

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: March 15, 2016

SUBJECT: Report on Bill 21-112, “Notary Public Fee Enhancement Amendment Act of 2016”

The Committee of the Whole, to which Bill 21-112, the “Notary Public Fee Enhancement Amendment Act of 2016” was referred, reports favorably thereon with amendments, and recommends approval by the Council.

CONTENTS

I.	Background And Need.....	1
II.	Legislative Chronology.....	4
III.	Position Of The Executive.....	5
IV.	Comments Of Advisory Neighborhood Commissions	5
V.	Summary Of Testimony.....	5
VI.	Impact On Existing Law	5
VII.	Fiscal Impact.....	6
VIII.	Section-By-Section Analysis	6
IX.	Committee Action.....	6
X.	Attachments	6

I. BACKGROUND AND NEED

On February 27, 2015, Bill 21-112, the “Notary Public Fee Enhancement Amendment Act of 2016” was introduced by Councilmember Jack Evans. As amended, Bill 21-112 would increase the fee charged by a notary public to \$5 and clarify that amount is a floor which can be adjusted by the Mayor.

Notaries public in the District of Columbia are commissioned and approved by the Office of Notary Commissions and Authentications which is a division of the Office of the Secretary of the District of Columbia. Notaries public are considered public officers whose function is to notarize documents by administering oaths and attestations and witnessing individuals sign documents in the presence of the notary. As with other public officers, notaries are held to a standard of public trust in the exercise of their duties. Therefore, to become a notary public, one must undergo a thorough application process that includes completing an application, paying a fee to process and review the application, obtain a letter of request explaining the need for the individual to become a notary, attending a mandatory orientation session, have their name

published in the D.C. Register, and take an oath of office.¹ The current fee for applying to be a notary is set at \$75 by rule.² By law, the term for notaries in the District is five years³ and a notary must obtain a surety bond in the amount of \$2,000 for the length of the term.⁴

Once an individual has completed the application process, he or she is granted a commission from the District allowing them to perform their duties as a notary. It is the responsibility of the notary to obtain all supplies necessary to carry out their duties. This includes a customized notary seal embosser, an inker to make the stamp visible, a jurat stamp indicating that the notary witnessed the signature, and a log book in which a notary records their activities.⁵ These supplies can be obtained for approximately \$45 from a variety of sources.⁶

Most states, including the District, allow notaries to charge fees for their services. Since 1983, the fee for all notarial acts in the District has been set by law at \$2.⁷ Prior to 1983, the fee was \$0.50, an amount set by law since 1901.⁸ \$2 is one of the lowest fees of any of the states, although, the District has the fourth highest license fee.⁹

Table 1: Notary Public Fees, License or Application Fees, and Bonding Requirements, by State

	Fee	License	Bond
Alabama	\$5	\$10	\$25,000
Alaska	\$0	\$40	\$1,000
Arizona	\$2	\$25	\$5,000
Arkansas	\$5	\$25	\$7,500
California	\$10	\$20	\$15,000
Colorado	\$5	\$10	\$0
Connecticut	\$5	\$120	\$0
Delaware	\$5	\$60	\$0
District of Columbia	\$2	\$75	\$2,000
Florida	\$10	\$39	\$7,500
Georgia	\$2	\$15	\$0
Hawaii	\$5	\$10	\$1,000
Idaho	\$2	\$30	\$10,000
Illinois	\$1	\$10	\$5,000
Indiana	\$2.	\$11	\$5,000
Iowa	\$0	\$30	\$0
Kansas	\$0	\$25	\$7,500

¹ OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA, NOTARY COMMISSIONS AND AUTHENTICATIONS, NOTARY PUBLIC HANDBOOK 5 (2015) (hereinafter Notary Handbook).

² Commission Fees, 17 D.C.M.R 2409 (2010).

³ An Act to establish a code of law for the District of Columbia, § 559, 31 Stat. 1279 (1901).

