

OKLAHOMA STATUTES
TITLE 49. NOTARIES PUBLIC

§49-1. Appointment - Removal.....	1
§49-1.1. Notary commission application.	2
§49-2. Oath, signature, bond and seal.....	2
§49-2.1. Repealed by Laws 1978, c. 212, § 17, emerg. eff. April 19, 1978.	3
§49-3. Blanks for bond and oath.....	3
§49-4. Repealed by Laws 1943, p. 123, § 2.	3
§49-5. Notarial Seal - Authentication of documents - Penalties - Fees - Exception.....	3
§49-6. Authority - Provision of legal advice.	3
§49-6.1. Violation of Section 6 - Penalties.	4
§49-7. Record of protests.	4
§49-8. Repealed by Laws 2001, c. 406, § 26, emerg. eff. June 4, 2001.....	4
§49-9. Repealed by Laws 2001, c. 406, § 26, emerg. eff. June 4, 2001.....	5
§49-10. Statute of limitations.	5
§49-11. Name and address changes - Fees, bond and seal.	5
§49-12. Grounds to deny, refuse to renew, or revoke a commission.....	5
§49-101. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.....	5
§49-102. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.....	5
§49-103. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.....	5
§49-104. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.....	5
§49-105. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.....	5
§49-106. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.....	6
§49-107. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.....	6
§49-108. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.....	6
§49-109. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.....	6
§49-111. Short title.	6
§49-112. Definitions.....	6
§49-113. Taking acknowledgment or verification - Witnessing or attesting signature - Certifying or attesting copies - Making or noting protest - Evidence of true signature.	6
§49-114. Person who may perform notarial acts - Federal acts - Genuineness of signature.	7
§49-115. Notarial acts performed in another state, commonwealth, territory, district, or possession of the United States.	7
§49-116. Notarial acts performed by certain federal officers.	8
§49-117. Notarial acts performed by officer of foreign nation or multinational or international organization.	8
§49-118. Certification of notarial act.	9
§49-119. Short form certificates of notarial acts.	9
§49-120. Construction and application of act.....	10
§49-121. Interpretation of act.	11

§49-1. Appointment - Removal.

The Secretary of State shall appoint and commission in this state notaries public, who shall hold their office for four (4) years. An applicant for a notary commission shall be eighteen (18) years of age or older, a citizen of the United States, and employed within this state or a legal resident of this state. A felony conviction shall be grounds for removal of a person from the office of notary public. All notary commissions shall run in the name and by the authority of the State of Oklahoma, be signed by the Secretary of State, and sealed with the Great Seal of the State of Oklahoma. Commissions shall not be attested. Any person filing an application for a new notary commission shall pay Twenty-five Dollars (\$25.00) to the Secretary of State with the application. Any person filing

an application for a renewal of a notary commission shall pay Twenty Dollars (\$20.00) to the Secretary of State with the application. Any person requiring "same day filing service" shall pay Twenty-five Dollars (\$25.00) to the Secretary of State in addition to the applicable filing fee. These funds shall be deposited in the Revolving Fund created for the Secretary of State pursuant to the provisions of Section 276.1 of Title 62 of the Oklahoma Statutes.

R.L.1910, § 4240. Amended by Laws 1929, c. 255, p. 363, § 2; Laws 1975, c. 165, § 1, emerg. eff. May 20, 1975; Laws 1978, c. 91, § 1, eff. July 1, 1978; Laws 1984, c. 1, § 83, emerg. eff. Jan. 30, 1984; Laws 1986, c. 157, § 5, emerg. eff. May 9, 1986; Laws 1990, c. 264, § 91, operative July 1, 1990; Laws 1997, c. 77, § 1, eff. Nov. 1, 1997; Laws 2002, c. 34, § 1, emerg. eff. April 11, 2002; Laws 2003, c. 191, § 1, eff. Nov. 1, 2003.

§49-1.1. Notary commission application.

The application for a notary commission shall set forth:

1. The name of the applicant, printed exactly as the applicant will sign documents as a notary public;
2. Former names of the applicant, if any;
3. If a resident of this state, the county of residence and street address of the applicant;
4. If a resident of another state, the county and street address of the applicant's place of employment in Oklahoma and the applicant's residence address;
5. Daytime phone number of the applicant;
6. Electronic mail address of the applicant;
7. A statement that the applicant is at least eighteen (18) years of age;
8. A designation of new, renewal or expired commission including an expiration date if applicable;
9. A statement that the applicant is a citizen of the United States;
10. A statement that the applicant has never been convicted of a felony;
11. A statement that the applicant is able to read and write in English; and
12. Signature of the applicant, exactly as the applicant will sign documents as a notary public.

