

## **OKLAHOMA STATUTES**

### **TITLE 6. BANKS AND TRUST COMPANIES CHAPTER 1. OKLAHOMA BANKING CODE ARTICLE IX. DEPOSITS AND COLLECTIONS - NOTARY PUBLIC - PROTESTS.**

#### **§ 6-904. Stockholder, director, officer or employee of bank as notary public — Administration of oaths - Protests - Notary fee.**

It shall be lawful for any notary public who is a stockholder, director, officer or employee of a bank to take the acknowledgment of any party to any written instrument executed to or by such bank, or to administer an oath to any other stockholder, director, officer, employee or agent of such bank, or to protest for nonacceptance or nonpayment bills of exchange, drafts, checks, notes and other negotiable instruments which may be owned or held for collection by such bank. It shall be unlawful for any notary public to take the acknowledgment of an instrument executed by or to a bank of which the notary public is a stockholder, director, officer or employee, where such notary is a party to such instrument, either individually or as a representative of such bank, or to protest any negotiable instrument owned or held for collection by such bank where such notary is individually a party to such instrument. Nothing contained in this section shall be construed to prohibit or limit the charging of a notary fee by the notary public who is a stockholder, director, officer, or employee of a bank.

### **TITLE 12A. COMMERCIAL CODE ARTICLE 15. UNIFORM ELECTRONIC TRANSACTIONS ACT**

#### **§ 12A-15-111. Notarization and acknowledgment.**

If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

### **TITLE 16. CONVEYANCES**

#### **§ 16-2. Witness Not Necessary.**

No subscribing witness shall be necessary to the validity of any deed, mortgage, contract, lease, bond, or other instrument conveying, affecting or relating to real estate.

#### **§ 16-3. Attorney-in-Fact.**

Any instrument affecting real estate may be made by an attorney-in-fact, duly appointed and empowered as hereinafter provided.

#### **§ 16-4. Necessity of Writing and Signing - Veterans' Loans - Homestead - Joinder of Husband and Wife - Effect of Record for 10 Years.**

A. No deed, mortgage, or conveyance of real estate or any interest in real estate, other than a lease for a period not to exceed one (1) year, shall be valid unless in writing and subscribed by the grantors. No deed, mortgage, or contract affecting the homestead exempt by law, except a lease for a period not exceeding one (1) year, shall be valid

unless in writing and subscribed by both husband and wife, if both are living and not divorced, or legally separated, except as otherwise provided for by law.

B. Unless specifically restricted, an attorney-in-fact may execute a valid deed, mortgage or contract affecting the homestead exempt by law including the principal's personal homestead rights on behalf of:

1. A husband;
2. A wife; or
3. A husband and wife.

C. In order for the execution of an instrument affecting the exempt homestead by an attorney-in-fact to be valid, the power of attorney authorizing execution of a deed, mortgage, or contract affecting the homestead exempt by law shall be recorded with the county clerk of the counties in which the affected property is located.

D. Nonjoinder of the spouse shall not invalidate the purchase of a home with mortgage loan insurance furnished by the Veteran's Administration or written contracts and real estate mortgages executed by the spouse of a person who is certified by the United States Department of Defense to be a prisoner of war or missing in action. A deed affecting the homestead shall be valid without the signature of the spouse of the grantor, and the spouse shall be deemed to have consented thereto, when said deed has been recorded in the office of the county clerk of the county in which the real estate is located for a period of ten (10) years prior to a date six (6) months after May 25, 1953, and thereafter when the same shall have been so recorded for a period of ten (10) years, and no action shall have been instituted within said time in any court of record having jurisdiction seeking to cancel, avoid, or invalidate such deed by reason of the alleged homestead character of the real estate at the time of such conveyance.

#### **§ 16-5. Validation of conveyances.**

All deeds, mortgages and contracts relating to real estate or any interest therein executed since the taking effect of Chapter 8, of the Session Laws of Oklahoma, 1897, executed in accordance with the provisions of the preceding section are hereby declared to be legal and valid.