⁴ An Act to establish a code of law for the District of Columbia, § 561, 31 Stat. 1279 (1901).

⁵ Notary Handbook, *supra* note 1 at 6.

⁶ American Society of Notaries, *Supplies* (Feb. 23, 2016), <http://www.asnnotary.org/?form=supplies&catid=23>.

⁷ Notaries Public Fee Act of 1983 § 2, D.C. Official Code § 1-1201 (2016) (hereinafter Notaries Act)..

⁸ An Act to establish a code of law for the District of Columbia, § 571, 31 Stat. 1280 (1901).

⁹ See Table 1.

	Fee	License	Bond
Kentucky	\$0.50	\$10	\$0
Louisiana	\$0	\$25	\$10,000
Maine	\$0	\$50	\$0
Maryland	\$2	\$20	\$0
Massachusetts	\$0	\$60	\$0
Michigan	\$10	\$10	\$10,000
Minnesota	\$1	\$140	\$0
Mississippi	\$5	\$25	\$5,000
Missouri	\$2	\$25	\$10,000
Montana	\$5	\$25	\$10,000
Nebraska	\$5	\$30	\$15,000
Nevada	\$5	\$35	\$10,000
New Hampshire	\$10	\$75	\$0
New Jersey	\$2.50	\$25	\$0
New Mexico	\$5	\$20	\$10,000
New York	\$2	\$60	\$0
North Carolina	\$5	\$50	\$0
North Dakota	\$5	\$36	\$7,500
Ohio	\$2	\$6	\$0
Oklahoma	\$5	\$25	\$1,000
Oregon	\$10	\$40	\$0
Pennsylvania	\$5	\$40	\$10,000
Rhode Island	\$1	\$80	\$0
South Carolina	\$2	\$25	\$0
South Dakota	\$10	\$25	\$5,000
Tennessee	\$2.25	\$12	\$10,000
Texas	\$6	\$21	\$10,000
Utah	\$5	\$30	\$5,000
Vermont	\$0.50	\$30	\$0
Virginia	\$5	\$45	\$0
Washington	\$10	\$30	\$10,000
West Virginia	\$2	\$52	\$1,000
Wisconsin	\$0.50	\$20	\$500
Wyoming	\$2	\$30	\$500

Source: Secretaries of State, as compiled by Committee staff.¹⁰

Current law gives the Mayor the authority to change notary fees by rule. In the absence of rules, the law sets the fee for each signature, administration of an oath or taking an affidavit, and any other notarial act at \$2.¹¹ To date, the Executive has not acted to change the notary fee. However, the license fee for notaries has been increased under a similar rulemaking authority by the Executive several times, now more than double the statutory minimum.

¹⁰ In states where multiple fees are charged for different notary acts, the table includes the most common fee charged.

¹¹ An Act to establish a code of law for the District of Columbia, § 571, 31 Stat. 1280 (1901).

Nationwide, the most commonly charged fee is \$5.¹² The highest fee charged is \$10 in seven states, while six states have no fee.¹³ In addition, several states allow for an additional fee to cover expenses of a notary who travels to notarize an individuals document. The Model Notary Act notes that its “drafters did express a preference for a fee of at least \$10 for any notarial act, because this amount, authorized by law for most notarizations in a growing number of states, [...] was deemed to fairly compensate notaries for their time, effort, and potential liability.”¹⁴

During a hearing by the Committee on Bill 21-112, the Secretary of the District of Columbia testified that “for years” notaries had encouraged her office to raise the minimum fee to \$5. She expressed her belief that the fees must carefully balance the need for cost recovery for a notary with affordability and accessibility for the public. While her written statement said “The Mayor looks forward to working with the Council to determine the appropriate fee,” she did not put forth a specific number that would be supported by the executive during the hearing, which the Committee notes is the opportunity for the Executive to work with the Council and weigh in. A public witness also testified that \$5 would be an improvement, and that he had advocated for \$6 because of the historic Mayoral inaction to increase fees.

