



IDAHO NOTARY PUBLIC STATUTES

TITLE 51, CHAPTER 1 IDAHO NOTARY PUBLIC ACT

51-101. SHORT TITLE.

This chapter may be cited as the "Idaho Notary Public Act."

51-102. DEFINITIONS.

As used in this chapter:

- (1) The masculine gender includes the feminine.
- (2) "Notarial act" means any official act performed by a notary public under provisions of section 51-107, Idaho Code.
- (3) "Resident" means a natural person who has fixed his habitation in the state of Idaho and who, whenever absent, intends to return to that place of habitation in Idaho.
- (4) "Serious crime" includes any felony and any lesser crime, a necessary element of which, as determined by the statutory or common law definition of such crime, involves interference with the administration of justice, false swearing, misrepresentation, fraud, the unauthorized practice of law, deceit, bribery, extortion, misappropriation, theft, or an attempt, a conspiracy or the solicitation of another to commit a serious crime.
- (5) "Affidavit" means a declaration in writing, under oath, and sworn to or affirmed by the declarant before a person authorized to administer oaths.
- (6) "Verification" means an affidavit of the truth of the facts stated in the instrument to which it relates.

51-103. POWER OF APPOINTMENT - TERM - REAPPOINTMENT.

- (1) The secretary of state shall appoint in and for the state of Idaho as many notaries public as he shall deem necessary.
- (2) Each notary public so appointed shall serve for a term of six (6) years except as otherwise provided in this chapter.
- (3) A notary public may be reappointed upon submission of a new application not earlier than ninety (90) days prior to the expiration of his term.

51-104. QUALIFICATION FOR APPOINTMENT.

Each person appointed and commissioned as a notary public;

- (1) Shall be at least eighteen (18) years of age;
- (2) Shall be a resident of the state of Idaho or a nonresident who is employed in or doing business in the state of Idaho;
- (3) Must be able to read and write the English language; and
- (4) Must not have been removed from the office of notary public for official misconduct nor have been convicted of a serious crime as defined in section 51-102, Idaho Code, within the ten (10) year period immediately preceding his appointment nor be serving a sentence for conviction of a serious crime, without regard to when convicted.

51-105. APPOINTMENT PROCEDURE - OATH.

(1) Each person to be appointed a notary public shall submit an application to the secretary of state on a form prescribed by the secretary of state. The application shall include such information as the secretary of state shall deem proper and shall include that the applicant:

- (a) Is at least eighteen (18) years of age;
- (b) Is a resident of the state of Idaho or a nonresident who is employed in or doing business in the state of Idaho;
- (c) Is able to read and write the English language; and
- (d) Has not been convicted of a serious crime as defined in section 51-102, Idaho Code within the (10) year period immediately preceding his appointment nor be serving a sentence for conviction of a serious crime, without regard to when convicted.

The applicant shall also take the following oath, which shall appear on the application form:

"I, _____, solemnly swear (or affirm) that the answers to all questions in this application are true, complete and correct; that I have carefully read the notary laws of this State and I am familiar with their provisions; that I will uphold the Constitution of the United States and the Constitution and laws of the State of Idaho; and that I will faithfully perform, to the best of my ability, the duties of the office of notary public."

The oath shall be signed and sworn to (or affirmed) by the applicant in the presence of a notary public or other person authorized to administer oaths in this state.

(2) Each person to be appointed a notary public shall execute and append to the application a bond to the state of Idaho in the amount of ten thousand dollars (\$10,000.00). The surety which provides the bond shall be:

- (a) A bonding or surety company authorized to do business in this state; or
- (b) The bureau of risk management for the state of Idaho if the applicant is regularly employed by the state and the commission is required in the scope of that employment.

51-106. SEAL.

(1) Each notary public whose current commission became effective prior to July 1, 1998, shall provide and keep an official seal which shall conform to one of the following configurations:

- (a) A seal embosser engraved with the words "Notary Public", the notary public's name, and the words "State of Idaho."
- (b) A rubber stamp with a serrated or milled edge border in rectangular or circular form, which contains the same information required for the seal embosser.

