

INDIANA CODE

**TITLE 5. STATE AND LOCAL ADMINISTRATION
ARTICLE 8. OFFICERS' IMPEACHMENT, REMOVAL, RESIGNATION, AND
DISQUALIFICATION
CHAPTER 3. DISQUALIFICATION BY VIOLATION OF FEDERAL LAW**

IC 5-8-3-1. Draft dodging; sedition

Sec. 1. A person may not hold an office within Indiana, either by election or appointment, if the person has been convicted of:

- (1) evading the Selective Service Act (50 App. U.S.C. 451-473);
- (2) engaging in conspiracy or an attempt to defraud the government of the United States;
- (3) seditious utterances in violation of the laws of the United States; or
- (4) any other crime against the laws of the United States where the sentence imposed exceeded six (6) months.

IC 5-8-3-2. Appointment or election void

Sec. 2. Any appointment or election of any person lacking the qualification described in section 1 of this chapter is absolutely void and the person shall be removed from office under IC 34-17.

**TITLE 26. COMMERCIAL LAW
ARTICLE 2. COMMERCIAL TRANSACTIONS
CHAPTER 8. UNIFORM ELECTRONIC TRANSACTIONS ACT**

IC 26-2-8-110. Notarization and acknowledgment

Sec. 110. If a law requires that a signature be notarized, the requirement is satisfied with respect to an electronic signature if an electronic record includes, in addition to the electronic signature to be notarized, the electronic signature of a notary public together with all other information required to be included in a notarization by other applicable law.

**TITLE 32. PROPERTY
ARTICLE 21. CONVEYANCE PROCEDURES FOR REAL PROPERTY
CHAPTER 2. RECORDING PROCESS**

IC 32-21-2-3. Recording requirements; acknowledgment and proof; address of grantee

Sec. 3. (a) For a conveyance, a mortgage, or an instrument of writing to be recorded, it must be:

- (1) acknowledged by the grantor; or
- (2) proved before a:
 - (A) judge;
 - (B) clerk of a court of record;
 - (C) county auditor;
 - (D) county recorder;

- (E) notary public;
- (F) mayor of a city in Indiana or any other state;
- (G) commissioner appointed in a state other than Indiana by the governor of Indiana;
- (H) minister, charge d'affaires, or consul of the United States in any foreign country;
- (I) clerk of the city county council for a consolidated city, city clerk for a second class city, or clerk-treasurer for a third class city;
- (J) clerk-treasurer for a town; or
- (K) person authorized under IC 2-3-4-1.

(b) In addition to the requirements under subsection (a), a conveyance may not be recorded after June 30, 2007, unless it meets the requirements of this subsection. The conveyance must include the mailing address to which statements should be mailed under IC 6-1.1-22-8.1. If the mailing address for statements under IC 6-1.1-22-8.1 is not a street address or a rural route address of the grantee, the conveyance must also include a street address or rural route address of the grantee after the mailing address for statements mailed under IC 6-1.1-22-8.1. A conveyance complies with this subsection if it contains the address or addresses required by this subsection at the end of the conveyance and immediately preceding or following the statements required by IC 36-2-11-15.

IC 32-21-2-6. Proving deeds

Sec. 6. A deed may be proved according to the rules of common law before any officer who is authorized to take acknowledgments. A deed that is proved in the manner provided in this section is entitled to be recorded.

IC 32-21-2-7. Acknowledgment of deed or mortgage; form

Sec. 7. The following or any other form substantially the same is a good or sufficient form of acknowledgment of a deed or mortgage: "Before me, E.F. (judge or justice, as the case may be) this ___ day of ___, A.B. acknowledged the execution of the annexed deed, (or mortgage, as the case may be.)"

IC 32-21-2-8. Duty of officer to explain deed to grantor

Sec. 8. (a) If before a public officer authorized to receive acknowledgment of deeds:

- (1) the grantor of a deed intends to sign the deed with the grantor's mark; and
- (2) in all other cases when the public officer has good cause to believe that the contents and purport of the deed are not fully known to the grantor;

it is the duty of the public officer before signature to fully explain to the grantor the contents and purport of the deed.

(b) The failure of the public officer to comply with subsection (a) does not affect the validity of a deed.

IC 32-21-2-9. Certificate of acknowledgment; attaching to instrument; contents

Sec. 9. A certificate of the acknowledgment of a conveyance or other instrument in writing that is required to be recorded, signed, and sealed by the officer taking the acknowledgment shall be written on or attached to the deed. When by law the certificate of the clerk of the proper county is required to accompany the acknowledgment, the certificate shall state that:

- (1) the officer before whom the acknowledgment was taken was, at the time of the acknowledgment, acting lawfully; and
- (2) the clerk's signature to the certificate of acknowledgment is genuine.

CHAPTER 2.5. UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT

Sec. 7. (a) This section is effective January 1, 2018.

(b) If a law requires, as a condition for recording, that a document:

(1) be an original;

(2) be on paper or another tangible medium; or

(3) be in writing; the requirement is satisfied by an electronic document satisfying this chapter.

(c) If a law requires, as a condition for recording, that a document be signed, the requirement is satisfied by an electronic signature.

(d) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or an electronic image of a stamp, impression, or seal does not have to accompany an electronic signature.

TITLE 33. COURTS AND COURT OFFICERS ARTICLE 42. NOTARIES PUBLIC

ARTICLE 42. NOTARIES PUBLIC

Ch. 0.5. Definitions

Ch. 1. Repealed

Ch. 2. Repealed

Ch. 3. Repealed

Ch. 4. Repealed

Ch. 5. Authority of Township Trustee to Perform Notarial Acts

Ch. 6. Federal Land Bank Employees Acting as Notaries in Certain Transactions

Ch. 7. Acknowledgment of Lot Sales by a Notary Who Is a Member of Cemetery Association

Ch. 8. Repealed

Ch. 9. Notarial Acts

Ch. 10. Official Seals and Stamping Devices

Ch. 12. Commission Requirements and Qualifications

Ch. 13. Notary Discipline

Ch. 14. Notary Fees

Ch. 15. Apostilles

Ch. 16. Miscellaneous Provisions

Ch. 17. Remote Notarial Acts

IC 33-42-0.5 Chapter 0.5. Definitions

IC 33-42-0.5-1 Definitions

Note: This version of section effective until 7-1-2019. See also following version of this section, effective 7-1-2019.

Sec. 1. The following definitions apply throughout this article:

- (1) “Acknowledgment” means:
 - (A) a principal’s declaration, before a notarial officer, that a record has been signed for the purpose stated in the record; or
 - (B) if the record was signed in a representative capacity, a declaration by the individual, before a notarial officer, that the individual signed the record with the proper authority and signed it as the act of the individual or entity identified in the record.
- (2) “Credential” has the meaning set forth in IC 9-13-2-39.7.
- (3) “In a representative capacity” means acting:
 - (A) as an authorized agent, officer, representative, or trustee of another person;
 - (B) in any capacity provided for or stated in a record;
 - (C) as an agent or attorney in fact for a principal; or
 - (D) in any other authorized capacity.
- (4) “Notarial act” means any act that a notarial officer may perform. The term includes the following acts:
 - (A) Taking an acknowledgment.
 - (B) Administering an affirmation or oath.
 - (C) Taking a verification on an oath or affirmation.
 - (D) Attesting to or witnessing a signature.
 - (E) Attesting to or certifying a copy of a document or record.
 - (F) Noting a protest of a negotiable record.
- (5) “Notarial officer” means a notary public or any other individual authorized to perform a notarial act.
- (6) “Notary public” means an individual commissioned to perform a notarial act by the secretary of state.
- (7) “Official seal” means an image, affixed to or embossed upon, a record.
- (8) “Person” means:
 - (A) an agency;
 - (B) an association;
 - (C) a business trust;
 - (D) a corporation;
 - (E) an estate;
 - (F) an individual;
 - (G) an instrumentality;
 - (H) a joint venture;
 - (I) a limited liability company;
 - (J) a partnership;
 - (K) a public corporation;
 - (L) a trust;
 - (M) a statutory trust;
 - (N) any other legal or commercial entity; or
 - (O) any local or state government:
 - (i) agency; or
 - (ii) instrumentality.
- (9) “Principal” means an individual:
 - (A) whose signature is notarized; and
 - (B) an individual taking an oath or affirmation from a notary public.
- (10) “Record” means retrievable information that is:

- (A) memorialized upon a tangible medium; or
- (B) stored electronically.
- (11) “Sign” means to:
 - (A) adopt or execute with a tangible symbol; or
 - (B) associate or attach an electronic process, sound, or symbol to a record; with the intent to adopt or authenticate a record.
- (12) “Signature” means a tangible symbol or an electronic signature that evidences the signing of a record.
- (13) “Stamping device” means a physical device capable of affixing or embossing a record with an official seal.
- (14) “State” means any state of the United States, the District of Columbia, or any territory or possession subject to the jurisdiction of the United States.
- (15) “Verification on an oath or affirmation” means a declaration that a statement in a record is true.

IC 33-42-0.5-1 Application of law

Note: This version of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

Sec. 1. (a) The definitions in this chapter apply throughout this article.

(b) Amendments to this article that are effective after June 30, 2017, do not affect the validity or effect of a notarial act performed under this article before July 1, 2019.

(c) This article applies only to a notary public commissioned or recommissioned after June 30, 2019.

(d) To the extent that IC 26-2-8 conflicts with this article, IC 26-2-8 is controlling.

IC 33-42-0.5-2 “Acknowledgment”

Effective 7-1-2019.

Sec. 2. “Acknowledgment” means:

- (1) a principal’s declaration, before a notarial officer, that a record has been signed for the purpose stated in the record; or
- (2) if the record was signed in a representative capacity, a declaration by the individual, before a notarial officer, that the individual signed the record with the proper authority and signed it as the act of the individual or entity identified in the record.

IC 33-42-0.5-3 “Appearance” or “appear”

Effective 7-1-2019.

Sec. 3. “Appearance” or “appear”, with respect to a notarial act, refers to an individual’s presence before a notarial officer by:

- (1) being:
 - (A) physically present before the notarial officer;
 - (B) able to interact with the notarial officer; and
 - (C) able to physically exchange tangible credentials or other documentation with the notarial officer; or
- (2) the use of audio visual communication.

IC 33-42-0.5-4 “Assurance”

Effective 7-1-2019.

Sec. 4. “Assurance” means a surety bond or the functional equivalent of a surety bond that covers a notary public’s acts or omissions during the course of the notary public’s commission.

IC 33-42-0.5-5 “Audio visual communication”

Effective 7-1-2019.

Sec. 5. “Audio visual communication” means real time, two-way, visual and auditory communication through technology.

IC 33-42-0.5-6 “Credential”

Effective 7-1-2019.

Sec. 6. “Credential” means a valid, government issued form of identification that bears:

- (1) a photograph; and
- (2) the signature;

of the individual identified.

IC 33-42-0.5-7 “Credential analysis”

Effective 7-1-2019.

Sec. 7. “Credential analysis” means a process or service:

- (1) approved by the secretary of state;
- (2) performed by a third person; and
- (3) through which review of public and proprietary data sources provides confidence concerning the validity of a credential.

IC 33-42-0.5-8 “Credible witness”

Effective 7-1-2019.

Sec. 8. “Credible witness” means an individual who:

- (1) appears before a notarial officer;
- (2) swears or affirms that the signer of a document is the individual whom the signer claims to be; and
- (3) is known personally to the signer of the document and the notarial officer.

IC 33-42-0.5-9 “Dynamic knowledge based authentication assessment”

Effective 7-1-2019.