The Committee believes, given the executive’s inaction on adjusting the fees, and the District’s comparatively low fees, that a statutory increase is reasonable to ensure that notaries public have a means to cover the costs of being a notary. The Committee’s recommendation, reflected in the Committee Print, would set the statutory fee at \$5. The Committee Print does not make the amendment suggested in the bill as introduced would have required the Mayor to adjust notary fees whenever the license fee or other fees were increased. The current standard of seeking to defray of a notary’s expenses would already account for any increase in fees. Finally, the Committee Print clarifies that the statutory fees are minimums that cannot be lowered by Executive action. The Committee also recommends that future Executives adjust notary fees as contemplated under the law, without the need for Council action.

Bill 21-112 will allow notaries public in the District, who now have some of the highest licensing fees and lowest notary fees in the country, to better cover expenses necessary to carry out their duties. The Committee therefore recommends approval of Bill 21-112 as reflected in the Committee Print.

II. LEGISLATIVE CHRONOLOGY

February 27, 2015	Bill 21-112, “Notary Public Fee Enhancement Amendment Act of 2015” is introduced by Councilmember Evans.
March 3, 2015	Notice of Intent to Act on Bill 21-112 is published in the <i>District of Columbia Register</i> .

¹² See Table 1.

¹³ See Table 1.

¹⁴ NATIONAL NOTARY ASSOCIATION, THE MODEL NOTARY ACT 42 (Jan. 1, 2010).

- January 15, 2016 Notice of a Public Hearing on Bill 21-112 is published in the *District of Columbia Register*.
- February 22, 2016 The Committee of the Whole holds a public hearing on Bill 21-112.
- March 15, 2016 The Committee of the Whole marks-up Bill 21-112.

III. POSITION OF THE EXECUTIVE

Lauren Vaughan, Secretary of the District of Columbia, testified on behalf of the Executive. She testified about the current costs to notaries to fulfill their duties, and that Bill 21-112 would raise notary fees to levels slightly higher than surrounding jurisdictions. She also testified that notaries had raised concern over inadequate notary fees for years, and the Administration's desire to ensure that notary acts remained affordable. Finally, she testified that the Mayor looked forward to working with the Council to determine an appropriate fee. However, she did not take a position on the legislation itself.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no comments from Advisory Neighborhood Commissions.

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on Bill 21-112 on Monday, February 22, 2016. The testimony summarized below is from that hearing. Copies of written testimony are attached to this report.

Michael Phillips, Owner, The UPS Stores #0208, 2092, 3885, 6266, 6382 & 6389, testified in support of Bill 21-112, noting the importance of notaries' ability to perform their duties while covering costs incurred.

Lauren Vaughan, Secretary of the District of Columbia, testified on behalf of the Executive. Her testimony is summarized in section III above.

The Committee received no other testimony or comments in opposition to Bill 21-12.

VI. IMPACT ON EXISTING LAW

Bill 21-112 amends section 584 of An Act to establish a code of law for the District of Columbia, codified at D.C. Official Code 1-1213, to increase the statutory fees for services of notaries public from \$2 to \$5. The bill also amends the code to clarify that the statutory fee is a minimum under which the Mayor may not lower by rule.

VII. FISCAL IMPACT

The attached June 29, 2015 fiscal impact statement from the District's Chief Financial Officer (CFO) states that funds are sufficient in the FY 2016 through FY 2019 budget and financial plan to implement Bill 21-112.

VIII. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	States the short title of Bill 21-112.
<u>Section 2</u>	Clarifies that notary fees established by the Mayor by rule may not be less than the fees established by statute, and raises the statutory fee to \$5.
<u>Section 4</u>	Adopts the Fiscal Impact Statement.
<u>Section 5</u>	Establishes the effective date by stating the standard 30-day Congressional review language.