(2) Each notary public whose current commission became effective on or after July 1, 1998, shall provide and keep an official seal which shall be a rubber stamp with a serrated or milled edge border in a rectangular or circular form, which includes the words "Notary Public", the notary public's name, the words "State of Idaho", and nothing more.

(3) The seal shall be impressed below or near the notary public's official signature on each notary certificate which he administers.

51-107. POWERS AND JURISDICTION.

(1) Each notary public is empowered to:

- (a) Take acknowledgments;
- (b) Administer oaths and affirmations;
- (c) Certify that a copy of an original document is a true copy thereof, only if a certified copy of such original cannot be obtained from an official custodian of such document;
- (d) Certify affidavits (to include verifications) or depositions of witnesses;
- (e) Certify the affixation of a signature by mark on an instrument presented for

notarization if:

- (i) The signer is unable to handwrite the signer's name;
- (ii) The mark is affixed in the presence of the notary in a manner which the notary can directly observe;

example, the verification of a corporate document by an officer of the corporation should be in substantially the following form:

"State of Idaho)
) ss
County of _____)
I, _____, a notary public, do hereby certify that on this _____ day of _____, 20____
, personally appeared before me _____, who, being by me first duly sworn, declared
that he is the _____ of _____, that he signed the foregoing document as
_____ of the corporation, and that the statements therein contained are true."
_____(official signature and seal)

(5) The witnessing and certificate of verification for a signature by mark shall be substantially in the following form:

"Mark: _____
Mark affixed by (name of signer by mark) in the presence of undersigned
notary _____.

State of Idaho)
) ss.
County of _____)
I, _____, a notary public, do hereby certify that on this _____ day of
_____, 20____, personally appeared before me _____ (name
and signer by mark), who, being by me first duly sworn, declared that he made his
mark on the foregoing instrument, and that the statements therein contained are
true."
_____(official signature and seal)

(6) the witnessing an certificate of verification for a signature by a person physically unable to sign or sign by mark on an instrument shall be substantially in the following form:

"Signature of person by notary: _____
Witness Signature: _____
Signature affixed by notary in the presence of (names and addresses of person and
witness).

State of Idaho)
) ss.
County of _____)
I, _____, a notary public, do hereby certify that on this _____ day of
_____, 20____, personally appeared before me _____
(name of person unable to sign or sign by mark), who, being by me first duly sworn,
declared that he signed the foregoing instrument by directing the undersigned notary
to sign the instrument for him, and that the statements therein contained are true."
_____(official signature and seal)

(7) If a certified copy of a document cannot be obtained from any recorder or custodian of public documents, and if certification of a copy of the document by a notary public is otherwise permissible, a notary public may certify a copy of the document in substantially the following form:

"State of Idaho)
)ss
County of _____)
I, _____, a notary public, do certify that on _____, 20____, I
carefully compared the attached copy of [describe document] with the original. It is a
complete and true copy of the original document."
_____(official signature and seal)

(8) On each notary certificate, the notary public shall immediately following his signature state the date of the expiration of his commission in substantially the following form:

"My commission expires on _____, 20____"

51-110. NOTARY FEE.

- (1) A notary public may, for any notarial act, charge a fee not to exceed two dollars (\$2.00).
- (2) In addition to the fee, a notary public may be compensated for actual and reasonable expense of travel to a place where a notarial act is to be performed.
- (3) An employer shall not require a notary public in his employment to surrender to him a fee, if charged, or any part thereof. An employer may, however, preclude such notary public from charging a fee for a notarial act performed in the scope of his employment.

51-111. DUTIES.

- (1) Each notary public shall exercise reasonable care in the performance of his duties generally, and shall exercise a high degree of care in ascertaining the identity of any person whose identity is the subject of a notarial act.
- (2) Any notary public whose name or residence changes during his term of office shall within sixty (60) days after such change submit written notice thereof to the secretary of state.

51-112. OFFICIAL MISCONDUCT.