Sec. 9. “Dynamic knowledge based authentication assessment” means a questionnaire that:

- (1) consists of questions about a principal that:
 - (A) are derived from private and public sources; and
 - (B) have not been previously answered by the principal;
- (2) is answered by the principal; and
- (3) is reviewed by a remote notary public to assist in verifying the identity of the principal.

IC 33-42-0.5-10 “Electronic”

Effective 7-1-2019.

Sec. 10. “Electronic” means relating to technology that has electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

IC 33-42-0.5-11 “Electronic notarial certificate”

Effective 7-1-2019.

Sec. 11. “Electronic notarial certificate” means the part of or attachment to an electronic record that:

- (1) is completed by a notarial officer;
- (2) bears the notarial officer’s:
 - (A) electronic signature; and
 - (B) electronic seal; and
- (3) states the facts attested to by the notarial officer in a notarial act.

IC 33-42-0.5-12 “Electronic record”

Effective 7-1-2019.

Sec. 12. “Electronic record” means a record communicated, created, generated, received, sent, or stored by electronic means.

IC 33-42-0.5-13 “Electronic seal”

Effective 7-1-2019.

Sec. 13. “Electronic seal” means information that:

- (1) is specific to an individual notary public;
- (2) is attached to or associated with a notarized electronic record; and
- (3) contains:
 - (A) the words, “notary public”;
 - (B) the words, “state of Indiana”;
 - (C) the word, “seal”;
 - (D) the notary public’s name as it appears on the notary public’s commission certificate;
 - (E) the words, “commission number”, followed by the commission number of the notary public; and
 - (F) the words, “my commission expires”, followed by the expiration date of the notary public’s commission.

IC 33-42-0.5-14 “Electronic signature”

Effective 7-1-2019.

Sec. 14. “Electronic signature” means an electronic process, sound, or symbol that is adopted by an individual for the purpose of electronically signing an electronic record.

IC 33-42-0.5-15 “Exclusive control”

Effective 7-1-2019.

Sec. 15. “Exclusive control” means exclusively having, at all times, direct physical or intellectual custody of:

- (1) a password to access; or
 - (2) the ability to use another secure means of authentication of;
- an electronic record.

IC 33-42-0.5-16 “Identity proofing”

Effective 7-1-2019.

Sec. 16. “Identity proofing” means a process or service:

- (1) that is approved by the secretary of state; and

- (2) through which review by a third person of personal information:
 - (A) about an individual; and
 - (B) obtained from public and proprietary data sources;affirms the identity of the individual.

The term may include dynamic knowledge based authentication assessment.

IC 33-42-0.5-17 “In a representative capacity”

Effective 7-1-2019.

Sec. 17. “In a representative capacity” means acting:

- (1) as an authorized agent, officer, representative, or trustee of another person;
- (2) in any capacity as:
 - (A) provided by law; and
 - (B) stated in a record;
- (3) as an agent or attorney in fact for a principal; or
- (4) in any other authorized capacity.

IC 33-42-0.5-18 “Notarial act”

Effective 7-1-2019.

Sec. 18. “Notarial act” means the following acts with respect to either a tangible or an electronic record:

- (1) Taking an acknowledgment.
- (2) Administering an oath or affirmation.
- (3) Taking a verification on an oath or affirmation.
- (4) Attesting to or witnessing a signature.
- (5) Attesting to or certifying a copy of:
 - (A) a tangible document or record; or
 - (B) an electronic document or record.
- (6) Noting a protest of a negotiable record.
- (7) Any other act authorized by common law or the custom of merchants.

IC 33-42-0.5-19 “Notarial officer”

Effective 7-1-2019.

Sec. 19. “Notarial officer” means an individual authorized under IC 33-42-9-7(a) to perform a notarial act.

IC 33-42-0.5-20 “Notary public”

Effective 7-1-2019.

Sec. 20. “Notary public” means an individual commissioned by the secretary of state to perform a notarial act.

IC 33-42-0.5-21 “Official seal”

Effective 7-1-2019.

Sec. 21. “Official seal” means either of the following:

- (1) A physical image that is affixed to or embossed upon a tangible record.
- (2) An electronic image that is attached to or associated with an electronic record.

IC 33-42-0.5-22 “Person”

Effective 7-1-2019.

Sec. 22. "Person" means:

- (1) an agency;
- (2) an association;
- (3) a business trust;
- (4) a corporation;
- (5) an estate;
- (6) an individual;
- (7) an instrumentality;
- (8) a joint venture;
- (9) a limited liability company;
- (10) a partnership;
- (11) a public corporation;
- (12) a trust;
- (13) a statutory trust;
- (14) any other legal or commercial entity; or
- (15) any local or state government:
 - (A) agency; or
 - (B) instrumentality.

IC 33-42-0.5-23 "Principal"

Effective 7-1-2019.

Sec. 23. (a) "Principal" means an individual:

- (1) whose signature is reflected on a document that is notarized;
- (2) who has taken an oath or affirmation administered by a notarial officer; or
- (3) whose signature is reflected on a document that is notarized after the individual has taken an oath or affirmation administered by a notarial officer.

(b) Except as provided in subsection (c), for purposes of a remote notarial act, "principal" means an individual:

- (1) whose electronic signature is reflected on a document that is notarized and contained in an electronic record;
- (2) who has taken an oath or affirmation administered by a remote notary public; or
- (3) whose electronic signature is reflected on a document that is notarized and contained in an electronic record after an individual has taken an oath or affirmation administered by a remote notary public.

(c) A principal, for purposes of a remote notarial act, does not include an individual who has taken an oath or affirmation administered by a remote notary public in the capacity of a witness for a remote notarial act.

IC 33-42-0.5-24 "Public key infrastructure"

Effective 7-1-2019.

Sec. 24. "Public key infrastructure" means a method of enabling a user of an unsecured public computer network, including the Internet, to securely and privately exchange data and money through a public and private cryptographic key pair that is obtained and shared through a trusted certificate authority, providing for a:

- (1) digital certificate that is able to identify an individual or organization; and
- (2) directory service that is able to store and, if necessary, revoke the digital certificate.

IC 33-42-0.5-25 “Record”

Effective 7-1-2019.

Sec. 25. “Record” means retrievable information that is:

- (1) memorialized upon a tangible medium; or
- (2) stored electronically.

IC 33-42-0.5-26 “Remote notarial act”

Effective 7-1-2019.

Sec. 26. “Remote notarial act” means a notarial act described in section 18(1) through 18(5) of this chapter:

- (1) performed through audio visual communication; and
- (2) involving an electronic record.

IC 33-42-0.5-27 “Remote notary public”

Effective 7-1-2019.

Sec. 27. “Remote notary public” means a notary public who is authorized by the secretary of state to perform a remote notarial act under IC 33-42-17.

IC 33-42-0.5-28 “Remote presentation”

Effective 7-1-2019.

Sec. 28. “Remote presentation” means an electronic transmission:

- (1) by a principal;
- (2) to a remote notary public; and
- (3) of an image:
 - (A) of a credential; and
 - (B) that is of sufficient quality to allow for use of the image in credential analysis to identify the principal.

IC 33-42-0.5-29 “Sign”

Effective 7-1-2019.

Sec. 29. “Sign” means:

- (1) to adopt or execute a record with a tangible symbol; or
- (2) to:
 - (A) associate with; or
 - (B) attach to;

a record an electronic process, sound, or symbol;
with the intent to adopt or authenticate the record.

IC 33-42-0.5-30 “Signature”

Effective 7-1-2019.

Sec. 30. “Signature” means a tangible symbol or an electronic process, sound, or symbol that evidences the signing of a record.

IC 33-42-0.5-31 “Stamping device”

Effective 7-1-2019.

Sec. 31. “Stamping device” means:

- (1) a physical device capable of affixing or embossing a tangible record with an official seal; or

(2) an electronic device or process capable of pairing an electronic seal with an electronic record.

IC 33-42-0.5-32 “State”

Effective 7-1-2019.

Sec. 32. “State” means a state of the United States, the District of Columbia, or a territory or possession subject to the jurisdiction of the United States.

IC 33-42-0.5-33 “Surety”

Effective 7-1-2019.

Sec. 33. “Surety” means an entity that:

- (1) is licensed or authorized to do the business described in subdivision (2) in Indiana; and
- (2) guarantees the legal liability of a notary public for:
 - (A) debt;
 - (B) default; or
 - (C) failure to perform a duty of a notary public.

IC 33-42-0.5-34 “Technology”

Effective 7-1-2019.

Sec. 34. “Technology” means an application, a device, or a program that allows a notarial officer to perform a:

- (1) notarial act electronically; or
- (2) remote notarial act.

IC 33-42-0.5-35 “Verification on an oath or affirmation”

Effective 7-1-2019.

Sec. 35. “Verification on an oath or affirmation” means a declaration that a statement in a record is true.

IC 33-42-1 Chapter 1. Repealed

[Pre-2004 Recodification Citation:

33-42-1-1 formerly 33-16-1-1.]

Repealed by P.L.128-2017, SEC.13.

IC 33-42-2 Chapter 2. Repealed

[Pre-2004 Recodification Citations:

33-42-2-1 formerly 33-16-2-1

33-42-2-2 formerly 33-16-2-2

33-42-2-3 formerly 33-16-2-3

33-42-2-4 formerly 33-16-2-4

33-42-2-5 formerly 33-16-2-5

33-42-2-6 formerly 33-16-2-6

33-42-2-7 formerly 33-16-2-7

33-42-2-8 formerly 33-16-2-8

33-42-2-9 formerly 33-16-2-9

33-42-2-10 formerly 33-16-2-10.]

IC 33-42-3 Chapter 3. Repealed

[Pre-2004 Recodification Citations:

33-42-3-1 formerly 33-16-3-1

33-42-3-2 formerly 33-16-3-2.]

IC 33-42-4 Chapter 4. Repealed

[Pre-2004 Recodification Citations:

33-42-4-1 formerly 33-16-4-1

33-42-4-2 formerly 33-16-4-2

33-42-4-3 formerly 33-16-4-3.]

IC 33-42-5 Chapter 5. Authority of Township Trustee to Perform Notarial Acts

33-42-5-1. Authorization; recording

33-42-5-2 Seal; requirements

33-42-5-3 Appendage of trustee's date of election

33-42-5-4 Prohibition on collecting fee

33-42-5-5 Prohibited acts

IC 33-42-5-1 Authorization; recording

Sec. 1. A township trustee may perform any act that a notary public may perform in Indiana. Acknowledgments to deeds or other instruments taken by a trustee shall be recorded as if the acknowledgments had been acknowledged before a notary public.

[Pre-2004 Recodification Citation: 33-16-8-1.]

IC 33-42-5-2 Seal; requirements

Sec. 2. Before a trustee may perform a notarial act, the trustee must obtain a seal that can stamp upon paper a distinct impression that indicates the trustee's official character, along with any other information that the trustee chooses. A notarial act of a trustee that is not attested by a seal is void.

[Pre-2004 Recodification Citation: 33-16-8-2.]

IC 33-42-5-3 Appendage of trustee's date of election

Sec. 3. When signing any certificate of acknowledgment, jurat, or other official document, the trustee must append to it the trustee's date of election as a trustee.

[Pre-2004 Recodification Citation: 33-16-8-3.]

IC 33-42-5-4 Prohibition on collecting fee

Sec. 4. A trustee may not receive a fee for performing a notarial act.

[Pre-2004 Recodification Citation: 33-16-8-4.]

IC 33-42-5-5 Prohibited acts

Sec. 5. A trustee may not perform an act that is prohibited to a notary public.

[Pre-2004 Recodification Citation: 33-16-8-5.]

