

WSR 24-09-086

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed April 17, 2024, 11:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-05-083.

Title of Rule and Other Identifying Information: WAC 308-30-220 Fees for notarial acts.

Hearing Location(s): On May 21, 2024, at 11:00 a.m. Join Zoom meeting <https://dol-wa.zoom.us/j/86991014712?pwd=hvnETlvoshboUkNpa5mPceoDbw0rPp.1>, Meeting ID 869 9101 4712, Passcode 948043; or One-tap mobile +12532050468,,86991014712#,,,,*948043# US, +12532158782,,86991014712#,,,,*948043# US (Tacoma), Meeting ID 869 9101 4712, Passcode 948043. Find your local number <https://dol-wa.zoom.us/j/86991014712?pwd=hvnETlvoshboUkNpa5mPceoDbw0rPp.1>. If you are having difficulty joining the Zoom meeting at the time of the public hearing, please call 360-902-0131. An in-person option is available at the Highways and Licensing Building, 1125 Washington Street S.E., Olympia, WA 98504.

Date of Intended Adoption: May 22, 2024.

Submit Written Comments to: Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, email rulescoordinator@dol.wa.gov, by May 21, 2024.

Assistance for Persons with Disabilities: Contact Kelsey Stone, phone 360-902-0131, email rulescoordinator@dol.wa.gov, by May 11, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department of licensing (DOL) is considering raising the maximum fees a notary may charge for notarial acts from \$10 to \$15.

Reasons Supporting Proposal: This rule making is based on a petition DOL received from the public requesting a raise in the maximum fees notaries are allowed to charge for their services, and is supported by additional feedback received from the notary industry via survey results.

Statutory Authority for Adoption: RCW 42.45.170 Fees, and 42.45.250 Rules.

Statute Being Implemented: WAC 308-30-220 Fees for notarial acts.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Public.

Name of Agency Personnel Responsible for Drafting: Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, 360-902-0131; Implementation and Enforcement: Kathe McDaniel, P.O. Box 9020, Olympia, WA 98507, 360-634-5238.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This rule-making effort is supported through a public petition and additional industry feedback received via survey results. Feedback DOL has received indicates that these rule changes will allow notary licensees the ability to reasonably increase their service fees without putting an undue burden on customers of notary services.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust

fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045. Is exempt under RCW 19.85.025(4).
 Scope of exemption for rule proposal:
 Is fully exempt.

April 17, 2024
 Ellis Starrett
 Rules and Policy Manager

OTS-5312.1

AMENDATORY SECTION (Amending WSR 21-05-039, filed 2/11/21, effective 3/14/21)

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

Notarial Act	<u>Maximum Fee</u>
Witnessing or attesting a signature	((\$10.00)) <u>\$15.00</u>
Taking an acknowledgment or a verification upon oath or affirmation	((\$10.00)) <u>\$15.00</u>
Certifying or attesting a copy	((\$10.00)) <u>\$15.00</u>
Administering an oath or affirmation	((\$10.00)) <u>\$15.00</u>
Certifying that an event has occurred or an act has been performed	((\$10.00)) <u>\$15.00</u>
<u>Remote notarial act</u>	<u>\$25.00</u>

(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 (~~twenty-five dollars~~) \$25 to perform a remote notarial act.