Official misconduct is the wrongful exercise of a power or the wrongful performance of a duty. In this context, wrongful shall mean unauthorized, unlawful, abusive, negligent, or reckless. Official misconduct by a notary public shall include, but not be limited to:

- (a) Engaging in any fraudulent or deceptive conduct which is related in any way to his capacity as a notary public;
- (b) Failure to exercise the required degree of care in identifying a person whose identity is an essential element of a notarial act;
- (c) Representing or implying by the use of his title that he has qualifications, powers, duties, rights, or privileges that by law he does not possess;
- (d) Engaging in the unauthorized practice of law;
- (e) Charging a fee for a notarial act which is in excess of that provided by section 51-110, Idaho Code; or
- (f) Endorsing or promoting any product, service, contest or other offering if the notary public's title or seal is used in the endorsement or promotional statement.

51-113. GROUNDS FOR REMOVAL.

A notary public may be removed from the office upon any of the following grounds:

- (a) Conviction of a serious crime within the immediately preceding ten (10) year period;
- (b) Any action which constitutes official misconduct;
- (c) Any material misstatement of fact in his application for appointment as a notary public;
- (d) Failure of a conservator or guardian to submit a timely resignation after a notary public becomes incompetent;
- (e) Failure of a notary public to submit a timely resignation when he becomes disqualified by virtue of no longer: (1) being a citizen of the United States; or (2) being a resident of Idaho;
- (f) Cancellation of the notary bond by the bonding or surety company; or
- (g) Cancellation of the notary bond by the state of Idaho when the notary public's bond has been provided by the bureau of risk management of the state of Idaho and the notary's employment with the state is terminated.

51-114. REMOVAL PROCEDURE.

- (1) If a notary public is convicted of a serious crime in any court of this state, the clerk of the court, if he knows that the convict is a notary public or upon the request of any person, shall forward to the secretary of state a certified copy of the judgment of conviction. If a notary

public is convicted of a serious crime in a federal court or a court of another state, any person may obtain a certified copy of the judgment of conviction and forward it to the secretary of state. Upon receipt of a certified copy of a judgment of conviction of a serious crime in the preceding ten (10) year period, the secretary of state shall forthwith cancel the commission of the notary public.

(2) If in any civil or criminal case the court finds that a notary public has committed any act which constitutes official misconduct under section 51-112, Idaho Code, the clerk of the court, upon the request of any person, shall forward a certified copy of the findings of fact, or relevant extract there from, to the secretary of state. Upon receipt of the certified copy of the findings of fact or extract there from the secretary of state shall, if he finds that the act of the notary public as found by the court constitutes official misconduct, forthwith cancel the commission of the notary public.

(3) Upon receipt of proof on the public record of a material misstatement of fact in the application of a notary public, certified by the custodian of such record, the secretary of state shall forthwith cancel the commission of the notary public.

(4) If the conservator or guardian of a notary public who has been adjudged incompetent fails to submit a timely resignation as required by subsection (3) of section 51-115, Idaho Code, the clerk of the court which found the notary public to be incompetent shall, upon the request of any person, forward to the secretary of state a certified copy of the order adjudging the notary to be incompetent. Upon receipt of such order, the secretary of state shall forthwith cancel the commission of the notary public.

(5) If the secretary of state receives credible information that a notary public is no longer a resident of Idaho or employed in or doing business in the state of Idaho, the secretary of state shall send to the notary public at his last known address by certified return receipt mail a statement setting forth such information and a notice of opportunity to rebut. If the statement and notice cannot be delivered or if no rebuttal is received within forty-five (45) days after mailing the notice, the secretary of state shall cancel the commission of the notary public. If the statement is rebutted by statements which indicate that the notary public is not disqualified on residency, business, or employment grounds, the secretary of state shall take no further action.

(6) A bonding or surety company, or in the case of a state employee, the bureau of risk management, shall file prompt written notice of cancellation of a notary's bond with the secretary of state who shall forthwith cancel the commission of the notary public. The cancellation of the bond shall be effective only upon receipt by the secretary of state of notice of cancellation.

51-115. RESIGNATION OR DEATH.