#### **§ 16-6. When husband or wife may convey homestead.**

Where the title to the homestead is in the husband, and the wife voluntarily abandons him for a period of one (1) year or from any cause takes up her residence out of the state, he may convey, mortgage or make any contract relating thereto without being joined therein by her; and where the title to the homestead is in the wife and the husband voluntarily abandons her, or from any cause takes up his residence out of the state for a period of one (1) year she may convey, mortgage or make any contract relating thereto without being joined therein by him.

#### **§ 16-7. Husband or Wife of Incapacitated Spouse May Sell, Convey, Lease or Mortgage Homestead Held in Joint Tenancy.**

In case of a homestead held in joint tenancy, if one spouse becomes incapacitated, upon application of the other spouse to the district court of the county in which the homestead is located, and upon due proof of said incapacity, the court may issue an order permitting said other spouse to sell, convey, lease, lease for oil and gas mining purposes, or mortgage the homestead. For purposes of this section and Sections 3 and 4 of this act "incapacitated" or "incapacity" means impairment due to mental illness, mental

deficiency, physical illness or disability, to the extent the individual lacks sufficient understanding or capacity to make or communicate responsible decisions.

**§ 16-8. Verified Petition to be Filed.**

The applicant shall present and file in the district court a verified petition setting forth the name and age of the incapacitated spouse, a description of the homestead, the county in which the homestead is located, and such other facts relating to the circumstances and needs of the applicant and his family that may support the petition.

**§ 16-15. Necessity of Acknowledgment and Recording - Condition for judgment lien to be binding against third persons.**

Except as hereinafter provided, no acknowledgment or recording shall be necessary to the validity of any deed, mortgage, or contract relating to real estate as between the parties thereto; but no deed, mortgage, contract, bond, lease, or other instrument relating to real estate other than a lease for a period not exceeding one (1) year and accompanied by actual possession, shall be valid as against third persons unless acknowledged and recorded as herein provided. No judgment lien shall be binding against third persons unless the judgment lienholder has filed his judgment in the office of the county clerk as provided by and in accordance with Section 706[12-706] of Title 12 of the Oklahoma Statutes.

**§ 16-20. Power of Attorney - Execution - Recording.**

A power of attorney in fact for the conveyance of real estate or any interest therein, or for the execution or release of any mortgage therefor, shall be executed, acknowledged and recorded in the manner required by this chapter<sup>[fn1]</sup> for the execution, acknowledgment and recording of deeds and mortgages, and shall be recorded in the county where the land is situated, and no deed, mortgage or release of a mortgage executed by an attorney in fact shall be received for record or recorded until the power under which the same is executed has been duly filed for record in the same office; and the recording of any deed, mortgage or release of mortgage shall be of no effect for any purpose until the power under which it is executed has been duly filed for record in the same office. Provided that any power of attorney promulgated by any agency of the Government of the United States shall be deemed sufficiently recorded for purposes of this section if the promulgation thereof shall have been published in the Federal Registry of the Government of the United States and any instrument executed pursuant to said power of attorney recites the specific reference to said publication.

**§ 16-21. Revocation of Power of Attorney.**

No instrument containing a power of attorney for the conveyance, mortgage, or lease of any estate or interest in real property which has been recorded, is to be deemed revoked as to third parties by any act of the person by whom it was executed, unless the instrument containing such revocation is also recorded in the same office in which the instrument containing the power of attorney was recorded.

**§ 16-26. Acknowledgment before Recording.**

No deed, mortgage or other instrument affecting the real estate shall be received for record or recorded unless executed and acknowledged in substantial compliance with this chapter; and the recording of any such instrument not so executed and acknowledged shall not be effective for any purpose.

