Chapter 308-30 WAC
NOTARIES PUBLIC

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-30-005 Mailing address. [Statutory Authority: RCW 42.44.190. WSR 93-05-009, § 308-30-005, filed 2/5/93, effective 3/8/93.] Repealed by WSR 18-12-028, filed 5/29/18, effective 7/1/18. Statutory Authority: RCW 42.45.250.

308-30-155 Satisfactory evidence of identity. [Statutory Authority: RCW 42.44.190. WSR 15-08-010, § 308-30-155, filed 3/23/15, effective 4/23/15; WSR 93-05-009, § 308-30-155, filed 2/5/93, effective 3/8/93.] Repealed by WSR 18-12-028, filed 5/29/18, effective 7/1/18. Statutory Authority: RCW 42.45.250.

WAC 308-30-010 Authority. This chapter implements the revised uniform law on notarial acts, chapter 42.45 RCW.

[Statutory Authority: RCW 42.45.250. WSR 18-12-028, § 308-30-010, filed 5/29/18, effective 7/1/18. Statutory Authority: RCW 42.44.190. WSR 93-05-009, § 308-30-010, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. WSR 85-24-025 (Order PL 571), § 308-30-010, filed 11/26/85, effective 1/1/86.]

WAC 308-30-020 Definitions. Words and terms used in these rules have the same meaning as in the Revised Uniform Law on Notarial Acts, RCW 42.45.010.

"Appear personally" means:

(a) Being in the same physical location as another individual and close enough to see, hear, communicate with, and exchange tangible identification credentials with that individual; or

(b) For remote notarial acts, being in a different physical location from another individual but able to see, hear, and communicate with that individual by means of communication technology.

"Commission" is equivalent to the term "license" as defined in RCW 18.235.010(6).

"Department" means the Washington state department of licensing.

"Director" means the director of the department of licensing or the director's designee.

"Electronic journal" means a chronological record of notarizations maintained by a notary public in an electronic format in compliance with these rules.

"Electronic notarial acts" means notarizations or notarial acts with respect to electronic records.

"Electronic notarial certificate" means the part of, or attachment to, an electronic record that is completed by the notary public, contains the information required under RCW 42.45.130 and the notary's official stamp, bears that notary's electronic signature, and states the facts attested to by the notary in a notarization performed on an electronic record.

"Enroll" and "enrollment" mean a process for registering a notary public with a technology provider to access and use a tamper-evident technology in order to perform electronic notarial acts.

"Principal" means:

(a) An individual whose electronic signature is notarized; or

(b) An individual, other than a witness required for an electronic notarial act, taking an oath or affirmation from the notary public.

"Remote notarial act" means a notarization that is performed using audio-video technology that meets the requirements in WAC 308-30-310 that allows for direct interaction between the notary and the individuals that are remotely located.

"Sole control" means at all times being in the direct physical custody of the notary public or safeguarded by the notary with a password or other secure means of authentication.

"Tamper-evident technology" means a set of applications, programs, hardware, software, or other technologies designed to enable a notary public to perform electronic notarial acts and to display evidence of any changes made to an electronic record.

"Technology provider" means an individual or entity that offers the services of a tamper-evident technology for electronic notarial acts.

"Venue" means the state and county where the notary public is physically located while performing a notarial act.

[Statutory Authority: RCW 42.45.250. WSR 21-05-039, § 308-30-020, filed 2/11/21, effective 3/14/21; WSR 18-12-028, § 308-30-020, filed 5/29/18, effective 7/1/18. Statutory Authority: RCW 42.44.190. WSR 06-20-061, § 308-30-020, filed 9/29/06, effective 11/1/06; WSR 93-05-009, § 308-30-020, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. WSR 85-24-025 (Order PL 571), § 308-30-020, filed 11/26/85, effective 1/1/86.]

WAC 308-30-030 Application process for notary public commission. (1) To apply for a notary public commission, an applicant who meets the requirements of RCW 42.45.200(2) shall submit an application on forms provided by the department. The application shall include:

(a) Evidence of a ten thousand dollar surety bond, signed by the notary public, that conforms to RCW 42.45.200(4);

(b) Payment of the prescribed fee; and

(c) A signed and notarized oath of office.

(2) As part of a notary public commission application, an applicant shall provide both their legal name and their commission name. The applicant's commission name must contain their surname, and at least the initials of the applicant's first and middle name.

(3) To apply for an electronic records notary public endorsement, an applicant who meets the requirements of RCW 42.45.200(7) shall submit an electronic records notary public application on forms provided by the department and pay the prescribed fee.

