



# Notary Digest

## Notary Errors & Omissions Insurance vs. Notary Signing Agent Insurance

By Kal Tabbara

Notary errors and omissions (E&O) insurance plays an essential role in protecting notaries from significant financial and professional loss. However, there is another type of insurance called signing agent errors and omissions insurance. It is specifically designed to protect notary signing agents who are trained to perform loan signings. This article will explain the differences between both insurance types.

### Notary Errors and Omissions Insurance

Notaries are human. Like anyone else, they are susceptible to making mistakes. For this reason, it is highly recommended that notaries purchase notary E&O insurance. This inexpensive notary insurance policy pays for legal expenses and damages arising from a notary's unintentional mistakes. A notary bond, if required by your state as a prerequisite to becoming a notary, does not cover your errors and omissions.

Notary E&O insurance protects notaries from lawsuits that arise when clients accuse notaries of any wrongdoing or negligence during notarizations. Even if you are completely innocent you may get sued. Without this safety net in

place, notaries could face significant financial loss. Fortunately, E&O insurance is a relatively low-cost expense, and you can purchase policies at a range of limits.

Notary E&O insurance covers the financial claim against the notary's unintentional mistakes or omissions plus all legal and court expenses (up to the limit of the E&O policy). Examples of coverage include:

- Failing to properly confirm a signer's identity.
  - Unintentionally violating the notary law while notarizing.
  - An imposter forging a document with your signature and notary stamp.
  - Failing to properly notarize a document and thereby causing financial loss to your client.
- A notary errors and omissions policy will not protect you in the following situations:
- When you notarize a document when a signer is not present at the time of notarization.

*Errors and Omissions Insurance Protects Notaries*



Digital IDs and Driver's Licenses  
Page 2

Florida Bill to Clarify Remote Notarization Practices  
Page 3

Minnesota Notaries Could Perform Civil Marriages  
Page 3

Additional Notary Stamp May Be Required in Texas  
Page 4

Texas Notaries May Be Able to Charge More  
Page 4

A Stamping We Will Go  
Page 5

Felons in Oklahoma to Become Notaries  
Page 6

Social Media Skills  
Page 6

www.usnotaries.com  
800-721-2663

FIRST QUARTER 2021

VOLUME 18, ISSUE 1

Continued on page 2

- If your boss asks you to notarize a signature for a client without you first identifying the signer.
- If you are charged with the unauthorized practice of law for helping a client complete a legal form that you later notarized.

Signing agent E&O is specifically designed for notaries who conduct loan signings (signing agents). Regular notaries do not need it. It provides additional protection not covered by traditional notary E&O insurance. Signing agents can choose from a range of policies with limits as low as a \$50.00 to as high as \$200,000. Signing agent errors and omissions insurance policies are pricy, and the annual premium, depending on the amount of coverage, can run in the hundreds of dollars.

Signing agent E&O insurance covers:

- Unintentional errors and omissions related to properly completing notarial acts related to loan signing documents.
- Unauthorized changes or corrections made to the document by the signing agent.

- Inputting the wrong right of rescission dates.
- Missed initials or non-notarized signatures.
- When the signer presents fake identification.
- Not completing the signing in a timely manner.
- Late return of signed documents to the loan provider.

Notary errors and omissions insurance does not protect you in these cases — only signing agent errors and omissions insurance can.

## Errors and Omissions Insurance Protects Notaries

Protecting yourself from unintentional or malicious behavior is essential to maintaining your notary business. Whether you are a notary or signing agent, errors and omission insurance will give you peace of mind. If you have any questions, please contact the American Association of Notaries today.

---

# Digital IDs and Driver's Licenses Could Be Coming to Texas Soon as Part of a Pilot Program

By Susan Trevino

Some Texans could begin using digital IDs and driver's licenses on their mobile phones in the near future. If House Bill 273 is passed, the bill would implement a digital ID pilot program.

The bill would require the Texas Department of Public Safety to assess and upgrade its infrastructure for digital IDs and licenses and acquire a phone app that includes an authentication and verification process that can be used anywhere. The bill also allows the department to contract with a third-party developer to establish the program at no cost to the department.