**§ 16-27a. Instruments recorded for five (5) years valid notwithstanding defects - Evidence.**

A. When any instrument shall have been recorded in the office of the county clerk in the proper county for the period of five (5) years, and the instrument contains any of the following defects:

1. It has not been signed by the proper representative of a legal entity;
2. The representative is not authorized to execute the instrument on behalf of the legal entity;
3. A power of attorney has not been filed of record for an attorney in fact executing the instrument;
4. The seal of the legal entity has not been impressed on such instrument or the record does not show such seal;
5. The instrument is not acknowledged;
6. A deed or conveyance does not bear endorsement of approval by the appropriate governmental planning authority having jurisdiction; or
7. Any defect in the execution, acknowledgment, recording or certificate of recording the same, such instrument shall, from and after the expiration of five (5) years from the filing thereof for record, be valid as though such instrument had, in the first instance, been in all respects duly executed, acknowledged, approved by the appropriate planning authority having jurisdiction, and certified. Such instrument or the record thereof or a duly-authenticated copy thereof shall be competent evidence without requiring the original to be produced or accounted for to the same extent that written instruments, duly executed and acknowledged, or the record thereof, are competent. However, nothing herein contained shall be construed to affect any rights acquired by grantees, assignees or encumbrancers subsequent to the filing of such instrument for record and prior to the expiration of five (5) years from the filing of such instrument for record.

B. This section shall apply to instruments recorded before or after November 1, 1995. However, with respect to those recorded before such date, the five-year period specified above shall not expire until one (1) year after the effective date of this act.

**§ 16-28. Instruments to be Printed or Handwritten in English.**

No instrument affecting the title to real estate shall be filed for record or recorded unless plainly printed, typed, or handwritten or partly printed, partly typed, or partly handwritten and the instrument is an original or a certified copy of an original instrument, clearly legible in the English language.

**§ 16-33. Form of Acknowledgment.**

An acknowledgment by individuals of any instrument affecting real estate shall be in substantially a form as provided for in the Uniform Law on Notarial Acts or in substantially the following form:

State of Oklahoma,     )  
  ) ss  
\_\_\_\_\_ County.)

Before me, \_\_\_ in and for this state, on this \_\_\_ day of \_\_\_\_\_, personally appeared \_\_\_ to me known to be the identical persons - who executed the within and foregoing instrument, and acknowledged to me that \_\_\_ executed the same as \_\_\_ free and

voluntary act and deed for the uses and purposes therein set forth.

**§ 16-34. Execution by Mark.**

When real estate is conveyed or encumbered by an instrument in writing by a person who cannot write his or her name, the person shall execute the same by a mark, and the person's name shall be written near the mark by one of two persons who saw the mark made, who shall write their names on the instrument as witnesses. In case the instrument is acknowledged, then the officer taking the acknowledgment shall, in addition to the other necessary recitals in the acknowledgment, state that the grantor executed the instrument, by inserting in the form of acknowledgment provided in Section 33 of this title by individuals after the words "foregoing instrument" the words "by the person's mark, in my presence and in the presence of \_\_\_\_\_ and \_\_\_\_\_ as witnesses".

**§ 16-35. Acknowledgment to be under seal - Before whom taken.**

Every acknowledgment must be under seal of the officer taking the same; and when taken in this state, it may be taken before any notary public, county clerk, clerk of the district court, clerk of the county court, or county judge; and when taken elsewhere in the United States, or United States possessions, or Canada (including Newfoundland), it may be taken before any notary public, clerk of a court of record, or commissioner of deeds duly appointed by the Governor of the state for the county, state or territory where the same is taken; and when taken in any other foreign country, it may be taken before any court of record or clerk of such court, or before any Consul of the United States, provided, that acknowledgments relating to military business of the state may be taken before an officer in charge of any summary Court-Martial appointed under the provisions of Section 157, Title 44, Oklahoma Statutes, 1941, a certified copy of whose appointment is placed of record in the office of the Secretary of State by the Adjutant General.

**§ 16-36. Legalizing acknowledgments heretofore taken.**

In all cases where heretofore any county judge, register of deeds, United States commissioner, or United States court commissioner has taken acknowledgment of deeds or other conveyances of real estate in their respective counties, that the same be and are hereby legalized and made valid and binding; and such action shall have the same force and effect as if taken before some officer heretofore empowered by the statute to take acknowledgments.

