



AMERICAN SOCIETY OF NOTARIES

OREGON

RECORDBOOK—REQUIRED

State-Specific Recordbook Requirements - Revised November 2009

ASN recommends that ALL notaries use a recordbook of notarial acts. Notaries in several states are required to use a recordbook (also called a register or journal). Please review the following statutes as your state either requires the use of a recordbook OR has specific guidelines you must adhere to if you choose to use a recordbook (if not required by state law). You may print this document for your records.

OREGON STATUTES

Chapter 194 — Notaries Public

194.005 Definitions for ORS 194.005 to 194.200.

As used in ORS 194.005 to 194.200:

(6) “Notarial journal” means the journal described under ORS 194.152.

194.090 Record of protest; effect as evidence.

Each notary public shall cause a record to be kept of all protests of commercial paper made by the notary public under ORS 73.0505. Such record is competent evidence to prove notice of dishonor for purposes of ORS 73.0505.

194.130 Disposition of records on vacancy in office; penalty for failure to properly dispose of records or for destroying or altering records.

(1) Whenever the office of a notary public becomes vacant, the record referred to in ORS 194.090 kept by the notary public, together with all the papers relating to such record, shall be deposited in the office of the Secretary of State. Any notary public neglecting for the space of three months after resignation or removal from office to deposit such record and papers in the Secretary of State’s office, or any executor or administrator of a deceased notary public neglecting for the space of three months after the acceptance of that trust to lodge in the Secretary of State’s office such record and papers as come into the hands of the notary public, shall forfeit not more than \$500.

(2) If any person knowingly destroys, defaces, materially alters or conceals any record or paper of a notary public, that person shall forfeit not more than \$500, and shall be liable to an action for damages by the party injured.

194.152 Journal of notarial acts; rules; disclosure.

(1) Each notary public shall provide, keep, maintain and protect one or more chronological journals of notarial acts performed by the notary public except for administering an oath or affirmation or certifying or attesting a copy.

(2) The Secretary of State shall adopt rules prescribing the form of the notarial journal to promote uniformity and establish the retention or disposition of the notarial journal and other notarial records, and prescribe rules to provide for exceptions to the notarial journal.

(3) A notary public who is an employee may enter into an agreement with the employer pursuant to which agreement the notarial journal or journals of the notary, in compliance with rules adopted under subsection (2) of this section, are retained or disposed of by the employer upon termination of employment.

(4) A notarial journal in the possession of a notary public who is not a public official or employee is exempt from disclosure under ORS 192.410 to 192.505. A notarial journal in the possession of the Secretary of State, or in the possession of a notary public who is a public official or employee, is not exempt from disclosure under ORS 192.410 to 192.505 unless the Secretary of State or other custodian determines that the public interest in disclosure is outweighed by the interests of the parties in keeping the journal record of the notarial act confidential. A determination by the Secretary of State or other custodian under this subsection is subject to review under ORS 192.410 to 192.505.

(5) This section does not apply to the record of protests of commercial paper which shall be as provided in ORS 194.090. [1989 c.976 §15]

194.154 Disposition of seal and notarial journal upon resignation, revocation or expiration of commission; rules.

- (1) (a) A notary public whose notarial commission is resigned or revoked shall deliver the official seal to the Secretary of State within the time specified under subsection (2) of this section for disposition of the notarial journal and records.
(b) Upon normal expiration of a notarial commission, the notary public shall destroy the official seal as soon as is reasonably practicable.
- (2) Except as provided under subsection (3) of this section, a notary public whose notarial commission is resigned, revoked or expired shall dispose of the notarial journal and records pursuant to rules adopted by the Secretary of State within 30 days after the effective date of the resignation, revocation or expiration, whichever occurs first.
- (3) A former notary who intends to apply for a new commission need not dispose of the notarial journal and records within 30 days after commission expiration, but must do so within three months after expiration unless newly commissioned within that period. [1989 c.976 §19]

194.156 Disposition of seal and notarial journal upon death of notary; rules.

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) Deliver the official seal to the Secretary of State; and
- (2) Notify the Secretary of State in writing of the date of death and of the manner in which the notarial journal and records have been disposed. Disposition, after death, of the notarial journal and records shall be as provided by rule.

The Oregon Administrative Rules SECRETARY OF STATE, CORPORATION DIVISION DIVISION 100—NOTARIES PUBLIC

160-100-0000—Definitions

- (3) "Notarial Record" means any record of any notarial act performed by a notary public, except when a specified record or act is excluded.

