



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

cFILED

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 6 -- NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY Secretary Of State

RULE TYPE Legislative AMENDMENT TO EXISTING RULE No TITLE-SERIES 153-

RULE NAME Notaries Public 46

CITE AUTHORITY 39-4-25

**HOUSE OR SENATE BILL NUMBER
199**

**SECTION
64-9-11**

**PASSED ON
03/14/2015**

**THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE**

Thursday, April 30, 2015

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

**Natalie E Tennant -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 153-46



Rule Id: 9439



Document: 26646

**TITLE 153
LEGISLATIVE RULE
SECRETARY OF STATE**

**SERIES 46
NOTARIES PUBLIC**

§153-46-1. General.

- 1.1. Scope. -- This rule governs certain aspects of the requirements for notaries public.
- 1.2. Authority. -- W. Va. Code § 39-4-25.
- 1.3. Filing Date. -- April 30, 2015
- 1.4. Effective Date. -- April 30, 2015

§153-46-2. Requirements for Official Stamp.

- 2.1. A notary public's official seal must include the following items:
 - 2.1.a. The words "Official Seal;"
 - 2.1.b. The words "Notary Public;"
 - 2.1.c. The words "State of West Virginia;"
 - 2.1.d. The notary public's name;
 - 2.1.e. The notary public's address;
 - 2.1.f. The notary public's commission expiration date;
 - 2.1.g. An image of the West Virginia State Seal; and
 - 2.1.h. A border.
- 2.2. A notary public's official seal may be no larger than one inch by two and one half inches.

§153-46-3. Name and Address Changes.

- 3.1. A notary public shall notify the Secretary of State, in writing, of any change of address or name within 30 days of the change.
- 3.2. Failure to notify the Secretary of State may result in the conditioning, suspension, or revocation of the notary's commission.

§153-46-4. Assurance.

- 4.1. A notary public shall maintain an assurance in the amount of \$1,000.00, either by surety bond or certificate of insurance coverage.
- 4.2. A notary public may not perform a notarial act at any time during the commission term when an assurance is not in effect.

4.3. Any surety bond obtained to meet the requirements of W.Va. State Code §39-4-20(d) must cover the entire term of the notary public's commission.

4.3.a. Pursuant to W.Va. State Code §6-2-7, all surety bonds will be presented to the Attorney General for review and approval.

4.4. Any certificate of coverage for insurance provided to meet the requirements of W.Va. State Code §39-4-20(d) may be for a period shorter than the term of the notary public. However, the notary public is responsible for keeping an updated copy of current coverage on file with the Secretary of State.

4.5. Any certificate of coverage for insurance provided to meet the requirements of W.Va. State Code §39-4-20(d) must provide certification that notarial acts performed by the notary public are covered under the policy.

4.6. The notary public shall notify the Secretary of State, in writing, before cancelling any assurance or within two business days of loss of insurance coverage.

§153-46-5. Renewing a Commission.

5.1. A commissioned notary public may apply for renewal no more than 60 days prior to the expiration of his or her active commission.

5.2. In applying for the renewal of a commission, the notary public shall complete all forms and meet all other requirements of W.Va. State Code §39-4-1, *et seq.*, and any rules promulgated by the Secretary of State, as if he or she were applying for the first time.

5.3. If the commission renewal is granted by the Secretary of State, the effective date will begin the day after the previous commission expires and continue for the regular term as described in W.Va. State Code §39-4-20(e); *Provided*, that all necessary approvals, including the application and proof of surety (bond or insurance), occur prior to the expiration date of the previous commission.