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COUNCIL OF THE DISTRICT OF COLUMBIA

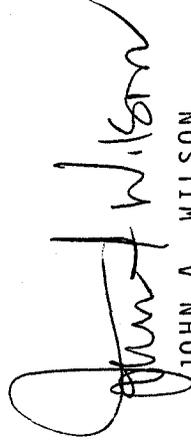
NOTICE

D.C. LAW 8-205

"Uniform Law on Notarial Acts of 1990"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 8-87 on first and second readings, November 20, 1990, and December 4, 1990, respectively. Following the signature of the Mayor on December 14, 1990, this legislation was assigned Act No. 8-280, published in the December 28, 1990, edition of the D.C. Register, (Vol. 37 page 8444) and transmitted to Congress on January 11, 1991 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 8-205, effective March 6, 1991.



JOHN A. WILSON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	11,14,15,16,17,18,22,23,24,25,28,29,30,31
February	1,4,5,6,7,19,20,21,22,25,26,27,28
March	1,4,5

AN ACT

D.C. ACT 8-280

Codification
District of Columbia Code
New Subchapter 2 of Chapter 6
of Title 45
(1991 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC. 14, 1990

To enact the Uniform Law on Notarial Acts in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Uniform Law on Notarial Acts of 1990".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Acknowledgment" means a declaration by a person that states:

(A) The person has executed an instrument for the purposes stated in the instrument; and

(B) If the instrument is executed in a representative capacity, that the person signed the instrument with proper authority and executed the instrument as the act of the person or entity represented and identified in the instrument.

(2) "District" means the District of Columbia.

(3) "In a representative capacity " means to act as:

(A) An authorized officer, agent, partner, trustee, or other representative for and on behalf of a corporation, partnership, trust, or other entity;

(B) A public officer, personal representative, guardian, or other representative, in the capacity recited in the instrument;

(C) An attorney in fact for a principal; or

(D) An authorized representative of another in any other capacity.

(4) "Notarial act" means taking an acknowledgment, administering an oath or affirmation, taking a verification upon oath or affirmation, witnessing or attesting a signature, noting a protest of a negotiable instrument, or any other similar act authorized by law.

New, Section
45-621
Note, Section
1-801

(5) "Notarial officer" means a notary public or other officer authorized to perform a notarial act.

(6) "Verification upon oath or affirmation" means a declaration that a statement made by a person upon oath or affirmation is a true statement.

Sec. 3. Notarial acts.

New, Section
45-622

(a) In taking an acknowledgment, the notarial officer shall determine from personal knowledge or satisfactory evidence that the person who appears before the officer and makes the acknowledgment is the person whose true signature is on the instrument.

(b) In taking a verification upon oath or affirmation, the notarial officer shall determine from personal knowledge or satisfactory evidence that the person who appears before the officer and makes the verification is the person whose true signature is on the statement verified.

(c) In witnessing or attesting a signature, the notarial officer shall determine from personal knowledge or satisfactory evidence that the signature is the signature of the person who appears before the officer and is named in the instrument.

(d) A notarial officer shall have satisfactory evidence that a person is the person whose true signature is on a document if the person is:

- (1) Personally known to the notarial officer;
- (2) Identified upon the oath or affirmation of a credible witness personally known to the notarial officer; or
- (3) Identified on the basis of identification documents.

Sec. 4. Notarial acts in the District.

New, Section
45-623

(a) A notarial act may be performed within the District by the following persons to the extent authorized by law:

- (1) A notary public of the District;
- (2) A judge, clerk, or deputy clerk of any court of the District; or
- (3) Any other person authorized to perform the specific act.

(b) Notarial acts performed within the District under federal authority as provided in section 6 shall have the same effect as if performed by a notarial officer of the District.

(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.

Sec. 5. Notarial acts in other jurisdictions of the United States.

New, Section
45-624

(a) A notarial act shall have the same effect under the law of the District as if the notarial act had been performed by a notarial officer of the District, if the notarial act is performed in another state, commonwealth, territory, district, or possession of the United States by:

- (1) A notary public of the jurisdiction;
- (2) A judge, clerk, or deputy clerk of a court of the jurisdiction; or
- (3) Any other person authorized by the law of the jurisdiction to perform a notarial act.

(b) A notarial act performed in any other jurisdiction of the United States under federal authority as provided in section 6 shall have the same effect as if performed by a notarial officer of the District.

(c) The signature and title of a person who performs a notarial act in another jurisdiction 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 subsection (a)(1) or (a)(2) of this section shall establish conclusively the authority of a holder of that title to perform a notarial act.

Sec. 6. Notarial acts under federal authority.

