



SURETY ONE, INC. · RALEIGH · SAN JUAN · NATIONWIDE

A Practitioner's Guide to Notary Public Bonds

The bond, the claim and the errors and omissions policy, in every commissioning jurisdiction

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Foreword from the founder

The notary public bond is the smallest surety instrument most people will ever sign and the one they understand least. A notary encounters it as a line on a commission checklist, buys it for less than the cost of a tank of fuel, files it with a clerk, and forgets it. The bond then sits, silently, behind every acknowledgment and jurat the notary certifies for the next four, six, eight or ten years. When it is remembered at all, it is usually because a deed has been forged, a power of attorney has been abused, or a loan has funded on a signature that was never made in the notary's presence, and someone has asked who will pay.

This guide was written to answer that question before it is asked. It is organized the way a surety underwriter thinks about the instrument: first the mechanics of the bond and the law that requires it; then each commissioning jurisdiction in turn, with its statute, penalty, term, filing office and deadline; then the treatment of remote online and electronic commissions, which have complicated the picture since 2012; then the claims, which follow a small number of recurring fact patterns; then the errors and omissions policy, which is the instrument that actually protects the notary; and finally the practice habits that keep a notary out of the claims department altogether.

The timing of this edition matters. In the twelve months preceding its publication, Louisiana quintupled its bond to \$50,000 and eliminated the errors and omissions policy as an alternative, Pennsylvania raised its bond from \$10,000 to \$25,000, Oklahoma raised its bond from \$1,000 to \$10,000, and South Dakota repealed its bond requirement altogether. Three states have now repealed the bond in less than a decade. At the same time, forty-seven states and the District of Columbia have authorized some form of remote notarization, and five of them have attached enlarged or additional bonds to it. The notary bond is a modest instrument, but it is not a static one.

Surety One, Inc. has written notary public bonds in every jurisdiction that requires one, together with the errors and omissions coverage that accompanies them, for more than thirty years. If you are a notary, a notary employer, a title or escrow professional, a signing service, a commissioning official or counsel to any of them, this guide is for you.

The bond protects the public. The notary remains liable for the full amount of any damages, whatever the penalty of the bond.

— The rule of RULONA § 21(b), restated

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Part I. Fundamentals

What a notary bond is

A notary public bond is a faithful performance surety bond. Like every surety bond it is a three-party contract. The *principal* is the notary, who buys the bond and promises in it to discharge the duties of the office faithfully and according to law. The *obligee* is the commissioning sovereign, usually named as the State (or the District, the Commonwealth, the Nation or the Territory), and through the obligee every person who suffers a monetary loss as a result of the notary's official misconduct or neglect. The *surety* is the insurance company that issues the bond and undertakes, up to the penal sum, to make good the principal's failure to perform. When the notary performs, the bond is inert. When the notary does not, the injured party recovers from the surety, and the surety recovers from the notary.

The condition of the bond is faithful performance. Most statutes express it in nearly identical terms: the bond is conditioned on the notary's faithful performance of the duties of the office, or on the notary's honest and lawful discharge of those duties, and it runs to the benefit of any person injured by the notary's failure to perform (see, for example, Cal. Gov. Code § 8212; Tex. Gov't Code § 406.010; 57 Pa.C.S. § 321). The Revised Uniform Law on Notarial Acts, which roughly half the bonding states have now enacted, uses the broader term *assurance*, which the commissioning authority may accept in the form of a surety bond or its functional equivalent, and conditions it on the notary's compliance with the Act (Uniform Law Commission 2010, § 21). The word changed; the obligation did not.

The bond does not guarantee the truth of the documents the notary acknowledges. It guarantees the notary's conduct in acknowledging them. A notary who takes an acknowledgment from a person who did not appear, or who certifies an identification that was never made, or who completes a certificate falsely or negligently, has breached the condition of the bond. A notary who properly acknowledges the signature of a person who then breaches the contract he signed has not.

Why the bond is not insurance

The distinction between suretyship and insurance is the single point on which most notaries are misinformed, and it is the point from which every other consequence of the bond flows. Insurance transfers risk: the insured pays a premium, and the insurer assumes the insured's loss within the terms of the policy. Suretyship does not transfer the principal's risk; it guarantees the principal's performance to a third party. The surety's undertaking is collateral to the principal's own obligation, and when the surety pays, it is subrogated to the rights of the obligee against the principal and holds an independent right of reimbursement under the general law of suretyship and under the indemnity the principal gave when the bond was issued (Restatement (Third) of Suretyship and Guaranty §§ 22, 27, 28 (1996)).

The practical consequence is that a paid bond claim is not a loss absorbed by the surety. It is a debt the notary now owes the surety. A \$10,000 claim paid on a Texas notary bond is, the next morning, a \$10,000 obligation of the Texas notary to the surety, together with the surety's costs of investigation and, in most indemnity forms, its attorney's fees. The statutes that require the bond are candid about this: they exist to protect the public, and they say so. Protection of the notary is not their purpose and is not their effect. That is the office of errors and omissions insurance, discussed in Part V.

Who requires the bond, and who does not

Twenty-eight states and the District of Columbia require a notary public bond as a condition of the commission. The Cherokee Nation and the United States Virgin Islands, which commission their own notaries, require one as well. The penalties range from \$500 in Wisconsin to \$50,000 in Alabama and Louisiana; the median is \$10,000. Nineteen states have never required a bond, and three states (West Virginia in 2018, Wyoming in 2021 and South Dakota in 2025) have repealed the requirement in the current decade. The complete schedule, with statutory citations, appears in Part II.

The repeal trend deserves a comment. The legislative argument for repeal in each of the three states was the same: the bond is small, claims are rare, and the filing requirement is a barrier to entry for a public office the state wants to be widely held. The argument is not wrong as far as it goes. But repeal does not reduce the notary's exposure; it removes the only third party that would otherwise pay first. In a bonding state the injured party recovers the first dollars of loss from a solvent, regulated surety and the surety pursues the notary. In a repeal state the injured party pursues the notary directly, and the notary who has not purchased errors and omissions coverage faces the claim uninsured. Repeal shifts the first loss from the surety to the claimant and the ultimate loss from the notary, who could have insured it, to the notary who did not.

How the penalty and the term are set

Unlike contract and license bonds, whose penalties are sized to a project or to an exposure, the notary bond penalty is a fixed statutory amount that does not vary with the notary's volume, the value of the documents notarized or the notary's credit. The term is the commission term, which is four years in the majority of bonding states but runs five years in the District of Columbia and West Virginia, six in Idaho and Michigan, eight in Indiana, ten in Arkansas, and, in Louisiana, five years on a lifetime commission. The bond must be in force for the full term, and the premium is paid once, at issuance, for the entire term. Because the penalty is fixed and small and the claim frequency across the class is low, the bond is rated as a class rather than underwritten individually; no credit inquiry is made, and the price is a flat figure for each jurisdiction.

Two exceptions to class rating exist. The first is the remote online notary bond in the states that have enlarged the penalty for that commission, which is underwritten individually because the penalty is larger, the forms differ and the exposure is different in kind. The second is the notary bond in a jurisdiction where the obligee's form departs from the surety industry's standard, or where surety participation is limited, as in the United States Virgin Islands. Part III addresses the first; the jurisdiction entries in Part II note the second.