(4) An applicant may only apply for an electronic records notary public endorsement if:

(a) They currently hold an active notary public commission; or

(b) They are applying for a notary public commission and an electronic records notary public endorsement simultaneously.

(5) An individual applying for an electronic records notary public endorsement must inform the department within thirty days of applying of the tamper-evident technology provider that they have enrolled with before they perform their first electronic notarial act.

(6) To apply for a remote notary endorsement, an electronic records notary public shall submit a remote notary endorsement application on forms provided by the department.

(7) An applicant may only apply for a remote notary endorsement if:

(a) They currently hold an active notary public commission with an electronic records notary public endorsement;

(b) They currently hold an active notary public commission, and are applying for an electronic records notary public endorsement and a remote notary endorsement simultaneously; or

(c) They are applying for a notary public commission, an electronic records notary public endorsement, and a remote notarial acts endorsement simultaneously.

(8) A notary public shall reapply with the department for each commission term before performing notarial acts.

(9) A notary public may elect not to apply for an electronic records notary public endorsement or a remote notary endorsement.

[Statutory Authority: RCW 42.45.250. WSR 21-05-039, § 308-30-030, filed 2/11/21, effective 3/14/21; WSR 18-12-028, § 308-30-030, filed 5/29/18, effective 7/1/18. Statutory Authority: RCW 42.44.190. WSR 93-05-009, § 308-30-030, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. WSR 85-24-025 (Order PL 571), § 308-30-030, filed 11/26/85, effective 1/1/86.]

WAC 308-30-040 Approval or denial of application. (1) Upon an applicant's fulfillment of the requirements for a notary public commission and/or an electronic records notary public endorsement, and/or a remote notary endorsement, the department shall approve the application and issue the notary public commission and/or any appropriate endorsements.

(2) If the department receives an incomplete or invalid application, the department shall hold the application for thirty calendar days to allow the applicant to cure any defects. After the thirty day period, the application shall be canceled and any application fees forfeited.

(3) An applicant may not perform any notarial acts on a tangible or electronic record before receiving a notary public commission and the appropriate endorsement from the department.

(4) The department may deny a commission or endorsement application if the applicant fails to comply with these rules or does not meet the requirements for licensure.

[Statutory Authority: RCW 42.45.250. WSR 21-05-039, § 308-30-040, filed 2/11/21, effective 3/14/21; WSR 18-12-028, § 308-30-040, filed 5/29/18, effective 7/1/18. Statutory Authority: RCW 42.44.190. WSR 93-05-009, § 308-30-040, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. WSR 85-24-025 (Order PL 571), § 308-30-040, filed 11/26/85, effective 1/1/86.]

WAC 308-30-050 Term of commission. (1) The term of a notary public commission shall expire on the expiration date of the notary public's surety bond, no more than four years after their commission date.

(2) Unless terminated pursuant to WAC 308-30-270, an electronic records notary public endorsement and the remote notary endorsement are valid from the date the endorsement is issued by the department, and continues as long as the notary public's current commission remains valid.

[Statutory Authority: RCW 42.45.250. WSR 21-05-039, § 308-30-050, filed 2/11/21, effective 3/14/21; WSR 18-12-028, § 308-30-050, filed 5/29/18, effective 7/1/18. Statutory Authority: RCW 42.44.190. WSR 93-05-009, § 308-30-050, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. WSR 85-24-025 (Order PL 571), § 308-30-050, filed 11/26/85, effective 1/1/86.]

WAC 308-30-060 Application fees. The following fees shall be charged by the department:

Title of Fee	Fee
Application for notary public commission	$40.00
Application for electronic records notary public endorsement	$15.00
Renewal of notary public commission	$42.00
Renewal of electronic records notary public endorsement	$15.00
License print fee	$5.00

[Statutory Authority: RCW 43.24.086. WSR 22-22-022, § 308-30-060, filed 10/21/22, effective 11/22/22. Statutory Authority: RCW 42.45.250. WSR 18-12-028, § 308-30-060, filed 5/29/18, effective 7/1/18. Statutory Authority: RCW 42.44.190. WSR 93-05-009, § 308-30-060, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. WSR 85-24-025 (Order PL 571), § 308-30-060, filed 11/26/85, effective 1/1/86.]

