

EMERGENCY RULE QUESTIONNAIRE SUPPLEMENT

HB 4012, the Revised Uniform Law on Notarial Acts was passed from both houses on March 6, 2014 and signed by the Governor on March 28, 2014. The effective date for this law is July 1, 2014. The bill in its original form made sweeping changes to the notary act: requiring an exam, a training course, a \$10,000 bond and a journal requirement. Due to the fact that the Secretary of State required substantial lead time for internal processes to be changed, the effective date of the bill was originally set for July 1, 2015.

Many of these substantive changes were amended out of the enrolled bill in a House Sub-Committee and therefore the Committee changed the effective date to July 1, 2014. In the original bill and remaining in the enrolled bill, the fee for notary application was removed from the statute in order to be set by legislative rule. With the new effective date of July 1, 2014, there is no time to allow for the legislative rule-making process without an emergency rule in place. Without the emergency rule in place on July 1, 2014, there will be no mechanism for receiving notary application fees, and the West Virginia Secretary of State will lose an estimated \$210,000 in revenue for Fiscal Year 2015. The application fee has been and continues to be \$52. This rule does not include a fee increase, merely the continuation of the previous fee, now found in Legislative Rule instead of the West Virginia Secretary of State's Statute for Fees.

Without an emergency rule allowing for the continued receipt of a \$52 dollar notary application fee, the West Virginia Secretary of State's Office will no longer be able to provide a notary commission application service and the process of application, bonding and publishing a public database of currently licensed notaries will stop. The Office will no longer be able to process and commission new notaries, renewing notaries, and manage the existing 45,000 notaries currently licensed.