**§ 16-37. Foreign Acknowledgments Legalized.**

All deeds, mortgages, oil and gas leases, powers of attorney and other instruments of writing for the conveyance or encumbrance of any lands, tenements, or hereditaments situated within this state, heretofore executed and acknowledged or proved in any state, territory, District of Columbia or country in conformity with the law of such state, territory, District of Columbia or country, shall be as valid as if executed within this state in conformity with the provisions of the laws of this state. Provided this act shall not validate any acknowledgements fraudulently obtained.

**§ 16-37a. Foreign acknowledgments validated.**

All deeds, mortgages, releases, oil and gas leases, powers of attorney and other instruments of writing for the conveyance or encumbrance of any lands, tenements, or

hereditaments situated within this state, heretofore executed and acknowledged or proved in any state, territory, District of Columbia or foreign country in conformity with the law of such state, territory, District of Columbia or foreign country, shall be as valid as to execution and acknowledgment thereof, only, as if executed and acknowledged within this state in conformity with the provisions of the laws of this state. Provided this act shall not validate any execution or acknowledgment fraudulently obtained.

**§ 16-37b. Foreign Execution and Acknowledgments Validated —Exceptions.**

All deeds, mortgages, releases, oil and gas leases, powers of attorney and other instruments of writing for the conveyance or encumbrance of any lands, tenements or hereditaments situated within this state, now of record or hereafter recorded which are executed and acknowledged or proved in any state, territory, District of Columbia or foreign country, in conformity with the law of such state, territory, District of Columbia or foreign country, or in conformity with the Federal Statutes, shall be as valid as to execution and acknowledgment thereof, only, as if executed and acknowledged within this state in conformity with the provisions of the laws of this state. Provided this act shall not validate any deed, mortgage, releases, oil and gas leases, powers of attorney, and other instruments of writing for the conveyance of any lands, tenements, or hereditaments, the validity of which is in litigation upon the effective date of this act. Provided this act shall not validate any execution or acknowledgment fraudulently obtained.

**§ 16-38. Acknowledgments before Deputy Clerk of District Court validated.**

In all cases where heretofore any deputy clerk of the district court has taken acknowledgments of deeds, or other conveyances of real estate, in their respective counties, the same are hereby legalized and made binding, and such action shall have the same force and effect as if taken before some officer heretofore empowered by the statute to take acknowledgments.

**§ 16-39a. Record of deeds, mortgages, etc., where acknowledgment defective - Validation.**

All deeds, mortgages, conveyances, or other instruments affecting the title to real property in the state, the acknowledgment of which was taken and certificate of acknowledgment executed by a Justice of the Peace of the county wherein such real property is situated, and/or where any notarial acknowledgment was taken before a notary public of any county in this state or of any other state where the certificate of acknowledgment is defective in form, and where any such instrument has actually been filed and recorded or copied into the permanent volumes of public title records in the office of the county clerk of the county in which said property is situated for a period of five or more years and has not been canceled of record, the recording of any such instrument is and shall be and become a valid public record in all respects and for all purposes as fully as if the same had been originally acknowledged before and certificate executed by an authorized officer and in the manner and form required by law at the time of the execution thereof.

**§ 16-86.2. DEFINITIONS.**

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(4) “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the

intent to sign the document. "Electronic signature" includes a digital image or electronic copy of an original signature affixed to an original or certified copy of an original paper document or instrument, provided that the person submitting the digital image or electronic copy of the document or instrument complies with all other requirements, rules or regulations concerning electronic recordings under the Uniform Real Property Electronic Recording Act.

**§ 16-86.3. VALIDITY OF ELECTRONIC DOCUMENTS.**

(a) If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium, or be in writing, the requirement is satisfied by an electronic document satisfying the Uniform Real Property Electronic Recording Act.

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

(c) 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 electronic image of a stamp, impression, or seal need not accompany an electronic signature.

**TITLE 21. CRIMES AND PUNISHMENTS**  
**PART VII. CRIMES AGAINST PROPERTY**  
**CHAPTER 61. FALSE PRETENSES, FALSE PERSONATIONS,**  
**CHEATS AND FRAUDS**  
**FRAUDS IN GENERAL**

**§ 21-1524. Falsely holding out as notary or performing notarial act - Penalty.**

A. No person in this state shall hold himself out as a notary public, attach his signature as a notary public, use a notary public seal, or perform any notarial act unless he is authorized pursuant to the provisions of Section 114 of Title 49 of the Oklahoma Statutes to perform such acts.