WAC 308-30-070 Size and form of official seal or stamp. An official seal or stamp shall conform to the following requirements:

(1) The seal or stamp shall include the following information:

(a) The words "notary public";

(b) The words "state of Washington";
(c) The notary public's name as commissioned;
(d) The notary public's commission expiration date; and
(e) The notary public's commission number.
(2) The type on this seal or stamp shall be a minimum of 8 point type.
(3) The seal or stamp shall conform to the following physical requirements:
(a) The seal or stamp shall be minimum one and five-eighths inches diameter if circular, or one inch wide by one and five-eighths inches long if rectangular;
(b) The face of the seal or stamp shall be permanently affixed; and
(c) If the stamp is affixed to a tangible record, it shall be applied in permanent ink and shall be capable of being photocopied.
(4) The seal or stamp shall not contain the Washington state seal.

[Statutory Authority: RCW 42.45.250. WSR 18-12-028, § 308-30-070, filed 5/29/18, effective 7/1/18. Statutory Authority: RCW 42.44.190. WSR 93-05-009, § 308-30-070, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. WSR 85-24-025 (Order PL 571), § 308-30-070, filed 11/26/85, effective 1/1/86.]

WAC 308-30-080 Acquiring official seal or stamp. (1) A notary public shall procure an official seal or stamp only after receiving a certificate evidencing the notary public's commission from the department, and shall provide a copy of this certificate to their chosen seal or stamp vendor as part of procuring the stamp.
(2) A notary public with a commission in effect on July 1, 2018, may continue to use their notarial seal until the commission's date of expiration. A notary public who procures an official seal or stamp after July 1, 2018, is subject to and shall comply with the rules in WAC 308-30-070.
(3) The stamp a notary public acquires is the exclusive property of the notary public, and shall not be surrendered to an employer upon termination of employment, regardless of whether the employer paid for the seal or for the notary's bond or appointment fees.

[Statutory Authority: RCW 42.45.250. WSR 18-12-028, § 308-30-080, filed 5/29/18, effective 7/1/18. Statutory Authority: RCW 42.44.190. WSR 93-05-009, § 308-30-080, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. WSR 85-24-025 (Order PL 571), § 308-30-080, filed 11/26/85, effective 1/1/86.]

WAC 308-30-090 Replacement of lost or stolen official seal or stamp. (1) When an official seal or stamp is lost or stolen the notary public shall notify the department in writing within ten business days of discovering the seal or stamp was lost or stolen.
(2) The notary public may not obtain a replacement official seal or stamp until they have properly notified the department that the original was lost or stolen.
(3) A replacement official seal or stamp must contain some variance from the original seal or stamp.

(4) If the lost or stolen official seal or stamp is found or recovered after a replacement has been obtained, the original seal or stamp shall be destroyed.

[Statutory Authority: RCW 42.45.250. WSR 18-12-028, § 308-30-090, filed 5/29/18, effective 7/1/18. Statutory Authority: RCW 42.44.190. WSR 93-05-009, § 308-30-090, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. WSR 85-24-025 (Order PL 571), § 308-30-090, filed 11/26/85, effective 1/1/86.]

WAC 308-30-100 Notary signature. In addition to the requirements listed in RCW 42.45.130, a notary public signing the notarial certificate of a completed notarial act shall sign the notarial certificate using the exact name that appears on the notary's certificate of commission and their seal or stamp.

[Statutory Authority: RCW 42.45.250. WSR 18-12-028, § 308-30-100, filed 5/29/18, effective 7/1/18. Statutory Authority: RCW 42.44.190, 43.35.055, 43.24.086, WAC 308-30-100. WSR 05-12-047, § 308-30-100, filed 5/26/05, effective 6/26/05. Statutory Authority: RCW 43.24.086. WSR 90-06-052, § 308-30-100, filed 3/2/90, effective 4/2/90. Statutory Authority: 1985 c 156 §§ 5 and 20. WSR 85-24-025 (Order PL 571), § 308-30-100, filed 11/26/85, effective 1/1/86.]

WAC 308-30-110 Requirements for notarial acts. (1) In performing a notarial act, the notary public shall be physically within the geographic borders of the state of Washington.

(2) A notarial officer who certifies that an event has occurred or an act has been performed shall determine, from personal knowledge or satisfactory evidence, that the occurrence or performance took place.

(3) Electronic notarial acts shall conform to the requirements listed in these rules and RCW 42.45.040 on signing parties appearing before the notary.

[Statutory Authority: RCW 42.45.250. WSR 18-12-028, § 308-30-110, filed 5/29/18, effective 7/1/18.]