(1) A notary public may voluntarily resign by mailing or delivering to the secretary of state a letter of resignation.

(2) Any notary public who becomes ineligible to hold such office for any reason shall within thirty (30) days thereafter resign by mailing or delivering to the secretary of state a letter of resignation.

(3) If a notary public becomes incompetent, his conservator or guardian shall within thirty (30) days after the finding of incompetency mail or deliver to the secretary of state a letter of resignation on behalf of the notary public.

(4) If a notary public dies in office, his personal representative shall within thirty (30) days thereafter mail or deliver to the secretary of state notice thereof.

(5) Upon receipt of a letter of resignation or notice of death, the secretary of state shall forthwith cancel the commission of the notary public.

51-116. CANCELLATION PROCEDURE.

Whenever the secretary of state is required by the provisions of section 51-114 and 51-115, Idaho Code, to cancel the commission of a notary public, he shall:

(a) Mark the notary public's record "cancelled" and append thereto the supporting document; and

(b) Mail written notice to the resigned or removed notary public or to the conservator, guardian, or personal representative, as appropriate, instructing him to destroy the notary public commission and seal.

51-117. CONDITIONS IMPAIRING VALIDITY OF NOTARIAL ACT.

Without excluding other conditions which may impair the validity of a notarial act, the following conditions invalidate the notarial act:

(a) Failure of the notary public to require a person whose acknowledgment is taken to personally appear before him;

(b) Failure of the notary public to administer an oath or affirmation when the notary certificate indicates that he has administered it;

(c) As to only the notary public who performs the notarial act and any party who shares the same beneficial interest in the transaction, the existence of a disqualifying interest.

51-118. CIVIL LIABILITY OF NOTARY PUBLIC AND EMPLOYER.

(1) A notary public shall be liable for all damages proximately caused by his official misconduct.

(2) The employer of a notary public shall be jointly and severally liable with such notary public for all damages proximately caused by the official misconduct of such notary public if:

(a) The notary public was acting within the scope of his employment; and

(b) The employer had actual knowledge of, or reasonably should have known of, the notary public's official misconduct.

51-119. CRIMINAL PENALTIES. —

(1) Any notary public who knowingly and willfully commits an act of official misconduct under the provision of section 51-112, Idaho Code, shall be guilty of a misdemeanor.

(2) Any employer of a notary public who willfully induces such notary public to commit an act of official misconduct under the provision of section 51-112, Idaho Code, shall be guilty of a misdemeanor.

(3) Any person who shall willfully act as or otherwise impersonate a notary public while not lawfully commissioned as such nor otherwise officially authorized to perform notarial acts shall be guilty of a misdemeanor.

(4) Any person who shall steal or wrongfully possess a notary public's seal with the intent to use it in the commission of any crime shall be guilty of a felony.

(5) The penalties prescribed in this section shall not be exclusive.

51-120. NOTARY HANDBOOK.

The secretary of state shall prepare a handbook for notaries public which shall contain the provisions of this chapter and such other information as the secretary of state shall deem proper. A copy of the handbook shall be given to each applicant for appointment as a notary public.

51-121. FILING FEES.

(1) The fee for filing an application for appointment as a notary public shall be thirty dollars (\$30.00).

(2) There shall be no fee charged for filing a letter of resignation, a certified copy of a judgment of conviction, a certified copy of findings of fact or extract there from, public record of proof of material misstatement of fact in an application, certified copy of order adjudging incompetency, or notice of death.

(3) The fee for filing notice of change of name or address, shall be five dollars (\$5.00).

(4) The fee for filing notice of cancellation of a notary bond shall be five dollars (\$5.00).

51-122. SEVERABILITY.

If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section or part of this act, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this act, but the effect thereof shall be confined to the clause, sentence, paragraph, section or part of this act so adjudged to be invalid or unconstitutional.

**Selected sections of
TITLE 55, CHAPTER 7
ACKNOWLEDGMENTS**

55-701. BY WHOM TAKEN - ANY PLACE WITHIN STATE.

The proof or acknowledgment of an instrument may be made at any place within this state, before a justice or clerk of the Supreme Court, or a notary public, of the secretary of state, or United States commissioner.