Where the bond is filed

The commissioning authority is the Secretary of State in most bonding states, and the bond is submitted to that office with the commission application. But the filing office is not uniform, and the variations are where commissions are lost. In California the bond and oath are filed with the county clerk of the county of the notary's principal place of business, within thirty calendar days of the commencement date printed on the commission, and a commission for which the filing is not timely made is void (Cal. Gov. Code § 8213). In Pennsylvania the bond, oath and commission are recorded with the Recorder of Deeds of the county where the notary maintains an office, within forty-five days of appointment (57 Pa.C.S. § 321). Missouri gives the notary thirty days after the commission issues to file the bond and take the oath with the county clerk (RSMo § 486.640); Oklahoma gives sixty days for filing with the Secretary of State (49 O.S. § 2). Kentucky, Michigan, Nevada and Tennessee also file at the county level. Louisiana files with the clerk of court of the parish. Alabama commissions through the probate judge. Alaska and Utah commission through the Lieutenant

Governor; Hawaii through the Attorney General; Washington through the Department of Licensing; Wisconsin through the Department of Financial Institutions. Each jurisdiction entry in Part II states the office and the deadline.

The Revised Uniform Law on Notarial Acts

The Uniform Law Commission promulgated the Revised Uniform Law on Notarial Acts in 2010 and amended it in 2018 and 2021 to accommodate remote notarization (Uniform Law Commission 2010; 2018; 2021). RULONA has been enacted in whole or substantial part by more than half the states. For present purposes its significance is threefold. First, it uses the term *assurance* and makes the bond optional at the enacting state's election, which is why several RULONA states (among them Colorado, Iowa, Minnesota, Oregon, Vermont and Washington) reached different conclusions on whether to require one. Second, where the assurance is required, RULONA § 21 fixes its condition (compliance with the Act), provides that the commissioning authority may recover on it, and requires the surety to give notice of cancellation. Third, RULONA § 21(b) states expressly that the assurance does not limit the notary's liability: the notary remains liable for the full amount of any damages, whatever the penalty of the bond. The provision codifies what was already the common law rule and is the statutory anchor for the proposition, repeated throughout this guide, that the bond protects the public and not the notary.

Part II. The bond, jurisdiction by jurisdiction

The entries that follow are organized in three groups: the twenty-eight states, the District of Columbia, the Cherokee Nation and the United States Virgin Islands that require a bond; the three states that formerly required one and no longer do; and the nineteen states that have never required one. Each entry states the controlling statute, the penalty, the commission term, the commissioning authority, the filing procedure and deadline, and the treatment of remote and electronic acts. Statutory citations reflect the law as of September 2026; requirements change by legislation and rule, and the commissioning authority should be consulted before filing.

Schedule of bonding jurisdictions

Jurisdiction	Penalty	Term	Statute
Alabama	\$50,000	4 years	Ala. Code § 36-20-70 et seq.; Act 2023-548
Alaska	\$2,500	4 years	Alaska Stat. § 44.50.034
Arizona	\$5,000	4 years	A.R.S. § 41-315
Arkansas	\$7,500	10 years	Ark. Code Ann. § 21-14-101
California	\$15,000	4 years	Cal. Gov. Code § 8212
Cherokee Nation	Per form	4 years	Cherokee Nation Code, Title 49 (Notaries Public)
Florida	\$7,500	4 years	Fla. Stat. § 117.01(7); § 117.225(6) (online notaries)
Hawaii	\$1,000	4 years	Haw. Rev. Stat. § 456-5
Idaho	\$10,000	6 years	Idaho Code § 51-121 (Revised Uniform Law on Notarial Acts)
Illinois	\$5,000	4 years	5 ILCS 312/2-105 (traditional and remote bonds)
Indiana	\$25,000	8 years	Ind. Code § 33-42-12
Kansas	\$12,000	4 years	K.S.A. 53-102
Kentucky	\$1,000	4 years	KRS 423.395
Louisiana	\$50,000	Lifetime commission; bond renewed every 5 years	La. R.S. 35:71 as amended by Acts 2025, No. 258
Michigan	\$10,000	6 to 7 years (expires on the notary's birthday)	MCL 55.273
Mississippi	\$5,000	4 years	Miss. Code Ann. § 25-34-1 et seq. (Revised Uniform Law on Notarial Acts)
Missouri	\$10,000	4 years	RSMo § 486.640
Montana	\$25,000	4 years	Mont. Code Ann. Title 1, ch. 5, part 6 (Montana Notary Act)
Nebraska	\$15,000	4 years	Neb. Rev. Stat. § 64-102
Nevada	\$10,000	4 years	NRS 240.030
New Mexico	\$10,000	4 years	NMSA 1978, Chapter 14, Article 14A (Revised Uniform Law on Notarial Acts)
North Dakota	\$7,500	4 years	N.D.C.C. § 44-06.1-20

Jurisdiction	Penalty	Term	Statute
Oklahoma	\$10,000	4 years	49 O.S. § 2, as amended by SB 1028 (2025)
Pennsylvania	\$25,000	4 years	57 Pa.C.S. § 321 (Revised Uniform Law on Notarial Acts)
Tennessee	\$10,000	4 years	Tenn. Code Ann. § 8-16-104
Texas	\$10,000	4 years	Tex. Gov't Code § 406.010
U.S. Virgin Islands	Per form	4 years	3 V.I.C. § 771 et seq.
Utah	\$5,000	4 years	Utah Code § 46-1-4
Washington	\$10,000	4 years	RCW 42.45.020
Washington, D.C.	\$2,000	5 years	D.C. Code § 1-1231.20
Wisconsin	\$500	4 years	Wis. Stat. § 140.02

A. Jurisdictions that require a bond

Alabama

Bond required: Yes

Penalty: \$50,000

Term: 4 years

Statute: Ala. Code § 36-20-70 et seq.; Act 2023-548

Commissioning authority: Probate Judge of the county of residence (commission); Alabama Secretary of State (registry)

Alabama doubled its notary bond from \$25,000 to \$50,000 effective September 1, 2023 under Act 2023-548, which also introduced mandatory pre-commission training (attorneys are exempt) and background checks. Alabama now shares the highest notary bond penalty in the nation with Louisiana.

Filing. The bond is filed with the probate judge of your county along with the application and the commission fee. Alabama requires the bond to be approved before the commission issues.

Remote and electronic acts. Alabama does not currently authorize remote online notarization for the general public. The \$50,000 bond covers all notarial acts performed under the commission.

Alaska

Bond required: Yes

Penalty: \$2,500

Term: 4 years

Statute: Alaska Stat. § 44.50.034

Commissioning authority: Office of the Lieutenant Governor

Alaska's bond was raised from \$1,000 to \$2,500 and covers the full four-year term. Because the commission runs from the Lieutenant Governor, the bond must name the State of Alaska as obligee.

Filing. File the bond with the Lieutenant Governor's office together with the application, oath and the \$40 commission fee. Alaska also permits a cash deposit in lieu of a bond, but the surety bond is the option nearly every applicant uses because it avoids tying up cash for four years.

Remote and electronic acts. Alaska authorizes remote online notarization under AS 44.50.075. No separate or enlarged bond is required for remote acts.

Arizona

Bond required: Yes

Term: 4 years

Commissioning authority: Arizona Secretary of State

Penalty: \$5,000

Statute: A.R.S. § 41-315

Arizona keeps its traditional bond at \$5,000 but requires a separate \$25,000 bond for a remote online notary commission, so an Arizona notary who adds RON authority has two distinct bonding obligations.

Filing. Submit the original bond with the notary application to the Secretary of State. The bond must be on the state-prescribed form, signed by the notary and the surety, and the notary's signature must be notarized.

Remote and electronic acts. Remote online notaries in Arizona must post a \$25,000 bond in addition to the \$5,000 traditional bond (A.R.S. § 41-374). Remote bonds are individually underwritten; use the online notary bond request.