WAC 308-30-120 Authorized electronic notarial acts. A notary public who has received an electronic records notary public endorsement from the department may perform the following electronic notarial acts:

(1) Taking an acknowledgment;

(2) Taking a verification on oath or affirmation;

(3) Witnessing or attesting a signature;

(4) Certifying or attesting a copy;

(5) Certifying that an event has occurred or an act has been performed; and

(6) Noting a protest of a negotiable instrument, if the notary public is:

(a) Licensed to practice law in the state of Washington;

(b) Acting under the authority of an attorney who is licensed to practice law in this or another state; or

(c) Acting under the authority of a financial institution regulated by this state, another state, or the federal government.

[Statutory Authority: RCW 42.45.250. WSR 18-12-028, § 308-30-120, filed 5/29/18, effective 7/1/18. Statutory Authority: RCW 42.44.190. WSR 93-05-009, § 308-30-120, filed 2/5/93, effective 3/8/93.]

WAC 308-30-130 Requirements for technologies and technology providers. A tamper-evident technology shall comply with these rules:

(1) A technology provider shall enroll only notaries public who have been issued an electronic records notary public endorsement pursuant to WAC 308-30-030.

(2) A technology provider shall take reasonable steps to ensure that a notary public who has enrolled to use the technology has the knowledge to use it to perform electronic notarial acts in compliance with these rules.

(3) A tamper-evident technology shall require access to the system by a password or other secure means of authentication.

(4) A tamper-evident technology shall enable a notary public to affix the notary's electronic signature and seal or stamp in a manner that attributes such signature and seal or stamp to the notary.

(5) A technology provider shall provide prorated fees to align the usage and cost of the tamper-evident technology with the term limit of the notary public electronic records notary public endorsement.

(6) A technology provider shall suspend the use of any tamper-evident technology for any notary public whose endorsement has been revoked, suspended, or canceled by the state of Washington or the notary public.

[Statutory Authority: RCW 42.45.250. WSR 18-12-028, § 308-30-130, filed 5/29/18, effective 7/1/18. Statutory Authority: RCW 42.44.190. WSR 93-05-009, § 308-30-130, filed 2/5/93, effective 3/8/93.]

WAC 308-30-140 Refusal of requests to use system. In addition to the reasons listed in RCW 42.45.060, a notary public shall refuse a request to:

(1) Use a tamper-evident technology that the notary does not know how to operate; or

(2) Perform an electronic notarial act if the notary has a reasonable belief that a tamper-evident technology does not meet the requirements set forth in these rules.

[Statutory Authority: RCW 42.45.250. WSR 18-12-028, § 308-30-140, filed 5/29/18, effective 7/1/18. Statutory Authority: RCW 42.44.190. WSR 93-05-009, § 308-30-140, filed 2/5/93, effective 3/8/93.]

WAC 308-30-150 Completion of electronic notarial certificate. (1) For every electronic notarial act and remote notarial act, a notary public shall complete an electronic notarial certificate that complies with the requirements of these rules, RCW 42.45.130 and 42.45.140.

(2) An electronic notarial certificate shall be completed at the time of notarization and in the presence of the principal.

[Statutory Authority: RCW 42.45.250. WSR 21-05-039, § 308-30-150, filed 2/11/21, effective 3/14/21; WSR 18-12-028, § 308-30-150, filed 5/29/18, effective 7/1/18. Statutory Authority: RCW 42.44.190. WSR 93-05-009, § 308-30-150, filed 2/5/93, effective 3/8/93.]

WAC 308-30-160 Certification of electronic notarial acts. A notary public shall sign each electronic notarial certificate with an electronic signature that complies with WAC 308-30-170 and authenticate an electronic notarial act with an official stamp that complies with WAC 380-30-180.

[Statutory Authority: RCW 42.45.250. WSR 18-12-028, § 308-30-160, filed 5/29/18, effective 7/1/18. Statutory Authority: RCW 42.44.190. WSR 93-05-009, § 308-30-160, filed 2/5/93, effective 3/8/93.]

WAC 308-30-170 Electronic notarial signature. (1) A notary public shall use a tamper-evident technology that complies with WAC 308-30-130 of these rules to produce the notary's electronic signature in a manner that is capable of independent verification.

(2) A notary public shall take reasonable steps to ensure that no other individual may possess or access a tamper-evident technology used to produce the notary's electronic signature.

(3) A notary public shall keep in the sole control of the notary all or any part of a tamper-evident technology whose exclusive purpose is to perform electronic notarial acts.

(4) For the purposes of this section, "capable of independent verification" means that any interested individual may confirm through the department that a notary public who signed an electronic record in an official capacity had authority at that time to perform electronic notarial acts.

