

Notary Public Policy

The Merrimack Public Library offers Notary Public Services for the benefit of the residents of our community. The following guidelines will be followed in the provision of Notary Service: Notary services are provided free of charge for residents; in lieu of fees, donations to the library are welcome. A \$3.00 charge will be applied to non-residents.

Scheduling: It is recommended that customers seeking Notary Service call the Library prior to their visit to ensure that a Notary is available at that time. The Library can be reached by calling 603-424-5021.

Library Notaries are scheduled during the Library's hours of operation. Notary service is not available fifteen (15) minutes prior to the time of closing.

Documents: The document must be completely filled out, leaving no blanks other than where the customer will sign the document, before appearing before the Library Notary. Library Notaries may not notarize any document with blank spaces.

Documents in any language other than English will not be notarized at this facility.

Certain public documents cannot be copied and notarized. Examples of these are: Birth Certificates, Death Certificates and Marriage Certificates.

Merrimack Library Notaries will not endorse Notary Public or Justice of the Peace applications for individuals

Requester: The person who will sign the document must provide the Notary with at least one valid form of identification that provides a physical description of the signer. The Notary may decline to notarize a document if the signer cannot provide valid identification. Acceptable forms of identification are:

- A current passport from any country, written in a language that the Notary can read;
- A valid driver's license from any state of the United States, Canada or Mexico;
- A valid non-drivers photo identification card from any state of the United States; or
- A United States military identification card.

The Library will not provide witnesses and witnesses may not be solicited from customers using the Library. In order to serve as a witness, the witness must personally know the person whose document is being notarized and must be in possession of valid photo identification.

Notary: Notary and the customer seeking notarization shall be able to communicate directly with each other. Library Notaries are not permitted to make use of a translator to communicate with a Notary Service customer.

In accordance with New Hampshire RSA 455; Notaries will not provide service if the customer, document or circumstances of the request for Notary Service raise any issue of authenticity, ambiguity, doubt or uncertainty for the Library. In this event, the Library Notary may, at his/her sole discretion, decline to provide Notary Service.

Appendix A: NH RSA 455 Notary Publics

Appendix B: Recommended Oral Ceremonies

**TITLE XLII
NOTARIES, COMMISSIONERS, JUSTICES OF THE PEACE, AND
ACKNOWLEDGMENTS**

**CHAPTER 455
NOTARIES PUBLIC AND COMMISSIONERS**

Notaries Public

Section 455:1

455:1 Appointment. – Notaries public shall be appointed by the governor, with advice and consent of the executive council, and shall be commissioned for 5 years.

Source. GS 16:1. GL 17:1. PS 18:1. PL 17:1. RL 25:1. RSA 455:1. 1988, 121:2, eff. Oct. 1, 1988.

Section 455:2

455:2 Application. – Any person applying to be a notary public shall be a resident of this state. The applicant shall sign a written statement under oath as to whether the applicant has ever been convicted of a crime that has not been annulled by a court, other than minor traffic violations. The applicant shall be endorsed for appointment by 2 notaries public and a registered voter of this state.

Source. 1917, 71:1. PL 17:2. RL 25:2. RSA 455:2. 1988, 121:3. 1991, 254:7. 1997, 102:1, eff. Jan. 1, 1998.

Section 455:2-a

455:2-a Competency. – It shall be lawful for any notary public or any other officer authorized to administer an oath or take an acknowledgment or proof of an instrument or make protest, who is a stockholder, director, officer or employee of a bank or other corporation, to take the acknowledgment of any party to any written instrument executed to or by such corporation, or to administer an oath to any other stockholder, director, officer, employee or agent of such corporation, or to protest for nonacceptance or nonpayment bills of exchange, drafts, checks, notes and other negotiable instruments which may be owned or held for collection by such corporation; provided it shall be unlawful for any notary public or other officer authorized to administer an oath or take an acknowledgment or proof of an instrument or make protest, to take the acknowledgment of an instrument executed by or to a bank or other corporation of which he is a stockholder,

director, officer or employee, where such notary or other officer is a party to such instrument, either individually or as a representative of such corporation, or to protest any negotiable instrument owned or held for collection by such corporation, where such notary or other officer is individually a party to such instrument. No person acting in the capacity of notary public shall notarize his or her own signature. This section shall not be construed to imply that the acts herein made lawful may heretofore have been unlawful, and no instrument heretofore acknowledged or notarized before a notary Merrimack Public Library Notary Public Policy, Adopted 04/19/2011, 3 public or other officer who would have been competent to act under the terms hereof shall hereafter be impugned or invalidated on the grounds that such notary public or other officer was incompetent to act.

