notary’s physical presence — face to face in the same room. A phone call to the Notary is not acceptable as personal appearance.</p>
<b>Step 2</b>	<p><b><i>Make A Careful Identification.</i></b></p> <p>You should identify every constituent through personal knowledge, the word of a personally known credible witness under oath, or through authorized identification documents. When using ID cards, examine them closely to detect alteration, counterfeiting or evidence that they are genuine cards issued to an impostor. Don’t rely on a type of card with which you are unfamiliar.</p>
<b>Step 3</b>	<p><b><i>See Whether You Have To Determine The Signer’s Representative Status.</i></b></p> <p>A constituent may be signing as an individual, a corporate officer, an attorney-in -fact, or in any number of other representative capacities. The Notary’s exact legal responsibility to determine that a signer has the authority claimed depends on the wording of the acknowledgment certificate.</p> <p>For example, wording such as “... known to me as the person who executed the within instrument on behalf of the partnership...” requires the Notary only to confirm the signer’s personal identity. However, if the certificate has language such as “...known to me to be the partner of the partnership...”, the Notary must know the signer is a partner.</p> <p>A Notary establishes a constituent’s status as a representative through personal knowledge, documentary proof or signer’s verification upon oath or affirmation.</p>
<b>Step 4</b>	<p><b><i>Feel Certain That The Signer Is Competent.</i></b></p> <p>A conscientious and careful Notary will be certain not only of the signer’s identity but also of the person’s willingness to sign and ability to understand the document. The ability to understand is called competence.</p> <p><b><i>Secretary of State’s Note: We recommend that you consult with legal counsel regarding competency issues.</i></b></p>
<b>Step 5</b>	<p><b><i>Check The Signature.</i></b></p> <p>Make sure a constituent signs the name appearing on his or her ID’s. Also compare the signature the constituent leaves in your journal against the signatures on the document and on ID cards to detect a possible forgery.</p>
<b>Step 6</b>	<p><b><i>Look For Blank Spaces.</i></b></p> <p><b><i>Secretary of State’s Note: Point out the blanks to constituent and explain that others could complete those blanks without permission. Make a note in your journal that this was done and whether your constituent chose to deal with them in any way.</i></b></p>
<b>Step 7</b>	<p><b><i>Scan The Document.</i></b></p> <p>Notaries are not required to read the documents they notarize. However, they should note certain important particulars about a document, such as its title, for recording in the journal. Be sure to count and record the number of pages; this can help show whether pages are later fraudulently added or removed.</p>