Arkansas

Bond required: Yes

Term: 10 years

Commissioning authority: Arkansas Secretary of State

Penalty: \$7,500

Statute: Ark. Code Ann. § 21-14-101

Arkansas requires a \$7,500 surety bond for a ten-year commission. Because the term is so long, a single bond premium covers a decade of notarial practice, which makes it the least expensive bond per year in the United States.

Filing. The bond is submitted with the application to the Secretary of State. Arkansas issues a ten-year commission, the longest in the country, and the bond must run for the entire ten-year term.

Remote and electronic acts. Arkansas permits electronic and remote online notarization under Act 1053 of 2021. The standard \$7,500 bond covers remote acts; no additional bond is required.

California

Bond required: Yes

Term: 4 years

Commissioning authority: California Secretary of State (commission); County Clerk (bond and oath filing)

Penalty: \$15,000

Statute: Cal. Gov. Code § 8212

California's \$15,000 bond is one of the most heavily litigated in the country because of the volume of real estate and loan signings performed by California notaries. The bond must be issued by a surety admitted in California and filed on the state form.

Filing. California is unusual: the bond is not sent to the Secretary of State. Within 30 calendar days of the commencement date printed on the commission, the notary must file the original bond and take the oath of office with the county clerk of the county where the notary's principal place of business is located. Missing the 30-day window voids the commission.

Remote and electronic acts. California's online notarization article (SB 696, 2023) fixes the surety's liability at \$25,000 for online notarial acts, against \$15,000 for traditional acts, with the surety's aggregate liability capped at \$25,000 (Cal. Gov. Code § 8231.10). Online commissions are being implemented on the Secretary of State's schedule; the online bond is individually quoted.

Cherokee Nation

Bond required: Yes

Penalty: Per jurisdiction form

Term: 4 years

Statute: Cherokee Nation Code, Title 49 (Notaries Public)

Commissioning authority: Cherokee Nation (Office of the Secretary of State of the Cherokee Nation)

The Cherokee Nation commissions its own notaries public under Title 49 of the Cherokee Nation Code, patterned on Oklahoma law. Surety One writes the Cherokee Nation notary bond on the Nation's form. Confirm the current penalty with the Nation before ordering; our underwriters verify it at issuance.

Filing. Cherokee Nation notaries are commissioned by the Nation, not by the State of Oklahoma, and file their bond with the Nation as part of the application. A state commission does not authorize notarial acts under tribal law and a tribal commission is not a state commission.

Remote and electronic acts. Remote notarization under tribal commission is governed by Cherokee Nation law; ask an underwriter.

Florida

Bond required: Yes

Penalty: \$7,500

Term: 4 years

Statute: Fla. Stat. § 117.01(7); § 117.225(6) (online notaries)

Commissioning authority: Florida Department of State, Division of Corporations (through an authorized bonding agency)

Florida requires a \$7,500 bond for traditional notaries. Online notaries must carry a \$25,000 bond and, uniquely among the states, a mandatory \$25,000 errors and omissions policy. Because Florida commissions flow through authorized bonding agencies, Florida notary bonds are individually placed; request a quotation.

Filing. Florida commissions are processed through bonding agencies authorized by the Department of State. The bond, oath and application are submitted as a package by the bonding agency rather than by the notary directly.

Remote and electronic acts. Florida online notaries must post a \$25,000 bond and maintain \$25,000 of errors and omissions insurance (Fla. Stat. § 117.225(6)). Use the online notary bond request and the E&O application.

Hawaii

Bond required: Yes

Penalty: \$1,000

Term: 4 years

Statute: Haw. Rev. Stat. § 456-5

Commissioning authority: Hawaii Department of the Attorney General

Hawaii's \$1,000 bond is among the lowest penalties in the nation, but the state pairs it with an examination requirement that most other states do not impose.

Filing. The bond is filed with the Attorney General's notary office as part of the commission application. Hawaii requires the applicant to pass a written examination before the commission issues.

Remote and electronic acts. Hawaii authorizes remote online notarization under HRS § 456-1.5 and related rules. The standard bond applies to remote acts.

Idaho

Bond required: Yes

Term: 6 years

Commissioning authority: Idaho Secretary of State

Penalty: \$10,000

Statute: Idaho Code § 51-121 (Revised Uniform Law on Notarial Acts)

Idaho adopted the Revised Uniform Law on Notarial Acts and requires a \$10,000 assurance in the form of a surety bond for a six-year commission. The longer term keeps the annual cost of the bond very low.

Filing. File the bond with the Secretary of State together with the application and the oath. Idaho requires the bond to be in effect for the full six-year commission.

Remote and electronic acts. Idaho permits remote online notarization. No separate or larger bond is required for remote acts; the \$10,000 bond covers them.

Illinois

Bond required: Yes

Term: 4 years

Commissioning authority: Illinois Secretary of State, Index Department

Penalty: \$5,000

Statute: 5 ILCS 312/2-105 (traditional and remote bonds)

Illinois has two bond tiers. A traditional notary posts \$5,000. A notary who performs remote or electronic notarizations by audio-video communication must also carry a \$25,000 bond conditioned on those acts, and a single \$30,000 bond satisfies both requirements; Illinois's is the largest remote notary bond in the country.

Filing. The bond is submitted with the application to the Secretary of State. Illinois requires an applicant to be a resident of the state (or an out-of-state resident employed in Illinois) and, for new commissions, a training course and examination.

Remote and electronic acts. Illinois electronic and remote notaries must carry a \$25,000 bond conditioned on remote and electronic acts in addition to the \$5,000 bond, or a single \$30,000 bond satisfying both (5 ILCS 312/2-105(b)). Remote notary bonds are individually underwritten; use the online notary bond request.

Indiana

Bond required: Yes

Term: 8 years

Commissioning authority: Indiana Secretary of State

Penalty: \$25,000

Statute: Ind. Code § 33-42-12

Indiana requires a \$25,000 bond for an eight-year commission. The combination of a high penalty and a long term is unique; the bond must remain in force for the entire eight years.

Filing. Upload the bond through the Secretary of State's online notary portal with the application. Indiana requires a criminal history check and continuing education every two years during the eight-year term.

Remote and electronic acts. Indiana permits remote notarization with a separate authorization and fee. The \$25,000 bond covers remote acts; no additional bond is required.

Kansas

Bond required: Yes

Penalty: \$12,000

Term: 4 years

Statute: K.S.A. 53-102

Commissioning authority: Kansas Secretary of State

Kansas raised its bond to \$12,000, one of the higher penalties among the four-year states. The bond covers both traditional and remote notarial acts.

Filing. Submit the bond with the notary application to the Secretary of State. Kansas requires the bond to be executed on the state form and to run concurrently with the four-year commission.

Remote and electronic acts. Kansas authorizes remote online notarization under K.S.A. 53-5a01 et seq. The \$12,000 bond applies to remote acts.

Kentucky

Bond required: Yes

Penalty: \$1,000

Term: 4 years

Statute: KRS 423.395

Commissioning authority: Kentucky Secretary of State (commission); County Clerk (bond and oath)

Kentucky's \$1,000 bond is modest, but the filing sequence matters: the bond is filed with the county clerk after state approval, and the commission is not effective until that step is complete.

Filing. After the Secretary of State approves the application, the notary must post the bond and take the oath with the county clerk of the county of residence before the commission becomes effective.

Remote and electronic acts. Kentucky permits online notarization under KRS 423.455. The standard \$1,000 bond covers online acts.

