

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2265

6 By: Miller

7 COMMITTEE SUBSTITUTE

8 An Act relating to notaries public; amending 49 O.S.
9 2021, Section 1, which relates to appointment of
10 notaries public; adding examination requirement;
11 updating outline; requiring examination to become a
12 notary public; providing course of study; requiring
13 maintenance of certain journal; prescribing journal
14 criteria; requiring certain notice; requiring
15 retention of journal; providing for transmitting
16 journal to Secretary of State; providing for
17 codification; and providing an effective date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 49 O.S. 2021, Section 1, is
20 amended to read as follows:

21 Section 1. A. The Secretary of State shall appoint and
22 commission in this state notaries public, who shall hold their
23 office for four (4) years.

24 B. An applicant for a new notary commission shall be eighteen
(18) years of age or older, a citizen of the United States, ~~and~~
employed within this state or a legal resident of this state, and

1 shall have passed the examination required in Section 2 of this act.

2 A felony conviction shall be grounds for removal of a person from
3 the office of notary public.

4 C. All notary commissions shall run in the name and by the
5 authority of the State of Oklahoma, be signed by the Secretary of
6 State, and sealed with the Great Seal of the State of Oklahoma.
7 Commissions shall not be attested.

8 D. Any person filing an application for a new notary commission
9 shall pay Twenty-five Dollars (\$25.00) to the Secretary of State
10 with the application. Any person filing an application for a
11 renewal of a notary commission shall pay Twenty Dollars (\$20.00) to
12 the Secretary of State with the application. Any person requiring
13 "same day filing service" shall pay Twenty-five Dollars (\$25.00) to
14 the Secretary of State in addition to the applicable filing fee.
15 These funds shall be deposited in the Revolving Fund created for the
16 Secretary of State pursuant to the provisions of Section 276.1 of
17 Title 62 of the Oklahoma Statutes.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1.2 of Title 49, unless there is
20 created a duplication in numbering, reads as follows:

21 A. An applicant for a new notary commission must pass an
22 examination administered by the Office of the Oklahoma Secretary of
23 State or an entity approved by the Secretary of State. The
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1 examination must be based on the course of study described in
2 subsection B of this section.

3 B. The Secretary of State or an entity approved by the
4 Secretary of State shall offer regularly a course of study to
5 applicants who do not hold a notary commission in this state. The
6 course must cover the laws, rules, procedures, and ethics relevant
7 to notarial acts.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 13 of Title 49, unless there is
10 created a duplication in numbering, reads as follows:

11 A. Except for the notarial acts performed for an established
12 business relationship during the ordinary course of business, a
13 notary public shall maintain a journal in which the notary public
14 records all notarial acts that the notary public performs. The
15 notary public shall retain the journal for ten (10) years after the
16 performance of the last notarial act recorded in the journal.

17 B. A journal may be created on a tangible medium or in an
18 electronic format. A notary public shall maintain only one journal
19 at a time to chronicle all notarial acts, whether those notarial
20 acts are performed regarding tangible or electronic records. If the
21 journal is maintained on a tangible medium, it must be a permanent,
22 bound register with numbered pages. If the journal is maintained in
23 an electronic format, it must be in a permanent, tamper-evident
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1 electronic format complying with the rules of the Secretary of
2 State.

3 C. An entry in a journal must be made contemporaneously with
4 performance of the notarial act and contain the following
5 information:

6 1. The date and time of the notarial act;

7 2. A description of the record, if any, and type of notarial
8 act;

9 3. The full name and address of each individual for whom the
10 notarial act is performed;

11 4. If identity of the individual is based on personal
12 knowledge, a statement to that effect;

13 5. If identity of the individual is based on satisfactory
14 evidence, a brief description of the method of identification and
15 the identification credential presented, if any, including the date
16 of issuance and expiration of any identification credential; and

17 6. The fee, if any, charged by the notary public.

18 D. If a notary public's journal is lost or stolen, the notary
19 public shall promptly notify the Office of the Oklahoma Secretary of
20 State on discovering that the journal is lost or stolen.

21 E. On resignation from, or the revocation or suspension of, a
22 notary public's commission, the notary public shall retain the
23 notary public's journal in accordance with subsection A of this
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1 section and inform the Office of the Secretary of State where the
2 journal is located.

3 F. Instead of retaining a journal as provided in subsections A
4 and E of this section, a current or former notary public may
5 transmit the journal to the Office of the Secretary of State or a
6 repository approved by the Secretary of State.

7 G. On the death or adjudication of incompetency of a current or
8 former notary public, the notary public's personal representative or
9 guardian or any other person knowingly in possession of the journal
10 shall transmit it to the Office of the Secretary of State or a
11 repository approved by the Secretary of State.

12 SECTION 4. This act shall become effective November 1, 2025.

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