<p><b>Step 8</b></p>	<p><b><i>Check The Date On The Document.</i></b></p> <p>A document dated to follow the date on its notarial certificate risks rejection by a recorder, who may question how the document could have been notarized before it was signed.</p> <p><b><i>Secretary of State’s Note: Some documents may be notarized with a future effective date, but the date of the notarization must always be the present date.</i></b></p>
<p><b>Step 9</b></p>	<p><b><i>Keep A Journal.</i></b></p> <p>(ORS 194.152 requires that each Oregon Notary Public provide, keep, maintain and protect one or more notarial journals). If a notarized document is lost or altered, or if certain facts about the transaction are later challenged, the journal becomes valuable evidence. It can protect the right of citizens and help Notaries defend themselves against false accusations.</p> <p><b><i>Secretary of State’s Note: TO EMPLOYERS OF NOTARIES PUBLIC - Even though you pay for your employee’s notary public commission, seal and journal, the commission is issued to the Notary Public and belongs to that Notary Public under the responsibility requirement of the law. You may not retain the official notary seal when the Notary Public/employee leaves your employ and may only keep the notarial journal if you have entered into a written agreement with the Notary Public/employee.</i></b></p>
<p><b>Step 10</b></p>	<p><b><i>Complete Your Journal Entry First.</i></b></p> <p>You should complete the entry entirely before filling out the notarial certificate to prevent signers from leaving before you make the important record of the notarization in your official journal.</p>
<p><b>Step 11</b></p>	<p><b><i>Make Sure The Certificate Fits The Notarization.</i></b></p> <p>“Subscribed (or signed) and sworn” is not appropriate language for a notary certificate unless an oath has been given.</p> <p>Is it a standard printed form? Some situations may require a special-purpose form, such as when a corporation signs as a partner in a partnership. The Notary who is not an attorney should never prepare these special forms.</p> <p><b><i>Secretary of State’s Note: Although a notary may not determine which certificate is correct when directed by the signer, the notary may draft the appropriate certificate in keeping with Oregon law. Pre-printed notarial language may be incomplete. If so, correct language must be added by the notary public.</i></b></p>
<p><b>Step 12</b></p>	<p><b><i>Be Attentive To Details.</i></b></p> <p>When filling out the certificate, make sure the jurisdiction correctly identifies the place of notarization; if the jurisdiction is preprinted or already filled in, the Notary should line through any incorrect state and/or county and write in the proper location. Also pay attention to spaces which indicate the number and gender of constituents, as well as how they were identified. For example, leave the plural “(S)” untouched or cross it out. Write in “is” or “are”. “_he_” can indicate “he,” “she” or “they”. If the certificate has an identification clause, line through the inapplicable wording and initial.</p> <p><b><i>Secretary of State’s Note: Be sure to determine if the notarization certificate is complete. Jurisdiction consists of the State and County where the document is notarized and is frequently missing from pre-printed certificates.</i></b></p> <p><b><i>An Oregon notarial certificate must have: 1. A jurisdiction 2. A statement of who appeared on what day and what they did 3. The Notary’s seal (in black ink) and 4. The Notary’s signature (just as their seal reads).</i></b></p>
<p><b>Step 13</b></p>	<p><b><i>Affix Your Signature And Seal Properly.</i></b></p> <p>Notaries must sign exactly the same as on their official seal and/or embosser. The seal should be placed as close to the Notary’s signature as possible without overprinting it or the signer’s signature. To prevent illegibility, a notary seal should not be affixed over wording, particularly never over a signature. Although an embossment may be placed over the letters “L.S.”, an inked seal should be affixed next to but not over them to ensure legibility of data in the seal.</p>

<p><b>Step 14</b></p>	<p><b><i>Protect “Loose” Certificates.</i></b></p> <p>If you have to attach a notarial certificate to a document, make sure that it’s securely stapled to the left margin of the document. Protect against its removal by embossing it together with the document, and writing the particulars of the document to which it is attached in one of the certificate’s margins. For example, the note, “This certificate is attached to a partnership agreement between John Smith and Mary Doe, signed July 14, 1986,” would discourage fraudulent reattachment.</p> <p><b><i>Secretary of State’s Note:</i></b> <i>When doing an attachment certificate a seal imprint must be completely on the certificate. <u>A second imprint may overlap the document and certificate as a protection device.</u></i></p>
<p><b>Step 15</b></p>	<p><b><i>Don’t Give Legal Or Immigration Advice And Don’t Notarize For Yourself Or Your Family.</i></b></p> <p>Every state prohibits non-attorneys from practicing law. You should never prepare or complete documents, nor give advice on any matter relating to a document unless you’re an attorney or professional in a relevant area of expertise. Use care in selecting the type of certificate or notarization a document needs, as this decision can have important legal ramifications. The Notary could be held liable for any damages resulting from an incorrectly chosen certificate or notarization.</p> <p><b><i>Secretary of State’s Note:</i></b> <i>Even though Oregon law does not prohibit notarizing documents for relatives, we recommend that the signer(s) obtain the services of a Notary Public a court would consider <u>truly unbiased</u>. The notary should not notarize documents in which they are referred to by name or title — it’s against the law in Oregon.</i></p>

# Notary Qualification

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**To be a notary public in Oregon, you must meet the following qualifications, at the time of application:**  
(A background check is conducted on all applications for a notary public commission).

- ✓ **Be 18 years of age or older**
- ✓ **Be a resident of the State of Oregon** (You may also qualify if you are a resident of California, Idaho, Nevada, or Washington and carry on a trade or business or are regularly employed within the State of Oregon)
- ✓ **Be able to read and write the English language**
- ✓ **Be of good moral character**
- ✓ **Not have had a notary commission revoked for official misconduct during the previous 5 years**
- ✓ **Complete a 3 hour Notary training course** (not required for current Notaries with an active commission at the time the new application is received in our office.)
- ✓ **Not have been convicted of a felony, or of a lesser offense incompatible with the duties of a notary public, during the previous 10 years**
- ✓ **Pass the Secretary of State's Notary Examination**

**Good moral character means** character other than that which reflects moral turpitude and conduct which would cause a reasonable person to have substantial doubts about an individual's honesty, fairness and respect for the rights of others and for the laws of the state and the nation. To be relevant to deciding whether a person is of "good moral character," conduct of questionable good moral character must be rationally connected to the applicant's fitness to be a notary public.