Louisiana

Bond required: Yes

Penalty: \$50,000

Term: Lifetime commission; bond renewed every 5 years

Statute: La. R.S. 35:71 as amended by Acts 2025, No. 258

Commissioning authority: Louisiana Secretary of State (through the Clerk of Court of the parish)

Effective February 1, 2026, Louisiana raised its notary bond from \$10,000 to \$50,000 (Acts 2025, No. 258) and eliminated the errors and omissions policy alternative. Every commissioned civil law notary who is not a licensed attorney must now carry a \$50,000 surety bond renewed every five years. Louisiana civil law notaries have far broader powers than common law notaries elsewhere, which explains the higher penalty.

Filing. Louisiana notaries hold lifetime commissions but must file a new five-year bond with the clerk of court of the parish of residence before each bond expires. Failure to keep the bond current suspends the notary's authority to act.

Remote and electronic acts. Louisiana authorizes remote online notarization for notaries who register with the Secretary of State. The \$50,000 bond covers remote acts.

Michigan

Bond required: Yes

Penalty: \$10,000

Term: 6 to 7 years (expires on the notary's birthday)

Statute: MCL 55.273

Commissioning authority: Michigan Department of State (commission); County Clerk (bond filing)

Michigan's \$10,000 bond is filed at the county level and covers a term of six to seven years, tied to the notary's birthday. Because the term is unusually long, the bond must be written to match the exact commission expiration date.

Filing. File the bond and take the oath with the county clerk of the county of residence, then submit the application with the clerk's certification to the Department of State. Michigan commissions expire on the notary's birthday in the sixth or seventh year, and the bond must run to that date.

Remote and electronic acts. Michigan authorizes electronic and remote notarization under MCL 55.286b. The standard \$10,000 bond covers remote acts.

Mississippi

Bond required: Yes

Penalty: \$5,000

Term: 4 years

Statute: Miss. Code Ann. § 25-34-1 et seq. (Revised Uniform Law on Notarial Acts)

Commissioning authority: Mississippi Secretary of State

Mississippi requires a \$5,000 bond for a four-year commission. The state moved its notary law to the Revised Uniform Law on Notarial Acts, which retained the bond as an assurance requirement.

Filing. Submit the bond with the online notary application to the Secretary of State. Mississippi requires the bond to be issued by a surety authorized to do business in the state.

Remote and electronic acts. Mississippi permits remote online notarization under Miss. Code Ann. § 25-34-41 et seq. The \$5,000 bond applies to remote acts.

Missouri

Bond required: Yes

Penalty: \$10,000

Term: 4 years

Statute: RSMo § 486.640

Commissioning authority: Missouri Secretary of State (commission); County Clerk (bond and oath)

Missouri's \$10,000 bond is filed with the county clerk within 30 days after the commission is issued. The commission is not effective until the clerk records the bond and administers the oath.

Filing. After the Secretary of State issues the commission, the notary has 30 days to file the bond and take the oath with the county clerk of the county of residence. Missouri also requires completion of a training course before the commission issues.

Remote and electronic acts. Missouri authorizes remote online notarization for notaries who register with the Secretary of State. The \$10,000 bond covers remote acts.

Montana

Bond required: Yes

Term: 4 years

Commissioning authority: Montana Secretary of State

Penalty: \$25,000

Statute: Mont. Code Ann. Title 1, ch. 5, part 6 (Montana Notary Act)

Montana requires a \$25,000 bond, a mandatory four-hour education course and a fifty-question examination for every applicant. Remote online notaries must also maintain \$25,000 of errors and omissions insurance, which makes Montana one of only two jurisdictions that mandate E&O for any class of notary.

Filing. Submit the bond with the online application to the Secretary of State after completing the mandatory education course and passing the state examination. The bond must be in force for the full four-year term.

Remote and electronic acts. Montana remote online notaries must carry the \$25,000 bond and \$25,000 of errors and omissions insurance. Use the online notary bond request and the E&O application together.

Nebraska

Bond required: Yes

Term: 4 years

Commissioning authority: Nebraska Secretary of State

Penalty: \$15,000

Statute: Neb. Rev. Stat. § 64-102

Nebraska requires a \$15,000 bond for a four-year commission, one of the higher penalties among the plains states. The bond form must be signed by the notary and the surety and filed in original.

Filing. Submit the bond with the application and the \$30 fee to the Secretary of State. Nebraska requires a passing score on the notary examination for new applicants.

Remote and electronic acts. Nebraska authorizes online notarization under the Online Notary Public Act. The \$15,000 bond covers online acts.

Nevada

Bond required: Yes

Term: 4 years

Commissioning authority: Nevada Secretary of State (commission); County Clerk (bond filing)

Penalty: \$10,000

Statute: NRS 240.030

Nevada's \$10,000 bond is filed with the county clerk before the application goes to the Secretary of State. Nevada was an early adopter of electronic notarization and applies the same bond to electronic and remote acts.

Filing. Nevada requires the bond to be filed with the county clerk of the county of residence, and the clerk's filing stamp must accompany the application submitted to the Secretary of State. New applicants must complete a training course.

Remote and electronic acts. Nevada electronic and remote notaries operate under the standard \$10,000 bond (NRS 240.192 et seq.). No additional bond is required.

New Mexico

Bond required: Yes

Term: 4 years

Commissioning authority: New Mexico Secretary of State

Penalty: \$10,000

Statute: NMSA 1978, Chapter 14, Article 14A (Revised Uniform Law on Notarial Acts)

New Mexico requires a \$10,000 surety bond for a four-year commission. The bond must be on the prescribed form and must name the State of New Mexico as obligee.

Filing. Submit the bond with the application to the Secretary of State. New Mexico moved to the Revised Uniform Law on Notarial Acts in 2022 and retained the \$10,000 assurance requirement.

Remote and electronic acts. New Mexico authorizes remote online notarization. The \$10,000 bond covers remote acts.

North Dakota

Bond required: Yes

Term: 4 years

Commissioning authority: North Dakota Secretary of State

Penalty: \$7,500

Statute: N.D.C.C. § 44-06.1-20

North Dakota requires a \$7,500 assurance in the form of a surety bond for a four-year commission. Both the applicant's and the surety's signatures on the bond form must themselves be acknowledged before a notary other than the applicant.

Filing. The bond is completed on the Secretary of State's form SFN 19355, signed by the applicant and the surety before a notary, and uploaded through the FirstStop portal with the application. The commission does not issue until the bond, oath and \$36 fee are received.

Remote and electronic acts. North Dakota permits remote notarial acts and requires a journal for them. The \$7,500 bond covers remote acts.

Oklahoma

Bond required: Yes

Term: 4 years

Commissioning authority: Oklahoma Secretary of State

Penalty: \$10,000

Statute: 49 O.S. § 2, as amended by SB 1028 (2025)

Effective January 1, 2026, Oklahoma raised its notary bond from \$1,000 to \$10,000 under SB 1028. Every new and renewing Oklahoma notary must now post the \$10,000 bond within 60 days of the commission date.

Filing. After the commission issues, the notary has 60 days to file the bond, oath and loyalty oath with the Secretary of State. The commission is void if the bond is not filed in time.

Remote and electronic acts. Oklahoma authorizes remote online notarization for notaries who register with the Secretary of State. The \$10,000 bond covers remote acts.

Pennsylvania

Bond required: Yes

Penalty: \$25,000

Term: 4 years

Statute: 57 Pa.C.S. § 321 (Revised Uniform Law on Notarial Acts)

Commissioning authority: Pennsylvania Department of State, Bureau of Corporations and Charitable Organizations

Effective March 28, 2026, Pennsylvania raised its notary bond from \$10,000 to \$25,000 for all new and renewing notaries. A notary commissioned before that date may keep the existing \$10,000 bond until that commission expires, but any renewal or new appointment now requires \$25,000. Pennsylvania also requires a three-hour education course and, for new applicants, an examination.