IX. COMMITTEE ACTION

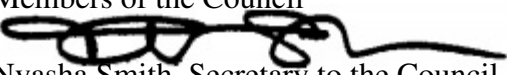
X. ATTACHMENTS

1. Bill 21-112 as introduced.
2. Written Testimony.
3. Fiscal Impact Statement for Bill 21-112.
4. Legal Sufficiency Determination for Bill 21-112.
5. Comparative Print for Bill 21-112.
6. Committee Print for Bill 21-112.

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : March 16, 2015

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Friday, February 27, 2015. Copies are available in Room 10, the Legislative Services Division.


TITLE: "Notary Public Fee Enhancement Amendment Act of 2015", B21-0112

INTRODUCED BY: Councilmember Evans

The Chairman is referring this legislation to the Committee of the Whole.

Attachment

cc: General Counsel
Budget Director
Legislative Services


Councilmember Jack Evans

1
2
3
4 A BILL
5
6
7
8

9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
10
11
12

13 To amend An Act To establish a code of law for the District of Columbia to raise the schedule of
14 fees charged by a notary public to \$6, and to require the Mayor to increase the schedule
15 of fees charged by a notary public whenever the license fee that a notary public is
16 required to pay is increased.
17

18 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
19 act may be cited as "Notary Public Fee Enhancement Amendment Act of 2015".

20 Sec. 2. Section 571 of An Act To establish a code of law for the District of Columbia,
21 approved March 3, 1901 (31 Stat. 1280; D.C. Official Code § 1-1213), is amended as follows:

22 (a) Subsection (a) is amended to read as follows:
23

24 "(a) The Mayor of the District of Columbia shall adjust from time to time the schedule of
25 fees to be charged by notaries public. The Mayor shall adjust the schedule of fees whenever the
26 license fee, or other fee, that a notary public is required to pay to obtain, or renew, a commission
27 as a notary public is increased."

28 (b) Subsection (c) is amended by striking the number "2" wherever it appears and
29 inserting the number "6" in its place.

30 Sec. 3. Fiscal impact statement.

1 The Council adopts the fiscal impact statement in the committee report as the fiscal
2 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
3 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

4 Sec. 4. Effective date.

5
6 This act shall take effect following approval by the Mayor (or in the event of veto by the
7 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
8 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
9 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
10 Columbia Register.

Testimony before the Committee on the Whole

On Bill 21-112, "Notary Public Fee Enhancement Amendment Act of 2015"

February 22 2016

By Michael L. Phillips

Good morning, Chair and fellow councilmembers. My name is Michael Phillips. I own six The UPS Store franchises, of which four are located here in the District of Columbia. I have been a notary for nearly 24 years. The managers or supervisors in each of my stores are also notaries. Collectively, we complete about 2600 notaries per year in the District.

I think that providing notary services at my businesses are a great fit for citizens needing a notary. We have convenient locations, copying and scanning services, and finally shipping or mailing if that is needed for the completed documents. Primarily we see private individuals seeking to have personal documents notarized. We often hear comments on the difficulty for them to find a notary.

Since I started as a notary in 1993, all the costs of operating our business have increased. From rent, salaries, utilities, etc. These include all our notary costs from the application fees, bonds, seals, stamps, etc. The fee for licensing alone rose from \$30 to \$50. Now its \$75. To my knowledge the maximum limit for the notary fee has remained at \$2 for over thirty years. How can our costs increase 150% over just the last 20 years but the fee has remain unchanged? Interestingly, the notary office charges \$15 to authenticate a document that we notarize for \$2. How is their time worth 7 ½ that of our time?

At the end of the day, I have to operate profitable businesses. In general, we average \$35 to \$45 per sales transaction. Many of these take the same 5 minutes per customers similar to an average notary transaction. So my challenge becomes, how much time do I dedicate to notaries that can generate \$20 to \$40 in an hour? Or do we focus on other transactions that will generate \$400 to \$500 in sales it in the same hour? When you add labor costs, advertising and our fixed costs, I can make the case that I am losing money providing notary service.