Added by Laws 2001, c. 406, § 15, emerg. eff. June 4, 2001. Amended by Laws 2015, c. 9, § 1, eff. Nov. 1, 2015.

§49-2. Oath, signature, bond and seal.

A. Before entering upon the duties of his or her office and not more than sixty (60) days after issuance of a notary commission, every notary public so appointed and commissioned shall file in the office of the Secretary of State, the notary's oath of office, the notary's loyalty oath, the notary's official signature, an impression of the notary's official seal, and a good and sufficient bond to the State of Oklahoma, in the sum of One Thousand Dollars (\$1,000.00), to be approved by the Secretary of State, conditioned for the faithful performance of the duties of the notary's office.

B. The bond required by subsection A of this section shall be signed by:

1. An insurance agent licensed by the State of Oklahoma;
2. An attorney-in-fact on behalf of an insurance company with a power of attorney attached; or
3. One or more individual sureties who are property owners in the county of residence of the notary, or if a nonresident, the county of employment of the notary.

C. The bond required by subsection A of this section shall be issued for a term that commences on the bond's effective date and terminates on the commission's expiration date. Upon the filing of his or her bond with the Secretary of State, every notary public shall pay to the Secretary of State the sum of Ten Dollars (\$10.00) to be deposited to the credit of the Revolving Fund for the Office of the Secretary of State.

D. A notary public shall not perform any notarial act until his or her bond, official seal, oath of office and loyalty oath, as required by subsection A of this section, has been received and approved by the Secretary of State.

R.L. 1910, § 4241. Amended by Laws 1929, c. 255, p. 363, § 3; Laws 1943, p. 123, § 1; Laws 1959, p. 211, § 1; Laws 1975, c. 293, § 6, eff. Oct. 1, 1975; Laws 1978, c. 91, § 2, eff. July 1, 1978; Laws 1979, c. 21, § 1, eff. July 1, 1979; Laws 1997, c. 77, § 2, eff. Nov. 1, 1997; Laws 2001, c. 406, § 16, emerg. eff. June 4, 2001; Laws 2004, c. 101, § 1, eff. Nov. 1, 2004; Laws 2015, c. 9, § 2, eff. Nov. 1, 2015.

§49-2.1. Repealed by Laws 1978, c. 212, § 17, emerg. eff. April 19, 1978.

§49-3. Blanks for bond and oath.

Blanks for bonds and oath of office shall be made available on the website of the Secretary of State.

R.L. 1910, § 4242. Added by Laws 2015, c. 9, § 3, eff. Nov. 1, 2015.

§49-4. Repealed by Laws 1943, p. 123, § 2.

§49-5. Notarial Seal - Authentication of documents - Penalties - Fees - Exception.

Every notary shall obtain a notarial seal containing the words "State of Oklahoma" and "Notary Public" and the notary's name. This seal may be either a metal seal which leaves an embossed impression or a rubber stamp used in conjunction with a stamp pad and ink. Each notary shall authenticate all official acts, attestations, and instruments with this seal; and shall add to the notary's official signature, the commission number of the notary and the date of expiration of the commission of the notary. Failure to add the commission number or the date of expiration of the commission shall not affect the recordability of the instrument or the notice given by such recording. This date and commission number may be a part of the stamp or seal. If any notary public shall neglect or refuse to attach to the notary's official signature the date of expiration of the notary's commission, the notary shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding Fifty Dollars (\$50.00). The maximum fee a notary may charge and collect for each notarial act is Five Dollars (\$5.00), except no fee shall be charged for the notarization of an official absentee ballot affidavit.

R.L.1910, § 4244. Amended by Laws 1978, c. 91, § 3, eff. July 1, 1978; Laws 1982, c. 15, § 1, operative Oct. 1, 1982; Laws 1997, c. 77, § 3, eff. Nov. 1, 1997; Laws 2001, c. 406, § 17, emerg. eff. June 4, 2001; Laws 2002, c. 34, § 2, emerg. eff. April 11, 2002; Laws 2004, c. 101, § 2, eff. Nov. 1, 2004; Laws 2010, c. 189, § 21, eff. Jan. 1, 2011.

§49-6. Authority - Provision of legal advice.