[Statutory Authority: RCW 42.45.250. WSR 18-12-028, § 308-30-170, filed 5/29/18, effective 7/1/18. Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). WSR 97-10-052, § 308-30-170, filed 5/1/97, effective 6/1/97.]

WAC 308-30-180 Electronic notarial stamp. (1) An electronic stamp may be used to authenticate an electronic notarial act if the electronic notarial certificate conforms to the rules set forth in RCW 42.45.130 and 42.45.140.

(2) An electronic stamp of a notary public used to authenticate an electronic notarial act shall conform to RCW 42.45.150 and WAC 308-30-070.

(3) The electronic stamp of a notary public shall be a digital image that appears in the likeness or representation of a traditional physical notary public official stamp meeting the requirements of RCW 42.45.150 and WAC 308-30-070.

(4) The tamper-evident technology used to create a notary public's electronic stamp shall not be used for any purpose other than performing electronic notarial acts under chapter 42.45 RCW and these rules.

(5) Only the notary public to whom the tamper-evident technology is registered shall generate an official stamp.

[Statutory Authority: RCW 42.45.250. WSR 18-12-028, § 308-30-180, filed 5/29/18, effective 7/1/18. Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). WSR 97-10-052, § 308-30-180, filed 5/1/97, effective 6/1/97.]

WAC 308-30-190 Journal of notarial acts required. (1) A notary public shall record each notarial act in a journal at the time of notarization in compliance with RCW 42.45.180 and these rules.

(2) If a notary public performs notarial acts involving different statements or documents for the same individual on the same date, the notary public may record a single entry in the journal for all of the statements or documents. The entry shall include the number of statements or documents notarized and shall otherwise conform to RCW 42.45.180 and these rules.

(3) The fact that the notary public's employer or contractor keeps a record of notarial acts shall not relieve the notary of the duties required by these rules.

[Statutory Authority: RCW 42.45.250. WSR 18-12-028, § 308-30-190, filed 5/29/18, effective 7/1/18. Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). WSR 97-10-052, § 308-30-190, filed 5/1/97, effective 6/1/97.]

WAC 308-30-200 Format of journals of notarial acts. (1) A tangible notarial journal shall:

(a) Be a permanent, bound book with numbered pages; and

(b) Have the capacity to record for each notarial act:

(i) The information required by RCW 42.45.180(4);

(ii) A description of the notary public's method of identifying the principal; and

(iii) The principal's signature, or the signature of an authorized party in compliance with RCW 42.45.070, or a notation in the notary journal that the notarial act was performed via remote notarization.

(2) If a notary public keeps an electronic journal pursuant to RCW 42.45.180(3), the electronic journal shall:

(a) Be maintained only in addition to the tangible journal;

(b) Have the capacity to record the information required for a tangible notarial journal;

(c) Enable access by a password or other secure means of authentication;

(d) Be tamper-evident;

(e) Create a duplicate record of the journal as a backup; and

(f) Be capable of providing tangible or electronic copies of any entry made in the journal.

(3) A notary public's journal is the exclusive property of the notary public, and shall not be surrendered to an employer upon demand or termination, whether the employer paid for the journal or the notary's bond or application fees.

(4) A notary performing remote notarization must maintain a tangible notary journal as required in RCW 42.45.180 and WAC 308-30-190, this section, and WAC 308-30-210. Notaries performing remote notarization are not required to collect and maintain the signatures of the signers when those notarizations were performed remotely. Notaries

must note in their tangible notary log that a notarization was performed remotely.

[Statutory Authority: RCW 42.45.250. WSR 21-05-039, § 308-30-200, filed 2/11/21, effective 3/14/21; WSR 18-12-028, § 308-30-200, filed 5/29/18, effective 7/1/18.]

WAC 308-30-210 Disposition of journal. (1) Ten years after the performance of the last notarial act chronicled in a tangible journal, the journal is to be destroyed by shredding or other destruction that leaves any entry in the journal illegible.

(2) Ten years after the performance of the last notarial act chronicled in an electronic journal, the journal is to be destroyed by deleting any remaining records pertaining to the electronic journal and deleting any remaining tamper-evident technology in the notary's possession.

(3) The personal representative or guardian of a notary public shall follow RCW 42.45.180(6) related to the disposition of the notary public's journals upon the death or adjudication of incompetency of the notary public.

(4) Nothing in this section shall require a notary to dispose of their notarial journal or journals if doing so would be in conflict with the law of another jurisdiction that requires a notary to keep their journal for a longer period of time.

