

Notaries

NOTARY FOR A PARTICULAR COUNTY

HOW DOES ONE BECOME A NOTARY PUBLIC?

A candidate must fill out an application with the probate judge. The probate judge appoints and commissions all notary publics.

HOW LONG DOES A COMMISSION FOR A NOTARY LAST?

Each notary public can hold office for a period of 4 years, however, the notary can apply for a renewal after the four year term has expired.

WHAT IF A NOTARY PUBLIC MOVES OUT OF THE COUNTY WHERE THE APPOINTMENT AND COMMISSION WERE GIVEN?

The notary public must vacate the office if they move out of the county from where the commission was granted.

MUST A NOTARY PUBLIC BE BONDED?

Yes. a \$10,000 bond must be obtained and payable to the state of Alabama and conditioned to faithfully perform the duties of notary public. The bond must be executed, approved, filed and recorded in the office of the judge of probate before the notary can assume any duties.

IS A NOTARY REQUIRED TO HAVE A SEAL?

Yes. In order to authenticate the official acts of the notary, each notary must provide a seal. The impression of this seal must provide the name, office, state and the county where the notary was appointed.

NOTARY FOR STATE AT LARGE

CAN ONE BECOME A NOTARY FOR THE ENTIRE STATE?

Yes. One can apply for appointment with the probate judge for a state wide notary. The notary shall not be limited to any one county, but can perform official acts in any county in the state.

HOW LONG DOES A COMMISSION LAST AS A NOTARY PUBLIC FOR THE STATE AT LARGE?

The term of office is the same for a statewide notary as it is for a notary for a specific county, 4 years.

IS A BOND REQUIRED FOR A STATEWIDE NOTARY?

Yes. The statewide notary must give bond approved by the probate judge of the county of residence in the sum of \$10,000, payable to the state of Alabama and conditioned to faithfully perform the duties of notary public. The bond must be executed, approved, filed and recorded in the office of the judge of probate of the county of residence before the notary assumes any duties.

MUST A SEAL BE OBTAINED FOR A STATEWIDE NOTARY?

Yes. In order to authenticate the official act of the statewide notary, each notary must provide a seal. The impression of this seal must provide the name, office and the state where the notary was appointed.

APPLICABLE TO ALL NOTARY PUBLICS

HOW MUCH MUST BE PAID TO THE PROBATE JUDGE TO BECOME A NOTARY PUBLIC?

The standard fee collected by the probate judge according to the Alabama Code is \$16.00, however, the fee may be increased by local legislation.

WHAT MAY A DULY APPOINTED NOTARY PUBLIC DO?

- may administer oaths
- take acknowledgements of or proof of instruments of writing relating to commerce or navigation and certify the same and all other of their official acts under their seal of office
- demand acceptance and payment of bills of exchange, promissory notes and all other writings which are governed by the commercial law as to day of grace
- demand and notice of nonpayment and protest the same for non-acceptance or nonpayment
- give notice thereof as required by law

WHAT FEES MAY A NOTARY COLLECT FOR SERVICES?

A notary is entitled to the following fees:

- \$1.50 plus postage for all services rendered in connection with the protest of any bill of exchange for acceptance, or of any bill of exchange, promissory note, check or other writing for payment
- \$.50 for any oath, certificate of seal taken
- \$.50 for giving any other certificate and affixing seal of
- \$.20 for every 100 words for giving copies from notary's register
- \$.25 for each certificate and seal to the register copy

DOES A NOTARY PUBLIC HAVE TO KEEP RECORDS TO EACH NOTARIAL ACT?

Yes. Each notary must keep a record of all the notarial acts performed. This register must be given to the judge of probate of the county upon the death, resignation, removal, or expiration of the term.

WHAT SHOULD BE DONE WITH THE REGISTER OF NOTARIAL ACTS ONCE THE NOTARY IS NO LONGER IN OFFICE?

Upon the death, resignation, removal, or expiration of the notary's commission, the register must be delivered to the probate judge within 30 days.

WHAT IS THE PENALTY FOR FAILURE TO DELIVER NOTARY'S REGISTER TO PROBATE JUDGE ON DEMAND?

Any person who, after the death, resignation, removal, or expiration of the term of office of any notary public, has the register kept by the notary, refuses, on demand, to deliver the register to the probate judge shall, on conviction, be fined not less than \$100.00.

WHAT IS THE PENALTY FOR PERFORMING A NOTARIAL ACT WITHOUT A COMMISSION OR AN EXPIRED COMMISSION?

If any person performs a notarial act without being a notary or after their commission has expired, they are guilty of a misdemeanor and subject to imprisonment for not more than one year.

IS A NOTARY PUBLIC SUBJECT TO IMPEACHMENT AND REMOVAL FROM OFFICE?

Yes. A notary may be impeached and removed from office for willful neglect of duty, corruption of office, incompetency, excessive use of liquors or drugs to such an extent in view of the dignity of the office and importance of its duties it makes the notary unfit to perform the duties of the office, or commits any offense involving moral turpitude.

THIS INFORMATION, WHICH IS BASED ON ALABAMA LAW, IS TO INFORM AND NOT TO ADVISE. NO PERSON SHOULD EVER APPLY OR INTERPRET ANY LAW WITHOUT THE AID OF A LAWYER WHO ANALYZES THE FACTS, BECAUSE THE FACTS MAY CHANGE THE APPLICATION OF THE LAW. Prepared by the Alabama Law Institute for the Alabama Probate Judges' Association