Over the last 3 to 4 years, we have trimmed our staff hours as our costs have risen. We generally are able to provide the notary service 30-35 hours per week since there is only one notary per store. This leaves ½ the time we are open without a notary. I've eliminated any advertising for our notary service. Unless the fee is raised, I will need to continue to reduce the hours we provide the notary service or eliminate providing it altogether. This will directly impact private citizens looking to have documents notarized.

Many states allow higher fees for notaries. California allows a maximum charge of \$10 per notary. Thus the reason that I suggested to Councilmember Evans to introduce this bill. I support his positions that the fee should be raised to \$6 per transaction and adjusted periodically.

Thank you for taking the time to consider this bill.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE SECRETARY**



Public Hearing on
Bill 21-112, “Notary Public Fee Enhancement Act of 2015”
Bill 21-231, “Commemorative Flag Request and Statehood Fund Amendment Act
of 2015”

Testimony of
Lauren C. Vaughan
Secretary of the District of Columbia

Before the
Committee of the Whole
Council of the District of Columbia

February 22, 2016
Room 120
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Good morning Chairman Mendelson and other members of the Council. I am Lauren Vaughan, Secretary of the District of Columbia. I am here today to testify on Bill 21-112, the “Notary Public Fee Enhancement Amendment Act of 2015” and Bill 21-231, the “Commemorative Flag Request and Statehood Fund Amendment Act of 2015.”

Bill 21-112, “Notary Public Fee Enhancement Amendment Act of 2015”

Notaries Public provide a vital service in the District of Columbia and throughout the country. A District of Columbia notary is a public officer whose function is to notarize documents by administering oaths and verifications and to personally witness the signature of the person or persons appearing before him or her. Notaries public protect against fraud and forgery by acting as an official, unbiased witness to the identity of the person who signs a document.

The fee a notary may charge for any of these services is \$2.00 per notarial act and this fee has not been increased many years. While notaries do not expect to earn much for each signature act, many have approached the Office of Notary Commissions and Authentications requesting an increase to \$5.00 for each act. Notaries are often required to notarize complex and lengthy documents that require multiple signatures. This would increase the total amount an individual would be charged for one document.

DC notaries have said the increase would put DC in line with our neighbors Maryland and Virginia, which both charge higher fees for this service. The state of Maryland allows \$4 per notarial act, plus expenses and the Commonwealth of

Virginia allows \$5 per paper notarial act, plus expenses. Virginia also allows for e-notarizations, for which a notary may charge up to \$25 for each act. Notaries retain all the fees that they collect for their services and none are remitted to the District government.

B21-112 would require an increase to the fee charged by notaries from \$2 to \$6 for each act. Additionally, the proposed legislation would require that the Mayor adjust the schedule of fees whenever the license fee for the notaries public is increased. Presently, it is the Mayor who has the authority to adjust the fees charged by notaries public.

Notaries pay a \$75 licensing fee to the District of Columbia with each application or renewal, which is every 5 years. District and federal government employees are exempted from this fee by law. Notaries must also pay for their own supplies every five years. The cost for supplies ranges between \$65 – \$75. Additionally, all notaries, except those who work for the District government, must purchase a surety bond that costs them between \$50 – \$60 for the five year commission period.

In summary, DC notaries have been raising this concern for several years. The proposed legislation would raise the fee to slightly higher than surrounding jurisdictions. In determining whether or not to increase any fee charged to District residents, this Administration wants to ensure that the fee is appropriate and affordable to District residents, who may need notary services quite frequently for various reasons. The Administration wants to be considerate of all of these factors. The Mayor looks forward to working with the Council to determine the appropriate fee.

Bill 21-231, “Commemorative Flag Request and Statehood Fund Amendment Act of 2015”

I will now provide testimony on Bill 21-231, the “Commemorative Flag Request and Statehood Fund Amendment Act of 2015,” which is intended to allow individuals to purchase a flag that has been flown at the John A. Wilson Building to commemorate a special occasion or to honor an individual or group.