Filing. Within 45 days of appointment, the notary must file the bond, oath and commission with the Recorder of Deeds of the county where the notary maintains an office, and register the official signature there. Failure to complete the county recording within 45 days voids the appointment.

Remote and electronic acts. Pennsylvania authorizes remote online notarization. The \$25,000 bond covers remote acts; no additional bond is required.

Tennessee

Bond required: Yes

Penalty: \$10,000

Term: 4 years

Statute: Tenn. Code Ann. § 8-16-104

Commissioning authority: County Legislative Body and County Clerk (election and bond); Tennessee Secretary of State (commission)

Tennessee's \$10,000 bond is filed at the county level after election by the county commission. The bond may be a surety company bond or, in some counties, a personal surety bond signed by two individuals, but the corporate surety bond is faster and accepted everywhere.

Filing. Tennessee notaries are elected by the county legislative body and then commissioned by the Governor through the Secretary of State. The bond is filed with the county clerk, who forwards the election and bond to the state. The notary must take the oath before the county clerk.

Remote and electronic acts. Tennessee authorizes online notarization under the Online Notary Public Act (Tenn. Code Ann. § 8-16-301 et seq.). The \$10,000 bond covers online acts.

Texas

Bond required: Yes

Penalty: \$10,000

Term: 4 years

Statute: Tex. Gov't Code § 406.010

Commissioning authority: Texas Secretary of State

Texas requires a \$10,000 bond for a four-year commission. It is the highest-volume notary bond in the country and the same bond covers traditional, electronic and online notarial acts.

Filing. Submit the bond with Form 2301 (application) and the \$21 filing fee to the Secretary of State. The bond must be executed by a surety authorized in Texas and must cover the full four-year term. Beginning in 2026 new applicants must complete a state education course and assessment.

Remote and electronic acts. Texas online notaries operate under the standard \$10,000 bond (Tex. Gov't Code § 406.101 et seq.). No additional bond is required, although online notaries must register separately with the Secretary of State.

U.S. Virgin Islands

Bond required: Yes

Penalty: Per jurisdiction form

Term: 4 years

Statute: 3 V.I.C. § 771 et seq.

Commissioning authority: Office of the Lieutenant Governor of the Virgin Islands

The U.S. Virgin Islands is a separate commissioning jurisdiction with its own bond form and a considerably higher premium than the states because of limited surety market participation in the territory. Surety One is one of the few markets writing the Virgin Islands notary bond. Confirm the current penalty with the Lieutenant Governor's office; our underwriters verify it at issuance.

Filing. The bond is filed with the Office of the Lieutenant Governor together with the application, the oath and the commission fee. Virgin Islands commissions run four years.

Remote and electronic acts. Remote notarization in the Virgin Islands is governed by territorial law; ask an underwriter.

Utah

Bond required: Yes

Penalty: \$5,000

Term: 4 years

Statute: Utah Code § 46-1-4

Commissioning authority: Office of the Lieutenant Governor

Utah requires a \$5,000 bond for a traditional notary. A remote notary must carry an additional \$5,000, for \$10,000 of total bond coverage, and both bonds must be renewed with the commission. Surety One writes the remote Utah bond at a separate rate.

Filing. Submit the bond with the application to the Lieutenant Governor's office after passing the state notary examination. Utah requires the surety to be authorized to transact business in the state.

Remote and electronic acts. Utah remote notaries must carry \$10,000 of total bond coverage: the standard \$5,000 plus an additional \$5,000 (Utah Code § 46-1-3.5). The remote version is available on the standard application at the Utah (Remote) rate.

Washington

Bond required: Yes

Penalty: \$10,000

Term: 4 years

Statute: RCW 42.45.020

Commissioning authority: Washington State Department of Licensing

Washington requires a \$10,000 surety bond for a four-year commission under the Revised Uniform Law on Notarial Acts. Electronic and remote notarial endorsements are added to the same commission and covered by the same bond.

Filing. Submit the bond with the application to the Department of Licensing. Washington commissions notaries through the Department of Licensing rather than the Secretary of State, and the bond must name the State of Washington as obligee.

Remote and electronic acts. Washington remote notaries obtain an electronic records notary endorsement. The \$10,000 bond covers remote acts.

Washington, D.C.

Bond required: Yes

Penalty: \$2,000

Term: 5 years

Statute: D.C. Code § 1-1231.20

Commissioning authority: Office of Notary Commissions and Authentications, Office of the Secretary of the District of Columbia

The District of Columbia requires a \$2,000 bond for a five-year commission. The District is a separate commissioning jurisdiction and a bond issued for a state commission cannot be used for a D.C. commission.

Filing. Submit the bond with the application to the Office of Notary Commissions and Authentications. The District issues a five-year commission and requires a \$2,000 bond for the full term.

Remote and electronic acts. The District authorizes remote online notarization under the Revised Uniform Law on Notarial Acts. The \$2,000 bond covers remote acts.

Wisconsin

Bond required: Yes

Penalty: \$500

Term: 4 years

Statute: Wis. Stat. § 140.02

Commissioning authority: Wisconsin Department of Financial Institutions

Wisconsin's \$500 bond is the lowest notary bond penalty in the United States. Despite the small amount, the bond is mandatory for every non-attorney applicant and must be filed with the Department of Financial Institutions before the commission issues.

Filing. Submit the bond with the application to the Department of Financial Institutions. Wisconsin attorneys receive permanent commissions and are exempt from the bond; all other notaries post the \$500 bond for a four-year term.

Remote and electronic acts. Wisconsin authorizes remote online notarization under Wis. Stat. § 140.145. The \$500 bond covers remote acts.

B. States that have repealed the bond requirement

West Virginia (2018), Wyoming (2021) and South Dakota (2025) formerly required a notary bond and no longer do. Notaries in these states remain personally liable for damages caused by their notarial acts, and the practical observations in Part I on the consequences of repeal apply. A voluntary bond at the former statutory amount continues to be written for notaries whose employers, clients or signing services require one.

South Dakota

Bond required: No (repealed)

Voluntary bond: \$5,000, 6 years

Statute: SDCL 18-1-2, as amended by HB 1133 (2025)

Commissioning authority: South Dakota Secretary of State

Effective July 1, 2025, South Dakota eliminated its \$5,000 notary bond requirement (HB 1133). South Dakota notaries remain personally liable for damages caused by their notarial acts. Surety One continues to write a voluntary \$5,000 six-year South Dakota notary bond for notaries whose employers, signing services or clients require one.

Practice. South Dakota no longer requires a bond to be filed with the application. A voluntary bond may be purchased and kept on file with the notary or provided to an employer or signing service that requires one.

Remote and electronic acts. South Dakota authorizes remote notarization. No bond is required by the state.

West Virginia

Bond required: No (repealed)
Statute: W. Va. Code § 39-4-20

Voluntary bond: \$1,000, 5 years
Commissioning authority: West Virginia Secretary of State

West Virginia removed its notary bond requirement in 2018. West Virginia notaries remain personally liable for their notarial errors and misconduct. Surety One writes a voluntary five-year West Virginia notary bond for notaries who want or are asked to carry one.

Practice. West Virginia no longer requires a bond with the application. A voluntary bond may be purchased for the five-year term and provided to any employer or client that asks for one.

Remote and electronic acts. West Virginia authorizes remote online notarization. No bond is required by the state.

Wyoming

Bond required: No (repealed)
Statute: Wyo. Stat. § 32-3-101 et seq. (Revised Uniform Law on Notarial Acts, 2021)

Voluntary bond: \$500, Commission term
Commissioning authority: Wyoming Secretary of State

Wyoming eliminated its \$500 notary bond requirement when it adopted the Revised Uniform Law on Notarial Acts in 2021. Wyoming notaries remain personally liable for damages caused by their notarial acts. Surety One writes a voluntary Wyoming notary bond for notaries who are asked by an employer or client to carry one.