A. Notaries public shall have authority within any county in this state to make the proof and acknowledgement of deeds and other instruments of writing required to be proved or

acknowledged; to administer oaths; to demand acceptance or payment of foreign or inland bills of exchange and promissory notes, and protest the same for nonacceptance or nonpayment, as the same may require, and to exercise such other powers and duties as by law of nations and commercial usage may be performed by notaries public. A notary may not notarize his or her own signature.

B. No notary public, except those who are licensed attorneys or otherwise authorized by law to represent persons on immigration or citizenship matters, shall hold himself or herself out as having expertise in providing legal advice on any proceeding, filing or action affecting the immigration or citizenship status of another person. For purposes of this section, "legal advice" means any direct or indirect advice or counsel related to provisions of the Immigration and Nationality Act including, but not limited to, assistance in the selection of immigration forms required by the Immigration and Nationality Act, advice or council related to responses to information required on forms by the Immigration and Nationality Act, or acting in a representative capacity in an attempt to redress wrongs or secure benefits provided by the Immigration and Nationality Act. Any notary public who provides nonlegal assistance on any proceeding, filing or action affecting the immigration or citizenship status of another person shall give the following notice to that person verbally and in writing: "I am not a licensed attorney or representative of any government agency with authority over immigration or citizenship and, therefore, cannot offer legal advice about immigration or any other legal matters." If the notary public operates a business or advertises in any language other than English, such notice shall be given in both English and in the other language or languages. Literal translation of the phrase "notary public" into Spanish, hereby defined as "notario publico" or "notario", is prohibited. For purposes of this section, "literal translation" of a word or phrase from one language to another means the translation of a word or phrase without regard to the true meaning of the word or phrase in the language which is being translated.

R.L.1910, § 4245. Amended by Laws 1971, c. 48, § 1, emerg. eff. March 30, 1971; Laws 1975, c. 165, § 2, emerg. eff. May 20, 1975; Laws 2003, c. 191, § 2, eff. Nov. 1, 2003.

§49-6.1. Violation of Section 6 - Penalties.

Any individual convicted of violating subsection B of Section 6 of Title 49 of the Oklahoma Statutes shall be guilty of a misdemeanor and shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00). Upon receipt of a final judgment against a notary public for a violation of subsection B of Section 6 of Title 49 of the Oklahoma Statutes from a district court of this state or its equivalent from a foreign jurisdiction, the Secretary of State shall revoke the appointment of the notary for a period of eight (8) years.

Added by Laws 2003, c.191, § 3, eff. July 1, 2003.

§49-7. Record of protests.

In cases of protests for banks, notaries shall keep a register thereof in a book provided for that purpose by the bank, and the notary shall not be required to deliver such register to the county clerk, but shall leave the same in the possession of such bank.

R.L. 1910, § 4246.

§49-8. Repealed by Laws 2001, c. 406, § 26, emerg. eff. June 4, 2001.

§49-9. Repealed by Laws 2001, c. 406, § 26, emerg. eff. June 4, 2001.

§49-10. Statute of limitations.

No suit shall be instituted against any such notary or his securities more than three (3) years after the cause of action accrues.

R.L. 1910, § 4249.

§49-11. Name and address changes - Fees, bond and seal.

A. If a notary's resident address changes, the notary must inform the Secretary of State in writing within thirty (30) days of such change. The notary is not required to file a new bond or obtain another seal if the notary moves from one county to another.

B. If a name change occurs in the middle of a term, the notary has two options:

1. The notary may continue to use the former name as issued on the existing commission until it expires; or

2. The notary may use the notary's new name by completing and filing an application with the Secretary of State with a fee of Twenty-five Dollars (\$25.00). A new commission expiration date will be established. It will be necessary for the notary to purchase a new seal and obtain a new bond for filing with the court clerk.

Added by Laws 2001, c. 406, § 18, emerg. eff. June 4, 2001.

§49-12. Grounds to deny, refuse to renew, or revoke a commission.

A. The Secretary of State may deny, refuse to renew, or revoke a commission as a notary public for a:

1. Conviction of any felony;

2. Failure to meet the qualifications and application requirements set forth in Sections 1 and 1.1 of Title 49 of the Oklahoma Statutes; or

3. Failure to comply with the requirements set forth in Section 2 of Title 49 of the Oklahoma Statutes.

B. Upon receipt of a final judgment from a district court in this state or its equivalent in a foreign jurisdiction against a notary public in this state for performing a false or fraudulent notarial act, the Secretary of State shall revoke the appointment of the notary public.