I have researched how this program is conducted for the U.S. Capitol, the Pentagon and other jurisdictions around the country and what I have found is that it is handled in a variety of ways.

The U.S. Capitol Commemorative Flag program began in 1937 and allows a Member of Congress to request a flag be flown over the Capitol, on behalf of a constituent. The program, which is managed by the Architect of the Capitol, fulfills more than 100,000 flag requests from Members of the House and Senate each year. With advance notice, a flag can be flown on a specific date, to commemorate a birthday, retirement, anniversary or other special occasion. Each flag comes with a certificate of authenticity that can be personalized to reflect the occasion. The flag is then given to the constituent. The cost depends on the size of the flag being requested as well as the material (cotton vs. nylon), and it is paid by the constituent making the request.

In Virginia, flag requests are made online or through elected officials, and are processed by the Department of General Services. Similarly, in Maryland, requests can be made through elected officials or the Department of General Services and it is the Department that fulfills those requests. The Pentagon’s

program requires the requestor to provide the flag. The flag will be returned to the requestor and will be accompanied by a certificate verifying the date upon which the flag was flown and the name of the person for whom the flag was flown. The requestor must also provide within the package, return postage from the post office or another requestor pre-paid shipping method, for the flag and certificate to be returned to the requestor.

When determining whether or not to implement such a program for the District of Columbia, there are several matters to consider. As I mentioned, most states offer this program and provide flags that have been flown over their state legislature or state capitol building. Here in the District, the Council's Office of the Secretary manages the operations of the Wilson building and has the authority to direct the flag flown in front of the building. Ultimately, it is this Office that directs the District's Department of General Services to raise and lower the flag and would need to do so if such a program is established. Although, the Office of the Secretary can work with the Council's Office of the Secretary to process flag certificates signed by the Mayor when requested from constituents. Constituents could also make flag and certificate requests directly to the Council's Secretary or through their Councilmember, with the option of having the certificate signed by their Councilmember.

A mechanism to collect the fee charged for the flag would need to be created and a process to bulk order and store the flags may be necessary. Additionally, there are other considerations. Will only general requests for flags flown at the Wilson Building be honored, or will specific dates be accepted as well.

Commemorative flag programs offer residents a great opportunity to commemorate special occasions and display pride while obtaining their state flag. As a city that actively advocates for Statehood, it may be a great program to offer to District residents. Although my office does have an Office of Protocol, presently this office holds one FTE and does not have the resources to establish such a program. We would be happy to work with the Council to support this program if adopted.

Thank you for the opportunity to provide testimony today and I am happy to answer questions.

Committee of the Whole (Council)

From: Washington, Sheila - OSHA <Washington.Sheila@dol.gov>
Sent: Monday, February 22, 2016 7:05 PM
To: Committee of the Whole (Council)
Subject: I Support Bill 21-0112

To the Committee of the Whole:

I have been a Notary in the District since August 2012. The maximum fee that Notaries may charge has not been adjusted for inflation or to offset the dramatic increase in cost to become commissioned as a Notary in the District.

Councilmember Evans introduced Bill 21-0112 which raises the fee Notaries may charge from \$2 to \$6. This reasonable increase will make it more affordable to become and operate as a Notary. It will also ensure that there are a sufficient number of Notaries to provide vital Notary Public services to your constituents.

I respectfully request your support for this bill and the 9,500 Notaries of the District who impart trust to documentary transactions and protect consumers from fraud.

Thank you,

Sheila E. Washington

Committee of the Whole (Council)

From: Bryant Parks, Angelina <ABParks@childrensnational.org>
Sent: Monday, February 22, 2016 10:52 AM
To: Committee of the Whole (Council)
Subject: I Support Bill 21-0112

Good day,

I have been a notary in the District of Columbia since 2013; the maximum fee that notaries may charge has not been adjusted for inflation or to offset the dramatic increase in cost to become commissioned as notary in the district.