Notarial Journal

160-100-0200—Form and Content of Notarial Journal

A notarial journal of a notary public may be in any form that meets the physical requirements set out in this rule and the entry requirements set out in OAR 160-100-0210:

- (1) The cover and pages inside the cover shall be bound together by any binding method that is designed to prevent the insertion or removal of the cover or a page;
- (2) Each page shall be consecutively numbered from the beginning to the end of the journal. If a journal provides two pages on which to record the required information about the same notarial act, then both pages may be numbered with the same number or each page may be numbered with a different number. A page number shall be preprinted;
- (3) Each line shall be consecutively numbered from the beginning to the end of the page. If a line extends across two pages, the line shall be numbered with the same number on both pages. A line number shall be preprinted;
- (4) A notarial journal of a notary public shall contain on the inside of the front cover or on the first page the following information in any order:

- (a) The name of the notary public;
- (b) The notary public's commission number;
- (c) The notary public's commission expiration date;
- (d) The notary public's residence or business street or mailing address;
- (e) The earliest date the journal may be destroyed, which shall be seven years after expiration of the last commission in which entry was made in the journal;
- (f) One of the following statements:
 - (A) That, in the event of the decease of this notary public, the journal shall be delivered or mailed to the Secretary of State; or
 - (B) That, in the event the notary public has entered into a written agreement with his/her employer pursuant to OAR 160-100-0360, the date such written agreement was entered into, the name and address of the employer and instructions that the journal shall be delivered or mailed to the employer in the event of the decease of the notary public;
- (g) The meaning of any not commonly abbreviated word or symbol used in recording a notarial act in the notarial journal;
- (h) The signature of the notary public;
- (i) At the respective time of entry, the dates of the first and last notarial acts recorded in the notarial journal.

EXAMPLE: First entry on July 6, 1990, last entry on January 7, 1992.

- (5) If a notary public's name, commission number, commission expiration date, destruction date or address that is written in the notarial journal changes before the notary public ceases to use the notarial journal, the notary public shall draw a single line through the old information and write the new information to the side of the old information.
- (6) Notwithstanding OAR 160-100-0170, a notary public may not have more than one journal in active use, even if he or she has been issued a concurrent seal. All entries of notarizations shall comply with chronologically consecutive entries in the format outlined by the rules of this chapter.

160-100-0210—Information Required to Be Recorded in Notarial Journal

Except as provided in OAR 160-100-0220 and 160-100-0230, a notary public shall record in a notarial journal the following information about each notarial act performed by the notary public:

- (1) The date and time the notarial act was performed;
- (2) The type of notarial act performed;
- (3) The date of the document notarized;
- (4) The type of document notarized;
- (5) The printed name of the person whose statement, signature or document was notarized;
- (6) The signature of the person whose statement, signature or document was notarized.
- (7) A description of how the notary public identified the person whose statement, signature or document was notarized. The description shall be as follows:
 - (a) If the notary public identified such person by personally knowing the person, then the description shall consist of the statements either "personally known" or "personal knowledge";
 - (b) If the notary public identified such person by seeing and hearing a credible witness personally known to the notary public testify under oath or affirmation, then the description shall consist of, in the following order, the legal name and residence street address of the witness;
 - (c) If the notary public identified such person by seeing identification documents, then the description shall consist of, in the following order, the name of the organization that issued the document; the type of document and the document's expiration date. For example, State of Oregon Driver License 8-8-2008.
- (8) An entry may contain any other information.

160-100-0220—Abbreviated Multiple Entry in Notarial Journal

- (1) If a notary public notarizes duplicate originals of a single statement or document for the same person on the same date, the notary public may, in lieu of recording individually in the notarial journal the information required by OAR 160-100-0210 for each notarized duplicate original, record a single entry in the notarial journal for all notarizations of the statement or document, which shall set forth all the information required by OAR 160-100-0210, and the total numbers of the statement or document notarized.
- (2) If a notary notarizes different statements or documents for the same person on the same date, the notary public may, in lieu of recording individually in the notarial journal the information required by OAR 160-100-0210 for each notarized statement or document, record a single entry in the notarial journal for all

notarizations of such statements or documents, which shall set forth the number of statements or documents and the information required by OAR 160-100-0210(1), (2), (5), (6) and (7), and for each statement or document the information required by OAR 160-100-0210(3) and (4) and, if there are duplicate originals of any statement or document, the total number of the statement or document notarized.

(3) If a notary public notarizes more than one statement, signature or document for the same person but not on the same date, the notary public may, in lieu of recording individually in the notarial journal the information required by OAR 160-100-0210(5) and (7) for each notarization for that person, record a reference to a prior entry in the notarial journal for that person (identifying the page and line numbers of the prior entry) which prior entry shall set forth the information required by OAR 160-100-0210(5) and (7).