B. Any person convicted of knowingly and willfully violating any of the provisions of this section shall be guilty of a misdemeanor.

**TITLE 26. ELECTIONS**  
**CHAPTER A1. ELECTION CODE**  
**ARTICLE XIV. ABSENTEE VOTING**

**§ 26-14-108.1. Notary public - Absentee ballots and affidavits.**

A. Neither a notary public nor an agent working on behalf of a notary public shall be authorized to:

1. Request absentee ballots on behalf of a voter other than himself or herself;
2. Assist a voter in requesting absentee ballots, other than for himself or herself or a member of his or her household;
3. Receive by mail an absentee ballot on behalf of a voter, other than for himself or herself or a member of his or her household; or
4. Submit a completed absentee ballot on behalf of a voter other than for himself or herself.

B. A notary public shall maintain a log of all absentee ballot affidavits that he or she notarizes for a period of at least two (2) years after the date of the election.

C. A notary public shall be authorized to notarize a maximum of twenty absentee ballot affidavits for a single election. A notary public may be authorized to notarize more than twenty absentee ballot affidavits with the written approval of the secretary of the county election board. The limitation required by this subsection shall not apply to the notarizing of ballots at the place of business of a notary public during the normal business hours of the notary public; provided, however, such limitations shall apply to any agency or other entity that provides voter registration services as required by the National Voter Registration Act of 1993 or by Sections 4-109.2 and 4-109.3 of this title.

D. If more than ten absentee ballots for a single election are requested to be mailed to a single mailing address, the secretary of the county election board shall immediately notify the district attorney for that county and the Secretary of the State Election Board. Provided, this requirement shall not apply to requests for ballots to be sent to nursing homes, veterans centers, medical facilities, multi-unit housing, addresses of uniformed or overseas voters as defined by the Uniformed and Overseas Citizens Absentee Voting Act, or other locations authorized in writing by the Secretary of the State Election Board.

E. The provisions of this section shall only apply to an election conducted by a county election board or the State Election Board.

## **TITLE 49. NOTARIES PUBLIC**

### **§ 49-1. Appointment - Removal.**

The Secretary of State shall appoint and commission in this state notaries public, who shall hold their office for four (4) years. An applicant for a notary commission shall be eighteen (18) years of age or older, a citizen of the United States, and employed within this state or a legal resident of this state. A felony conviction shall be grounds for removal of a person from the office of notary public. All notary commissions shall run in the name and by the authority of the State of Oklahoma, be signed by the Secretary of State, and sealed with the Great Seal of the State of Oklahoma. Commissions shall not be attested. Any person filing an application for a new notary commission shall pay Twenty-five Dollars (\$25.00) to the Secretary of State with the application. Any person filing an application for a renewal of a notary commission shall pay Twenty Dollars (\$20.00) to the Secretary of State with the application. Any person requiring "same day filing service" shall pay Twenty-five Dollars (\$25.00) to the Secretary of State in addition to the applicable filing fee. These funds shall be deposited in the Revolving Fund created for the Secretary of State pursuant to the provisions of Section 276.1 of Title 62 of the Oklahoma Statutes.

#### **§ 49-1.1. Notary commission application.**

The application for a notary commission shall set forth:

1. The name of the applicant, printed exactly as the applicant will sign documents as a notary public;
2. Former names of the applicant, if any;
3. If a resident of this state, the county of residence and street address of the applicant;
4. If a resident of another state, the county and street address of the applicant's place of employment in Oklahoma and the applicant's residence address;



5. Daytime phone number of the applicant;
6. Electronic mail address of the applicant;
7. A statement that the applicant is at least eighteen (18) years of age;
8. A designation of new, renewal or expired commission including an expiration date if applicable;
9. A statement that the applicant is a citizen of the United States;
10. A statement that the applicant has never been convicted of a felony;
11. A statement that the applicant is able to read and write in English; and
12. Signature of the applicant, exactly as the applicant will sign documents as a notary public.