Added by Laws 2015, c. 9, § 4, eff. November 1, 2015.

§49-101. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.

§49-102. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.

§49-103. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.

§49-104. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.

§49-105. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.

§49-106. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.

§49-107. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.

§49-108. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.

§49-109. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.

§49-111. Short title.

Sections 1 through 11 of this act shall be known and may be cited as the Uniform Law on Notarial Acts.

Added by Laws 1985, c. 131, § 1, eff. Nov. 1, 1985.

§49-112. Definitions.

As used in the Uniform Law on Notarial Acts:

1. "Notarial acts" means any act that a notary public of this state is authorized to perform, and includes taking an acknowledgment, administering an oath or affirmation, taking a verification upon oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.
2. "Acknowledgment" means a declaration by a person that the person has executed an instrument for the purposes stated therein and, if the instrument is executed in a representative capacity, that the person signed the instrument with proper authority and executed it as the act of the person or entity represented and identified therein.
3. "Verification upon oath or affirmation" means a declaration that a statement is true made by a person upon oath or affirmation.
4. "In a representative capacity" means:
 - a. for and on behalf of a corporation, partnership, trust, or other entity, as an authorized officer, agent, partner, trustee, or other representative;
 - b. as a public officer, personal representative, guardian, or other representative, in the capacity recited in the instrument;
 - c. as an attorney-in-fact for a principal; or
 - d. in any other capacity as an authorized representative of another.
5. "Notarial officer" means a notary public or any other person authorized to perform notarial acts in the place in which the act is performed.

Added by Laws 1985, c. 131, § 2, eff. Nov. 1, 1985.

§49-113. Taking acknowledgment or verification - Witnessing or attesting signature - Certifying or attesting copies - Making or noting protest - Evidence of true signature.

A. In taking an acknowledgment, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the acknowledgment is the person whose true signature is on the instrument.

B. In taking a verification upon oath or affirmation, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the

officer and making the verification is the person whose true signature is on the statement verified.

C. In witnessing or attesting a signature the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the officer and named therein.

D. In certifying or attesting a copy of a document or other item, the notarial officer must determine that the proffered copy is a full, true, and accurate transcription or reproduction of that which was copied. In the case of official records, only the custodian of the official records may issue an official certified copy.

E. In making or noting a protest of a negotiable instrument the notarial officer must determine the matters set forth in Section 3-509 of the Uniform Commercial Code.

F. A notarial officer has satisfactory evidence that a person is the person whose true signature is on a document if that person is personally known to the notarial officer, is identified upon the oath or affirmation of a credible witness personally known to the notarial officer or is identified on the basis of identification documents.

Added by Laws 1985, c. 131, § 3, eff. Nov. 1, 1985.

§49-114. Person who may perform notarial acts - Federal acts - Genuineness of signature.

A. A notarial act may be performed within this state by the following persons:

1. a notary public of this state;
2. a judge, secretary-bailiff of a judge, clerk, or deputy clerk of any court of this state;
3. all judge advocates, staff judge advocates, assistant judge advocates and all legal officers of the state military forces in performance of their official duties for military personnel and their dependents; or
4. any other person authorized to perform the specific act by the law of this state.

B. Notarial acts performed within this state under federal authority have the same effect as if performed by a notarial officer of this state.

C. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

Added by Laws 1985, c. 131, § 4, eff. Nov. 1, 1985. Amended by Laws 1990, c. 78, § 1, eff. Sept. 1, 1990; Laws 1992, c. 89, § 1, eff. Sept. 1, 1992.

§49-115. Notarial acts performed in another state, commonwealth, territory, district, or possession of the United States.

A. A notarial act has the same effect pursuant to the laws of this state as if performed by a notarial officer of this state, if performed in another state, commonwealth, territory, district, or possession of the United States by any of the following persons:

1. a notary public of that jurisdiction;
2. a judge, clerk, or deputy clerk of a court of that jurisdiction;
3. all judge advocates, staff judge advocates, assistant judge advocates and all legal officers of the state military forces; or
4. any other person authorized by the law of that jurisdiction to perform notarial acts.

B. Notarial acts performed in other jurisdictions of the United States under federal authority have the same effect as if performed by a notarial officer of this state.

C. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

D. The signature and indicated title of an officer listed in this section conclusively establish the authority of a holder of that title to perform a notarial act.

Added by Laws 1985, c. 131, § 5, eff. Nov. 1, 1985. Amended by Laws 1990, c. 78, § 2, eff. Sept. 1, 1990.