55-705. BY WHOM TAKEN - MEMBERS OF THE ARMED FORCES.

Any officer of any component of any branch of the armed forces of the United States as may be designated to take a deposition, shall have the general powers of a notary public in the administration of oaths, the execution and acknowledgment of legal instruments, the attestation of documents and all other forms of notarial acts to be executed by persons in any of the armed forces of the United States or subject to military or naval law and/or their wives and/or dependents. Such an acknowledgment or oath, whether heretofore or hereafter so taken within or without the state of Idaho or the United States and whether with or without seal or stamp, shall have the same force and effect as an acknowledgment or oath before a notary public duly commissioned by and residing in the state of Idaho. Recital in the certificate of such officer that he holds the office stated in the certificate and that the affiant is a member of the armed forces or subject to military or naval law, or wife or dependent of such member, shall be prima facie evidence of such facts.

55-707. REQUISITES OF ACKNOWLEDGMENT.

The acknowledgment of an instrument must not be taken, unless the officer taking it knows, or has satisfactory evidence from a credible source, that the person making such acknowledgment is the individual who is described in, and who executed, the instrument; or, if executed by a corporation, that the person making such acknowledgment is the president or vice president or secretary or assistant secretary of such corporation; or other person who executed on its behalf; or if executed in the name of the state of Idaho or that of any county, political subdivision, municipal or quasi-municipal or public corporation, that the person making such acknowledgment is one (1) of its officers executing the same; or if executed in a partnership name, that the person making the acknowledgment is the partner or one (1) of the partners subscribing the partnership name to such instrument; or, if executed by a limited liability company, that the person making such acknowledgment is a manager or member of such limited liability company or other person who executed on its behalf.

**ACKNOWLEDGMENT CERTIFICATE
(INDIVIDUAL PERSONALLY KNOWN BY NOTARY)**

State of Idaho)
)S.S.

County of _____)

On this ____ day of _____, in the year of 20____, before me _____, a notary public, personally appeared _____, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she) (they) executed the same.

(SEAL)

Notary
Public

My Commission Expires on _____

**PERSON ACKNOWLEDGING INSTRUMENT UNKNOWN TO NOTARY
BUT PROVEN TO BE SIGNER BY SATISFACTORY IDENTIFICATION**

State of Idaho)
)S.S.

County of _____)

On this ____ day of _____, in the year of 20____, before me _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged that he (she) (they) executed the same.

Notary Public

My Commission Expires on _____

**ACKNOWLEDGMENT CERTIFICATE
(BY PERSON SIGNING BY MARK)**

Mark: _____

Mark affixed by *John Doe* (printed or typewritten name of person signing by mark) in the presence of undersigned notary.

State of Idaho)
)S.S.

County of _____)

On this ____ day of _____, in the year _____, before me *Notary Public*, a Notary Public, personally appeared *John Doe*, known or identified to me (or proved to me on the oath of *Credible Witness*) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same by affixing his mark thereto.

Notary Public

My Commission Expires on _____

**COPY CERTIFICATION
(VERIFICATION OF A COPY OF AN ORIGINAL DOCUMENT)**

State of Idaho)
)S.S.
County of _____)

I, _____, a notary public, do certify that on this ____ day of _____, 20____, I carefully compared the attached copy of _____, with the original. It is a complete and true copy of the original document.

Notary Public
My Commission Expires on _____

CORPORATE VERIFICATION

State of Idaho)
)S.S.
County of _____)

I, _____, a notary public, do hereby certify that on this ____ day of _____, 20____, personally appeared before me _____, who, being by me first duly sworn, declared that he is the _____ of _____, that he signed the foregoing document as _____, of the corporation, and that the statements therein contained are true.

Notary Public
My Commission Expires on _____

BASIC JURAT

State of Idaho)
)S.S.
County of _____)

Subscribed and sworn to (or affirmed) before me this ____ day of _____, 20 ____.