Councilmember Evans introduced bill 21-0112 which raises the fee notaries may charge from \$2 to \$6. This reasonable increase will make it more affordable to become and operate as a notary. It will also ensure that there are a sufficient number of notaries to provide vital notary public services to your constituents.

I respectfully request your support for this bill and the 9,500 notaries of the district who impart trust to documentary transactions and protect consumers from fraud.

Thank you,

Angelina J. Bryant

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Committee of the Whole (Council)

From: Turman, Joan (CIV) <Joan.Turman@usdoj.gov>
Sent: Monday, February 22, 2016 10:41 AM
To: Committee of the Whole (Council)
Subject: I Support Bill 21-0112

To the Committee of the Whole:

I have been a Notary in the District since 2004. The maximum fee that Notaries may charge has not been adjusted for inflation or to offset the dramatic increase in cost to become commissioned as a Notary in the District.

Councilmember Evans introduced Bill 21-0112 which raises the fee Notaries may charge from \$2 to \$6. This reasonable increase will make it more affordable to become and operate as a Notary. It will also ensure that there are a sufficient number of Notaries to provide vital Notary Public services to your constituents.

I respectfully request your support for this bill and the 9,500 Notaries of the District who impart trust to documentary transactions and protect consumers from fraud.

Thank you,

Joan Turman

Committee of the Whole (Council)

From: Pam Ward <pward@pedaids.org>
Sent: Monday, February 22, 2016 10:12 AM
To: Committee of the Whole (Council)
Subject: I Support Bill 21-0112

To the Committee of the Whole:

I have been a Notary in the District since 2010. The maximum fee that Notaries may charge has not been adjusted for inflation or to offset the dramatic increase in cost to become commissioned as a Notary in the District.

Councilmember Evans introduced Bill 21-0112 which raises the fee Notaries may charge from \$2 to \$6. This reasonable increase will make it more affordable to become and operate as a Notary. It will also ensure that there are a sufficient number of Notaries to provide vital Notary Public services to your constituents.

I respectfully request your support for this bill and the 9,500 Notaries of the District who impart trust to documentary transactions and protect consumers from fraud.

Thank you,

Pamela M. Ward
Notary Public
Washington, DC

Committee of the Whole (Council)

From: Maria Fitzpatrick <mfitzpatrick@robertwraypllc.com>
Sent: Monday, February 22, 2016 9:43 AM
To: Committee of the Whole (Council)
Subject: I Support Bill 21-0112

To the Committee of the Whole:

I have been a Notary in the District since 2012. The maximum fee that Notaries may charge has not been adjusted for inflation or to offset the dramatic increase in cost to become commissioned as a Notary in the District.

Councilmember Evans introduced Bill 21-0112 which raises the fee Notaries may charge from \$2 to \$6. This reasonable increase will make it more affordable to become and operate as a Notary. It will also ensure that there are a sufficient number of Notaries to provide vital Notary Public services to your constituents.

I respectfully request your support for this bill and the 9,500 Notaries of the District who impart trust to documentary transactions and protect consumers from fraud.

Thank you,

Maria Fitzpatrick

Committee of the Whole (Council)

From: Aly Ghanim <aly.ghanim@gmail.com>
Sent: Saturday, February 20, 2016 3:07 PM
To: Committee of the Whole (Council)
Subject: I Support Bill 21-0112

To the Committee of the Whole:

I have been a Notary in the District since 2013. The maximum fee that Notaries may charge has not been adjusted for inflation or to offset the dramatic increase in cost to become commissioned as a Notary in the District.

Councilmember Evans introduced Bill 21-0112 which raises the fee Notaries may charge from \$2 to \$6. This reasonable increase will make it more affordable to become and operate as a Notary. It will also ensure that there are a sufficient number of Notaries to provide vital Notary Public services to your constituents.