## **Conviction of a lesser offense incompatible with the duties of a notary public means**

"Conviction of a lesser offense incompatible with the duties of a notary public" as cited in ORS 194.166(4) and OAR 160-100-0610(67) shall mean having been convicted in any court of the State of Oregon or any other state or federal jurisdiction of one of the crimes listed below or any comparable crime:

- Any misconduct identified of the notary offenses listed in ORS 194.990
- Compounding a felony (ORS 162.335)
- Criminal impersonation (ORS 162.365)
- Criminal possession of a forged instrument in the 2nd degree (ORS 165.017)
- Criminal simulation (ORS 165.037)
- False swearing (ORS 162.075)
- Falsifying business records (ORS 165.080)
- Forgery in the 2nd degree (ORS 165.007)
- Fraudulently obtaining a signature (ORS 165.042)
- Giving false information to police officer for a citation (ORS 162.385)
- Initiating a false report (ORS 162.375)
- Issuing a false financial statement (ORS 165.100)
- Misapplication of entrusted property (ORS 165.095)
- Misuse of confidential information (ORS 162.425)
- Obstructing governmental or judicial administration (ORS 162.235)
- Obtaining execution of documents by deception (ORS 165.102)
- Simulating legal process (ORS 162.355)
- Tampering with physical evidence (ORS 162.295)
- Tampering with public records (ORS 162.305)
- Unsworn falsification (ORS 162.085)
- Any other offense of a similar nature to the above listed crimes, which is incompatible with the duties of a notary public

**DO NOT** Submit this form & fee more than 2 1/2 months before your commission expires. If you do your **\$20.00 fee payable to "State of Oregon"** will not be refunded.

**MAIL TO: STATE OF OREGON**

Corporation Division – Notary  
255 Capitol Street NE, Suite 151  
Salem, OR 97310-1327  
503-986-2593  
FAX: 503-986-2300  
www.FilingInOregon.com/notary

**This Space For Notary Office Use Only**

Test Questions

**This Space For Notary Office Use Only**

**NOTARY PUBLIC APPLICATION FOR A COMMISSION**

PLEASE TYPE OR PRINT LEGIBLY IN **BLACK OR DARK BLUE INK. ALL SECTIONS MUST BE COMPLETED.**

In keeping with Oregon Revised Statute 192.410-192.595, the information on this application is public record.

1. Print Commission Name: (As proven by ID)

First	Middle or Initial	Last

2. Full Legal Name: (First, Middle, and Last) **(No Initials)**

3. Other Names:  
(Including previous last names, commission names, and nicknames)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Home or Cell Phone Number:

( )

5. Daytime or Work Phone Number & Extension:

( )

6. Date of birth: (mm/dd/yyyy)

7. Address where notary materials should be mailed:  
(City, State, Zip code)

8. Employer Business Name and Address: (City, State, Zip code)

9. Home Street Address: (City, State, Zip code) **Do Not use PO Box or PMB**

10. **Do you qualify** to be a notary public in the State of Oregon pursuant to ORS 194.022, including no convictions for a felony, or certain lesser offenses in the last 10 years? (see form 500a or <http://www.filinginoregon.com/notary/qualify.htm>)  YES  NO

11. Have you ever applied to be an Oregon notary public?  YES  NO

**If yes**, most recent commission name and expiration date if known: \_\_\_\_\_

12. **Provide Notary Education Identification Number** (located on the Certificate of Education) or **current (active) Notary Commission Number.**

**Required: Effective July 1, 2006**

13. **OATH OF OFFICE** (Applicant must sign before a notary public.)

I, \_\_\_\_\_, (Applicant's Commission Name) do solemnly (swear) (affirm), under penalty of perjury, that the answers to all questions on this application are true and complete to the best of my knowledge, and I, PERSONALLY, have completed the notarial examination to the best of my ability, and I understand that my signature on the notarial application is my consent for criminal record investigation pursuant to ORS 194.024; AND, I do solemnly (swear) (affirm) that upon appointment, I will support the Constitution and laws of the United States and the State of Oregon, and I will faithfully discharge the duties of Notary Public in and for the State of Oregon according to the best of my ability.