(5) The notary public, or the notary's personal representative, shall provide access instructions to the department for any electronic journal maintained or stored by the notary, upon commission resignation, revocation, or expiration without renewal, or upon the death or adjudicated incompetence of the notary.

[Statutory Authority: RCW 42.45.250. WSR 18-12-028, § 308-30-210, filed 5/29/18, effective 7/1/18.]

WAC 308-30-220 Fees for notarial acts. (1) The maximum fees a notary may charge for notarial acts are:

Notarial Act	Maximum Fee
Witnessing or attesting a signature	$15.00
Taking an acknowledgment or a verification upon oath or affirmation	$15.00
Certifying or attesting a copy	$15.00
Administering an oath or affirmation	$15.00
Certifying that an event has occurred or an act has been performed	$15.00
Remote notarial act	$25.00

(2) A notary public need not charge for notarial acts.

(3) A notary public may not charge fees for receiving or noting a protest of a negotiable instrument.

(4) A notary public may additionally charge the actual costs of copying any instrument or record.

(5) A notary public may charge a travel fee when traveling to perform a notarial act if:

(a) The notary public and the individual requesting the notarial act agree upon the travel fee in advance of the travel; and

(b) The notary public explains to the individual requesting the notarial act that the travel fee is in addition to the notarial fee in subsection (1) of this section and is not required by law.

(6) Notwithstanding the maximum fees set forth in subsection (1) of this section and the prohibition set forth in subsection (3) of this section, a notary public may charge a maximum fee of $25 to perform a remote notarial act.

[Statutory Authority: RCW 42.45.170 and 42.45.250. WSR 24-11-162, § 308-30-220, filed 5/22/24, effective 6/22/24. Statutory Authority: RCW 42.45.250. WSR 21-05-039, § 308-30-220, filed 2/11/21, effective 3/14/21; WSR 18-12-028, § 308-30-220, filed 5/29/18, effective 7/1/18.]

WAC 308-30-230 Testimonials. A notary may not endorse or promote any service, contest, or other offering if the notary's seal or title is used in the endorsement or promotional statement.

[Statutory Authority: RCW 42.45.250. WSR 18-12-028, § 308-30-230, filed 5/29/18, effective 7/1/18.]

WAC 308-30-240 Forms. (1) The forms in RCW 42.45.140 are examples of certificates with the sufficient information included. When a specific form is required by another statute of this state, the required form shall be used.

(2) A nonattorney notary may not assist another person in drafting, completing, selecting, or understanding a document or transaction requiring a notarial act. This does not preclude a notary who is duly qualified in a particular profession from giving advice relating to matters in that professional field.

[Statutory Authority: RCW 42.45.250. WSR 18-12-028, § 308-30-240, filed 5/29/18, effective 7/1/18.]

WAC 308-30-250 Change of name or address. (1) When a notary public changes their name or address, the department of licensing must be notified of such change on forms prescribed by the department.

(2) A name change notification must be accompanied by a bond rider from the bonding company amending the notary bond, and the prescribed fee for a name change which provides a duplicate notary certificate showing the new name. There is no charge for an address change and a new certificate is not issued.

(3) A notary that submits a name change notification shall continue to use their original notary stamp or seal and their original name and signature until they receive a new commission certificate and seal or stamp with the new information.

[Statutory Authority: RCW 18.235.030, 19.31.070, 19.105.530, 42.45.250, 64.36.270, chapters 19.31, 19.105, 42.45, and 64.36 RCW. WSR 26-04-128, s 308-30-250, filed 2/4/26, effective 3/7/26. Statutory Authority: RCW 42.45.250. WSR 18-12-028, § 308-30-250, filed 5/29/18, effective 7/1/18.]

WAC 308-30-260 Evidence of authenticity. Requests for evidence of authenticity should be addressed to the Washington office of the secretary of state, corporations and charities division.

[Statutory Authority: RCW 42.45.250. WSR 18-12-028, § 308-30-260, filed 5/29/18, effective 7/1/18.]

WAC 308-30-270 Termination or suspension of commission or endorsement. (1) The department may take action against the commission and/or endorsement of a notary public who fails to comply with these rules as provided in RCW 42.45.210, 42.45.270, and chapter 18.235 RCW. Any restriction, suspension, or revocation of a notary public's commission will automatically have the same effect on any endorsement the notary public holds.

(2) A notary public may terminate their notary public commission and/or electronic records endorsement or remote notary endorsement by notifying the department of this intent in writing and disposing of all or any part of a tamper-evident technology in the notary's control whose purpose was to perform electronic notarizations.