IC 33-42-6 Chapter 6. Federal Land Bank Employees Acting as Notaries in Certain Transactions

33-42-6-1 Federal land bank association managers, officers, and employees as notary public

IC 33-42-6-1 Federal land bank association managers, officers, and employees as notary public

Sec. 1. The manager, officers, and employees of a federal land bank association located in Indiana may become and act as a notary public in the business of the association to take acknowledgments of deeds and real estate mortgages and to take and certify affidavits.

[Pre-2004 Recodification Citation: 33-16-5-1.]

IC 33-42-7 Chapter 7. Acknowledgment of Lot Sales by a Notary Who Is a Member of Cemetery Association

IC 33-42-7-1 Stockholder or officer of a cemetery association as notary

Sec. 1. A notary public who is a stockholder or an officer of a cemetery association whose rules or constitution prohibit an officer or a stockholder from becoming a beneficiary from the sale of lots by the cemetery association may take acknowledgments of sales of lots.

[Pre-2004 Recodification Citation: 33-16-6-1.]

IC 33-42-8 Chapter 8. Repealed

[Pre-2004 Recodification Citation: 33-16-7-1.]

IC 33-42-9 Chapter 9. Notarial Acts

- 33-42-9-1 Notary public appointments; notarial acts
- 33-42-9-1 Notary public appointments; notarial acts
- 33-42-9-2 Determination of identity of signatory; authenticity of copy
- 33-42-9-2 Determination of identity of signatory; authenticity of copy
- 33-42-9-3 Personal appearance
- 33-42-9-4 Authentication of individual's identity
- 33-42-9-4 Authentication of individual's identity
- 33-42-9-5 Refusal to perform notarial act
- 33-42-9-6 Appointed or designated signatory
- 33-42-9-6 Appointed or designated signatory
- 33-42-9-7 Performance of notarial act; evidence of authenticity
- 33-42-9-7 Performance of notarial act; evidence of authenticity
- 33-42-9-8 Notarial acts in another state
- 33-42-9-8 Notarial acts in another state
- 33-42-9-9 Notarial acts in Indiana tribe jurisdiction
- 33-42-9-9 Notarial acts in federally recognized Indian tribe jurisdiction
- 33-42-9-10 Notarial acts under federal law
- 33-42-9-10 Notarial acts under federal law
- 33-42-9-11 Notarial acts in foreign jurisdiction
- 33-42-9-11 Notarial acts in foreign jurisdiction
- 33-42-9-12 Authentication by certificate
- 33-42-9-12 Authentication by certificate; requirements; changes

IC 33-42-9-1 Notary public appointments; notarial acts

Note: This version of section effective until 7-1-2019. See also following version of this section, effective 7-1-2019.

Sec. 1. (a) The governor may appoint notaries public if the public interest would be promoted by the appointment.

(b) A notarial officer may perform the following notarial acts:

- (1) Taking an acknowledgment.
- (2) Administering an oath or affirmation.
- (3) Taking a verification on an oath or affirmation.
- (4) Attesting or witnessing a signature.
- (5) Attesting or certifying a copy.
- (6) Noting a protest of a negotiable instrument.
- (7) Any additional act authorized by common law or the custom of merchants.

IC 33-42-9-1 Notary public appointments; notarial acts

Note: This version of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

Sec. 1. (a) The governor may appoint a notary public if the public interest would be promoted by the appointment.

(b) A notarial officer may perform notarial acts.

IC 33-42-9-2 Determination of identity of signatory; authenticity of copy

Note: This version of section effective until 7-1-2019. See also following version of this section, effective 7-1-2019.

Sec. 2. (a) A notarial officer who:

- (1) takes an acknowledgment of a record;
- (2) takes a verification of statement on an oath or affirmation; or
- (3) attests or witnesses to a signature;

shall determine, from personal knowledge or satisfactory evidence, that the individual appearing before the officer has the identity claimed and that the signature on the record is the signature of the individual.

(b) A notarial officer who attests to or certifies a copy of a record or item shall verify that the copy is an accurate, full, and true reproduction or transcription of the record or item.

IC 33-42-9-2 Determination of identity of signatory; authenticity of copy

Note: This version of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

Sec. 2. (a) A notarial officer who:

- (1) takes an acknowledgment of a record;
- (2) takes a verification of statement on an oath or affirmation; or
- (3) attests or witnesses to a signature;

shall determine, from personal knowledge or satisfactory evidence, that the individual appearing before the notarial officer has the identity claimed and that the signature on the record is the signature of the individual.

(b) A notarial officer who attests to or certifies a copy of a record or item shall verify that the copy is an accurate, full, and true reproduction or transcription of the record or

item.

IC 33-42-9-3 Personal appearance

Sec. 3. If a notarial act relates to a statement made in or a signature executed on a record, the declarant or signatory shall appear personally before the notarial officer.

IC 33-42-9-4 Authentication of individual's identity

Note: This version of section effective until 7-1-2019. See also following version of this section, effective 7-1-2019.

Sec. 4. (a) A notarial officer has personal knowledge of an individual's identity if the:

- (1) individual is personally known to the notarial officer; or
- (2) notarial officer has transacted sufficient, prior business with the individual to know the individual's identity.

(b) If a notarial officer does not have personal knowledge of an individual's identity, a notarial officer may authenticate the identity of an individual through one (1) of the following means:

- (1) An inspection of any of the following that, if expired, has not been expired for more than three (3) years:

- (A) The individual's passport.
- (B) The individual's driver's license.
- (C) The individual's government issued identification card.
- (D) A credential that:
 - (i) is not described in clauses (A) through (C);
 - (ii) is government issued; and
 - (iii) contains a photograph of the individual.

- (2) A verification on an oath or affirmation by a credible witness who:

- (A) personally:
 - (i) appears before the notarial officer; and
 - (ii) is personally known by the notarial officer; or
- (B) is identified to the notarial officer by a credential described in subdivision (1).

(c) A notarial officer may require an individual to provide additional identification or information before performing a notarial act.

IC 33-42-9-4 Authentication of individual's identity

Note: This version of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

Sec. 4. (a) A notarial officer has personal knowledge of an individual's identity if the:

- (1) individual is personally known to the notarial officer; or
- (2) notarial officer has transacted sufficient, prior business with the individual to know the individual's identity.

(b) If a notarial officer does not have personal knowledge of an individual's identity, the notarial officer may authenticate the identity of the individual through one (1) of the following means:

- (1) An inspection of any of the following that, if expired, has not been expired for more than three (3) years:

- (A) The individual's passport.
- (B) The individual's driver's license.
- (C) The individual's government issued identification card.

- (D) A credential that:
 - (i) is not described in clauses (A) through (C);
 - (ii) is government issued; and
 - (iii) contains a photograph of the individual.
- (2) A verification on an oath or affirmation by a credible witness who:
 - (A) personally:
 - (i) appears before the notarial officer; and
 - (ii) is personally known by the notarial officer; or
 - (B) is identified to the notarial officer by a credential described in subdivision (1).
- (c) A notarial officer may require an individual to provide additional identification or information before performing a notarial act.

IC 33-42-9-5 Refusal to perform notarial act

Sec. 5. (a) A notarial officer may refuse to perform a notarial act if the notarial officer is not satisfied that:

- (1) the individual executing the record is competent; or
 - (2) the individual's execution of the record is being done knowingly or voluntarily.
- (b) A notarial officer may refuse to perform a notarial act unless the refusal is prohibited by law.

IC 33-42-9-6 Appointed or designated signatory

Note: This version of section effective until 7-1-2019. See also following version of this section, effective 7-1-2019.

Sec. 6. (a) A principal may appoint or direct another individual to sign a record if the principal is physically unable to sign the record personally.

- (b) A notarial officer shall note the principal's use of an appointed or designated signatory on any record executed in the manner described in subsection (a) by:
- (1) clearly labeling the appointee or designee's signature;
 - (2) clearly labeling the name of the principal; and
 - (3) including or using language that conveys the principal's intent to use an assigned or designated signatory.

IC 33-42-9-6 Appointed or designated signatory

Note: This version of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

Sec. 6. (a) A principal may appoint or direct another individual to sign a record if the principal is physically unable to sign the record personally.

- (b) A notarial officer shall note the principal's use of an appointed or designated signatory on any record executed in the manner described in subsection (a) by:
- (1) clearly labeling the appointee or designee's signature;
 - (2) clearly labeling the name of the principal; and
 - (3) including or using language that conveys the principal's intent to use an appointed or designated signatory.

IC 33-42-9-7 Performance of notarial act; evidence of authenticity

Note: This version of section effective until 7-1-2019. See also following version of this section, effective 7-1-2019.

Sec. 7. (a) A notarial act may be performed by the following individuals:

- (1) Notaries public.
 - (2) An official court reporter acting under IC 33-41-1-6.
 - (3) Judges and justices of Indiana courts.
 - (4) The secretary of state.
 - (5) The clerk of the supreme court.
 - (6) Mayors, clerks, clerk-treasurers of towns and cities, township trustees, in their respective towns, cities, and townships.
 - (7) Clerks of circuit courts and master commissioners in their respective counties.
 - (8) Judges of United States district courts of Indiana, in their respective jurisdictions.
 - (9) United States commissioners appointed for any United States district court of Indiana, in their respective jurisdictions.
 - (10) A precinct election officer (as defined in IC 3-5-2-40.1) and an absentee voter board member appointed under IC 3-11-10 or IC 3-11.5-4, for any purpose authorized under IC 3.
 - (11) A member of the Indiana election commission, a co-director of the election division, or an employee of the election division as defined under IC 3-6-4.2.
 - (12) County auditors in their respective counties.
 - (13) Any member of the Indiana general assembly anywhere in Indiana.
 - (14) The adjutant general of the Indiana National Guard, specific active duty members, reserve duty members, or civilian employees of the Indiana National Guard designated by the adjutant general of the Indiana National Guard for any purpose related to the service of an active duty or reserve member of the Indiana National Guard.
- (b) The signature and title of an individual performing a notarial act in this state is prima facie evidence of the fact that:
- (1) the signature is genuine; and
 - (2) the individual holds the designated title.

IC 33-42-9-7 Performance of notarial act; evidence of authenticity

Note: This version of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

Sec. 7. (a) A notarial act may be performed by the following individuals:

- (1) Notaries public.
- (2) An official court reporter acting under IC 33-41-1-6.
- (3) Judges and justices of Indiana courts.
- (4) The secretary of state.
- (5) The clerk of the supreme court.
- (6) Mayors, clerks, clerk-treasurers of towns and cities, township trustees, in their respective towns, cities, and townships.
- (7) Clerks of circuit courts and master commissioners in their respective counties.
- (8) Judges of United States district courts of Indiana, in their respective jurisdictions.
- (9) United States commissioners appointed for any United States district court of Indiana, in their respective jurisdictions.
- (10) A precinct election officer (as defined in IC 3-5-2-40.1) and an absentee voter board member appointed under IC 3-11-10 or IC 3-11.5-4, for any purpose authorized under IC 3.
- (11) A member of the Indiana election commission, a co-director of the election division, or an employee of the election division as defined under IC 3-6-4.2.

- (12) County auditors in their respective counties.
- (13) Any member of the Indiana general assembly anywhere in Indiana.
- (14) The adjutant general of the Indiana National Guard, specific active duty members, reserve duty members, or civilian employees of the Indiana National Guard designated by the adjutant general of the Indiana National Guard for any purpose related to the service of an active duty or reserve member of the Indiana National Guard.

(b) The signature and title of an individual performing a notarial act in Indiana is prima facie evidence of the fact that:

- (1) the signature is genuine; and
- (2) the individual holds the designated title.

IC 33-42-9-8 Notarial acts in another state

Note: This version of section effective until 7-1-2019. See also following version of this section, effective 7-1-2019.