Practice. Wyoming no longer requires a bond. A voluntary bond may be obtained for the commission term.

Remote and electronic acts. Wyoming authorizes remote online notarization. No bond is required by the state.

C. States that do not require a bond

In the nineteen states below no bond is filed with the commission application. The notary is personally and fully liable for damages caused by notarial errors and misconduct, and errors and omissions insurance is the only instrument that stands between the notary and a claimant.

Colorado

Bond required: No
Commissioning authority: Colorado Secretary of State

Term: 4 years

Colorado does not require a surety bond for a notary commission. Applicants complete a state-approved training course and examination. Colorado notaries are personally liable for damages caused by their notarial acts, which is why errors and omissions insurance is widely carried.

Remote and electronic acts. Colorado authorizes remote notarization for notaries who register with the Secretary of State and use an approved provider. No bond is required.

Connecticut

Bond required: No

Term: 5 years

Commissioning authority: Connecticut Secretary of the State

Connecticut does not require a notary bond. Applicants pass an open-book examination on the Connecticut Notary Public Manual and file the commission with the town clerk. Connecticut notaries are personally liable for their errors.

Remote and electronic acts. Connecticut permits remote online notarization. No bond is required.

Delaware

Bond required: No

Term: 2 years (first term); 4 years (renewal)

Commissioning authority: Delaware Secretary of State, Division of Corporations

Delaware does not require a notary bond. The first commission is for two years and renewals run four years. Delaware notaries are personally liable for damages arising from their notarial acts.

Remote and electronic acts. Delaware authorizes electronic and remote notarization. No bond is required.

Georgia

Bond required: No

Term: 4 years

Commissioning authority: Clerk of Superior Court of the county of residence; Georgia Superior Court Clerks' Cooperative Authority

Georgia does not require a surety bond for a notary commission. Applications are filed with the clerk of superior court of the county of residence. Georgia notaries are personally liable for their negligence and misconduct, and Georgia sees a high volume of real estate closings, so errors and omissions insurance is commonly carried.

Remote and electronic acts. Georgia authorizes remote online notarization on a limited basis. No bond is required.

Iowa

Bond required: No

Term: 3 years

Commissioning authority: Iowa Secretary of State

Iowa does not require a notary bond. Commissions run three years and applications are filed with the Secretary of State. Iowa notaries are personally liable for damages caused by their notarial acts.

Remote and electronic acts. Iowa authorizes remote online notarization for notaries who register with the Secretary of State. No bond is required.

Maine

Bond required: No

Term: 7 years

Commissioning authority: Maine Secretary of State, Division of Corporations, UCC and Commissions

Maine does not require a notary bond. Maine issues a seven-year commission, one of the longest in the nation. Maine notaries may also solemnize marriages and are personally liable for their notarial errors.

Remote and electronic acts. Maine authorizes remote online notarization under its Revised Uniform Law on Notarial Acts. No bond is required.

Maryland

Bond required: No

Term: 4 years

Commissioning authority: Maryland Secretary of State

Maryland does not require a notary bond. Applicants complete a state-approved course and file with the Secretary of State; the commission is delivered through the clerk of the circuit court. Maryland notaries are personally liable for their errors.

Remote and electronic acts. Maryland authorizes remote online notarization for notaries who register with the Secretary of State. No bond is required.

Massachusetts

Bond required: No

Term: 7 years

Commissioning authority: Governor of Massachusetts, through the Secretary of the Commonwealth

Massachusetts does not require a notary bond. Notaries are appointed by the Governor with the advice and consent of the Governor's Council for a seven-year term. Massachusetts notaries are personally liable for their notarial errors and misconduct.

Remote and electronic acts. Massachusetts authorizes remote online notarization under its 2023 legislation. No bond is required.

Minnesota

Bond required: No

Term: 5 years

Commissioning authority: Minnesota Secretary of State (commission); County (registration)

Minnesota does not require a notary bond. Commissions run five years and the notary must register the commission with the county of residence. Minnesota notaries are personally liable for their errors.

Remote and electronic acts. Minnesota authorizes remote online notarization for notaries who register with the Secretary of State. No bond is required.

New Hampshire

Bond required: No

Term: 5 years

Commissioning authority: New Hampshire Secretary of State

New Hampshire does not require a notary bond. Applications must be endorsed by two New Hampshire notaries or justices of the peace and approved by the Governor and Executive Council. New Hampshire notaries are personally liable for their errors.

Remote and electronic acts. New Hampshire authorizes remote online notarization. No bond is required.

New Jersey

Bond required: No

Term: 5 years

Commissioning authority: New Jersey Department of the Treasury, Division of Revenue and Enterprise Services

New Jersey does not require a notary bond. Commissions run five years and the notary must take the oath before the county clerk. New Jersey notaries are personally liable for damages arising from their notarial acts.

Remote and electronic acts. New Jersey authorizes remote online notarization. No bond is required.

New York

Bond required: No

Term: 4 years

Commissioning authority: New York Department of State, Division of Licensing Services

New York does not require a notary bond. Applicants must pass the state notary examination unless they are attorneys. New York notaries are personally liable for their negligence and misconduct, and because New York has the largest notary population in the country, errors and omissions insurance is frequently carried. Some employers and signing services ask New York notaries for a voluntary bond; ask an underwriter.

Remote and electronic acts. New York authorizes electronic and remote notarization for notaries who register with the Department of State. No bond is required.

North Carolina

Bond required: No

Term: 5 years

Commissioning authority: North Carolina Secretary of State (commission); Register of Deeds (oath)

North Carolina does not require a notary bond. Applicants complete a state-approved course and examination, and the notary takes the oath before the register of deeds of the county of residence. North Carolina notaries are personally liable for their errors and are subject to disciplinary action by the Secretary of State.

Remote and electronic acts. North Carolina authorizes electronic and remote notarization under the Remote Electronic Notarization Act. No bond is required.

Ohio

Bond required: No

Term: 5 years (attorneys: permanent)

Commissioning authority: Ohio Secretary of State

Ohio does not require a surety bond for a standard notary commission. Applicants complete a background check, education and examination. Ohio's online notarization statute contemplates a bond for specified electronic estate planning documents; ask an underwriter if you perform those. Ohio notaries are personally liable for their errors.

Remote and electronic acts. Ohio authorizes online notarization for notaries who complete the online notary course and register. A bond may apply to electronic estate planning documents only; ask an underwriter.

Oregon

Bond required: No

Term: 4 years

Commissioning authority: Oregon Secretary of State, Corporation Division

Oregon does not require a notary bond. Applicants complete a free online training course and examination. Oregon notaries are personally liable for damages caused by their notarial acts.

Remote and electronic acts. Oregon authorizes remote online notarization. No bond is required.

Rhode Island

Bond required: No

Term: 4 years

Commissioning authority: Rhode Island Department of State, Business Services Division

Rhode Island does not require a notary bond. Commissions run four years and applicants must pass a state examination. Rhode Island notaries are personally liable for their errors.

Remote and electronic acts. Rhode Island authorizes remote online notarization. No bond is required.

South Carolina

Bond required: No

Term: 10 years

Commissioning authority: South Carolina Secretary of State

South Carolina does not require a notary bond. The commission runs ten years and must be endorsed by a member of the General Assembly. South Carolina notaries are personally liable for their errors.

Remote and electronic acts. South Carolina authorizes electronic notarization; remote online notarization is implemented under the Electronic Notary Public Act. No bond is required.