Notary Public
My Commission Expires on _____

**VERIFICATION CERTIFICATE
(SIGNATURE BY MARK)**

Mark: _____
Mark affixed by *John Doe* (Name and signer by mark) in the presence of undersigned notary _____.

State of Idaho)
)S.S.
County of _____)

I, _____, a notary public, do hereby certify that on this ____ day of _____, _____, _____, personally appeared before me _____ (name and signer by mark), who, being by me first duly sworn, declared that he made his mark on the foregoing instrument, and that the statements therein contained are true.

Notary Public
My Commission Expires on _____

**VERIFICATION CERTIFICATE
(SIGNATURE BY PERSON PHYSICALLY UNABLE TO SIGN OR
SIGN BY MARK)**

Signature of person by notary: _____

Witness Signature: _____

Signature affixed by notary in the presence of (names and addresses of person and witness).

State of Idaho))S.S.

County of _____)

I, _____, a notary public, do hereby certify that on this ____ day of _____, _____, personally appeared before me _____ (name of person unable to sign or sign by mark), who, being by me first duly sworn, declared that he signed the foregoing instrument by directing the undersigned notary to sign the instrument for him, and that the statements therein contained are true.

Notary Public
My Commission Expires on _____

Frequently Asked Questions
taken from the Secretary of State website

Are both my stamp and my signature required for a notarial transaction?

Yes. [51-106(3), Idaho Code]

Whose signature can a notary notarize?

Anyone's but their own so long as there is no conflict of interest. [51-108, Idaho Code]

Where can a notary notarize?

Anywhere in Idaho and may be used outside the state only in connection with a deed or other writing to be admitted to record in the state of Idaho. [51-107(2), Idaho Code]

Is a journal required?

No, only suggested.

Do I need to see the document signed in front of me?

No, the signer need not sign in the notary's presence, but must personally appear before the notary and unambiguously state that the signature on the document is his or hers and must show satisfactory identification. [55-707, Idaho Code. Case Notes: "Duties of Officer".]

Is a "mark" acceptable as an individual's signature?

Yes, 73-114 Idaho Code Use a credible witness familiar with the signer. Have the credible witness write the marker's name by the mark. The credible witness will also sign as the witness. Have the credible witness sign the notary journal and make a special note if a journal is being used. You will be notarizing the "signer's mark".

What is satisfactory identification?

In most cases satisfactory identification would be a photo-bearing driver's license, military identification card, or passport. Something that shows a photo and a signature.

Must I be concerned with whether the form is filled out properly, as long as the notarial certificate is correct?

No, it is not the notary's responsibility to check that the document is properly filled out, but it is the notary's responsibility to make sure the notarial certificate is correct and complete.

What is a notarial certificate?

There is a particular form of certificate for each type of notarial act. [51-109, Idaho Code] A signature and seal of the notary public without a notarial certificate is meaningless.

If the notarial certificate is not pre-printed on the document can I attach a separate sheet of paper with the notary certificate on it?

The notary may write or type the necessary certificate on the document. If there is no room at the bottom it can be put on the back of the document. If there is absolutely no room anywhere on the actual document to affix the notary certificate you may attach the certificate on a separate sheet of paper. This should only be done as a last resort.

What is Disqualifying Interests?

If the notary public is named as a party to the transaction or shares the same beneficial interest as a party to the transaction they should not notarize the document. [51-108, Idaho Code]

May I refuse to notarize a document for someone?

The Notary Public law does not address this question specifically, however, since you are a public servant it could be considered discrimination and therefore unconstitutional to refuse notarizing a document without some basis.

What is the difference between a jurat and an acknowledgment?

A "jurat" is that part of an affidavit in which you, the notary, state that it was sworn to before you.

"Acknowledgment" means a declaration by a person that he or she has executed an instrument for the purposes stated therein and, if the instrument is executed in a representative capacity, that he or she signed the instrument with proper authority and executed it as the act of the person or entity represented and identified therein. [51-109, Idaho Code]

Is it legal to certify a copy of a birth, death, or marriage certificate, or a decree of divorce, as being true and correct.

