



under Section R2-12-1102. The Office did not raise fees when adopting this rule, rather it kept the fees as originally established in 1996; up to \$2 per signature notarized, oath administered or page certified. Therefore, fees a notary MAY charge have not increased in 21 years. Due to the importance of a notary’s function, the Office is proposing that fees be adjusted and increased to compensate for their time, effort, and assumed liability.

Under this proposed amendment, a notary still has the option to not charge a fee for a notarization. The Office has always allowed notaries public to manage fees and personally understand the potential ramifications when setting their own fee structures versus others who may charge a lower fee, or those who do not charge fees. It should be noted that the Office does not charge for notarizations, and as such, the state will not see any additional revenue on these proposed changes.

Under the proposed amendments a notary public will be required to inform consumers of the notary’s fee before performing the notarial act. When quoted, the consumer will make the determination whether he or she wants to pay the fee or look elsewhere for lower-priced notarial services. Additionally, notaries public will now be required to post their fee schedule in a conspicuous location.

7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. A summary of the economic, small business, and consumer impact:

Under these proposed amendments a Notary Public may request more compensation for his or her time, effort, and assumed liability up to the maximum fee posted.

Consumers may pay less than the maximum listed. Consumers will be verbally notified by the notary of the potential fee to be charged and will also be able to view the fees as conspicuously posted under Arizona law.

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

Changes were made to the language in R2-12-1102(B) as follows: removed the phrase “Once a fee is established” and changed the word “their” to “the”. The changes are not substantive.

11. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

The SOS received 129 public comments via email with all in favor of the proposed notary fee increase. There were eight attendees at the oral proceeding that was held on September 14, 2017 and all in attendance were in favor of the proposed notary fee increase.

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

Not applicable

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:

Not applicable

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

15. The full text of the rules follows:

TITLE 2. ADMINISTRATION
CHAPTER 12. OFFICE OF THE SECRETARY OF STATE
ARTICLE 11. NOTARY PUBLIC BONDS AND FEES



Section
R2-12-1102. Notary Public Fees

ARTICLE 11. NOTARY PUBLIC BONDS AND FEES

R2-12-1102. Notary Public Fees

- A.** Pursuant to A.R.S. § 38-412, a notary public shall keep posted at all times in a conspicuous location, the fee schedule listed under subsection (E)(1) through (3).
- B.** Upon reviewing the fees schedule under subsection (E)(1) through (3), a notary shall select a standard fee, from “no charge” up to the maximum \$10 fee for a notarial act. A notary public shall be consistent when charging fees and post the fee schedule in a conspicuous location.
- C.** When posting fees under subsection (A) and (B), notaries shall use the template in Exhibit 1. Notary Public Services.
- D.** Before performing any notarial act, the notary public shall inform the requestor of the service fee if one will be charged.
- E.** ~~A Notary~~ Notary public may charge the following fees-fee:
 1. For an ~~acknowledgments~~ acknowledgment or jurat, \$2 “no charge” up to \$10 per notary public signature;
 2. For jurats, \$2 per signature;
 - 3.2. For a copy ~~certifications~~ certification, \$2 “no charge” up to \$10 per page certified;
 - 4.3. For an ~~oaths~~ oath or ~~affirmations~~ affirmation without a signature, “no charge” up to \$10 per notarial act.

Exhibit 1. Notary Public Services

NOTARY PUBLIC SERVICES
(Business, Office, or Notary Name)

Fees Schedule Posted pursuant to R2-12-1102		
<u>acknowledgment or jurat</u>	<u>[Example Fee] No Charge</u>	<u>per notary public signature</u>
<u>copy certification</u>	<u>[Example Fee] No Charge</u>	<u>per page certified</u>
<u>oath or affirmation</u>	<u>[Example Fee] No Charge</u>	<u>per notarial act</u>
<i>Attention Customer: Fees charged by an Arizona Notary Public may vary from “no charge” up to \$10.</i>		

An Arizona Notary Public May Charge the Following Fees:

Posted pursuant to A.R.S. § 38-412		
<u>acknowledgment or jurat</u>	<u>up to \$10</u>	<u>per notary public signature</u>
<u>copy certification</u>	<u>up to \$10</u>	<u>per page certified</u>
<u>oath or affirmation</u>	<u>up to \$10</u>	<u>per notarial act</u>