

### **Notary for a Particular County**

Effective January 1, 2012, a person may no longer be appointed as a Notary Public for a particular county. However, any person who already held a commission as a notary public for a particular county may continue to function as such for the remainder of their commission.

#### **How long does a commission for a notary public 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 \$25,000 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 or stamp 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 statewide notary. The notary shall not be limited to any one county, but can perform official acts in any county in the state. After January 1, 2012, all new notaries will be appointed statewide.

#### **How long does a commission last as a notary public for the state at large?**

The term of office for a statewide notary is 4 years. The notary may apply for a renewal after their four-year term has expired.

#### **Is a bond required for a statewide notary?**

Yes. Beginning January 1, 2012, the statewide notary must give bond approved by the probate judge of the county of residence in the sum of \$25,000, 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 their residence before the notary assumes any duties.

**Must a seal be obtained for a statewide notary?**

Yes. In order to authenticate the official acts of the notary, each notary must provide a seal. The impression or stamp of this seal must provide the name, office, state and the county 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 \$23.00, however, the fee may be increased by local legislation. *See* § 36-20-70.

**What may a duly appointed notary public do?**

A notary 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 writing which are governed by the commercial law as to days of grace, demand and notice of nonpayment and protest the same for non-acceptance or nonpayment and to give notice thereof as required by law.

**What fees may a notary collect for services?**

A notary is entitled to the sum of five dollars (\$5.00) for carrying out any of their enumerated powers.

**Does a notary public have to keep records to each notarial act?**

No. A notary public no longer has to keep a record of all his or her notarial acts.

**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 Class C misdemeanor.

THIS PAMPHLET, 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.



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