OKLAHOMA
NOTARY PUBLIC
STATUTES

TITLE 655. SECRETARY OF STATE
CHAPTER 25. NOTARY PUBLIC
SUBCHAPTER 1. GENERAL PROVISIONS

655:25-1-1. Purpose
This Chapter establishes procedures and guidelines relating to notaries public.

655:25-1-1.1. Availability of forms and instructions
The following forms and instructions related to this Chapter are available for public use and may be obtained by contacting the Notary Department or from the Secretary of State website at www.sos.state.ok.us:

(1) Application for Notary Public Commission
(2) Notarial Bond
(3) Guidebook

655:25-1-2. Application
(a) Every application for a notarial commission must include:

(1) the printed name of the applicant exactly as he/she will sign documents as a notary;
(2) former name - complete only if the notary’s name has changed since the last commission;
(3) if a resident of this state, the county of residence and street address;
(4) if a resident of another state, the county and street address of employment in Oklahoma and residence address;
(5) a statement that the applicant is at least 18 years of age and a citizen of the United States;
(6) a designation of new, renewal or expired commission including an expiration date if applicable;
(7) the official signature of the applicant exactly as he/she will sign documents as a notary public. The signature must match the printed name;
(8) the mailing address where the applicant’s commission is to be mailed;
(9) a daytime telephone number; and
(10) an application fee.

(b) Renewal applications will only be accepted during the six weeks prior to the expiration date.

(c) The applicant will apply for a new commission if:

(1) The applicant has never been an Oklahoma notary public;
(2) The applicant has been an Oklahoma notary public but has let the commission expire; or
(3) The applicant is a current Oklahoma notary public and wishes to make changes on the current commission.

(d) A post office box number cannot be accepted in lieu of a residence or employment address on the application. A street address, route number or directions to the residence or place of employment of the applicant must be provided.

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(e) Under normal circumstances, notary public applications received for processing will be ready for pick-up after 4:00 P.M. the following business day.

655:25-1-5. Bond
(a) No notarial commission becomes effective until the following has been filed with the court clerk in the county in which the notary resides or if a non-resident, the county employed:
   (1) the commission;
   (2) an oath of office;
   (3) the official signature;
   (4) an impression of the official seal;
   (5) a bond in the sum of One Thousand Dollars ($1,000.00) approved by the court clerk; and
   (6) a filing fee.
(b) The bond reflecting the commission number and oath of office shall be transmitted by the court clerk to the Secretary of State for filing and recording.

SUBCHAPTER 3. REVOCATION, RESIGNATION AND DEATH

655:25-3-1. Revocation
(a) A notary commission will be revoked by the Secretary of State upon receipt of the following:
   (1) a court order issued for such purpose;
   (2) an official notice by a county court clerk;
   (3) an official notice by a public official in a position to order such suspension; or
   (4) failure to tender the statutory notary fees to the Secretary of State.
(b) Upon revocation of a notary commission, notice of such action will be mailed to the party ordering such revocation, the county court clerk of the county in which the notary's bond is filed and said notary. When a notarial commission is revoked, the notary shall:
   (1) destroy the official seal; and
   (2) within 30 days after the effective date of the revocation, deliver to the court clerk in the county where the bond was filed, the journal and records.

655:25-3-2. Resignation
(a) A notary who resigns their notarial commission shall deliver to the Secretary of State a notice of resignation and the effective date of such resignation.
(b) Notaries who cease to reside or work in this state shall resign their commission.
(c) When a notarial commission is resigned, the notary shall:
   (1) destroy the official seal; and
   (2) within 30 days after the effective date of the revocation, deliver to the court clerk in the county where the bond was filed, the journal and records.

655:25-3-3. Death
If a notary dies during the term of commission, the notary's heirs or personal representative, as soon as reasonably practicable after death, shall:
   (1) destroy the official seal;
   (2) deliver a signed notice of the date of death to the Secretary of State; and
   (3) deliver the journal and records to the court clerk in the county where the bond was filed.
SUBCHAPTER 5. JOURNAL AND SEAL

655:25-5-2. Official seal
(a) A notary shall keep an official notarial seal that is the exclusive property of the notary and that may not be used by any other person. At the end of a notary’s employment, an employer may not require the notary to surrender the seal.
(b) The seal may be either a metal seal which leaves an embossed impression or a rubber stamp.
   (1) The seal shall contain:
      (A) the notary’s name exactly as reflected on the commission;
      (B) the county of residence or county of employment, if the notary is a non-resident;
      (C) the words “State of Oklahoma” and “Notary Public”; and
      (D) a rectangular or circular border surrounding the required words.
   (2) If using a rubber stamp, the date of expiration may be part of the stamp.
(c) A notary shall authenticate all official acts with this seal. The seal impression shall appear near the notary’s official signature on a notarial certificate.