(3) A notary public may terminate the electronic records notary public endorsement or the remote notary endorsement and maintain the underlying notary public commission.

(4) A notary public whose commission is terminated or expired, either by the notary or the department, shall disable their official stamp by destroying, defacing, damaging, or securing the device against use. The notary shall maintain their notarial journals for ten years as required by RCW 42.45.180 and WAC 308-30-210.

[Statutory Authority: RCW 42.45.250. WSR 21-05-039, § 308-30-270, filed 2/11/21, effective 3/14/21; WSR 18-12-028, § 308-30-270, filed 5/29/18, effective 7/1/18.]

WAC 308-30-280 Change of application information. If any of the information submitted on a notary public's commission or endorsement applications pursuant to WAC 308-30-030 changes, the notary public shall report this change to the department in writing within fifteen days.

[Statutory Authority: RCW 42.45.250. WSR 18-12-028, § 308-30-280, filed 5/29/18, effective 7/1/18.]

WAC 308-30-290 Authorized remote notarial acts. (1) A notary public who has received both an electronic records notary public endorsement and a remote notarial acts endorsement from the department may perform the following remote notarial acts:

(a) Taking an acknowledgment;

(b) Taking a verification on oath or affirmation;

(c) Witnessing or attesting a signature;

(d) Certifying or attesting a copy;

(e) Certifying that an event has occurred or an act has been performed; and

(f) Noting a protest of a negotiable instrument, if the notary public is:

(i) Acting under the authority of an attorney who is licensed to practice law in this state or another state; or

(ii) Acting under the authority of a financial institution regulated by this state, another state, or the federal government.

(2) In performing remote notarial acts, a notary public shall comply with all requirements for electronic notarial acts under this chapter.

[Statutory Authority: RCW 42.45.250. WSR 21-05-039, § 308-30-290, filed 2/11/21, effective 3/14/21.]

WAC 308-30-300 Standards for identity proofing. (1) In performing remote notarial acts, if a notary public does not have satisfactory evidence of the identity of a remotely located individual under subsection (4) of this section, the notary public must reasonably verify the individual's identity through two different types of identity proofing consisting of a credential analysis procedure and a dynamic knowledge-based authentication assessment as provided in subsections (2) and (3) of this section.

(2) Credential analysis must use public or private data sources to confirm the validity of the identification credential presented by a remotely located individual and shall, at a minimum:

(a) Use automated software processes to aid the notary public in verifying the identity of each remotely located individual;

(b) Require the identification credential to pass an authenticity test, consistent with sound commercial practices, that uses appropriate technologies to confirm the integrity of visual, physical, or cryptographic security features and to confirm that the identification credential is not fraudulent or inappropriately modified;

(c) Use information held or published by the issuing source or an authoritative source, as available and consistent with sound commercial practices, to confirm the validity of personal details and identification credential details; and

(d) Enable the notary public visually to compare for consistency the information and photograph on the identification credential and the remotely located individual as viewed by the notary public in real time through communication technology.

(3) A dynamic knowledge-based authentication assessment is successful if it meets the following requirements:

(a) The remotely located individual must answer a quiz consisting of a minimum of five questions related to the individual's personal history or identity formulated from public or private data sources;

(b) Each question must have a minimum of five possible answer choices;

(c) At least eighty percent of the questions must be answered correctly;

(d) All questions must be answered within two minutes;

(e) If the remotely located individual fails the first attempt, the individual may retake the quiz one time within twenty-four hours;

(f) During a retake of the quiz, a minimum of forty percent of the prior questions must be replaced;

(g) If the remotely located individual fails the second attempt, the individual is not allowed to retry with the same online notary public within twenty-four hours of the second failed attempt; and

(h) The notary public must not be able to see or record the questions or answers.

(4) A notary public has satisfactory evidence of the identity of a remotely located individual if:

(a) The notary public has personal knowledge of the identity of the individual; or

(b) The individual is identified by oath or affirmation of a credible witness in accordance with the following requirements:

(i) To be a credible witness, the witness must have personal knowledge of the remotely located individual;

(ii) The notary public must have personal knowledge of the credible witness or verify the identity of the credible witness by two different types of identity proofing in accordance with subsections (1), (2), and (3) of this section; and

(iii) A credible witness may be outside the physical presence of the notary public or remotely located individual if the notary public, credible witness, and remotely located individual can communicate by using communication technology.

[Statutory Authority: RCW 42.45.250. WSR 21-05-039, § 308-30-300, filed 2/11/21, effective 3/14/21.]