§49-116. Notarial acts performed by certain federal officers.

A. A notarial act has the same effect pursuant to the laws of this state as if performed by a notarial officer of this state if performed anywhere by any of the following persons under authority granted by the law of the United States:

1. a judge, clerk, or deputy clerk of a court;
2. a commissioned officer on active duty in the military service of the United States;
3. an officer of the foreign service or consular officer of the United States; or
4. any other person authorized by federal law to perform notarial acts.

B. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

C. The signature and indicated title of an officer listed in this section conclusively establish the authority of a holder of that title to perform a notarial act.

Added by Laws 1985, c. 131, § 6, eff. Nov. 1, 1985.

§49-117. Notarial acts performed by officer of foreign nation or multinational or international organization.

A. A notarial act has the same effect pursuant to the laws of this state as if performed by a notarial officer of this state if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multinational or international organization by any of the following persons:

1. a notary public or notary;
2. a judge, clerk, or deputy clerk of a court of record; or
3. any other person authorized by the law of that jurisdiction to perform notarial acts.

B. An "Apostille" in the form prescribed by the Hague Convention of October 5, 1961, conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

C. A certificate by a foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by a foreign service or consular officer of that nation stationed in the United States, conclusively establishes any matter relating to the authenticity or validity of the notarial act set forth in the certificate.

D. An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

E. An official stamp or seal of an officer listed in this section is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

F. If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

Added by Laws 1985, c. 131, § 7, eff. Nov. 1, 1985.

§49-118. Certification of notarial act.

A. A notarial act must be evidenced by a certificate signed and dated by a notarial officer. The certificate shall include identification of the jurisdiction in which the notarial act is performed and the title of the office of the notarial officer and may include the official stamp or seal of office. If the officer is a notary public, the certificate must also indicate the date of expiration, if any, of the commission of office, but omission of that information may subsequently be corrected. If the officer is a commissioned officer on active duty in the military service of the United States, it must also include the rank of the officer.

B. A certificate of a notarial act is sufficient if it meets the requirements of subsection A of this section and it:

1. is in the short form set forth in Section 9 of this act;
2. is in a form otherwise prescribed by the law of this state;
3. is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or
4. sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

C. By executing a certificate of a notarial act, the notarial officer certifies that the officer has made the determinations required by Section 3 of this act.

Added by Laws 1985, c. 131, § 8, eff. Nov. 1, 1985.

§49-119. Short form certificates of notarial acts.

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by subsection A of Section 8 of this act:

1. For an acknowledgment in an individual capacity:

State of
County of

This instrument was acknowledged before me on (date) by (name(s) of person(s)).

(Signature of notarial officer)

(Seal, if any)

Title (and Rank)
(My commission expires:)

2. For an acknowledgment in a representative capacity:

State of
County of

This instrument was acknowledged before me on (date) by (name(s) of person(s)) as (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom instrument was executed).

(Seal, if any)

(Signature of notarial officer)

Title (and Rank)

(My commission expires:)

3. For a verification upon oath or affirmation:

State of

County of

Signed and sworn to (or affirmed) before me on (date) by (name(s) of person(s) making statement).

(Seal, if any)

(Signature of notarial officer)

Title (and Rank)

(My commission expires:)

4. For witnessing or attesting a signature:

State of

County of

Signed or attested before me on (date) by (name(s) of person(s)).

(Seal, if any)

(Signature of notarial officer)

Title (and Rank)

(My commission expires:)

5. For attestation of a copy of a document:

State of

County of

I certify that this is a true and correct copy of a document in the possession of
Dated

(Seal, if any)

(Signature of notarial officer)

Title (and Rank)

(My commission expires:)

Added by Laws 1985, c. 131, § 9, eff. Nov. 1, 1985.

§49-120. Construction and application of act.

A notarial act performed prior to November 1, 1985, is not affected by the provisions of the Uniform Law on Notarial Acts. The Uniform Law on Notarial Acts provides an additional method of proving notarial acts. Nothing in the Uniform Law on Notarial Acts diminishes or invalidates the recognition accorded to notarial acts by other laws or regulations of this state.

Added by Laws 1985, c. 131, § 10, eff. Nov. 1, 1985.

§49-121. Interpretation of act.

The Uniform Law on Notarial Acts shall be so interpreted as to make uniform the laws of those states which enact it.

Added by Laws 1985, c. 131, § 11, eff. Nov. 1, 1985.