I respectfully request your support for this bill and the 9,500 Notaries of the District who impart trust to documentary transactions and protect consumers from fraud.

Thank you,

Aly E. Ghanim

Committee of the Whole (Council)

From: Ahmed Hillali <a_hillali@yahoo.com>
Sent: Friday, February 19, 2016 7:16 PM
To: Committee of the Whole (Council)
Subject: I Support Bill 21-0112

To the Committee of the Whole: I have been a Notary in the District since 02/2004_____. The maximum fee that Notaries may charge has not been adjusted for inflation or to offset the dramatic increase in cost to become commissioned as a Notary in the District. Councilmember Evans introduced Bill 21-0112 which raises the fee Notaries may charge from \$2 to \$6. This reasonable increase will make it more affordable to become and operate as a Notary. It will also ensure that there are a sufficient number of Notaries to provide vital Notary Public services to your constituents. I respectfully request your support for this bill and the 9,500 Notaries of the District who impart trust to documentary transactions and protect consumers from fraud. Thank you, _Ahmed M. Elhillali



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 4
Washington, DC 20004
(202) 724-8026

MEMORANDUM

TO: Chairman Phil Mendelson

FROM: Ellen A. Efros, General Counsel *EAE*

DATE: March 7, 2016

RE: **Legal Sufficiency Determination for Bill 21-112, the Notary Public Fee Enhancement Act of 2016.**

The measure is legally and technically sufficient for Council consideration.

Bill 21-112 would amend An Act to establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1280; D.C. Official Code § 1-1213), to raise the minimum fee a notary public may charge for various services from \$2 to \$5.

I am available if you have any questions.

4
5
6
7 **A BILL**
8
9

10
11
12
13 **IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**
14
15
16

17
18 To amend An Act To establish a code of law for the District of Columbia to raise the schedule of
19 fees charged by a notary public to \$5.
20

21 **BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this**
22 **act may be cited as the “Notary Public Fee Enhancement Amendment Act of 2016.”**
23

24 **Sec. 2. Section 571 of An Act to establish a code of law for the District of Columbia,**
25 **approved March 3, 1901 (31 Stat. 1280; D.C. Official Code § 1-1213) is amended as follows:**

26 (a) Subsection (a) is amended by replacing the phrase “charged by notaries public” with
27 the phrase “charged by notaries public, except that the fees shall not be less than the fees
28 established in subsection (c).”

29 (b) subsection (c) is amended by replacing the phrase “\$2” with the phrase “\$5” in each
30 place it appears.

31 **Sec. 3. Fiscal impact statement.**

32 The Council adopts the fiscal impact statement in the committee report as the fiscal
33 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
34 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

35 Sec. 4. Effective date.

36 This act shall take effect following approval by the Mayor (or in the event of veto by the
37 mayor, action by the Council to override the veto), a 30-day period of Congressional review as
38 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
39 24, 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
40 Columbia Register.

**Bill 21-112, “Notary Public Fee Enhancement Act of 2016”
Committee of the Whole
Comparative Print**

1. D.C. Official Code § 1-1213.

§ 1-1213. Fees.

(a) The Mayor of the District of Columbia shall adjust from time to time the schedule of fees to be charged by notaries public, **except that the fees shall not be less than the fees established in subsection (c).** The Mayor shall adjust the schedule by rule to provide fees in amounts which, in the Mayor’s judgment, will defray the notary public’s necessary expenses in connection with performing his services.

(b) Until the schedule of fees is adjusted by the Mayor in accordance with subsection (a) of this section, the schedule of fees in subsection (c) of this section will be in effect.

(c) The fees of notaries public shall be:

(1) For taking an acknowledgement of proof of a deed or other instrument including the seal and writing of the certificate, ~~\$2~~ **\$5** for each signature;

(2) For administering an oath or for taking an affidavit, including the jurat and seal, ~~\$2~~ **\$5**; or

(3) For any other notarial act, ~~\$2~~ **\$5**.