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

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

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

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

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

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

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

**§ 49-3. Blanks for bond and oath.**

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

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

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

Every notary shall obtain a notarial seal containing the words "State of Oklahoma" and "Notary Public" and the notary's name. This seal may be either a metal seal which leaves an embossed impression or a rubber stamp used in conjunction with a stamp pad and ink. Each notary shall authenticate all official acts, attestations, and instruments with this seal; and shall add to the notary's official signature, the commission number of the

notary and the date of expiration of the commission of the notary. Failure to add the commission number or the date of expiration of the commission shall not affect the recordability of the instrument or the notice given by such recording. This date and commission number may be a part of the stamp or seal. If any notary public shall neglect or refuse to attach to the notary's official signature the date of expiration of the notary's commission, the notary shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding Fifty Dollars (\$50.00). The maximum fee a notary may charge and collect for each notarial act is Five Dollars (\$5.00), except no fee shall be charged for the notarization of an official absentee ballot affidavit.

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

A. Notaries public shall have authority within any county in this state to make the proof and acknowledgement of deeds and other instruments of writing required to be proved or acknowledged; to administer oaths; to demand acceptance or payment of foreign or inland bills of exchange and promissory notes, and protest the same for nonacceptance or nonpayment, as the same may require, and to exercise such other powers and duties as by law of nations and commercial usage may be performed by notaries public. A notary may not notarize his or her own signature.

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

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

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

**§ 49-7. Record of protests.**

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

R.L. 1910, § 4246.

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

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

**§ 49-10. Statute of limitations.**

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

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

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

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

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

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

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

1. Conviction of any felony;
2. Failure to meet the qualifications and application requirements set forth in Sections 1 and 1.1 of Title 49 of the Oklahoma Statutes; or
3. Failure to comply with the requirements set forth in Section 2 of Title 49 of the Oklahoma Statutes.

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

**UNIFORM RECOGNITION OF ACKNOWLEDGMENTS ACT**

**§ § 101 to 109. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985**

**UNIFORM LAW ON NOTARIAL ACTS**

**§ 49-111. Short title.**

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

### **§ 49-112. Definitions.**

As used in the Uniform Law on Notarial Acts:

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

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

- A. In taking an acknowledgment, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the acknowledgment is the person whose true signature is on the instrument.
- B. In taking a verification upon oath or affirmation, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the verification is the person whose true signature is on the statement verified.
- C. In witnessing or attesting a signature the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the officer and named therein.
- D. In certifying or attesting a copy of a document or other item, the notarial officer must determine that the proffered copy is a full, true, and accurate transcription or reproduction of that which was copied. In the case of official records, only the custodian of the official records may issue an official certified copy.
- E. In making or noting a protest of a negotiable instrument the notarial officer must determine the matters set forth in Section 3-509 of the Uniform Commercial Code.
- F. A notarial officer has satisfactory evidence that a person is the person whose true signature is on a document if that person is personally known to the notarial officer, is identified upon the oath or affirmation of a credible witness personally known to the notarial officer or is identified on the basis of identification documents.

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

- A. A notarial act may be performed within this state by the following persons:
1. a notary public of this state;
  2. a judge, secretary-bailiff of a judge, clerk, or deputy clerk of any court of this state;
  3. all judge advocates, staff judge advocates, assistant judge advocates and all legal officers of the state military forces in performance of their official duties for military personnel and their dependents; or
  4. any other person authorized to perform the specific act by the law of this state.
- B. Notarial acts performed within this state under federal authority have the same effect as if performed by a notarial officer of this state.
- C. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

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

- A. A notarial act has the same effect pursuant to the laws of this state as if performed by a notarial officer of this state, if performed in another state, commonwealth, territory, district, or possession of the United States by any of the following persons:
1. a notary public of that jurisdiction;
  2. a judge, clerk, or deputy clerk of a court of that jurisdiction;
  3. all judge advocates, staff judge advocates, assistant judge advocates and all legal officers of the state military forces; or
  4. any other person authorized by the law of that jurisdiction to perform notarial acts.
- B. Notarial acts performed in other jurisdictions of the United States under federal authority have the same effect as if performed by a notarial officer of this state.
- C. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.
- D. The signature and indicated title of an officer listed in this section conclusively establish the authority of a holder of that title to perform a notarial act.