New, Section
45-625

(a) A notarial act shall have the same effect under the law of the District as if the notarial act had been performed by a notarial officer of the District if the notarial act is performed anywhere under authority granted by the law of the United States by:

- (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 as provided in 10 U.S.C. sec. 936;
- (3) An officer of the foreign service or consular officer of the United States as provided in sections 3 and 7 of An Act To provide for the reorganization of the consular service of the United States, approved April 5, 1906 (34 Stat. 101; 22 U.S.C. 4215 passim); or

(4) Any other person authorized by federal law to perform a notarial act.

(b) The signature and title of a person who performs a notarial act under federal authority 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 subsection (a)(1), (a)(2), or (a)(3) of this section shall establish conclusively the authority of a holder of that title to perform a notarial act.

Sec. 7. Foreign notarial acts.

New, Section
45-626

(a) A notarial act shall have the same effect under the law of the District as if the notarial act had been performed by a notarial officer of the District if the notarial act is performed within the jurisdiction of and under authority of a foreign country or its constituent units or a multi-national or international organization by:

- (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 Convention Abolishing the Requirement of Legalization for Foreign Documents done at the Hague on October 5, 1961 (T.I.A.S. 10073; 527 U.N.T.S. 189), shall conclusively establish 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 country under the jurisdiction of which the notarial act was performed, or a certificate by a foreign service or consular officer of a country who is stationed in the United States, shall establish conclusively 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 who performs the notarial act shall be 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 subsection (a)(1) or (a)(2) of this section shall be prima facie evidence that a person with the indicated title has the authority to perform a notarial act.

(f) If the title of office and indication of authority to perform a notarial act appears in the digest of foreign law or in a list customarily used as a source for information for foreign law, the authority of an officer with the title to perform a notarial act shall be established conclusively.

(g) For purposes of this section, the term "multi-national or international organization" means an organization defined in section 1 of An Act To extend certain privileges, exemptions, and immunities to international organizations and the officers thereof and for other purposes, approved December 29, 1945 (59 Stat. 669; 22 U.S.C. sec. 188).

Sec. 8. Certificate of notarial acts.

(a) A notarial act shall be evidenced by a certificate signed and dated by a notarial officer. The certificate

New, Section
45-627

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 shall indicate the expiration date, if any, of the commission of office. Omission of the expiration date information may subsequently be corrected. If the officer is a commissioned officer on active duty in the military service of the United States, as provided in 10 U.S.C. sec. 936, the certificate shall include the officer's rank and title of office.

(b) A certificate of a notarial act shall be sufficient if the certificate meets the requirements of subsection (a) of this section and:

- (1) Is in the short form set forth in section 9;
- (2) Is in a form otherwise prescribed by the law of the District;
- (3) Is in a form prescribed by a law or regulation applicable in the place where the notarial act was performed; or
- (4) Sets forth the actions of the notarial officer and those actions that 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.

Sec. 9. Short forms.

New, Section
45-628

The following short form certificates of notarial acts shall be sufficient for the purposes indicated, if completed with the information required by section 8(a).

(1) For an acknowledgment in an individual capacity:

District of Columbia

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:

District of Columbia

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

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

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

(3) For a verification upon oath or affirmation:
District of Columbia
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:
District of Columbia
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:
District of Columbia
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:_____)

Sec. 10. Notarial acts affected by this act.
This act shall apply to any notarial act performed on
or after the effective date of this act.

Note, Section
New, Section
45-621

Sec. 11. Uniformity of application and construction.
This act shall be applied and construed to effectuate
the general purpose to make uniform the law with respect to
the subject of this act among jurisdictions enacting it.

Note, New
Section
45-621

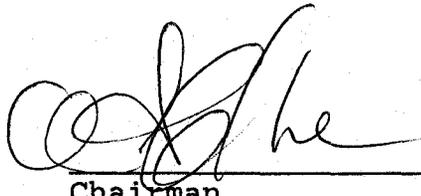
Sec. 12. Conforming amendments.

(a) An Act to establish a code of laws for the District of Columbia, approved March 3, 1901 (31 Stat. 1267; D.C. Code, sec. 45-601 et seq.), is amended as follows:

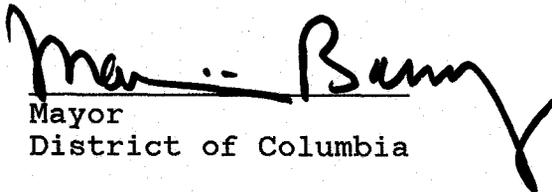
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|-----------|---|-------------------|
| repealed. | (1) Section 493 (D.C. Code, sec. 45-602) is | Section
45-602 |
| repealed. | (2) Section 495 (D.C. Code, sec. 45-603) is | Section
45-603 |
| repealed. | (3) Section 496 (D.C. Code, sec. 45-604) is | Section
45-604 |

Sec. 13. Effective date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: December 14, 1990



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 8-87

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 11-20-90

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell G. Smith

Secretary to the Council

10 December 1990

Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-4-90

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell G. Smith

Secretary to the Council

10 December 1990

Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date