160-100-0230—Notarial Acts Not Required to be Recorded in Notarial Journal

A notary public may, but is not required to, record in a notarial journal any information about the following notarial acts performed or documents notarized by the notary public:

- (1) Administering an oath or affirmation;
- (2) Certifying or attesting a copy of a document;
- (3) Affidavits;
- (4) Billing statements for media advertising;
- (5) Protests of commercial paper (to be recorded as provided in [ORS 194.090](#) and 73.0505).
- (6) Verifications upon oath or affirmation.

160-100-0240—Information Required to be Recorded in Record of Protests

A notary public shall maintain a record of information about each protest of commercial paper performed by the notary public consisting of copies of source originals.

Disposition of Notarial Records Upon Termination of Commission

160-100-0310—Termination of Commission Due to Expiration -- Application for New Commission Made Within 30 Days

- (1) A notary public whose commission was terminated because of expiration and who has filed with the Secretary of State an application for a new commission within 30 days after the date of termination shall retain his/her notarial records at the notary public's residence or business location. Such records may be retained in any form as long as such records or any reproduction of such records are readable.
- (2) If the notary public is issued a new commission within three months after the date of termination, then the notary public shall continue to retain his/her notarial records at the notary public's residence or business location. Such records may be retained in any form as long as such records or any reproduction of such records are readable. Such records shall be retained for a period of seven years after the date of expiration of the prior commission during which the records were kept. After the seven-year period, the notary public may destroy such records.
- (3) If the notary public is not issued a commission for any reason within three months after the date of expiration, then the notary public shall arrange for the storage of his/her notarial records as required by OAR 160-100-0300.

160-100-0320—Termination of Commission Due to Resignation

- (1) A notary public whose commission was terminated because of resignation shall arrange for the storage of his/her notarial records, except records of protests of commercial paper (see OAR 160-100-0350), in any form and at any location within 30 days following resignation. The records or any reproduction of the records must be readable and the notary public must be able to obtain possession of such records within 15 days of receipt of a request for such records.
- (2) A notary public shall file a statement with the Secretary of State within ten days after the date the notary public stored such records. The statement shall include:
 - (a) The name of the notary public;
 - (b) The notary public's commission number;
 - (c) The notary public's commission expiration date;
 - (d) The cause of termination of the notary public's commission, i.e., resignation and an explanation why the notary public is resigning;
 - (e) The notary public's resignation date;
 - (f) The date the notary public stored such notarial records;

(g) The street address and exact location at such address where such records are stored and any subsequent relocation of such records.

(3) A notary public shall store such records for a period of seven years after the date of resignation. After the seven-year period, the notary public may destroy such records.

(4) At the same time that the notary public files the statement required by section (2) of this rule with the Secretary of State, a notary public shall file with the Secretary of State the notary public's official seal and official seal embosser, if any. The Secretary of State may destroy the official seal and/or official seal embosser upon receipt.

160-100-0330—Termination of Commission Due to Revocation

(1) A notary public whose commission was terminated because of revocation shall file his/her notarial records with the Secretary of State within 30 days after the date of revocation.

(2) At the same time that the notary public files such records with the Secretary of State, a notary public shall file a statement with the Secretary of State. The statement shall include:

- (a) The name of the notary public;
- (b) The notary public's commission number;
- (c) The notary public's commission expiration date;
- (d) The cause of termination of the notary public's commission, i.e., revocation;
- (e) The notary public's commission revocation date.

(3) At the same time that the notary public files such records and statement with the Secretary of State, a notary public shall file with the Secretary of State the notary public's official seal and official seal embosser, if any.

(4) The Secretary of State shall store such records for a period of seven years after the date of revocation. After the seven-year period, the Secretary of State may destroy such records. The Secretary of State may destroy the official seal and/or official seal embosser upon receipt.

160-100-0340—Termination of Commission Due to Death

(1) Within 30 days of termination of a notary public's commission as a result of death, an heir or personal representative of the notary public shall file the notary public's notarial records with the Secretary of State, unless the notary public entered into a written agreement with his/her employer pursuant to OAR 160-100-0360.

(2) The heir or personal representative shall file a statement with the Secretary of State. The statement shall include:

- (a) The name of the notary public;
- (b) The notary public's commission number;
- (c) The notary public's commission expiration date;
- (d) The cause of termination of the notary public's commission, i.e., the notary public is deceased;
- (e) The notary public's date of death.

(3) At the same time that an heir or personal representative files such record and statement with the Secretary of State, an heir or personal representative shall file with the Secretary of State the notary public's official seal and official seal embosser, if any.

