

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3808

To require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 14, 2009

Mr. ADERHOLT (for himself, Mr. DAVIS of Alabama, Mr. BRALEY of Iowa, and Mr. CASTLE) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Interstate Recognition  
5       of Notarizations Act of 2009”.

1 **SEC. 2. RECOGNITION OF NOTARIZATIONS IN FEDERAL**  
2 **COURTS.**

3 Each Federal court shall recognize any lawful notari-  
4 zation made by a notary public licensed or commissioned  
5 under the laws of a State other than the State where the  
6 Federal court is located if—

7 (1) such notarization occurs in or affects inter-  
8 state commerce; and

9 (2)(A) a seal of office, as symbol of the notary  
10 public's authority, is used in the notarization; or

11 (B) in the case of an electronic record, the seal  
12 information is securely attached to, or logically asso-  
13 ciated with, the electronic record so as to render the  
14 record tamper-resistant.

15 **SEC. 3. RECOGNITION OF NOTARIZATIONS IN STATE**  
16 **COURTS.**

17 Each court that operates under the jurisdiction of a  
18 State shall recognize any lawful notarization made by a  
19 notary public licensed or commissioned under the laws of  
20 a State other than the State where the court is located  
21 if—

22 (1) such notarization occurs in or affects inter-  
23 state commerce; and

24 (2)(A) a seal of office, as symbol of the notary  
25 public's authority, is used in the notarization; or

1           (B) in the case of an electronic record, the seal  
2 information is securely attached to, or logically asso-  
3 ciated with, the electronic record so as to render the  
4 record tamper-resistant.

5 **SEC. 4. DEFINITIONS.**

6       In this Act:

7           (1) **ELECTRONIC RECORD.**—The term “elec-  
8 tronic record” has the meaning given that term in  
9 section 106 of the Electronic Signatures in Global  
10 and National Commerce Act (15 U.S.C. 7006).

11          (2) **LOGICALLY ASSOCIATED WITH.**—Seal infor-  
12 mation is “logically associated with” an electronic  
13 record if the seal information is securely bound to  
14 the electronic record in such a manner as to make  
15 it impracticable to falsify or alter, without detection,  
16 either the record or the seal information.

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