Digital IDs and licenses have a number of advantages. They would reduce the need for physical ID cards, provide a secure and convenient way to prove one's identity in person or online, provide real-time SMS notifications about license status or expiration dates, and allow the department to restore or rescind driving privileges.

[Click here](#) to read more about HB 273.

---

# Florida Bill to Clarify Remote Notarization Practices

By Evelyn Garcia

Late last month, the Florida Senate Commerce and Tourism Committee approved a bill aimed at fixing problems associated with the 2019 bill that authorized remote online notarizations (RONs). If SB 228 passes, the bill will:

- 1 Allow the acceptance of a foreign passport as a valid form of identification for online notarization even if it does not include the stamp of the United States Bureau of Citizenship and Immigration Services.
- 2 Specify that a notary's employer may require an employed notary to use a particular online platform technology when performing remote notarizations.
- 3 Require the RON service provider and not the online notary to retain an uninterrupted and unedited copy of the recording of the audio-video communication of the notarial act.
- 4 Allow an online notary public to charge a fee not to exceed \$20 per transaction for making and delivering electronic copies of a given series of related electronic records. The bill will also allow a RON service provider to charge a fee not to exceed \$20 for providing access to, or a copy of, the related audio-video communication recordings, except if requested by a party to the electronic record.
- 5 Requires an online notary to notify the Department of State of a change in RON providers and the effective date of the change within thirty days after the change.
- 6 Prohibits a RON service provider from using, selling, or offering to sell or transfer to another person for use or sale any personal information obtained under Florida's Online Notary Statutes which identifies a principal, a witness, or a person named in a record presented for online notarization except as necessary to facilitate performance of a notarial act.
- 7 Requires the Department of State to publish on its website a list containing each online notary public, the online notary public's past and present RON service providers, and the effective dates during which the online notary public used each RON service provider, as identified pursuant to F.S. 117.225(5) and 117.265(5)(b).

Online notarizations in Florida were allowed as of January 1, 2020, and so far over 6,000 notaries have registered with the Department of State.

[Click here](#) to read the proposed bill.

# Minnesota Notaries Could Perform Civil Marriages if HF 575 Passes

By Steven Uriegas

The COVID-19 pandemic has impacted our lives in many ways, including with regard to marriage. Couples are having a harder time planning weddings as well as finding someone to officiate the wedding ceremony. To help ease the burden on couples, Minnesota Representative John Hout has recently introduced a bill that would allow notaries public to conduct civil marriages. Notaries are required to be authorized by the Minnesota Secretary of State and must file their credentials with a local county registrar. They are also required to record the county in which their credentials are filed on each civil marriage certificate.

[Click here](#) to read the bill details.

---

# Additional Notary Stamp May Be Required on Real Estate Transactions in Texas

To reduce fraudulent real estate transactions, Texas is introducing a bill in the 21st legislative session that will require certain real estate transactions to include an additional notary stamp in order for the real estate document to be recorded with the county clerk's office.

This additional notary stamp must leave an indentation when affixed to paper and must be affixed over the notary's signature. It must also be affixed over every document to be recorded. The Texas Secretary of State will prescribe the requirements of this additional notary stamp. Real estate documents that do not include this additional notary stamp will not be recorded with the county clerk's office.

During the past several years, the American Association of Notaries has seen a sharp rise in title fraud cases involving imposters—individuals or groups—that have no connection to the owners of the properties they are laying claim to. Unbeknownst to the true property owners, these imposters are secretly filing fraudulent deeds and initiating property transfers by using stolen notary stamps and forging signatures. County clerk's offices are required to record a deed if its properly drafted and has a notary stamp, even if the deed is illegitimate.

The American Association of Notaries recommends that notaries keep their notary stamps secured and under their exclusive control at all times. Protect yourself by purchasing notary E&O insurance and immediately reporting a loss of your stamp to law enforcement and notary commission authorities.

[Click here](#) to read the HB 948 details.