655:25-5-3. Lost journal or seal
(a) Within 10 days after the loss or theft of the journal or seal, the notary shall deliver to the Secretary of State a written notice of the loss or theft and the date the seal was first discovered missing, and inform the appropriate law enforcement agency in the case of theft.
(b) Replacement. When purchasing a replacement seal, it is advisable to have a character or symbol added to the seal to distinguish it from the missing one. Within 10 days after purchasing a new seal, the notary shall deliver to the Secretary of State a written notice advising that a replacement seal has been purchased, the date of purchase, and the distinguishing character or symbol added.

SUBCHAPTER 7. CHANGE OF NAME AND ADDRESS
REVOKED

SUBCHAPTER 9. AVAILABILITY OF INFORMATION
REVOKED

TITLE 49. UNIFORM LAW ON NOTARIAL ACTS

Title 49. Section 1 – Appointment
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.
Title 49. Section 1.1 - Application for a Notary Commission
The application for a notary commission shall set forth:
1. The printed name of the applicant;
2. Former names, if applicable;
3. If a resident of this state, the county of residence and street address;
4. If a resident of another state, the county and street address of employment in Oklahoma and residence address;
5. A statement that the applicant is at least eighteen (18) years of age;
6. A designation of new, renewal or expired commission including an expiration date if applicable; and
7. Signature of the applicant.

Title 49. Section 2 - Oath, Signature, Bond, and Seal - Fees
A. Before entering upon the duties of his or her office 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. The bond 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. The bond shall be issued for a term of four (4) years commencing on the commission's effective date and terminating on its 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.
B. Upon the receipt of a final judgment against an Oklahoma notary public for performing a false or fraudulent notarial act from an Oklahoma District Court or its equivalent from a foreign jurisdiction, the Secretary of State shall revoke the appointment of said notary.

Title 49. Section 3 – Furnishing of Blanks for bonds and oath of Office
Blanks for bonds and oath of office shall be furnished with the commission by the Secretary of State.

Title 49. Section 5 - Official Seal - Types of Seals - Authentication of Documents - Penalties
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.
Title 49. Section 6 - Authority of Notary
A. Notaries public shall have authority within any county in this state to make the proof and acknowledgment 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 counsel 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 público" 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.

Title 49. Section 6.1 - 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.

Title 49. Section 7 - Cases of Protests for Banks.
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.

Title 49. Section 10 - Statute of Limitations for Actions against Notaries.
No suit shall be instituted against any such notary or his securities more than three (3) years after the cause of action accrues.

Title 49. Section 11 - Change of Name or Address - Notary
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.

**Uniform Law on Notarial Acts**

**Title 49. Section 111 - Short Title**
Sections 1 through 11 of this act shall be known and may be cited as the Uniform Law on Notarial Acts.

**Title 49. Section 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.

**Title 49. Section 113 - Acknowledgment, Verification, Witnessing, and Certifying of Notarial Officer - Oath - Evidence**
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 12A-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.

**Title 49. Section 114 - Who May Perform Notarial Acts.**
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.

**Title 49. Section 115 - Effect of Notarial Act Performed in Another State.**
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.

**Title 49. Section 116 - Effect of Notarial Acts Performed by Certain 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.

**Title 49. Section 117 - Effect of Notarial Act Performed by Officer of Foreign Nation.**
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.

Title 49. Section 118 - Evidence and Sufficiency of Notarial Act - Execution of Certificate 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.

Title 49. Section 119 - Contents and Sufficiency of 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)).

(Seal, if any) (Signature of notarial officer)

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).

(Signature of notarial officer)
(Sign of any)
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).

(Signature of notarial officer)
(Seal, if any)
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)).

(Signature of notarial officer)
(Seal, if any)
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

(Signature of notarial officer)
(Seal, if any)
Title (and Rank)
(My commission expires: )"

**Title 49. Section 121 - Interpretation of Uniform Law on Notarial Acts.**
The Uniform Law on Notarial Acts shall be so interpreted as to make uniform the laws of those states which enact it.