Sec. 8. (a) A notarial act performed in another state is presumed valid and has the same effect as a notarial act performed by a notarial officer of Indiana if the notarial act performed in that state is performed by:

- (1) a notary public of that state;
- (2) a judge, clerk, or deputy clerk of the state; or
- (3) any other individual authorized by the law of the state to perform notarial acts.

(b) The signature and title of an individual performing a notarial act in another state is prima facie evidence of the fact that:

- (1) the signature is genuine; and
- (2) the individual holds the designated title.

(c) The signature of a notarial officer described in subsection (a)(1) or (a)(2) conclusively establishes the authority of the officer to perform the notarial act.

IC 33-42-9-8 Notarial acts in another state

Note: This version of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

Sec. 8. (a) A notarial act performed in another state is presumed valid and has the same effect as a notarial act performed by a notarial officer of Indiana if the notarial act performed in the other state is performed by:

- (1) a notary public of the other state;
- (2) a judge, clerk, or deputy clerk of the other state; or
- (3) any other individual authorized by the law of the other state to perform notarial acts.

(b) The signature and title of an individual performing a notarial act in another state is prima facie evidence of the fact that:

- (1) the signature is genuine; and
- (2) the individual holds the designated title.

(c) The signature of a notarial officer described in subsection (a)(1) or (a)(2) conclusively establishes the authority of the notarial officer to perform the notarial act.

IC 33-42-9-9 Notarial acts in Indiana tribe jurisdiction

Note: This version of section effective until 7-1-2019. See also following version of this section, effective 7-1-2019.

Sec. 9. (a) A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe is presumed valid and has the same effect as a notarial act performed by a notarial officer of Indiana if the notarial act is:

- (1) performed within the territory of the tribe; and
- (2) performed by:
 - (A) a notary public of the tribe;
 - (B) a judge, clerk, or deputy clerk of the tribe; or
 - (C) any other individual authorized by the laws of the tribe to perform the notarial act.

(b) The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence of the fact that:

- (1) the signature is genuine; and
- (2) the individual holds the designated title.

(c) The signature and title of a notarial officer described in subsection (a)(2) conclusively establish the authority of the officer to perform the notarial act.

IC 33-42-9-9 Notarial acts in federally recognized Indian tribe jurisdiction

Note: This version of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

Sec. 9. (a) A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe is presumed valid and has the same effect as a notarial act performed by a notarial officer of Indiana if the notarial act is:

- (1) performed within the territory of the Indian tribe; and
- (2) performed by:
 - (A) a notary public of the Indian tribe;
 - (B) a judge, clerk, or deputy clerk of the Indian tribe; or
 - (C) any other individual authorized by the laws of the Indian tribe to perform the notarial act.

(b) The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence of the fact that:

- (1) the signature is genuine; and
- (2) the individual holds the designated title.

(c) The signature and title of a notarial officer described in subsection (a)(1) or (a)(2) conclusively establish the authority of the notarial officer to perform the notarial act.

IC 33-42-9-10 Notarial acts under federal law

Note: This version of section effective until 7-1-2019. See also following version of this section, effective 7-1-2019.

Sec. 10. (a) A notarial act performed under federal law shall be presumed valid and has the same effect as a notarial act performed by a notarial officer of Indiana if the notarial act performed under federal law is performed by:

- (1) a judge, clerk, or deputy clerk of a court;
- (2) an individual who is authorized to perform notarial acts under federal law and is:
 - (A) presently serving in the armed forces of the United States; or
 - (B) performing duties under the authority of the armed forces of the United States;
- (3) an individual designated as a notarial officer by the United States Department of

- State for the purpose of performing notarial acts overseas; or
- (4) any other individual authorized by federal law to perform the notarial act.
- (b) The signature and title of an individual acting under federal authority while performing a notarial act are prima facie evidence of the fact that:
- (1) the signature is genuine; and
 - (2) the individual holds the designated title.
- (c) The signature and title of an officer described in subsection (a)(1), (a)(2), or (a)(3) conclusively establish the authority of the officer to perform the notarial act.

IC 33-42-9-10 Notarial acts under federal law

Note: This version of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

Sec. 10. (a) A notarial act performed under federal law shall be presumed valid and has the same effect as a notarial act performed by a notarial officer of Indiana if the notarial act performed under federal law is performed by:

- (1) a judge, clerk, or deputy clerk of a court;
 - (2) an individual who is authorized to perform the notarial act under federal law and is:
 - (A) presently serving in the armed forces of the United States; or
 - (B) performing duties under the authority of the armed forces of the United States;
 - (3) an individual designated as a notarial officer by the United States Department of State for the purpose of performing notarial acts overseas;
 - (4) a commissioned officer with the rank of:
 - (A) second lieutenant or higher in the active service of the:
 - (i) United States Army;
 - (ii) United States Marine Corps; or
 - (iii) United States Air Force; or
 - (B) ensign or higher in the active service of the:
 - (i) United States Coast Guard; or
 - (ii) United States Navy; or
 - (5) any other individual authorized by federal law to perform the notarial act.
- (b) The signature and title of an individual acting under federal authority while performing a notarial act are prima facie evidence of the fact that:
- (1) the signature is genuine; and
 - (2) the individual holds the designated title.
- (c) The signature and title of a notarial officer described in subsection (a)(1), (a)(2), or (a)(3) conclusively establish the authority of the notarial officer to perform the notarial act.

IC 33-42-9-11 Notarial acts in foreign jurisdiction

Note: This version of section effective until 7-1-2019. See also following version of this section, effective 7-1-2019.

Sec. 11. (a) As used in this section, “foreign” means a government other than the United States, a state, or a federally recognized Indian tribe.

- (b) If a notarial act is performed under the authority of and in the jurisdiction of:
- (1) a foreign state;
 - (2) a constituent component of a foreign state; or
 - (3) an international or multinational governmental organization;

the notarial act is presumed valid and has the same effect as a notarial act performed by a notarial officer of Indiana.

(c) If evidence of authority and title of office appear in a digest of law or comparable listing, the authority of an officer with that title to perform notarial acts is conclusively established.

(d) The signature and official seal of an individual holding an office described in subsection (c) are prima facie evidence of the authenticity of:

- (1) the signature; and
- (2) the title of the office holder.

(e) An apostille in the form:

- (1) prescribed by the Hague Convention of October 5, 1961; and
- (2) issued by a foreign state that is a party to the convention described in subdivision (1);

establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

(f) A consular authentication issued by an individual designated as a notarizing officer:

- (1) by the United States Department of State;
- (2) for notarial acts performed overseas;

conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office when affixed or attached to the record associated with the executed notarial act.

IC 33-42-9-11 Notarial acts in foreign jurisdiction

Note: This version of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

Sec. 11. (a) As used in this section, “foreign” means a government other than the United States, a state, or a federally recognized Indian tribe.

(b) If a notarial act is performed under the authority of and in the jurisdiction of:

- (1) a foreign state;
- (2) a constituent component of a foreign state; or
- (3) an international or multinational governmental organization;

the notarial act is presumed valid and has the same effect as a notarial act performed by a notarial officer of Indiana.

(c) If evidence of authority and title of office appear in a digest of law or comparable listing, the authority of an officer with that title to perform notarial acts is conclusively established.

(d) The signature and official seal of an individual holding an office described in subsection (c) are prima facie evidence of the authenticity of:

- (1) the signature; and
- (2) the title of the office holder.

(e) An apostille in the form:

- (1) prescribed by the Hague Convention of October 5, 1961; and
- (2) issued by a foreign state that is a party to the convention described in subdivision (1);

establishes that the signature of the officer is genuine and that the officer holds the indicated office.

(f) A consular authentication:

- (1) issued by an individual designated as a notarizing officer:
 - (A) by the United States Department of State; and
 - (B) for notarial acts performed overseas; and
- (2) affixed or attached to the record associated with the execution of a notarial act; conclusively establishes that the signature of the notarial officer is genuine and that the notarial officer holds the indicated office.

IC 33-42-9-12 Authentication by certificate

Note: This version of section effective until 7-1-2019. See also following version of this section, effective 7-1-2019.

Sec. 12. (a) A notarial act must be authenticated by a certificate bearing the date of the notarial act and the signature of the notarial officer. A properly completed certificate must conform to the following conditions:

- (1) The certificate must be completed contemporaneously with the performance of the notarial act.
- (2) The certificate must be signed and dated by the notarial officer. If the notarial officer is a notary public, the certificate must be signed in the manner on file with the secretary of state for the specific notary public.
- (3) The certificate must identify the jurisdiction in which the notarial act is performed.
- (4) The certificate must display the title of the notarial officer.
- (5) If the notarial officer is a notary public, the certificate must display:
 - (A) the expiration date of the notary public's commission; and
 - (B) either of the following:
 - (i) The Indiana county of the notary public's commission.
 - (ii) If the notary public is not a resident of Indiana but is primarily employed in Indiana, the Indiana county where the notary public is primarily employed.
 - (b) A notary public who performs a notarial act shall do the following:
 - (1) affix, display, or emboss the notary's official seal; and
 - (2) print or type the notary public's name underneath the notary public's signature on a certificate of acknowledgment, jurat, or other official record unless the name of the notary public:
 - (A) appears in printed form on the record; or
 - (B) appears as part of the notary public's seal; and
- (c) If a notarial act is performed on a public record by a notarial officer other than a notary public, the information described in subsection (a)(2) through (a)(4) must be affixed, displayed, or embossed upon the certificate and accompanied by an official seal.
- (d) A certificate of a notarial act is sufficient if it meets the requirements described in subsections (a) and (b) and:
 - (1) is in a form permitted by the laws of this state;
 - (2) is in a form permitted by the laws of the jurisdiction in which the notarial act was performed; or
 - (3) sets forth the actions of the notarial officer.
- (e) By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements of this chapter.
- (f) A notarial officer may not affix a signature to or associate a certificate with a record until a notarial act has been performed.

(g) All notarized records must have a certificate attached or associated with them. The affixing, attaching, or associating of certificates to notarial acts must conform to subsections (a) through (d).

(h) An official certificate bearing a notary public's seal constitutes presumptive evidence of the facts stated in cases, where, by law, the notary public is authorized to certify facts.

(i) A notarial officer may subsequently correct any information included or omitted from a certificate executed by the notarial officer.

(j) Changes or corrections may never be made to the impression of an official seal.

IC 33-42-9-12 Authentication by certificate; requirements; changes

Note: This version of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

Sec. 12. (a) A notarial act must be authenticated by a certificate bearing the date of the notarial act and the signature of the notarial officer. A properly completed certificate must conform to the following conditions:

(1) The certificate must be completed contemporaneously with the performance of the notarial act.

(2) The certificate must be signed and dated by the notarial officer. If the notarial officer is a notary public, the certificate must be signed in the manner on file with the secretary of state for the specific notary public.

(3) The certificate must identify the jurisdiction in which the notarial act is performed as follows:

(A) For a notarial act that is not a remote notarial act, the county and state in which the principal appears before the notarial officer.

(B) For a remote notarial act, the information required by IC 33-42-17-7(a)(3).

(4) The certificate must display the title of the notarial officer.

(5) If the notarial officer is a notary public, the certificate must display:

(A) the expiration date of the notary public's commission; and

(B) either of the following:

(i) The Indiana county of the notary public's commission.

(ii) If the notary public is not a resident of Indiana but is primarily employed in Indiana, the Indiana county where the notary public is primarily employed.

(b) A notary public who performs a notarial act on a tangible record shall:

(1) affix, display, or emboss the notary public's official seal; and

(2) print or type the notary public's name underneath the notary public's signature on a certificate of acknowledgment, jurat, or other official record unless the name of the notary public:

(A) appears in printed form on the record; or

(B) appears as part of the notary public's official seal; and is legible when the record is photocopied.

