



**Secretary of State
Business Programs Division**

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To: Notary Public Education Vendors

From: Alicia Stewart
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Subject: New Laws and Information

New Law:

Statutes of 2013, Chapter 78 (Assembly Bill 464, Daly), Chapter 159 (Assembly Bill 625, Quirk) and Chapter 618 (Assembly Bill 924, Bigelow) take effect January 1, 2014 and all make changes to notarial law. The text of the new laws can be found at leginfo.legislature.ca.gov/.

The changes to notarial law provided by Assembly Bill 464 are as follows:

1. California Civil Code section 1188 – Certificate of Acknowledgment. Existing law requires an officer to use a certificate of acknowledgment that is substantially in the form prescribed in California Civil Code section 1189. The statute was amended to require the use of the exact certificate of acknowledgment prescribed in California Civil Code section 1189.
2. California Civil Code section 1195 – Proof of Execution by a Subscribing Witness. Existing law authorizes the use of a specified form or substantially similar form as a certificate for proof of execution of an instrument. The statute was amended to require the exact form of certificate prescribed by California Civil Code section 1195 for proof of execution of an instrument. The wording in the form also was amended. The certificate required to be used is:

State of California
County of _____

On ____ (date), before me, ____ (name and title of officer), personally appeared ____ (name of subscribing witness), proved to me to be the person whose name is subscribed to the within instrument, as a witness thereto, on the oath of ____ (name of credible witness), a credible witness who is known to me and provided a satisfactory identifying document. ____ (name of subscribing witness), being by me duly sworn, said that he/she was present and saw/heard ____ (name[s] of principal[s]), the same person(s) described in and whose name(s) is/are subscribed to the within or attached instrument in his/her/their authorized capacity(ies) as (a) party(ies) thereto, execute or acknowledge executing the same, and that said affiant subscribed his/her name to the within or attached instrument as a witness at the request of ____ (name[s] of principal[s]).

WITNESS my hand and official seal.

Signature _____

(Seal)

The change to notarial law provided by Assembly Bill 625 is as follows:

California Civil Code section 1185 – Identification. Existing law specifies that an inmate identification card that has been issued by the Department of Corrections and Rehabilitation is valid identification if the inmate is in custody and the card is current or has been issued within the last 5 years with certain specific information, including a photograph and description of the person named on the identification, is signed by the person, and has a serial or other identifying number or if the inmate is in custody and the card was issued prior to January 1, 1988. The statute was amended to eliminate the additional specified required information for an inmate identification card and to provide that an inmate in custody in prison can use an identification card issued by the Department of Corrections and Rehabilitation if the card is current or has been issued within 5 years.

Please note that inmate identification cards issued by the Department of Corrections and Rehabilitation only are a valid form of identification for inmates in California state prison. Identification cards issued by federal prisons, county jails or city jails are not authorized forms of identification.

The change to notarial law provided by Assembly Bill 924 is as follows:

California Government Code section 8214.1 – Grounds for Denial of a Notary Public Application or Suspension or Revocation of a Notary Public Commission. Existing law provides grounds for denial of a notary public application, or suspension or revocation of a notary public commission. The statute was amended to add commission of an act in violation of California Penal Code section 487a(a) as a ground for administrative action against an application or commission.