No. A notary can certify copies only of documents which cannot be obtained from a recorder or custodian of public documents. [51-107(c), Idaho Code]

How is a notary's signature authenticated on a document for use in this country or overseas?

Authenticating a Notary Public's signature can be done **only** by the Secretary of State's office. The document that needs the certification attached must be submitted to the Secretary of State's office with the request for either a "Certification" or an "Apostille". If you are not sure which type you need only indicate the country that the documents will ultimately be sent to and this office will then make the determination as to which authentication certificate to use. The fee for each certification is \$10.00.

If I leave my current job and that employer paid for my becoming a notary, am I no longer a notary?

No, you are still a notary. However, be aware that the employer may cancel your bond, thus canceling your commission and you would be required to apply for a Notary commission again.

If you are a state employee and your bond has been obtained through the Bureau of Risk Management you are required to resign your commission upon termination of your state job. If your employer does not allow you to take your stamp with you, you should ask that it be destroyed and you can purchase a new one. If you keep a journal it is the property of the notary. [51-113, Idaho Code]

If I move out of state is my commission still valid?

No, once you have moved out of state you have 30 days to submit notice of resignation unless still employed in Idaho. [51-113(e) and 51-115(2), Idaho Code]

Is a specific ink color required for the Notary stamp?

No, please keep in mind that the color should be one that will fax, copy or scan clearly.

What fees may I charge?

A Notary Public may charge a fee **not to exceed** \$2.00 per notarial act. [51-110, Idaho Code] You may also be compensated for actual and reasonable expense of travel .

Who is covered by my bond?

The surety bond required by the state protects the signer of the document and **not** the Notary Public. An Errors and Omissions policy can be purchased which would protect the Notary Public.

Is my expiration date required whenever I notarize a document?

Yes. [51-109(6), Idaho Code]

If I change my name or address am I required to notify the Secretary of State's office?

Yes, once you have changed your name and/or address you have 60 days to submit written notice along with a \$5.00 filing fee. If your residence has not changed but you wish to change your mailing address only you may submit written notice specifying a change of mailing address only without a fee. [51-111(2), Idaho Code]

What does the "ss" stand for on the Venue?

s.s. is the latin word "Scilicet" meaning "in particular" or "namely".

What is a Venue?

The definition of Venue is "The clause in an affidavit naming the locality where it was made and sworn to".

If I reside in one county and I am doing a notarial transaction in another county, what county do I indicate when it says "County of"?

You indicate the county in which you are actually doing that transaction. The only time you would indicate your county of residence is if the wording is specifically asking where you reside.

Is a test required to apply as a Notary Public?

No.

What information is required on the Notary Public seal?

The only information **allowed** on the seal is the Notary Public's name, the words "State of Idaho" and the words "Notary Public". There can be no other information or graphics on the seal.

What is a Notary Signing Agent?

Notary signing agents are employed by private companies. They are not certified or commissioned by the State of Idaho beyond the normal notary application process. A notary signing agent has no special powers and must adhere to Idaho notary law in all transactions. It is illegal for a notary or a notary signing agent to give legal advice, explain legal documents or aid customers in completing legal or immigration forms. Idaho Code 51-110 states a Notary public may, for any notarial act, charge a fee not to exceed two dollars (\$2.00). In addition to the fee, a notary public may be compensated for actual and reasonable expense of travel to a place where a notarial act is performed.

The Idaho Secretary of State's office urges notaries to exercise caution in considering signing agent or mobile notary offers. We recommend contacting the Department of Insurance and the Department of Finance before venturing into a business as a "Mobile Notary" or "Signing Agent" to ensure that you are not in violation of the Independent Escrow Act or Closing Agent licensing.

If a bank or mortgage company wants to employ a notary to perform notary services, act as a "signing agent" or "mobile notary officer" and wants to pay more than the statutory rate, that is up to them. However, the fee a notary may charge for their services is set forth in state laws as described above. Neither the notary nor a third party charging notary fees as part of the services they provide should exceed the statutory fees in charging for notary services.

Please be sure to explain the fees assessed to the customer as to what portion of the fee is for the notarial services.