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

- A. A notarial act has the same effect pursuant to the laws of this state as if performed by a notarial officer of this state if performed anywhere by any of the following persons under authority granted by the law of the United States:
1. a judge, clerk, or deputy clerk of a court;
  2. a commissioned officer on active duty in the military service of the United States;
  3. an officer of the foreign service or consular officer of the United States; or
  4. any other person authorized by federal law to perform notarial acts.
- B. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.
- C. The signature and indicated title of an officer listed in this section conclusively establish the authority of a holder of that title to perform a notarial act.

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

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

organization by any of the following persons:

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

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

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

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

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

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

**§ 49-118. Certification of notarial act.**

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

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

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

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

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

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

1. For an acknowledgment in an individual capacity;

State of .....

County of .....

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

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
Title (and Rank)  
My commission expires:  
.....

2. For an acknowledgment in a representative capacity:

State of .....  
County of .....

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

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
Title (and Rank)  
My commission expires:  
.....

3. For a verification upon oath or affirmation:

State of .....  
County of .....

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

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
Title (and Rank)  
My commission expires:  
.....

4. For witnessing or attesting a signature:

State of .....  
County of .....

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

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
Title (and Rank)  
My commission expires:  
.....

5. For attestation of a copy of a document:

State of .....  
County of .....

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

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
Title (and Rank)  
My commission expires:  
.....

**§ 49-120. Construction and application of act.**

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

**§ 49-121. Interpretation of act.**

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

**OKLAHOMA ADMINISTRATIVE CODE**

**TITLE 655 CHAPTER 25  
SUBCHAPTER 1: GENERAL PROVISIONS**

**655:25-1-1. Purpose**

This Chapter establishes procedures and guidelines relating to notaries public.  
[Source: Amended at 11 Ok Reg 4245, eff 7-25-94; Amended at 16 Ok Reg 2626, eff 7-1-99; Amended at 18 Ok Reg 2793, eff 7-1-01]

**655:25-1-1.1. Availability of forms and instructions**

The following forms and instructions related to this Chapter are available for public use and may be obtained by contacting the Notary Department or from the Secretary of State website at [www.sos.state.ok.us](http://www.sos.state.ok.us):

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

[Source: Added at 16 Ok Reg 2626, eff 7-1-99; Amended at 18 Ok Reg 2793, eff 7-1-01]



### **655:25-1-2. Application**

(a) Every application for a notarial commission must include:

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

(b) Renewal applications will only be accepted during the six (6) weeks prior to the expiration date.

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

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

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

[Source: Added at 11 Ok Reg 4245, eff 7-25-94; Amended at 16 Ok Reg 2626, eff 7-1-99; Amended at 18 Ok Reg 2793, eff 7-1-01; Amended at 20 Ok Reg 2578, eff 7-11-03]

### **655:25-1-3. Suspension of notary commissions [REVOKED]**

[Source: Added at 11 Ok Reg 4245, eff 7-25-94; Revoked at 18 Ok Reg 2793, eff 7-1-01]

### **655:25-1-4. Record search [REVOKED]**

[Source: Added at 11 Ok Reg 4245, eff 7-25-94; Revoked at 18 Ok Reg 2793, eff 7-1-01]

### **655:25-1-5. Bond**

(a) Prior to performing the duties as a notary public, the following must be filed with the court clerk in the county in which the notary resides or if a non-resident, the county employed:

- (1) the commission;
- (2) an oath of office and loyalty oath;
- (3) the official signature;
- (4) an impression of the official seal;
- (5) a bond in the sum of One Thousand Dollars (\$1,000.00) approved by the court clerk; and
- (6) a filing fee.

(b) The bond reflecting the commission number and oath of office shall be transmitted by the court clerk to the Secretary of State for filing and recording.