Source. 1959, 68:1. 1988, 121:4, eff. Oct. 1, 1988.

Section 455:3

455:3 Powers. – Every notary public, in addition to the usual powers of the office, shall have the same powers as a justice of the peace in relation to depositions and the acknowledgment of deeds and other instruments and the administering of oaths. All acknowledgments made by a notary public shall be either under an official seal or shall carry the legible imprint of an official rubber stamp stating the name of the notary, the words "notary public, New Hampshire" and the expiration date of the notary public's commission.

Source. RS 14:1. CS 14:1. GS 16:2. GL 17:2. PS 18:2. 1893, 26:1. PL 17:3. RL 25:3. RSA 455:3. 1988, 121:5. 1995, 74:1, eff. Jan. 1, 1996.

Section 455:4

455:4 Protest as Evidence. – The protest of a bill of exchange, note, or order, duly certified by a notary public, shall be evidence of the facts stated in the protest and of the notice given to the drawer or endorsers.

Source. RS 14:3. CS 14:3. GS 16:3. GL 17:3. PS 18:3. PL 17:4. RL 25:4. RSA 455:4. 1995, 74:2, eff. Jan. 1, 1996. 2005, 118:1, eff. Jan. 1, 2006.

Section 455:5-10

455:5 to 455:10 Repealed. – [Repealed 2005, 118:13, I, eff. Jan. 1, 2006.] Notarial Fees Section 455:11 455:11 Notarial Fees. – Notaries public shall be entitled to a fee of up to \$10 for each oath, witness, service, or certification with the following exceptions: I. For services related to the taking of depositions, the notary public shall be entitled to the same fees as justices are entitled to receive pursuant to RSA 517:19. II. No fees shall be allowed for administering and certifying oaths of office of town officers.

Source. RS 229:24. CS 245:24. GS 272:25. GL 290:25. PS 287:30. PL 17:11. RL 25:11. RSA

455:11. 1971, 373:1. 1990, 16:3, eff. May 12, 1990. 2005, 118:2, eff. Jan. 1, 2006.

Commissioners

Section 455:12

455:12 Appointment. – The governor, with advice and consent of the executive council, may appoint, in each state, district, and territory of the United States, and in each foreign country to which the United States sends a representative, a commissioner or commissioners of deeds, to continue in office 5 years.

Source. RS 14:9. CS 14:9. GS 16:10. GL 17:10. 1879, 57:2. PS 18:10. PL 17:12. RL 25:12. RSA 455:12. 1988, 121:8, eff. Oct. 1, 1988. 2005, 118:3, eff. Jan. 1, 2006.

Section 455:13

455:13 Oath. – Before any commissioner of deeds shall perform any duty of his or her office, he or she shall take and subscribe an oath, before a judge of some court of record, that he or she will well and faithfully perform all the duties of the office, which oath shall be filed by him or her in the office of the secretary of state within 3 months after taking the same.

Source. RS 14:10. CS 14:10. GS 16:11. GL 17:11. PS 18:11. PL 17:13. RL 25:13. RSA 455:13. 1988, 121:9, eff. Oct. 1, 1988. 2005, 118:4, eff. Jan. 1, 2006.

Section 455:14

455:14 Powers. – Such commissioner of deeds may, both within and without this state, administer oaths, take depositions and affidavits to be used in this state and notify parties of the time and place thereof, and take the acknowledgment of deeds or instruments to be used or recorded in this state, in the same manner and with the same effect as a justice of the peace of this state may do within the state.

Source. RS 14:11, 12. CS 14:11, 12. GS 16:12, 13. GL 17:12, 13. PS 18:12. PL 17:14. RL 25:14. RSA 455:14. 1986, 87:2, eff. July 18, 1986. 2005, 118:5, eff. Jan. 1, 2006.

Section 455:15

455:15 For Other States; By Court Appointment. – Any commissioner for any other state who is authorized to take depositions, administer oaths and affirmations and take the acknowledgment of deeds within this state, to be used in such other state, and any commissioner appointed by the supreme or superior court or any justice thereof, shall have the power to administer oaths and affirmations, to issue writs of summons to a witness, to proceed against such witness upon his neglect to appear and give his deposition, and in all proceedings under his commission, that is vested in justices of the peace in like cases.