WAC 308-30-310 Standards for communication technology. (1) Communication technology for remote notarial acts must provide for synchronous audio-visual feeds of sufficient audio clarity and video resolution to enable the notary public and remotely located individual to see and speak with each other. The process must provide a means for the notary public reasonably to confirm that an electronic record before the notary public is the same record in which the remotely located individual made a statement or on which the remotely located individual executed a signature.

(2) Communication technology must provide reasonable security measures to prevent unauthorized access to:

(a) The live transmission of the audio-visual feeds;

(b) The methods used to perform identify verification; and

(c) The electronic record that is the subject of the remote notarial act.

(3) If a remotely located individual must exit the workflow, the individual must restart the identify verification process required under WAC 308-30-300 from the beginning.

[Statutory Authority: RCW 42.45.250. WSR 21-05-039, § 308-30-310, filed 2/11/21, effective 3/14/21.]

WAC 308-30-320 Certificate of notarial act for remote notarial acts. (1) A form of notarial certificate for a remote notarial act satisfies the requirement of RCW 42.45.280(4) and 42.45.130 (1)(g) if it is in the form provided by applicable law and contains a statement substantially as follows: "This notarial act involved the use of communication technology."

(2) A short form of acknowledgment prescribed in RCW 42.45.140 satisfies the requirement of RCW 42.45.280(4) and 42.45.130 (1)(g) if it is in substantially one of the following forms for the purposes indicated:

(a) For an acknowledgment in an individual capacity:

State of Washington

County of .....

This record was acknowledged before me by means of communication technology on (date) by (name(s) of individuals).

.....
(Signature of notary public)

Notary Public

(Electronic official stamp)

(My commission expires: ....)

(b) For an acknowledgment in a representative capacity:

State of Washington

County of .....

This record was acknowledged before me by means of communication technology on (date) by (name(s) of individuals) as (type of authority, such as officer or trustee) of (name of party on behalf of whom the instrument was executed).

.....
(Signature of notary public)

Notary Public

(Electronic official stamp)

(My commission expires: ....)

(c) For verification on oath or affirmation:

State of Washington

County of .....

Signed and sworn to (or affirmed) before me by means of communication technology on (date) by (name(s) of individuals making statement).

.....
(Signature of notary public)

Notary Public

(Electronic official stamp)

(My commission expires: ....)

(d) For witnessing or attesting a signature:

State of Washington

County of .....

Signed or attested before me by means of communication technology on (date) by (name(s) of individuals).

.....
(Signature of notary public)

Notary Public

(Electronic official stamp)

(My commission expires: ....)

[Statutory Authority: RCW 42.45.250. WSR 21-05-039, § 308-30-320, filed 2/11/21, effective 3/14/21.]

WAC 308-30-330 Retention of audio-visual recordings and repositories. (1) A notary public must retain any audio-visual recording

created under RCW 42.45.280 (3)(c) in a computer or other electronic storage device that protects the recording against unauthorized access by password or other secure means of authentication. The recording must be created in an industry-standard audio-visual file format and must not include images of any electronic record that was the subject of the remote notarial act.

(2) An audio-visual recording must be retained for at least ten years after the recording is made.

(3) A notary public must take reasonable steps to ensure that a backup of the audio-visual recording exists and is secure from unauthorized use.

(4) The fact that the notary public's employer, contractor, or repository keeps or stores any audio-visual recordings shall not relieve the notary of the duties required by these rules.

(5) The personal representative or guardian of a notary public shall follow RCW 42.45.280(6) related to the disposition of the notary public's audio-visual recordings upon the death or adjudication of incompetency of the notary public.

(6) The notary public, or the notary's personal representative or guardian, shall provide access instructions to the department for any audio-visual recordings maintained or stored by the notary, upon commission resignation, revocation, or expiration without renewal, or upon the death of adjudication of incompetency of the notary.

(7) A notary public, or the notary's personal representative or guardian, may by written contract engage a third party to act as a repository to provide the storage required by this section. A third party under contract under this section shall be deemed a repository under RCW 42.45.280(6).

(8) Any contract under subsection (7) of this section must:

(a) Enable the notary public, or the notary's personal representative or guardian, to comply with the retention requirements of this section even if the contract is terminated; or

(b) Provide that the information will be transferred to the notary public, or to the notary's personal representative or guardian, if the contract is terminated.

[Statutory Authority: RCW 42.45.250. WSR 21-05-039, § 308-30-330, filed 2/11/21, effective 3/14/21.]