**X**

**Official Signature** (Applicant's Legal Signature)

State of \_\_\_\_\_ County of \_\_\_\_\_

Subscribed and (sworn) (affirmed) before me

by \_\_\_\_\_  
(Print Commission Name of Applicant)

this \_\_\_\_\_ day of \_\_\_\_\_ .  
(day) (month) (year)

**Notary Public – Oregon** (Signature)

↑ Affix Official Seal ↑

## OPEN BOOK EXAMINATION

The answers to the questions in the following open book examination can be obtained in the notary information pamphlet at <http://filinginoregon.com/pdf/notary/1501.pdf>. **In order to pass this examination, you may not miss more than THREE of the twenty questions.** There is no limit to the number of times you may reapply and take further examinations; however, the \$20 fee you include with each application will not be refunded.

### TRUE OR FALSE - MARK THE APPROPRIATE BOX.

#### True False

1. When using an attachment certificate a complete seal imprint must be on the certificate. A second imprint may overlap the document and certificate as a protection device.
2. Except to file with the Secretary of State, a notary public shall not use the notary's official seal for any purpose other than to perform a notarial act.
3. A notary public may perform a notarial act even if the notary is a signer of or named in the document to be notarized.
4. All identification used to establish identity of the signer must be current.
5. The official seal shall not be placed over any signature in a document to be notarized or in a notarial certificate, nor over any writing in a notarial certificate.

#### True False

6. A notary public receives his/her commission from the employer who pays notarial expenses and remains a notary public only as the employer directs.
7. Notaries must sign the notarial certificate using their official signature filed with the Secretary of State.
8. An official seal embosser may be used only in addition to the official seal.
9. A notarial certificate must refer to the State and County in which the notarial act is performed.
10. A non-attorney notary public may not give counsel on immigration matters.

### MULTIPLE CHOICE - MARK THE ONE APPROPRIATE BOX.

11. "Personal Appearance" means:
- 1) speaking to the notary over the phone.
- 2) in the notary's physical presence.
- 3) personally mailing a document to a notary public.
12. A notary public shall mail or deliver a notice of address change to the Secretary of State:
- 1) within 30 days after the change.
- 2) within 60 days after the change.
- 3) within 90 days after the change.
13. The official seal of a notary public shall be a stamp made of rubber or some other substance capable of making legible imprint on paper in:
- 1) black ink.
- 2) blue ink.
- 3) any color ink that is legible and reproducible.
14. Upon expiration of his/her notary commission, a notary public may destroy his/her notarial journal:
- 1) at any time.
- 2) upon receiving authorization from the Secretary of State.
- 3) seven years after expiration of the commission in which the entries were made.
15. The Secretary of State may revoke or suspend the commission of any notary public upon:
- 1) failure to complete an acknowledgement at the time the notary's signature and official seal are affixed to the document.
- 2) an execution of any certificate as a notary public containing a statement known to the notary public to be false.
- 3) Both of the above.
16. A notary public so appointed and commissioned may not perform notarial acts in another state, but may notarize a document originating in another state if:
- 1) a completed notarial certificate from the other state is attached.
- 2) the notarization is performed in this state.
- 3) the signature on the document has been confirmed by phone.
17. A complete notarial certificate must include all of the following:
- 1) the notary's seal and signature.
- 2) the notary's seal, signature, jurisdiction, and a statement of who appeared on which day, and which act was performed.
- 3) the notary's seal, signature, and the jurisdiction.
18. A chronological journal of notarial acts shall be kept:
- 1) if the notary public so chooses.
- 2) if the employer of the notary public requires it.
- 3) by each Oregon notary public.
19. "Subscribed (or signed) and sworn" is appropriate language for a notary certificate only if:
- 1) an oath has been administered by the notary.
- 2) the document was signed before the notary was present.
- 3) the document shall be received by a court of law.
20. A credible witness who swears or affirms as to the identity of a signer must be:
- 1) personally known to the notary.
- 2) proven on the basis of identification cards.
- 3) related or married to the signer.

NAME: \_\_\_\_\_