(c) If a notarial act is performed on a public record by a notarial officer other than a notary public, the information described in subsection (a)(2) through (a)(4) must be affixed, displayed, or embossed upon the certificate and accompanied by the notarial officer's official seal.

(d) If a notarial act is performed on an electronic record by a notary public:

(1) the electronic notarial certificate must contain the information described in subsection (a)(2) through (a)(5); and

- (2) the notary public's electronic seal must be attached to or associated with the electronic notarial certificate.
- (e) If a notarial act is performed on an electronic record by a notarial officer other than a notary public:
 - (1) the electronic notarial certificate must contain the information described in subsection (a)(2) through (a)(4); and
 - (2) the notarial officer's official seal must be attached to or associated with the electronic notarial certificate.
- (f) A certificate of a notarial act or an electronic notarial certificate is sufficient if it meets the requirements described in subsections (a) and (b) and:
 - (1) is in a form permitted by the laws of this state;
 - (2) is in a form permitted by the laws of the jurisdiction in which the notarial act was performed; or
 - (3) sets forth the actions of the notarial officer.
- (g) By executing a certificate of a notarial act or an electronic notarial certificate, a notarial officer certifies that the notarial officer has complied with this chapter.
- (h) A notarial officer may not affix a signature to or associate a certificate of a notarial act or an electronic notarial certificate with a record until a notarial act has been performed.
- (i) A certificate of a notarial act or an electronic notarial certificate must be attached to or associated with each tangible record or electronic record in a manner consistent with the applicable requirements of subsections (a) through (f).
- (j) An official:
 - (1) certificate of a notarial act bearing a notarial officer's official seal; or
 - (2) electronic notarial certificate bearing a notarial officer's electronic seal;
 constitutes presumptive evidence of the facts stated in cases, where, by law, the notarial officer is authorized to certify facts.
- (k) A notarial officer may subsequently correct any information included or omitted from a certificate of a notarial act or an electronic notarial certificate executed by the notarial officer.
- (l) Changes or corrections may never be made to the impression of an official seal.

IC 33-42-10 Chapter 10. Official Seals and Stamping Devices

- 33-42-10-1 Application of chapter
- 33-42-10-1 Repealed
- 33-42-10-2 Official seal
- 33-42-10-3 Security of stamping device
- 33-42-10-3 Security of stamping device
- 33-42-10-4 Effect of official seal

IC 33-42-10-1 Application of chapter

Note: This version of section effective until 7-1-2019. See also following repeal of this section, effective 7-1-2019.

Sec. 1. This chapter applies only to a notary commissioned or recommissioned after December 31, 2017.

IC 33-42-10-1 Repealed

Note: This repeal of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

IC 33-42-10-2 Official seal

Sec. 2. (a) The official seal of a notary public must include the following:

- (1) The words “notary public”.
- (2) The words “state of Indiana”.
- (3) The word “seal”.
- (4) The name of the notary public exactly as it appears on the notary public’s commission certificate.
- (5) The words “commission number” followed by the commission number of the notary public.
- (6) The words “my commission expires” followed by the expiration date of the notary public’s commission.

(b) The seal described in subsection (a) must be capable of being copied together with the record to which it is affixed, attached, or associated.

(c) The seal described in subsection (a) may include any other information chosen by the notary public to be included on the seal.

IC 33-42-10-3 Security of stamping device

Note: This version of section effective until 7-1-2019. See also following version of this section, effective 7-1-2019.

Sec. 3. (a) A notary public is responsible for the security of any stamping device used for notarial acts by the notary public.

(b) A notary public shall not allow any other person to make use of the stamping device used by the notary public when performing notarial acts.

(c) Upon the:

- (1) expiration;
- (2) resignation; or
- (3) revocation;

of the notary public’s commission, the notary public shall damage, deface, destroy, erase, or secure the stamping device in a manner that precludes any further use of the device.

(d) Upon the:

- (1) adjudication of incompetency; or
- (2) death;

of a notary public, the notary public’s guardian or personal representative shall preclude any further use of the device by disabling the device as described in subsection (c).

(e) If a device is lost or stolen, the notary public or notary public’s guardian or personal representative shall promptly notify the secretary of state’s office upon learning of the loss or theft.

IC 33-42-10-3 Security of stamping device

Note: This version of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

Sec. 3. (a) A notary public is responsible for the security of any stamping device used for notarial acts by the notary public.

(b) A notary public shall not allow any other person to make use of the stamping device used by the notary public.

- (c) Upon the:
 - (1) expiration;
 - (2) resignation; or
 - (3) revocation;

of the notary public's commission, the notary public shall damage, deface, destroy, erase, or secure the stamping device in a manner that precludes any further use of the stamping device.

- (d) Upon the:
 - (1) adjudication of incompetency; or
 - (2) death;

of a notary public, the notary public's guardian or personal representative shall preclude any further use of the stamping device by disabling the stamping device as described in subsection (c).

(e) If a stamping device is lost or stolen, the notary public or notary public's guardian or personal representative shall promptly notify the secretary of state's office upon learning of the loss or theft.

IC 33-42-10-4 Effect of official seal

Sec. 4. A notary public's official seal, when properly:

- (1) executed; and
- (2) affixed, associated, or attached to a record;

shall make the record self-authenticating for the purpose of a court proceeding.

IC 33-42-12 Chapter 12. Commission Requirements and Qualifications

33-42-12-1 Assurance

33-42-12-1 Notary public commission

33-42-12-2 Notary public; application for commission

33-42-12-3 Notice of changes to secretary of state

33-42-12-3 Change to notary public information; notice

IC 33-42-12-1 Assurance

Note: This version of section effective until 7-1-2019. See also following version of this section, effective 7-1-2019.

Sec. 1. (a) As used in this section, "assurance" means a surety bond or the functional equivalent of a surety bond that covers a notary public's acts or omissions during the course of the notary public's commission.

(b) As used in this section, "surety" means an entity that:

- (1) is licensed or authorized to do the business described in subdivision (2) in Indiana; and
- (2) guarantees the legal liability of a notary public for:
 - (A) debt;
 - (B) default; or
 - (C) failure to perform a duty of a notary public.

(c) An individual qualified under subsection (d) may apply to the secretary of state for a commission as a notary public. The applicant shall provide the information required by the rules established by the secretary of state, if any, and pay a filing fee.

(d) An applicant for a commission as a notary public must:

- (1) be at least eighteen (18) years of age;
 - (2) be a citizen or permanent legal resident of the United States;
 - (3) be a resident of or primarily employed in Indiana;
 - (4) not be disqualified to receive a commission under IC 33-42-13;
 - (5) satisfy all educational requirements; and
 - (6) have passed the examination described in section 2 of this chapter.
- (e) An applicant applying for a commission or reapplying for a subsequent commission shall:
- (1) complete an electronic application and provide all necessary information required by the secretary of state;
 - (2) pay a nonrefundable filing fee of five dollars (\$5);
 - (3) execute an oath of office and comply with any associated requirements imposed by the secretary of state;
 - (4) obtain an assurance in the amount of twenty-five thousand dollars (\$25,000);
 - (5) submit, or have submitted by the surety on the applicant's behalf, an electronic copy of the assurance not later than thirty (30) days after the effective date of the assurance; and
 - (6) submit an electronic signature sample to the secretary of state.
- (f) A notary public may perform notarial acts only during a period covered by a valid assurance on file with the secretary of state.
- (g) A surety must notify the secretary of state of a payment made under a notary public's assurance not later than thirty (30) days after issuing a payment to a claimant.
- (h) The secretary of state shall issue a commission to an applicant who fully complies with this section for a term of eight (8) years.
- (i) A commission granted under this section authorizes the notary public to perform notarial acts within the state of Indiana. The commission does not provide the notary public with any immunity or benefit.
- (j) A person may not have more than one (1) active Indiana notary public commission at a time.
- (k) For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, a notary public commission is not a lucrative office.

IC 33-42-12-1 Notary public commission

Note: This version of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

Sec. 1. (a) An individual qualified under subsection (b) may apply to the secretary of state for a commission as a notary public. The applicant shall provide the information required by the rules established by the secretary of state, if any.

(b) An applicant for a commission as a notary public must:

- (1) be at least eighteen (18) years of age;
- (2) be a citizen or permanent legal resident of the United States;
- (3) be a resident of or primarily employed in Indiana;
- (4) not be disqualified to receive a commission under IC 33-42-13;
- (5) satisfy all educational requirements; and
- (6) have passed the examination described in section 2 of this chapter.

(c) An applicant applying for a commission as a notary public or reapplying for a subsequent commission shall:

- (1) complete an electronic application and provide all necessary information required

by the secretary of state;

(2) pay a nonrefundable processing fee of five dollars (\$5);

(3) execute an oath of office and comply with any associated requirements imposed by the secretary of state;

(4) obtain an assurance in the amount of twenty-five thousand dollars (\$25,000);

(5) submit, or have submitted by the surety on the applicant's behalf, an electronic copy of the assurance not later than thirty (30) days after the effective date of the assurance; and

(6) submit an electronic signature sample to the secretary of state.

(d) A notary public may perform notarial acts only during a period covered by a valid assurance on file with the secretary of state.

(e) A surety must notify the secretary of state of a payment made under a notary public's assurance not later than thirty (30) days after issuing the payment to a claimant.

(f) The secretary of state shall grant a commission as a notary public to an applicant who fully complies with this section. The term of a commission granted under this subsection is eight (8) years.

(g) A commission granted under this section authorizes the notary public to perform notarial acts within the state of Indiana. The commission does not provide the notary public with any immunity or benefit.

(h) An individual may not have more than one (1) active Indiana commission as a notary public at a time.

(i) For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, a commission as a notary public is not a lucrative office.

IC 33-42-12-2 Notary public; application for commission

Sec. 2. (a) An applicant seeking a commission as a notary public, including an applicant reapplying for a subsequent commission, must complete:

(1) a course of education; and

(2) an examination.

(b) A notary public must fulfill a continuing education requirement not to exceed two (2) hours of continuing education every two (2) years.

IC 33-42-12-3 Notice of changes to secretary of state

Note: This version of section effective until 7-1-2019. See also following version of this section, effective 7-1-2019.

Sec. 3. (a) A notary public shall notify the secretary of state not later than thirty (30) days after any change to the following information associated with the notary public:

(1) Name.

(2) Residential address.

(3) Mailing address.

(4) Personal electronic mail address.

(5) Personal telephone number.

(6) Employer's:

(A) Address.

(B) Name.

(C) Telephone number.

(b) A notary public shall file the following documents with the secretary of state upon any change to the notary name on file with the secretary of state's office:

- (1) A rider or other record issued by the notary's surety reflecting the change of name.
 - (2) An example of the notary's new, official signature.
 - (c) A notary public shall notify the secretary of state of the following occurrences not later than fourteen (14) days after they occur:
 - (1) The notary public is convicted of a felony offense involving deceit, dishonesty, or fraud.
 - (2) The notary public is found to have acted deceitfully, dishonestly, or fraudulently in any disciplinary action or legal proceeding.
 - (3) The notary public has a notary commission denied, restricted, or revoked in a state other than Indiana.
 - (d) The commission of a notary public who is:
 - (1) no longer a citizen or resident of Indiana; or
 - (2) primarily employed by the state of Indiana;
- shall be treated as resigned.