[Source: Added at 11 Ok Reg 4245, eff 7-25-94; Amended at 18 Ok Reg 2793, eff 7-1-01; Amended at 20 Ok Reg 2578, eff 7-11-03]

**655:25-1-6. Notary public list subscriptions [REVOKED]**

[Source: Amended at 11 Ok Reg 4245, eff 7-25-94; Revoked at 18 Ok Reg 2793, eff 7-1-01]

**SUBCHAPTER 3: REVOCATION, RESIGNATION AND DEATH**

**655:25-3-1. Revocation**

(a) A notary commission will be revoked by the Secretary of State upon receipt of the following:

- (1) a court order issued for such purpose;
- (2) an official notice by a county court clerk;
- (3) an official notice by a public official in a position to order such suspension; or
- (4) failure to tender the statutory notary fees to the Secretary of State.

(b) Upon revocation of a notary commission, notice of such action will be mailed to the party ordering such revocation, the county court clerk of the county in which the notary's bond is filed and said notary.

[Source: Added at 18 Ok Reg 2793, eff 7-1-01; Amended at 20 Ok Reg 2578, eff 7-11-03]

**655:25-3-2. Resignation**

(a) A notary who resigns their notarial commission shall deliver to the Secretary of State a notice of resignation and the effective date of such resignation.

(b) Notaries who cease to reside or work in this state shall resign their commission.

(c) When a notarial commission is resigned, the notary shall destroy the official seal.

[Source: Added at 18 Ok Reg 2793, eff 7-1-01; Amended at 20 Ok Reg 2578, eff 7-11-03]

**655:25-3-3. Death**

If a notary dies during the term of commission, the notary's heirs or personal representative, as soon as reasonably practicable after death, shall:

- (1) destroy the official seal; and
- (2) deliver a signed notice of the date of death to the Secretary of State.

[Source: Added at 18 Ok Reg 2793, eff 7-1-01; Amended at 20 Ok Reg 2578, eff 7-11-03]

**SUBCHAPTER 5: SEAL**

**655:25-5-1. Journal [REVOKED]**

[Source: Added at 18 Ok Reg 2793, eff 7-1-01; Revoked at 20 Ok Reg 2578, eff 7-11-03]

**655:25-5-2. Official seal**

(a) A notary shall keep an official notarial seal that is the exclusive property of the notary and that may not be used by any other person. At the end of a notary's employment, an employer may not require the notary to surrender the seal.

(b) The seal may be either a metal seal which leaves an embossed impression or a rubber stamp.

(c) A notary shall authenticate all official acts with this seal. The seal impression shall appear near the notary's official signature on a notarial certificate.

[Source: Added at 18 Ok Reg 2793, eff 7-1-01; Amended at 20 Ok Reg 2578, eff 7-11-03]

**655:25-5-3. Lost journal or seal**

(a) Within 10 days after the loss or theft of the journal or seal, the notary shall deliver to the Secretary of State a written notice of the loss or theft and the date the seal was first discovered missing, and inform the appropriate law enforcement agency in the case of theft.

(b) Replacement. When purchasing a replacement seal, it is advisable to have a character or symbol added to the seal to distinguish it from the missing one. Within 10 days after purchasing a new seal, the notary shall deliver to the Secretary of State a written notice advising that a replacement seal has been purchased, the date of purchase, and the distinguishing character or symbol added.

[Source: Added at 18 Ok Reg 2793, eff 7-1-01]

## **SUBCHAPTER 7: CHANGE OF NAME AND ADDRESS**

### **655:25-7-1. Change of address [REVOKED]**

[Source: Added at 18 Ok Reg 2793, eff 7-1-01; Revoked at 20 Ok Reg 2578, eff 7-11-03]

### **655:25-7-2. Change of Name [REVOKED]**

[Source: Added at 18 Ok Reg 2793, eff 7-1-01; Revoked at 20 Ok Reg 2578, eff 7-11-03]

## **SUBCHAPTER 9: AVAILABILITY OF INFORMATION**

### **655:25-9-1. Availability of information [REVOKED]**

[Source: Added at 18 Ok Reg 2793, eff 7-1-01; Revoked at 20 Ok Reg 2578, eff 7-11-03]