



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 4 -- NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

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

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Sheryl Webb -- 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: 26202



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

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

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

This rule will have no impact on the costs and revenues of state government.

Sheryl Webb -- 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.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

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

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

| Effect Of Proposal | Current Increase/Decrease (use ' - ') | Next Increase/Decrease (use ' - ') | Fiscal Year (Upon Full Implementation) |
|-----------------------------|--|---------------------------------------|---|
| ESTIMATED TOTAL COST | 0.00 | 0.00 | 0.00 |
| PERSONAL SERVICES | 0.00 | 0.00 | 0.00 |
| CURRENT EXPENSES | 0.00 | 0.00 | 0.00 |
| REPAIRS AND ALTERATIONS | 0.00 | 0.00 | 0.00 |
| ASSETS | 0.00 | 0.00 | 0.00 |
| OTHER | 0.00 | 0.00 | 0.00 |
| ESTIMATED TOTAL REVENUES | 0.00 | 0.00 | 0.00 |

Sheryl Webb -- 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.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

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

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

There are no fees associated with this rule, therefore there is no increase in revenues. No additional personnel or other costs are necessary for the implementation of this rule, and there will be no impact on the expenses of state government.

Sheryl Webb -- 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



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

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

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

There are no fees associated with this rule, therefore there is no increase in revenues. No additional personnel or other costs are necessary for the implementation of this rule, and there will be no impact on the expenses of state government.

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

Sheryl Webb -- 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



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**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. --
- 1.4. Effective Date. --

§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.