IC 33-42-12-3 Change to notary public information; notice

Note: This version of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

Sec. 3. (a) A notary public shall notify the secretary of state not later than thirty (30) days after any change to the following information associated with the notary public:

- (1) Name.
 - (2) Mailing address.
 - (3) Personal electronic mail address.
 - (4) Personal telephone number.
 - (5) Employer's:
 - (A) address;
 - (B) name; and
 - (C) telephone number.
 - (b) A notary public shall file the following documents with the secretary of state upon any change to the notary public's name on file with the secretary of state's office:
 - (1) A rider or other record issued by the notary public's surety reflecting the change of name.
 - (2) An example of the notary public's new, official signature.
 - (c) A notary public shall notify the secretary of state of the following occurrences not later than fourteen (14) days after they occur:
 - (1) The notary public is convicted of a felony offense involving deceit, dishonesty, or fraud.
 - (2) The notary public is found to have acted deceitfully, dishonestly, or fraudulently in any disciplinary action or legal proceeding.
 - (3) The notary public has a commission as a notary public denied, restricted, or revoked in a state other than Indiana.
 - (d) The commission of a notary public who is no longer:
 - (1) a citizen or resident of Indiana; or
 - (2) primarily employed by the state of Indiana;
- shall be treated as resigned.

IC 33-42-13 Chapter 13. Notary Discipline

33-42-13-1 Disciplinary actions
33-42-13-1 Disciplinary actions
33-42-13-2 Notary public data base
33-42-13-3 Prohibitions
33-42-13-3 Prohibitions; violations
33-42-13-4 Notario publico deception
33-42-13-4 Notario publico deception

IC 33-42-13-1 Disciplinary actions

Note: This version of section effective until 7-1-2019. See also following version of this section, effective 7-1-2019.

Sec. 1. (a) The secretary of state may:

- (1) deny;
- (2) refuse to renew;
- (3) revoke;
- (4) suspend; or
- (5) impose a condition upon;

a commission granted under IC 33-42-12.

(b) An action described in subsection (a) may be taken against any notary public for any act or omission that demonstrates a deficiency in competence, honesty, integrity, or reliability. Additional acts that may result in one (1) or more sanctions are as follows:

- (1) Any failure to comply with the requirements of this article or rules adopted under this article.
- (2) Any deceitful, dishonest, or fraudulent statement or omission made during the application for a commission.
- (3) Any conviction for a felony offense or a crime involving deceit, dishonesty, or fraud.
- (4) An adverse ruling or admission of liability in any legal proceeding pertaining to deceit, dishonesty, or fraud.
- (5) Any failure to discharge any duty required of a notary public.
- (6) Any use of false or misleading advertisements.
- (7) Use of any false or misleading statement claiming a right or privilege that the notary public does not have.
- (8) Any denial, refusal to renew, revocation, suspension, or conditioning of a notary public commission in another state.
- (9) Any violation of a rule or requirement that:
 - (A) pertains to a notary public; and
 - (B) is required by the secretary of state.
- (10) Any failure to maintain an assurance as described in IC 33-42-12.

(c) If the secretary of state denies, refuses to renew, revokes, suspends, or imposes a condition on an applicant or notary public's commission, the affected party is entitled to timely notice and a hearing as described in IC 4-21.5.

(d) The secretary of state's decision to discipline an applicant or notary public as described in this section does not prevent a person from pursuing any civil or criminal cause of action against the offending applicant or notary public.

IC 33-42-13-1 Disciplinary actions

Note: This version of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

Sec. 1. (a) The secretary of state may do any of the following with respect to a commission under IC 33-42-12:

- (1) Deny the commission.
- (2) Refuse a subsequent commission.
- (3) Revoke the commission.
- (4) Suspend the commission.
- (5) Impose a condition on the commission.

(b) The secretary of state may investigate any violation of this chapter by a notary public.

(c) An action described in subsection (a) may be taken against any notary public for any act or omission that demonstrates a deficiency in competence, honesty, integrity, or reliability, including the following:

- (1) Any failure to comply with this article or rules adopted under this article.
- (2) Any deceitful, dishonest, or fraudulent statement or omission made during the application for a commission as a notary public.
- (3) Any conviction for a felony offense or a crime involving deceit, dishonesty, or fraud.
- (4) An adverse ruling or admission of liability in any legal proceeding pertaining to deceit, dishonesty, or fraud.
- (5) Any failure to discharge any duty required of a notary public.
- (6) Any use of false or misleading advertisements.
- (7) Use of any false or misleading statement claiming a right or privilege that the notary public does not have.
- (8) Any of the following with respect to a commission as a notary public in another state:

- (A) Denial of the commission.
- (B) Refusal of a subsequent commission.
- (C) Revocation of the commission.
- (D) Suspension of the commission.
- (E) Imposition of a condition on the commission.

(9) Any violation of a rule or requirement that:

- (A) pertains to a notary public; and
- (B) is required by the secretary of state.

(10) Any failure to maintain an assurance as described in IC 33-42-12.

(d) If the secretary of state acts under subsection (a) on an applicant or notary public's commission, the affected party is entitled to timely notice and a hearing as described in IC 4-21.5.

(e) The secretary of state's decision to discipline an applicant or notary public as described in this section does not prevent a person from pursuing any civil or criminal cause of action against the offending applicant or notary public.

IC 33-42-13-2 Notary public data base

Sec. 2. The secretary of state shall maintain an electronic data base of active notaries public.

IC 33-42-13-3 Prohibitions

Note: This version of section effective until 7-1-2019. See also following version of this section, effective 7-1-2019.

Sec. 3. (a) A commission as a notary public does not allow a person to perform the following:

- (1) Provide legal advice or otherwise practice law.
- (2) Act as an immigration consultant or provide advice on immigration matters.
- (3) Represent a person in an administrative or judicial proceeding related to citizenship or immigration.
- (4) Use an initial or name, other than the initial or name under which the notary public has been commissioned, to sign an acknowledgment.
- (5) At the time the notary takes the acknowledgment or administers an oath to any person the notary public knows to be:
 - (A) adjudicated mentally incompetent; or
 - (B) under a guardianship described in IC 29-3.
- (6) Take an acknowledgment from any person who is blind without first reading the record to the person who is blind.
- (7) Take the acknowledgment of any person who does not speak or understand the English language unless the nature and effect of the record is translated into a language the person speaks or understands.
- (8) Take the acknowledgment of a record without witnessing a signature or receiving an acknowledgment from the principal that the signature is authentic.
- (9) Take a verification of an affidavit or oath in the absence of an affirmation of truth by the affiant.
- (10) Perform a notarial act for:
 - (A) oneself;
 - (B) one's spouse; or
 - (C) any party;

that may directly benefit a person described in clause (A) or (B).

(b) A notary public may not engage in false or deceptive advertising.

(c) A notary public, other than an attorney licensed to practice law in Indiana, may not use the term "notario" or "notario publico".

(d) Except as provided in subsection (g), a notary public may not advertise or represent that the notary public can draft legal documents, provide legal advice, or otherwise practice law. Any notary public who advertises notarial services shall include the following statement in each advertisement:

"I am not an attorney licensed to practice law in Indiana. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities."

(e) The disclaimer described in subsection (d) shall be translated into every language used in an advertisement.

(f) If size or space restrictions make it impossible for the disclaimer to be incorporated into an advertisement, the disclaimer described in subsection (d) shall be prominently displayed at the site of the notarial service. A display described in this subsection must be shown before the performance of a notarial act.

(g) Subsections (c) through (f) do not apply to a notary public who is licensed to practice law in Indiana.

(h) Unless otherwise permitted by law, a notary public may not withhold access to or

possession of an original record provided by a person seeking the performance of a notarial act by a notary public.

(i) A notary public who violates this chapter may have the notary public's commission revoked by a judge with jurisdiction in the county in which the notary public resides or is primarily employed.

(j) The secretary of state may:

(1) investigate any violation of this chapter by a notary public; and

(2) revoke the commission of a notary public as described in section 1 of this chapter.

(k) A notary public whose commission has been revoked may not reapply for a new commission until five (5) years after the revocation.

(l) A notary public who has been convicted of notario publico deception under section 4 of this chapter may not reapply for a new commission.

(m) If the secretary of state revokes the commission of a notary public, the notary public may not reapply for a new commission for five (5) years.

(n) A notary public may not perform a notarial act when the notary public's commission is suspended or revoked.

IC 33-42-13-3 Prohibitions; violations

Note: This version of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

Sec. 3. (a) A commission as a notary public does not allow a person to do the following:

(1) Provide legal advice or otherwise practice law.

(2) Act as an immigration consultant or provide advice on immigration matters.

(3) Represent a person in an administrative or judicial proceeding related to citizenship or immigration.

(4) Use an initial or name, other than the initial or name under which the notary public has been commissioned, to sign an acknowledgment.

(5) Take an acknowledgment or administer an oath to any person the notary public knows at the time to be:

(A) adjudicated mentally incompetent; or

(B) under a guardianship described in IC 29-3.

(6) Take an acknowledgment from any person who is blind without first reading the record to the person who is blind.

(7) Take the acknowledgment of any person who does not speak or understand the English language unless the nature and effect of the record is translated into a language the person speaks or understands.

(8) Take the acknowledgment of a record without witnessing a signature or receiving an acknowledgment from the principal that the signature is authentic.

(9) Take a verification of an affidavit or oath in the absence of an affirmation of truth by the affiant.

(10) Perform a notarial act for:

(A) oneself;

(B) one's spouse; or

(C) any party;

that may directly benefit a person described in clause (A) or (B).

(b) A notary public may not engage in false or deceptive advertising.

(c) A notary public, other than an attorney licensed to practice law in Indiana, may not use the term “notario” or “notario publico”.

(d) Except as provided in subsection (g), a notary public may not advertise or represent that the notary public can draft legal documents, provide legal advice, or otherwise practice law. Any notary public who advertises notarial services shall include the following statement in each advertisement:

“I am not an attorney licensed to practice law in Indiana. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities.”.

(e) The statement described in subsection (d) shall be translated into every language used in an advertisement.

(f) If size or space restrictions make it impossible for the statement to be incorporated into an advertisement, the statement described in subsection (d) shall be prominently displayed at the site where the notarial act is performed. A display described in this subsection must be shown before the performance of a notarial act.

(g) Subsections (c) through (f) do not apply to a notary public who is licensed to practice law in Indiana.

(h) Unless otherwise permitted by law, a notary public may not withhold access to or possession of an original record provided by a person seeking the performance of a notarial act by a notary public.

(i) A notary public who violates this chapter may have the notary public’s commission revoked by a judge with jurisdiction in the county in which the notary public resides or is primarily employed.

(j) A notary public whose commission has been revoked may not reapply for a new commission until five (5) years after the revocation.

(k) A notary public who has been convicted of notario publico deception under section 4 of this chapter may not reapply for a new commission.

(l) If the secretary of state revokes the commission of a notary public, the notary public may not reapply for a new commission for five (5) years.

(m) A notary public may not perform a notarial act when the notary public’s commission is suspended or revoked.

(n) A notary public may not perform a notarial act when the notary public’s commission is suspended or revoked.

IC 33-42-13-4 Notario publico deception

Note: This version of section effective until 7-1-2019. See also following version of this section, effective 7-1-2019.

Sec. 4. A person who knowingly or intentionally:

(1) advertises notarial services without using the disclaimer described in section 3(d) of this chapter;

(2) advertises notarial services while claiming to be an expert on immigration matters without being a designated entity as described in 8 CFR 245 a.11; or

(3) accepts payment in exchange for providing legal advice or any other assistance that requires legal analysis, judgment, or interpretation of the law;

commits notario publico deception, a Class A misdemeanor. It is a defense to a prosecution under this section that a notary public is also licensed to practice law in Indiana.

IC 33-42-13-4 Notario publico deception

Note: This version of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

Sec. 4. (a) A person who knowingly or intentionally:

- (1) advertises notarial services without using the statement described in section 3(d) of this chapter;
- (2) advertises notarial services while claiming to be an expert on immigration matters without being a designated entity as described in 8 CFR 245 a.11; or
- (3) accepts payment in exchange for providing legal advice or any other assistance that requires legal analysis, judgment, or interpretation of the law;

commits notario publico deception, a Class A misdemeanor.