Vermont

Bond required: No

Term: 2 years

Commissioning authority: Vermont Secretary of State, Office of Professional Regulation

Vermont does not require a notary bond. Vermont regulates notaries through the Office of Professional Regulation and issues two-year commissions. Vermont notaries are personally liable for their errors.

Remote and electronic acts. Vermont authorizes remote online notarization. No bond is required.

Virginia

Bond required: No

Term: 4 years

Commissioning authority: Virginia Secretary of the Commonwealth (commission); Circuit Court Clerk (oath)

Virginia does not require a notary bond. Applications are filed with the Secretary of the Commonwealth and the oath is taken before the clerk of the circuit court. Virginia was the first state to authorize remote online notarization, in 2011. Virginia notaries are personally liable for their errors.

Remote and electronic acts. Virginia authorizes electronic and remote notarization for notaries who register as electronic notaries. No bond is required.

Part III. Remote online, electronic and eNotary commissions

Virginia authorized remote online notarization in 2011, and by 2026 forty-seven states and the District of Columbia had followed. A remote online notarization is performed by audio-video communication with a signer who is not physically present, identified through credential analysis and, typically, knowledge-based authentication, with the session recorded and retained. An electronic notarization, by contrast, is performed on an electronic record with an electronic signature and seal, with the signer physically present. The vocabulary is not uniform across states, and a notary should read the definitions in the home statute rather than assume.

For bonding purposes the states fall into three groups.

States that cover remote acts under the standard bond

The large majority. Texas (Tex. Gov't Code § 406.101 et seq.), Nevada (NRS 240.192 et seq.), Pennsylvania, Washington, Michigan, Tennessee, Kansas, Nebraska, Oklahoma, Louisiana, Indiana, Idaho, Missouri, Mississippi, New Mexico, North Dakota, Kentucky, Arkansas, Alaska, Hawaii, Wisconsin and the District of Columbia all authorize remote or electronic notarization and treat it as an act under the existing commission, covered by the existing bond. The notary registers separately as a remote or electronic notary, selects an approved technology provider, and in several states completes additional training, but files no second bond. In these states the practitioner's task is limited to confirming that the standard bond is in force and that the remote registration has been made.

States with a separate or enlarged remote bond

Arizona requires a remote online notary to post a \$25,000 bond in addition to the \$5,000 bond of the traditional commission (A.R.S. § 41-374). The two bonds are distinct instruments with distinct forms.

Illinois requires a notary who performs remote or electronic notarizations by audio-video communication to carry a \$25,000 bond conditioned on those acts in addition to the \$5,000 traditional bond, and provides that a single \$30,000 bond satisfies both (5 ILCS 312/2-105(b)). It is the largest remote notary bond in the country.

Florida requires an online notary to post a \$25,000 bond, as against the \$7,500 bond of the traditional commission, and to maintain errors and omissions insurance of not less than \$25,000 (Fla. Stat. § 117.225(6)). Florida is the only state that mandates errors and omissions coverage for any class of notary as a condition of the commission itself.

Utah requires a remote notary to carry an additional \$5,000 of bond, for \$10,000 in total, which may be written as a rider to the standard bond; both must be renewed with the commission (Utah Code § 46-1-3.5).

California enacted online notarization by SB 696 (2023). The online notarization article fixes the surety's liability at \$25,000 for online notarial acts, against \$15,000 for acts under the traditional article, and caps the surety's aggregate liability at \$25,000 (Cal. Gov. Code § 8231.10). Online commissions are being implemented on the Secretary of State's schedule.

Montana does not enlarge the bond for remote notaries but requires them to maintain \$25,000 of errors and omissions insurance in addition to the \$25,000 bond (Mont. Code Ann. Title 1, ch. 5, part 6). Montana and Florida are therefore the two jurisdictions in which an E&O policy is a condition of a notarial commission.

Ohio

Ohio requires no bond for a standard commission. Its online notarization statute contemplates a bond in connection with specified electronic estate planning documents, and a notary who performs those acts should consult the Secretary of State's current rules (Ohio Rev. Code ch. 147).

Why remote bonds are underwritten individually

The enlarged remote bonds are not rated as a class. The penalties are two to six times the traditional bond; the forms are jurisdiction-specific and in some cases are prescribed by regulation rather than statute; and the exposure differs in kind. A remote notarization is performed for a signer the notary never meets, identified by a credential the notary sees only on a screen, and it is disproportionately used for the highest-value documents (real estate conveyances and loan packages) that generate notary claims. The surety reviews each remote application, confirms the obligee's current form and penalty, and quotes a firm price. No premium is due until the quotation is accepted.

Part IV. Claims

The recurring fact patterns

Notary bond claims are rare relative to the number of notarial acts performed, but when they arise they are concentrated in a handful of fact patterns that recur with almost monotonous regularity. A practitioner who knows them can predict, from the first paragraph of a claim letter, how the matter will resolve.

The signer never appeared. The notary certified an acknowledgment as an accommodation: to an employer who "needed it today," to a family member, to a customer who "will come in and sign later." The signature was forged. A deed, a mortgage, a power of attorney or a lien release was recorded on the strength of the certificate, and a lender, a purchaser or an heir lost money. This is the most common notary bond claim, and it is nearly always indefensible, because the act certified did not occur. The California Supreme Court's decision in *Transamerica Title Insurance Co. v. Green*, 11 Cal. 3d 693 (1974), is the leading modern statement: a notary who took an acknowledgment without the personal appearance of the signer, on the assurance of a person the notary knew, was liable to the title insurer that had relied on the certificate and paid the loss. The court found no difficulty in holding that the duty ran to a party the notary had never met, because the whole purpose of the certificate is to be relied upon by strangers. The Washington Supreme Court reached the same result in the same year in *Werner v. Werner*, 84 Wash. 2d 360 (1974), and the New Jersey courts had reached it a decade earlier in *Immerman v. Ostertag*, 83 N.J. Super. 364 (Law Div. 1964). The rule is not new: *Anderson v. Aronsohn*, 181 Cal. 294 (1919), held a notary liable to a purchaser who had relied on a false certificate of acknowledgment more than a century ago.

The signer appeared but was not properly identified. The notary relied on identification that did not satisfy the statute: an expired license, a document not on the statutory list, "personal knowledge" that was in truth a passing acquaintance, or a credible witness who did not qualify. The signer was an impostor, and the loss followed. The standard here is the statute's definition of satisfactory evidence of identity, which every bonding state supplies in some form and which RULONA § 7 sets out with particularity. A notary who identifies a signer by a means the statute does not recognize has been negligent as a matter of law in most jurisdictions, whatever the notary's subjective good faith. *Garton v. Title Insurance & Trust Co.*, 106 Cal. App. 3d 365 (1980), illustrates the analysis and the notary's exposure to the title insurer as subrogee.

The certificate was defective. A missing venue, a wrong date, an acknowledgment form where a jurat was required, a certificate completed after the commission had expired, a seal that did not meet the statutory specification. The instrument was rejected for recording, or its validity was contested in litigation, and the delay or the failure caused a loss. These claims are less frequent and smaller than the first two categories, but they are the claims that most often reach a notary who acted in complete good faith.

The notary exceeded the office. Unauthorized practice of law by a non-attorney notary who prepared the instrument as well as acknowledging it; notarization outside the territorial limits of the commission; notarization of an instrument in which the notary or the notary's spouse had a direct beneficial interest; use of the seal or the title to lend an appearance of official sanction to a transaction the notary was not authorized to conduct. The *notario público* problem in the Spanish-speaking community, in which a person holding an ordinary American notary commission trades on the very different meaning of the title in civil law jurisdictions, belongs in this category and has generated statutory prohibitions in several states.