---

## Texas Notaries May Be Able to Charge More for Notarial Services in 2026

*By Susan Trevino*

How much notaries can charge for their services varies from state to state. In Texas, for example, notaries may charge up to \$6 for the first acknowledgement, for swearing in a witness, and for administering an oath or affirmation. Notaries cannot charge more than the maximum amount allowed by the state in which they are working.

However, Texas notaries public could increase their rates in 2026 if House Bill 1959 is passed. It would give the Texas Secretary of State the authority to adjust the notary fees based on the rate of inflation every five years starting in December of 2026. The bill would go into effect on September 1, 2021.

Allowing Texas notaries to increase their rates would enable them to earn more income. Since notaries are not allowed to charge more than the maximum amount allowed, the primary way they can raise their income is to gain more customers or work with companies. In fact, increasing the customer base is sometimes the only way for notaries to break even, especially if they are required to purchase a notary bond.

[Click here](#) to read more about this Texas fee bill.

---

# A Stamping We Will Go

By Thomas Blanton

A friend of a friend recently reached out and asked if I could notarize some paperwork for him. I enthusiastically agreed, but then he explained what he expected me to do, and I replied, “Okay... that’s illegal, but thanks for thinking of me!”

I find myself in this situation a lot. Someone will bring me a pre-signed and dated document or will want me to notarize a blank form that they’re going to have someone else fill out later, or, in the case of a particular impatient co-worker, will try to steal my stamp instead of waiting for me to come back from lunch or return from running errands. Because of these sorts of incidents, I have to keep my stamp in a locked bank bag stashed in my briefcase. And sometimes I have to hide my briefcase.

To help prevent similar incidents in the future, I thought it might be helpful to explain what the purpose of notarization actually is, so that you never inadvertently put a notary in an unethical position. If something goes south with a document you’ve had notarized, and the notarization wasn’t handled correctly, you probably won’t get in trouble...but the notary will.

A notary, or notary public, is an official appointed by the State to serve as an impartial witness. A notary is a ministerial officer, which means that he or she is expected to follow laws as they are written. Judicial officers — magistrates, justices of the peace, etc. — have the authority to make decisions regarding the application of law, but ministerial officers perform functions under the law. In other words, we have stuff to do, but we don’t have a say in how that stuff gets done.

The main duties of a notary are to verify a) the identities of the signers of important documents, b) their willingness to sign, and c) their understanding of the documents themselves. Depending on the nature of what’s being signed, the notary might have to put the signer under an oath, in which he or she swears that the information contained in the document is true and correct. This is my favorite notarial act, because when people ask me what I do for fun, I can say, “I administer oaths,” and that makes me feel like Gandalf.

A lot of people seem to think that the notary seal itself is the part that matters, that it makes a document official. But in reality, the stamp is just the notary physically giving his or her word that the signers are in fact who they say they are. This is why notarization is usually required for affidavits, mortgages, powers of attorney and wills. For example, written testimonies have to be notarized before a court will consider them as evidence, because the signer has to swear everything in the statement is true, and somebody has to aver that he swore it.

So that, in a nutshell, is What Notaries Do™. I hope you found it interesting, and I hope I’ll have the chance to notarize something for each and every one of you in the future. Just do me a favor and don’t hit me up for anything questionable — if I’m going down, I want it to be for something a bit more newsworthy than the wrong name on a warrant deed.

## Members Only Website

For a complete list of benefits, visit us online at  
<https://www.usnotaries.com>

### Members’ Benefits Include:

- E-notary record book accessible online 24/7
- Your own web page
- Expert advice from top professionals in the notary field
- Free listing in our nationwide Online Notary Locator
- Free subscription to our Notary Digest newsletter
- 5% discount on supplies
- 5% rewards good toward your next notary supplies purchase
- Updates on new notary laws that may affect the notary office
- Online library of information on laws, FAQs, and more
- Archives of past issues of AAN newsletters and laws
- Email notification reminders of important events, including your notary commission expiration date and membership renewal date



# New Bill Would Allow Felons in Oklahoma to Become Notaries

By Evelin Garcia

In Oklahoma, an individual who is interested in becoming a notary is required to be at least 18 years old, be an American citizen, and be either employed in or a legal resident of the state. He or she may not have a felony record.