(b) It is a defense to a prosecution under this section that a notary public is also licensed to practice law in Indiana.

IC 33-42-14 Chapter 14. Notary Fees

33-42-14-1 Notary fees

33-42-14-1 Notary public fees

IC 33-42-14-1 Notary fees

Note: This version of section effective until 7-1-2019. See also following version of this section, effective 7-1-2019.

Sec. 1. (a) A notary public may charge a fee of not more than ten dollars (\$10) per signature for each of the following notarial acts:

- (1) Taking an acknowledgment.
- (2) Administering an affirmation or oath.
- (3) Attesting to or witnessing a signature.
- (4) Taking a verification on an oath or affirmation.
- (5) Attesting to or certifying a copy.

(b) Fees for notarial acts not described in subsection (a) are negotiable.

(c) If a fee is charged for a notarial act, the notary public shall display, in advance, a list of the fees that the notary public will charge.

(d) Notarial acts that:

- (1) are performed as part of the notary public's employment; or
- (2) do not require record keeping;

are subject to private agreement and are not governed by this section.

(e) A notary public may charge a reasonable fee for traveling to perform a notarial act. The travel fee requested may not exceed the federal travel fees established by the United States General Services Administration.

(f) Except as provided in subsection (g), a person who is a:

- (1) public official; or
- (2) deputy or appointee of a public official;

may not charge for services as a notary public in connection with any official business of that office or any other office belonging to the governmental unit in which the person serves.

(g) Subsection (f) does not apply to a person or transaction authorized to charge a fee for notarial services by another statute.

IC 33-42-14-1 Notary public fees

Note: This version of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

Sec. 1. (a) A notary public may charge a fee of not more than ten dollars (\$10) per signature for each of the following notarial acts:

- (1) Taking an acknowledgment.
- (2) Administering an affirmation or oath.
- (3) Attesting to or witnessing a signature.
- (4) Taking a verification on an oath or affirmation.
- (5) Attesting to or certifying a copy.

(b) Fees for notarial acts not described in subsection (a) are negotiable.

(c) If a fee is charged for a notarial act, the notary public shall display, in advance, a list of the fees that the notary public will charge.

(d) Notarial acts that:

- (1) are performed as part of the notary public's employment; or
- (2) do not require record keeping;

are subject to private agreement and are not governed by this section.

(e) A notary public may charge a reasonable fee for traveling to perform a notarial act. The travel fee requested may not exceed the federal travel fees established by the United States General Services Administration.

(f) Except as provided in subsection (g), an individual who is a:

- (1) public official; or
- (2) deputy or appointee of a public official;

may not charge for notarial acts performed by the individual in connection with any official business of the public official or any other office belonging to the governmental unit in which the individual serves.

(g) Subsection (f) does not apply to a person or transaction authorized by another statute to charge a fee for performing notarial acts.

IC 33-42-15 Chapter 15. Apostilles

33-42-15-1 Secretary of state authentication

33-42-15-2 Secretary of state attestation fee

IC 33-42-15-1 Secretary of state authentication

Sec. 1. (a) The secretary of state may attest to the authenticity of the signature of a public official in Indiana.

(b) Except as provided in subsection (c), the secretary of state may attest to the authenticity of a signature or certify a signature of a notary public.

(c) The secretary of state may not certify or attest to the signature of a notary public on a document regarding:

- (1) allegiance to a government or jurisdiction;
- (2) the relinquishment or renunciation of citizenship, military status, sovereignty, or world service authority; or
- (3) a claim of immunity from the jurisdiction of the United States, the laws of any state of the United States, or federal law.

IC 33-42-15-2 Secretary of state attestation fee

Sec. 2. The secretary of state shall collect two dollars (\$2) for each attestation provided under this chapter. However, no fee may be collected for an attestation pertaining to the following:

- (1) An adoption.
- (2) A birth certificate issued by the state of Indiana.
- (3) A death certificate issued by the state of Indiana.
- (4) A student:
 - (A) transcript; or
 - (b) diploma;

issued by an academic institution domiciled in Indiana and attested to in a notarial act by the academic institution's registrar or equivalent official.

- (5) A document prepared by the secretary of state.
- (b) A fee collected under subsection (a) is nonrefundable.

IC 33-42-16 Chapter 16. Miscellaneous Provisions

33-42-16-1 Validity of notarial act

33-42-16-2 Rulemaking

33-42-16-3 Commission

33-42-16-3 Effect of law on notary public commission

33-42-16-4 Effect of law on notarial acts

33-42-16-4 Repealed

IC 33-42-16-1 Validity of notarial act

Sec. 1. (a) The failure of a notarial officer to perform a duty or meet a requirement specified in this article does not invalidate a notarial act performed by the notarial officer.

(b) The presumed validity of a notarial act under this section does not prevent an injured party from seeking:

- (1) the invalidation of a record or transaction reliant upon an incomplete notarial act; or
- (2) any other remedy provided by the laws of Indiana or the laws of the United States.

(c) The presumed validity of a notarial act described in subsection (a) does not apply to notarial acts:

- (1) performed by unauthorized persons; or
- (2) described in IC 33-42-13-3(a)(10).

IC 33-42-16-2 Rulemaking

Sec. 2. (a) The secretary of state shall adopt rules under IC 4-22-2 to implement this article, including rules to do the following:

- (1) Prescribe the process for conditioning, denying, granting, renewing, revoking, or suspending the following:
 - (A) A commission as a notary public.
 - (B) A remote notary public registration.
- (2) Prescribe standards to ensure the trustworthiness of individuals applying for or in possession of the following:
 - (A) A commission as a notary public.
 - (B) A remote notary public registration.

- (3) Establish processes for accepting and approving assurances.
- (4) Prescribe the manner by which notarial acts are performed with respect to tangible records and electronic records.
- (5) Ensure that a change to or tampering with a record bearing an electronic notarial certificate is self-evident.
- (6) Specify requirements to ensure the secure creation, storage, transmission, and authentication of electronic records, electronic seals, and electronic signatures.
- (7) Establish standards for approval of the following for use in Indiana:
 - (A) Audio visual communication technology.
 - (B) Identity proofing.
 - (C) Credential analysis.
 - (D) Dynamic knowledge based authentication.
 - (E) Biometrics.
 - (F) Other methods of identification.
- (8) Establish standards related to electronic notarial certificates.
- (b) When adopting, amending, or repealing rules governing electronic records or remote notarial acts, the secretary of state shall consider the following:
 - (1) Recent standards regarding electronic records issued by national bodies, including the National Association of Secretaries of State.
 - (2) The customs, practices, and standards of other jurisdictions.
 - (3) Actions of other governmental entities and officials.
- (c) The administrative rules for remote notarial acts must be in effect before the secretary of state approves vendors of technology under IC 33-42-17-6.
- (d) Remote notary public applications will not be accepted for processing until the administrative rules are in effect and vendors of technology are approved by the secretary of state.
- (e) The secretary of state may amend rules adopted under this section as determined necessary as a result of changes in electronic and remote notarial act technology.

IC 33-42-16-3 Commission

Note: This version of section effective until 7-1-2019. See also following version of this section, effective 7-1-2019.

Sec. 3. A commission as a notary public in effect on January 1, 2018, continues until its date of expiration. A notary public who applies or reapplies for a commission on or after January 1, 2018, is subject to this chapter.

IC 33-42-16-3 Effect of law on notary public commission

Note: This version of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

Sec. 3. A commission as a notary public in effect on July 1, 2018, continues until its date of expiration. A notary public who applies or reapplies for a commission on or after July 1, 2018, is subject to this article.

IC 33-42-16-4 Effect of law on notarial acts

Note: This version of section effective until 7-1-2019. See also following repeal of this section, effective 7-1-2019.

Sec. 4. This chapter does not affect the ongoing validity or effect of a notarial act performed before January 1, 2018.

IC 33-42-16-4 Repealed

Note: This repeal of section effective 7-1-2019. See also preceding version of this section, effective until 7-1-2019.

As added by P.L.128-2017, SEC.24. Repealed by P.L.59-2018, SEC.63.

IC 33-42-16-5

Sec.5. (a) On the request of any person, the secretary of state shall issue a certificate of fact for a notary public.

(b) A certificate of fact issued under subsection (a) must state the following:

(1) The notary public's name.

(2) The notary public's commission expiration date.

(3) The notary public's county of commission.

(4) That the records of the secretary of state indicate that the notary public's commission is active.

(c) Subject to any qualification specified in a certificate of fact issued under subsection (a), the certificate may be relied upon as conclusive evidence of the facts stated in the certificate.

IC 33-42-17 Chapter 17. Remote Notarial Acts

33-42-17-1 Application of chapter

33-42-17-2 Registration; fee; term

33-42-17-3 Remote notary public functions; requirements; use of equipment

33-42-17-4 Principal appearance

33-42-17-5 Verification of principal's identity

33-42-17-6 Approval of remote notarial act equipment

33-42-17-7 Electronic notarial certificate; form

33-42-17-8 Electronic journal

33-42-17-9 Remote notary public fees

33-42-17-10 Presumption of validity of remote notarial act

33-42-17-11 Electronic data base of remote notaries public and technology vendors

33-42-17-12 Requirements for certain remote notarial acts

Effective 7-1-2019.

IC 33-42-17-1 Application of chapter

Effective 7-1-2019.

Sec. 1. (a) This chapter applies only to a remote notarial act performed after the earlier of:

(1) the effective date of rules adopted under IC 33-42-16-2; or

(2) July 1, 2020.

(b) To the extent that this chapter conflicts with another provision of this article concerning remote notarial acts, this chapter is controlling.

IC 33-42-17-2 Registration; fee; term

Effective 7-1-2019.

Sec. 2. (a) A notary public may perform a remote notarial act only after registering as a remote notary public with the secretary of state.

(b) A notary public is eligible to register under subsection (a) if the notary public:

- (1) holds a current commission as a notary public in Indiana;
- (2) complies with the continuing education requirements described in IC 33-42-12-2, and prescribed under IC 33-42-16-2;
- (3) is able to competently:
 - (A) operate audiovisual communication technology; and
 - (B) use identity proofing and credential analysis technology;
- (4) pays a registration fee in the amount of five dollars (\$5); and
- (5) passes a remote notarial act examination administered by the secretary of state.
- (c) The registration fee described in subsection (b) is in addition to the processing fee described in IC 33-42-12-1(c).
- (d) Unless a registration under this section is revoked under IC 33-42-13, the term of registration:
 - (1) begins on the registration starting date set by the secretary of state; and
 - (2) expires on the date on which the remote notary public's current commission ends.
- (e) A remote notary public whose registration expires under subsection (d) may not perform a remote notarial act until the remote notary public has reregistered under this section.
- (f) A notary public is not required to perform remote notarial acts.
- (g) A remote notary public may perform a remote notarial act only if the remote notary public is physically present in Indiana at the time the remote notarial act is performed.

IC 33-42-17-3 Remote notary public functions; requirements; use of equipment

Effective 7-1-2019.

Sec. 3. (a) A remote notary public:

- (1) is a notary public subject to IC 33-42-12 to the same extent as a notary public who is not registered under this chapter;
- (2) may perform notarial acts under IC 33-42-9 in addition to performing remote notarial acts; and
- (3) may perform remote notarial acts in accordance with this chapter.
- (b) A remote notary public who is physically present in Indiana may perform the following notarial acts as remote notarial acts:
 - (1) Taking an acknowledgment.
 - (2) Administering an affirmation or oath.
 - (3) Taking a verification on an oath or affirmation.
 - (4) Attesting to or witnessing a signature.
 - (5) Attesting to or certifying a copy of a document or record.
- (c) A remote notary public may use audiovisual communication technology in performance of a remote notarial act described in subsection (b) if the remote notary public has first:
 - (1) selected an audiovisual communication technology that has been approved by the secretary of state under rules adopted under IC 4-22-2; and
 - (2) notified the secretary of state of the selection.
- (d) Subject to subsection (e), a remote notarial act performed:
 - (1) by a remote notary public commissioned in Indiana; and
 - (2) using audiovisual communication technology described in subsection (c);
 is considered to have been performed in Indiana, regardless of the physical location of the principal at the time the remote notarial act is performed, and is governed by Indiana law.