(4) The Secretary of State shall store such records for a period of seven years after the date of decease of the notary public. After the seven-year period, the Secretary of State may destroy such records. The Secretary of State may destroy the official seal and/or official seal embosser upon receipt.

160-100-0350—Record of Protests of Commercial Paper

(1) A notary public whose commission terminates because of expiration, resignation or revocation, shall file his/her records of protests of commercial paper and any other notarial record relating only to protests of commercial paper with the Secretary of State within 30 days after the date of termination.

(2) At the same time that the notary public files such records with the Secretary of State, a notary public shall file a statement with the Secretary of State. The statement shall include:

- (a) The name of the notary public;
- (b) The notary public's commission number;
- (c) The notary public's commission expiration date;
- (d) The cause of termination of the notary public's commission, i.e., expiration, resignation or revocation;
- (e) The notary public's commission termination date.

(3) The Secretary of State shall store such records for a period of seven years after the date of termination. After the seven-year period, the Secretary of State may destroy such records.

160-100-0360—Notary Public's Responsibilities When Agreement Has Been Entered into with Employer

A notary public who has entered into an agreement with his/her employer relating to the employer's retention and disposal of the notary public's notarial records following termination of employment pursuant to ORS 194.152(3) shall retain a written copy of the agreement which may be examined by the Secretary of State upon request. The agreement shall contain at least the following information:

- (1) Date agreement was entered into;
- (2) Names of parties to agreement;
- (3) Terms of agreement, including retention of records by the employer for a period not less than seven years after termination of the notary's commission;
- (4) Signatures of all parties to agreement.

160-100-0610—Conduct Which Constitutes Official Misconduct

As provided in OAR 160-100-0600, the following conduct constitutes official misconduct, as defined in ORS 194.005, for purposes of refusing to issue, revoke or suspend a notary public's commission pursuant to ORS 194.166, assessing a civil penalty against a person pursuant to ORS 194.980, or issuing an official warning to a person pursuant to ORS 194.985:

- (12) A notary public did not keep a record of all certificates of dishonor (also known as a protest of commercial paper as defined in ORS 73.0505(2)) issued by the notary public during the term of a commission. See ORS 194.090. Sanction for First Act of Misconduct: Official warning.
- (17) A notary public did not provide, keep, maintain or protect a chronological journal of notarial acts performed by the notary public during the term of a commission. See ORS 194.152(1). Sanction for First Act of Misconduct: Official warning.
- (18) A notary public whose commission was terminated because of expiration and who did not reapply did not arrange for the storage of his/her notarial records, file a statement with Secretary of State or destroy the notary public's official seal and official seal embosser, if any. See ORS 194.154 and OAR 160-100-0300. Sanction for First Act of Misconduct: Official warning.
- (19) A notary public whose commission terminated because of resignation did not arrange for the storage of his/her notarial records, file a statement or the notary public's official seal and official seal embosser, if any, with the Secretary of State. See ORS 194.154 and OAR 160-100-0320. Sanction for First Act of Misconduct: Official warning.
- (20) A notary public whose commission terminated because of revocation did not file his/her notarial records, a statement or the notary public's official seal and official seal embosser, if any, with the Secretary of State. See ORS 194.154 and OAR 160-100-0330. Sanction for First Act of Misconduct: \$500.
- (21) A notary public whose commission terminated because of expiration and who filed an application for a new commission within 30 days after the date of termination but was not issued a new commission within 90 days after the date of termination, did not dispose of the notary public's notarial records in accordance with OAR 160-100-0310 within 90 days after the date of termination. See ORS 194.154(3). Sanction for First Act of Misconduct: Official warning.
- (63) A notary public used a notarial journal that was not in the form required by OAR 160-100-0200. See OAR 160-100-0200. Sanction for First Act of Misconduct: Official warning.
- (64) A notary public did not enter in a notarial journal the information about each notarial act performed by the notary public required by OAR 160-100-0210. See OAR 160-100-0210. Sanction for First Act of Misconduct: Official warning.
- (65) A notary public recorded information about multiple notarial acts performed by the notary public in a manner that did not comply with the requirements of OAR 160-100-0220. See OAR 160-100-0220. Sanction for First Act of Misconduct: Official warning.
- (69) A notary public who entered into an agreement with an employer relating to the employer's retention and disposal of the notary public's notarial records following termination of employment pursuant to ORS 194.152(3) did not retain a written copy of the agreement or make such available upon request of the Secretary of State. See OAR 160-100-0360. Sanction for First Act of Misconduct: Official warning.