



May 26, 2020

Pennsylvania Waives Certain Requirements for Acceptable ID for Notary Services During COVID-19 Emergency

Due to the COVID-19 emergency, the Pennsylvania Department of Transportation (PennDOT) extended the expiration dates for many of its identity products. As of May 26, 2020, driver licenses, photo ID cards, camera cards and learner's permits scheduled to expire from March 16 through June 30, 2020, now have an extended expiration date of June 30, 2020. It is not known whether PennDOT will extend expiration dates that occur beyond June 30.

Pennsylvania notaries public rely on driver licenses and non-driver ID cards for identification of individuals that they do not personally know. The Department has received questions from individual notaries and the Pennsylvania Association of Notaries whether these "expiration date extended" PennDOT products may be used for identification purposes under the Revised Uniform Law on Notarial Acts (RULONA). Several other states are permitting their notaries to accept as identification for a notarial act driver licenses and nondriver identification documents, the expiration of which has been extended by that state's Department of Transportation under similar gubernatorial orders in Arizona, California, Maryland, Minnesota and Texas.

Therefore, for PennDOT IDs that expire between March 16 and June 30, 2020, the Department of State requested, and the Governor granted, a waiver of the requirement that a driver's license or nondriver identification card be current and unexpired in order to constitute satisfactory evidence of identity. This waiver is limited to PennDOT-issued documents which expired from March 16, 2020 through June 30, 2020 (or any further period as determined by subsequent extension by PennDOT). Because PennDOT has extended the expiration date of these identity products, Pennsylvania may rely on them for identification of customers under RULONA.

In accordance with current law, notaries who rely on a Pennsylvania driver's license or nondriver identification card must indicate the dates of issuance and expiration of this

identification credential in their journal. The Department expects that notaries will indicate the actual dates of the physical credential in their journal, not an extended date. The Department requires therefore, as part of this waiver, that notaries who accept PennDOT-issued driver licenses or nondriver identification cards that on their face expired between March 16 and June 30, 2020 (or any further period as determined by subsequent extension by PennDOT) also note in the journal “pursuant to COVID waiver approved 5/26/20.”

Notarial acts, if contested, are often not investigated or reviewed until years later. The journal serves as both proof that the notarial act happened and protection for both the customer and the notary public. This notation will serve to indicate that the notary public accepted a PennDOT credential that was extended by PennDOT waiver and which was also deemed acceptable for identification of customers under RULONA by Department of State waiver.