(e) A remote notary public may perform a remote notarial act using audiovisual communication technology described in subsection (c) for a principal that is present:

- (1) in Indiana;
- (2) outside Indiana, but within the United States; or
- (3) outside the United States if:
 - (A) the requested notarial act is not prohibited in the jurisdiction where the principal is present at the time of the remote notarial act; and
 - (B) the remote notarial act concerns a matter that:
 - (i) is before a court, a governmental entity, or another entity in;
 - (ii) concerns a property located in; or
 - (iii) relates to a transaction substantially connected to a territory or jurisdiction of;
the United States.

(f) A remote notarial act that is performed using audiovisual communication technology described in subsection (c) must be captured by an audiovisual recording, regardless of whether the requested remote notarial act is completed.

(g) Before performing a remote notarial act described in subsections (b) and (c), a remote notary public shall inform the participating parties that the remote notarial act will be captured by an audiovisual recording.

(h) An audiovisual recording of a remote notarial act must include the following:

- (1) A recitation of the following by the remote notary public:
 - (A) Identifying information sufficient to identify the specific remote notarial act performed.
 - (B) A statement explaining one (1) of the following:
 - (i) That the principal's identity is authenticated through the remote notary public's personal knowledge of the principal's identity.
 - (ii) That the identity of the principal is authenticated by a credible witness.
- (2) A confirmation by the principal that the principal's electronic signature is freely and voluntarily issued.

(i) Regardless of the physical location of the principal at the time of the notarial act, the validity of a remote notarial act performed by a remote notary public commissioned in Indiana must be determined under the laws of this state.

IC 33-42-17-4 Principal appearance

Effective 7-1-2019.

Sec. 4. (a) If a remote notarial act relates to a statement made in or a signature executed on a record, the principal shall appear before the remote notary public:

- (1) physically; or
- (2) by means of audiovisual communication described in section 6 of this chapter.

(b) Any appearance described in subsection (a)(2) is considered to be an in person appearance for purposes of this chapter.

IC 33-42-17-5 Verification of principal's identity

Effective 7-1-2019.

Sec. 5. The identity of the principal in a remote notarial act may be verified by either of the following:

- (1) The remote notary public's personal knowledge of the principal's identity.
- (2) A credible witness's knowledge of the principal's identity.

- (3) All of the following:
 - (A) Remote presentation by the principal of a credential identifying the principal.
 - (B) Credential analysis and visual inspection by the remote notary public of the credential described in clause (A).
 - (C) Identity proofing of the principal, which may include a dynamic knowledge based authentication assessment or use of a public key infrastructure.
- (4) Another method that uses technology that meets or exceeds the standards for approval established by the secretary of state under IC 33-42-16-2.

IC 33-42-17-6 Approval of remote notarial act equipment

Effective 7-1-2019.

Sec. 6. (a) Technology used by a remote notary public for use in performing remote notarial acts must first be approved by the secretary of state.

(b) The secretary of state may approve technology described in subsection (a) only if the:

- (1) technology:
 - (A) is tamper evident;
 - (B) allows a remote notarial act to be completed in accordance with this article;
 - (C) conforms to rules adopted by the secretary of state under IC 4-22-2; and
 - (D) if the technology is to be used for a remote notarial act described in section 4(a) of this chapter, allows for audiovisual communication between the parties; and
- (2) vendor of the technology described in subdivision (1):
 - (A) uses a backup strategy that is acceptable to the secretary of state for use as a record keeper for any record that is related to a remote notarial act; and
 - (B) signs an agreement with the owner of the backup strategy described in clause (A) that, in the event that the vendor ceases business operations, the owner is required to release to the secretary of state any record described in clause (A).

(c) A remote notary public:

- (1) may select one (1) or more technologies approved by the secretary of state under this section to perform remote notarial acts; and
- (2) may not be required to use a particular technology not previously selected by the remote notary public.

(d) A remote notary public shall do the following:

- (1) Take reasonable steps to ensure that audiovisual technology used in a remote notarial act is secure from unauthorized interception.
- (2) Not later than thirty (30) days after the change occurs, notify the secretary of state of any change in technology used by the remote notary public to perform remote notarial acts.

IC 33-42-17-7 Electronic notarial certificate; form

Effective 7-1-2019.

Sec. 7. (a) An electronic notarial certificate of a remote notarial act must:

- (1) specify that the notarial act is a remote notarial act;
- (2) include a space in which a remote notary public may indicate whether the principal in the remote notarial act appeared before the remote notary public under section 4(a)(1) or 4(a)(2) of this chapter; and
- (3) specify the:
 - (A) city and county in Indiana in which the remote notary public is physically

located when the remote notary public performs the remote notarial act; and
(B) city, county, state or province, and country in which the principal is physically located when the principal signs the document.

(b) Completion of either of the following forms satisfies the requirements of this section:

“State of Indiana

County of _____

City of _____

I certify that the attached or associated electronic record entitled

_____ and dated _____

was signed by the principal _____ who was located in this city _____, county _____, state or province _____, and country _____ and notarized by me, the remote notary public, on this date _____ in this city and county _____, Indiana.

“State of Indiana

County of _____

City of _____

I certify that the attached or associated electronic record entitled

_____ and dated _____

was acknowledged and signed by the principal _____ who was located in this city _____, county _____, state or province _____, and country _____ and who appeared by audio visual communication on this date, was notarized by me, the remote notary public, on this date _____ in this city and county _____, Indiana.

Signed _____, remote notary public.

Printed name of remote notary public _____

Date notary public commission expires _____”.

IC 33-42-17-8 Electronic journal

Effective 7-1-2019.

Sec. 8. (a) A remote notary public who performs a remote notarial act shall personally do the following:

- (1) Enter each remote notarial act in an electronic journal.
- (2) Maintain the electronic journal.
- (3) Keep the electronic journal in the exclusive control of the remote notary public.
- (4) Use commercially reasonable means to prevent unauthorized access to the electronic journal.
- (5) Provide for the lawful copying and inspection of the electronic journal.

(b) An employer may not perform the responsibilities described in subsection (a) on behalf of a remote notary public.

(c) A remote notary public may maintain more than one (1) electronic journal.

(d) The following apply to an electronic journal:

- (1) Access to the information contained in the electronic journal must be contingent upon the use of a password or other secure means of authentication.
- (2) It must be possible to print or produce a tangible record of any entry logged in the electronic journal.

- (e) A journal entry for each remote notarial act must consist of the following:
- (1) The date and time of the remote notarial act.
 - (2) The type of remote notarial act.
 - (3) A title or description of the electronic record for each remote notarial act.
 - (4) The full name of the principal.
 - (5) A description of the manner by which the identity of the principal was authenticated or verified.
 - (6) A description of any credential and the credential's corresponding date of expiration used to authenticate or verify the identity of the principal.
 - (7) A listing of:
 - (A) every type of fee; and
 - (B) every fee amount;
 charged by the remote notary public for each remote notarial act.
 - (8) Any other information required by the secretary of state.
- (f) A remote notary public shall not delete, destroy, overwrite, or render inaccessible an electronic journal unless the remote notary public is ordered to do so by the secretary of state or judicial order.
- (g) Upon a remote notary public's learning that an electronic journal is lost, stolen, or compromised, the remote notary public shall notify the secretary of state.
- (h) A remote notary public who resigns or whose commission expires shall maintain the contents of an electronic journal for at least ten (10) years after the performance of the last recorded remote notarial act.

IC 33-42-17-9 Remote notary public fees

Effective 7-1-2019.

- Sec. 9. (a) A remote notary public may charge a fee of not more than twenty-five dollars (\$25) for each remote notarial act.
- (b) A remote notary public may charge a reasonable fee to recover expenses related to the copying of:
- (1) electronic journal entries; or
 - (2) audiovisual recording of remote notarial acts.

IC 33-42-17-10 Presumption of validity of remote notarial act

Effective 7-1-2019.

- Sec. 10. (a) A remote notarial act performed by a remote notary public is presumed valid, regardless of the failure of the remote notary public to perform a duty or meet a requirement of this chapter.
- (b) The presumed validity under subsection (a) of a remote notarial act does not do the following:
- (1) Apply to a remote notarial act that is:
 - (A) performed by an unauthorized individual; or
 - (B) described in IC 33-42-13-3(a)(10).
 - (2) Prevent an injured party from seeking:
 - (A) the invalidation of a record or transaction reliant upon an incomplete remote notarial act; or
 - (B) another remedy under state or federal law.

IC 33-42-17-11 Electronic data base of remote notaries public and technology

vendors

Effective 7-1-2019.

Sec. 11. The secretary of state shall maintain on the secretary of state’s Internet web site an electronic data base of active:

- (1) remote notaries public; and
- (2) vendors of technology that are approved by the secretary of state under section 6 of this chapter.

IC 33-42-17-12 Requirements for certain remote notarial acts

Effective 7-1-2019.

Sec. 12. (a) An individual performing a notarial act as described in IC 33-42-9-8, IC 33-42-9-9, IC 33-42-9-10, or IC 33-42-9-11 may not perform the notarial act as a remote notarial act unless:

- (1) the individual performing the remote notarial act is:
 - (A) a notary public commissioned by the secretary of state under IC 33-42-2; and
 - (B) registered as a remote notary public under section 2 of this chapter;
- (2) the remote notarial act is performed in accordance with this chapter; and
- (3) the individual performing the remote notarial act complies with this chapter.

(b) A remote notarial act performed in accordance with this chapter is considered to have been performed in Indiana, regardless of the physical location of the principal at the time the remote notarial act is performed.

**TITLE 35. CRIMINAL LAW AND PROCEDURE
 ARTICLE 43. OFFENSES AGAINST PROPERTY
 CHAPTER 5. FORGERY, FRAUD, AND OTHER DECEPTIONS**

IC 35-43-5-3.7. Notario publico deception

Sec. 3.7. A person who violates IC 33-42-13-4 commits notario publico deception, a Class A misdemeanor.

Sec. 23. (a) The following terms are defined for this section:

- (1) “Acknowledgment” has the meaning set forth in IC 33-42-0.5-1(1).
- (2) “Notarial officer” has the meaning set forth in IC 33-42-0.5-1(5).

(b) A notarial officer who, with intent to defraud, knowingly or intentionally:

- (1) affixes a person’s signature to a blank affidavit or certificate of acknowledgment; and
- (2) delivers that affidavit or certificate to another person; with the intent that it be used as an affidavit or acknowledgment commits notary fraud, a Level 6 felony.

(c) A person who knowingly or intentionally uses an affidavit or certificate described in subsection (b) for any purpose commits notarial fraud, a Level 6 felony.

**ARTICLE 45. OFFENSES AGAINST PUBLIC HEALTH,
 ORDER, AND DECENCY
 CHAPTER 14. UNLAWFUL SOLICITATION**

IC 35-45-14-2. Unlawful solicitation

Sec. 2. A person who is not an attorney and who:

(1) knowingly or intentionally solicits, advises, requests, or induces another person to bring an action in a court; and

(2) in making a solicitation under subdivision (1), directly or indirectly receives any compensation, fee, or commission from the attorney for the solicitation; commits unlawful solicitation, a Class A misdemeanor.