Chapter 308-30 WAC
NOTARIES PUBLIC

WAC

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WAC 308-30-005 Mailing address. All correspondence is to be directed to the Department of Licensing, Professional Licensing Services, Notary Section, Post Office Box 9027 (in person 2424 Bristol Court) Olympia, Washington 98507-9027.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-005, filed 2/5/93, effective 3/8/93.]

WAC 308-30-010 Size and form of notary seal or stamp. A notary seal shall be one and five-eighths inches minimum in diameter. If a notary stamp is used the following requirements shall apply:

(1) The type shall be a minimum of 8 point type.

(2) The stamp shall be minimum one and five-eighths inches in diameter. If a rectangular stamp is used the minimum dimensions shall be one inch wide by one and five-eighths inches long.

(3) The imprint shall be affixed with indelible ink only.

(4) The face of any notary stamp shall contain permanently affixed letters and numerals and shall not be preprinted.

(5) The use of the Washington state seal on the notary stamp or seal is prohibited.

(6) A vendor may not provide a notarial seal, or stamp, either inking or embossing, to a person claiming to be a notary, unless the person presents a photo copy of the person's Notary Certificate.

(7) A notary applying for a seal or stamp as a result of a name change shall present a copy to the vendor of the certificate evidencing the notary's name change from the director.

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

WAC 308-30-020 What fees may a notary public charge? (1) The maximum fees a notary may charge for notarial acts are:

NOTARIAL ACT	FEE
Witnessing or attesting a signature	$10.00
Taking acknowledgement or verification upon oath or affirmation	$10.00
Certifying or attesting a copy	$10.00
Receiving or noting a protest of a negotiable instrument	$10.00
Being present at demand, tender, or deposit, and noting the same	$10.00
Administering an oath or affirmation	$10.00
Certifying that an event has occurred or an act has been performed	$10.00

(2) A notary public need not charge for notarial acts. A notary who chooses to charge for notarial acts shall conspicuously display in their place of business, or present to each customer outside their business, an English-language schedule of fees for notarial acts. No part of the displayed notarial fee schedule may be printed in smaller than 10-point type.

(3) A notary may charge actual costs of copying any instrument or record.

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

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

(b) The notary explains to the person 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.

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

WAC 308-30-030 Applications for appointment as notary public. Applications for appointment as notary public may be obtained from the department of licensing. Every application submitted for appointment as a notary public must be accompanied by the required surety bond and the prescribed fee and shall in all ways comply with the requirements of chapter 42.44 RCW.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-030, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-030, filed 11/26/85, effective 1/1/86.]

WAC 308-30-040 Resignation or revocation of notary appointment. Voluntary resignation by a notary public shall be submitted in writing to the department of licensing. If a notary public voluntarily resigns his or her notary appointment or if the notary appointment is revoked, suspended or restricted, the notary public must mail or deliver his or her notary stamp or seal to the department of licensing.

No voluntary resignation of a notary appointment shall be effective until the notary seal or stamp is mailed or delivered to the notary section.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-040, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-040, filed 11/26/85, effective 1/1/86.]

WAC 308-30-050 Replacement of lost or stolen notary seals or stamps. When a notary seal or stamp is lost or stolen the department of licensing is to be notified by certified mail. The notice must set forth the fact that the notary seal or stamp has been lost or stolen and be signed by the notary public. The notary public may then obtain a replacement notary seal or stamp. The new notary seal or stamp must contain some variance from the original seal or stamp. If the lost or stolen notary seal or stamp is found or recovered after a replacement has been obtained the original seal or stamp shall be surrendered to the department of licensing.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-050, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-050, filed 11/26/85, effective 1/1/86.]

WAC 308-30-060 Department to be notified of change of name or address. When a notary public changes his or her name or address, the department of licensing must be notified in writing of such name and/or address change. The notification of name change 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.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-060, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-060, filed 11/26/85, effective 1/1/86.]

WAC 308-30-070 Requests for evidence of authenticity. Requests for evidences of authenticity of notarial commission must be in writing, accompanied by the prescribed fee, the original document, and mailed to the department of licensing.

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

WAC 308-30-080 Appeals of denials and revocations of notary appointments. Notices of appeals of denials and revocations of notary appointments must be in writing and mailed or delivered to the department of licensing. The written notification of appeal must be received by the department within twenty days of the date of denial or revocation or the right to appeal is waived. When the notification of appeal is mailed, the postmarked date will be accepted as the date of receipt by the department of licensing. Procedures on appeal will be as provided in the Administrative Procedure Act, chapter 34.05 RCW, and rules adopted thereunder.

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

WAC 308-30-090 Forms. (1) The forms in RCW 42.44.100 are only suggested certificates with the sufficient information included. These forms may be used; however, when a specific form is required by a specific statute, the required form shall be used.

(2) A nonattorney notary may complete notarial certificates, and 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 42.44.190. 93-05-009, § 308-30-090, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-090, filed 11/26/85, effective 1/1/86.]

WAC 308-30-100 Fees. The following fees shall be charged by the director of the department of licensing:

Title of Fee	Fee
Application for notary appointment	$30.00
Renewal of notary appointment	30.00
Duplicate certificate of appointment (including change of name)	15.00
Evidence of verification of notarial commission	15.00
Apostille	15.00

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

WAC 308-30-120 Notary signature. Upon completion of a notarial act, the notary must sign the notary certification using his/her name exactly as it appears on the notary certificate of appointment and the stamp or seal. The notary's name must be legibly printed or stamped directly below their signature.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-120, filed 2/5/93, effective 3/8/93.]

WAC 308-30-130 Expired stamp or seal. The use of a stamp or seal with an expired date is prohibited.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-130, filed 2/5/93, effective 3/8/93.]

WAC 308-30-140 Notification of legal actions. The notary must notify the department of licensing of any conviction against him or her of official misconduct, and/or civil or criminal charges. Notification must be submitted within thirty days of such happening.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-140, filed 2/5/93, effective 3/8/93.]

WAC 308-30-150 Continuous qualification required. A notary public must continue to meet the requirements of RCW 42.44.020 (1)(b) or (c) throughout the term of appointment. A notary who fails to meet any one or more of the aforementioned requirements shall resign, or the director shall institute hearings to determine if the requirements have been met by the notary.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-150, filed 2/5/93, effective 3/8/93.]

WAC 308-30-155 Satisfactory evidence of identity. Satisfactory evidence of an individual identity shall be based on one of the following:

(1) Current documents issued by a federal or state government with the individual's photograph, signature, and physical description.

(2) The oath or affirmation of a credible person who personally knows the individual.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-155, filed 2/5/93, effective 3/8/93.]

WAC 308-30-160 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 42.44.190. 93-05-009, § 308-30-160, filed 2/5/93, effective 3/8/93.]

WAC 308-30-170 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for an appointment meets the minimum criteria for an appointment as a notary public in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department; and

(3) Whether an appointment holder requesting renewal has submitted all required information and whether an appointment holder meets minimum criteria for renewal.

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

WAC 308-30-180 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for appointment or reappointment shall consist of:

(a) The application for appointment or reappointment and all associated documents;

(b) All documents relied upon by the director in proposing to deny the appointment or reappointment; and

(c) All correspondence between the applicant for appointment or reappointment and the director regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the appointment holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the appointment holder and the director regarding compliance with the final order or agreement; and

(d) All documents relied upon by the director showing that the appointment holder has failed to comply with the previously issued final order or agreement.

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

WAC 308-30-190 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

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