Source. 1860, 2372:1. GS 16:14. GL 17:14. PS 18:13. PL 17:15. RL 25:15. Enforcement

Section 455:16

455:16 Misconduct, Penalties. – I. A person shall be subject to a civil penalty not to exceed \$1,000 if such person: (a) When applying for a commission as a notary public, negligently or recklessly makes a material Merrimack Public Library Notary Public Policy, Adopted 04/19/2011, 5 false representation on the application form; (b) Holding a commission as a notary public or justice of the peace, negligently or recklessly makes a notarial act that is false; (c) Holding a commission as a notary public or justice of the peace, negligently or recklessly makes a notarial act for a person not personally known by the notary without first requiring the person to establish his or her identity; or (d) Holding a commission as a notary public or justice of the peace, negligently or recklessly makes a notarial act purporting to have witnessed the maker's signing of the document or purporting to have received the oath or affirmation of the person, when the notary did not actually witness the maker's signing of the document or did not actually receive the oath or affirmation of the person. II. A person shall be guilty of a class A misdemeanor: (a) If such person purposefully or knowingly commits any of the acts listed in paragraph I. (b) If such person makes a notarial act, as defined by RSA 456-B:1, I, knowing he or she is not a person authorized by RSA 456-B:3 to perform a notarial act. III. (a) The court, upon petition of the attorney general, may levy upon any person who violates the provisions of paragraph I a civil penalty in an amount not to exceed \$1,000 per violation. All penalties assessed under this paragraph shall be paid to the secretary of state for deposit into the general fund. (b) The attorney general shall have authority to notify suspected violators of this section of the state's intention to seek a civil penalty, to negotiate, and to settle with such suspected violators without court action, provided any civil penalty paid as settlement shall be paid to the secretary of state for deposit into the general fund.

Source. 2005, 118:6, eff. Jan. 1, 2006.

Section 455:17

455:17 Notary Public, Justice of the Peace Manual, Education, Enforcement. – I. The secretary of state, with the advice and approval of the attorney general, shall prepare or cause to be prepared an up-to-date manual on the privileges, duties, and responsibilities of notaries public and justices of the peace in New Hampshire. The manual shall be written in non-technical language. The manual shall be distributed to each person commissioned a notary public, commissioner of deeds pursuant to RSA 455:12, and justice of the peace. The manual shall be available to the public free of charge. The manual shall be updated within 6 months following the end of any session of the legislature that amends the statutes affecting the privileges, duties, or responsibilities of notaries public, commissioners, or justices of the peace. The first edition of the manual shall be prepared by September 1, 2007. II. The secretary of state may use the funds from the portion of the fees paid by applicants for commissions as a notary public or a justice of the peace deposited into the

fund established in RSA 5:10-b for the preparation, printing, and distribution of a notary public/justice of the peace manual, other education of notaries public/justices of the peace, or both, and the acquisition, development, and maintenance of electronic records systems that will enhance the efficiency of the management of public records maintained by his or her office and to enhance the ease of submitting applications and renewals. The secretary of state shall enter into an agreement with the attorney general to provide funds from the fund established in RSA 5:10-b for the use of the attorney general for legal services related to the notary public/justice of the peace manual and for the enforcement of laws relating to notary public or justice of the peace misconduct.

Source. 2005, 118:6, eff. Jan. 1, 2006. 2010, 180:7, eff. June 21, 2010.

Appendix B. Recommended Oral Ceremonies:

Acknowledgment: “Do you acknowledge that this is your signature and that you understand and willfully signed this document?”

Affirmation: “Do you solemnly affirm, under the penalties of perjury, that the statements made herein are true?”

Oath: “Do you solemnly swear, under the penalties of perjury, that the statements contained herein are true, so help you God?”

Oath Given to a Credible Witness: “Do you solemnly swear that (person making the acknowledgment or oath) is the person named in the document; that (person making the acknowledgment or oath) is personally known to you; that it is your reasonable belief that the circumstances of (person making the acknowledgment or oath) are such that it would be very difficult or impossible for him to obtain another form of identification; that (person making the acknowledgment or oath) does that possess any of the acceptable identification documents; and that you do not have a financial interest nor are you named in the document, so help you God?”