This last requirement could change in the near future. Last month, Oklahoma State Senator George Young, a Democrat, filed Senate Bill 480, which would permit felons in the state to become notaries. If passed, the bill would modify state notary law to effectuate this change. It should be noted however that the proposed law would not apply to felons who have committed notary-related crimes. The bill would go into effect on November 1st of this year.

Senator Young's rationale for this change is to help felons find work and break the cycle of poverty. Allowing felons to become notaries would give them a second chance to be productive citizens.

[Click here](#) to read the bill details.

## Brush up Your Social Media Skills

By Marci Tiberio

You've heard time and time again how important it is for a business to have a social media presence. It's even more important to utilize proper social media protocol to polish your business image, entice new customers, and keep current customers engaged. Here are several tips for improving your social media presence:

- 1 Choose a social media platform that will directly address your target audience and that you can comfortably maintain.
- 2 Post relevant, timely, and professional content that will be of interest to your audience.
- 3 When posting an article, add a comment of your own showing that you have read the article and engaging your audience to promote a dialogue.
- 4 Make certain your content is composed of not only text but images. Images catch the eye and draw the reader in. Using color is helpful, too. Just be careful you don't overdo it.
- 5 Do a little testing and see when your audience engages with you most frequently. Post most of your content during that timeframe to increase interaction.
- 6 Engage your audience by tagging them in your posts, replying to their comments, and commenting on their posts.
- 7 Talk about the services you offer and how they can be utilized.
- 8 Offer discounts and promotions to your followers as a thank you for their support.
- 9 Encourage your audience to share what services they offer and introduce them to others you feel may benefit from their services.
- 10 Follow other successful business' social media sites to get a feel for what works well for them and how you can incorporate those ideas into your own social media.
- 11 Be professional. Avoid topics that could be incendiary, irrelevant, or inappropriate.
- 12 Use proper grammar and always check for spelling errors.
- 13 Don't mix the personal with the professional.
- 14 Have fun!

# We are looking for REAL stories from REAL notaries.

The *Notary Digest* is eager to hear from YOU! Have you been fearful, amused, or enlightened by a notary experience? Did you make an error from which others can learn?

*(Don't be shy! You can remain anonymous if you'd like.)*

Notaries across the U.S. want to hear from YOU, too!

**SO...TALK TO US! Let us showcase YOU!**

Impart your wisdom and interesting experiences, great or small.

Write to us at [editor@usnotaries.com](mailto:editor@usnotaries.com).

AAN members  
can receive a

**10%** *discount on supplies*

Enter coupon code 982689

**Legal disclaimer:** The American Association of Notaries seeks to provide timely articles and law updates for notaries to assist them with information for managing their notary businesses, enhancing their notary education, and securing their notary supplies. Every effort is made to provide accurate and complete information in the American Association of Notaries newsletters. However, we make no warrant, expressed or implied, and we do not represent, undertake, or guarantee that the information in the newsletter is correct, accurate, complete, or non-misleading. Information in this newsletter is not intended as legal advice. We are not attorneys. We do not pretend to be attorneys. Though we will sometimes provide information regarding notaries' best practices, federal laws and statutes, and the laws and statutes of each state, we have gathered the information from a variety of sources and do not warrant its accuracy. In no event shall the American Association of Notaries, its employees, or contractors be liable to you for any claims, penalties, loss, damage, or expenses, howsoever arising, including, and without limitation, direct or indirect loss, or consequential loss, out of or in connection with the use of the information contained in the American Association of Notaries newsletters. It is your responsibility to know the appropriate notary laws governing your state. Notaries are advised to seek the advice of their states if they have legal questions. If a section of this disclaimer is determined by any court or other competent authority to be unlawful and/or unenforceable, the other sections of this disclaimer continue in effect.



**The American Association of Notaries**

P.O. Box 630601  
Houston, Texas 77263

Hotline: 1-800-721-2663  
Fax: 1-800-721-2664  
[www.usnotaries.com](http://www.usnotaries.com)



[facebook.com/notaries](https://www.facebook.com/notaries)



<http://twitter.com/usnotary>



[usnotaries.com](http://usnotaries.com)