How a claim is presented and resolved

The claimant, who is usually the party that lost money or its insurer or lender as subrogee, gives written notice to the surety identifying the notary, the bond, the notarial act and the loss. The surety investigates. It obtains the instrument bearing the certificate, the notary's journal where the state requires one, the identification the notary relied upon, and the notary's own account of the transaction. If liability is established and the loss falls within the condition of the bond, the surety pays up to the penal sum. If the loss exceeds the penal sum, the claimant pursues the notary directly for the excess, and RULONA § 21(b) and its common law equivalents make clear that the bond is not a ceiling on the notary's liability. If liability is contested, the surety asserts the notary's defenses, and the matter proceeds as any other suretyship dispute.

Three consequences follow for the notary. First, the surety demands reimbursement of the amount paid, together with its costs, under the indemnity the notary executed when the bond was purchased and under the surety's common law right of reimbursement; the surety may sue to collect. Second, most bonding statutes require or permit the surety to notify the commissioning authority of a paid claim, and a paid claim is a ground for suspension or revocation of the commission in nearly every jurisdiction. Third, where the loss exceeded the penalty or the claimant elected to sue the notary rather than the surety, the notary defends and pays that action personally.

The employer's exposure

A substantial fraction of notarial acts are performed by employees at the direction of an employer, and a substantial fraction of the claims arising from them are brought against the employer as well as the notary. The general rule is that an employer is vicariously liable for the notary's negligence within the scope of employment. Illinois has gone further by statute: the Illinois Notary Public Act makes an employer liable for a notary's official misconduct if the employer consented to it or if the misconduct was within the employer's actual or apparent authority, and the Illinois Supreme Court applied the provision in *Vancura v. Katris*, 238 Ill. 2d 352 (2010), while declining to extend it to negligent training and supervision claims not grounded in the Act. An employer that requires its employees to hold commissions should assume that it will be named in any claim, that the bond will not protect it, and that its own liability coverage may or may not respond; the group errors and omissions policy discussed in Part V is written for this exposure.

Defenses

The defenses available to a notary and the surety are the ordinary defenses to a negligence claim, with three that recur. *No reliance*: the claimant did not in fact rely on the certificate, as where the lender funded the loan before the acknowledgment was taken or would have funded it regardless. *No causation*: the loss would have occurred even had the notary performed properly, as where the forger would have succeeded by other means. *Comparative fault*: the claimant's own negligence contributed, as where a title company accepted an instrument with facial irregularities. The statute of limitations is a fourth: most states apply the general negligence limitations period to notary claims, though some bonding statutes fix their own. None of these defenses is available where the notary certified an act that did not occur, which is why the first fact pattern above is described as indefensible.

Part V. Notary Errors and Omissions insurance

What the policy is

Notary errors and omissions insurance is a professional liability policy. It is a two-party contract between the notary (or the notary's employer) and the insurer, under which the insurer agrees to pay, on the notary's behalf, damages that the notary becomes legally obligated to pay because of an error or omission in the performance of official notarial acts, and, in most forms, to defend the notary against claims alleging such an error whether or not the claim has merit. The insurer does not seek reimbursement from the notary. This is the structural opposite of the bond, and it is the product that transfers the notary's risk.

The policy is written for the commission term or annually, at limits from \$10,000 to \$100,000 or more. Because the premium depends on the limit, the term, the notary's practice and, above \$50,000, whether the notary acts as a signing agent, it is quoted on application rather than published as a flat figure. A bond purchaser is customarily offered a discounted rate, because the surety already has the underwriting file.

What it covers and what it does not

The policy responds to honest errors or omissions in official notarial acts: a defective certificate, a misdated jurat, an identification that fell short of the statute, an acknowledgment taken from a person who was in fact an impostor despite the notary's good faith compliance with the identification rules. It responds to the surety's reimbursement demand after a paid bond claim, up to the limit, so that a notary who carries both instruments is made whole for the honest error that the bond paid first.

It does not respond to dishonest acts. A notary who certifies an acknowledgment knowing the signer did not appear has not committed an error or omission; he has committed a fraud, and no professional liability form insures it. The bond pays the public in that case, and the notary pays the surety.

It does not respond to the duties of a notary signing agent. A signing agent conducts loan document signings for lenders, title companies and escrow agents, and in doing so performs two distinct functions: the notarial acts within the package, and the handling, explanation, collection and return of the package itself. The notary E&O policy covers the first. Errors in the second, such as a missed document, a mis-collected payoff or an unreturned package, are signing agent errors and fall outside the notary form. Lenders who require "E&O" from a signing agent usually mean signing agent E&O, a different product, and a notary should not represent a notary E&O policy to a lender as satisfying that requirement.

Where it is required

Florida requires online notaries to maintain errors and omissions coverage of not less than \$25,000 in addition to the \$25,000 online notary bond (Fla. Stat. § 117.225(6)). Montana requires remote online notaries to maintain \$25,000 of errors and omissions coverage in addition to the \$25,000 bond. Louisiana formerly permitted a \$10,000 errors and omissions policy as an alternative to the bond; Acts 2025, No. 258, eliminated the alternative effective February 1, 2026, and every commissioned Louisiana notary who is not a licensed attorney now posts the \$50,000 bond, with E&O optional. Everywhere else the policy is voluntary.

Choosing a limit

The limit should be sized to the documents the notary handles, not to the bond. A notary who acknowledges deeds, deeds of trust, powers of attorney and loan documents faces claims measured by the value of the transaction, and a \$50,000 to \$100,000 limit is ordinary for that practice. A notary whose acts are confined to

affidavits and routine business documents may be comfortable at \$25,000. In either case the limit should exceed the bond, because the policy's first job, in a bonding state, is to reimburse the surety.

Group and employer policies

A group or employer's comprehensive policy covers every notary employed by the firm under one form, with one limit per notary or per claim. It is the appropriate instrument for banks, title agencies, law firms, escrow companies, signing services and any employer that requires its staff to hold commissions, and it addresses the employer's own vicarious exposure discussed in Part IV. The application asks for the employer's name, address and the number of notaries; all are covered.

Part VI. Loss prevention

The claims in Part IV share a feature: nearly all of them could have been prevented by the notary's adherence to four habits, each of which costs nothing.

Never certify an act that did not occur in your presence. The single rule that would eliminate the majority of notary bond claims. No employer, relative, customer or friend has the authority to relieve a notary of it, and an accommodation acknowledgment taken for someone the notary trusts is, in the claims file, indistinguishable from one taken for a stranger.

Identify every signer by the means the statute specifies, and no other. Read the home state's definition of satisfactory evidence of identity. Accept only the documents it lists, unexpired unless the statute allows otherwise. Treat "personal knowledge" as the statute defines it, which in most states means a long-standing acquaintance sufficient to eliminate any reasonable doubt, not recognition of a regular customer. Use a credible witness only where the statute permits one and only after administering the oath the statute requires.

Keep a journal, whether or not the state requires one. A contemporaneous record of the date, the act, the signer, the identification presented and the document is the notary's best evidence in any claim, and its absence is the claimant's best evidence. Where the state requires a journal, keep it as the statute prescribes; where it does not, keep it anyway. For remote acts, retain the recording for the period the statute requires.

Complete every certificate fully, on the day of the act. Venue, date, the signer's name as it appears on the identification, the notary's signature and seal, the commission expiration where required. A certificate completed later, or completed by someone else, is a defective certificate, and a defective certificate is a claim.

To these four the underwriter adds a fifth: **carry errors and omissions insurance**, at a limit that exceeds the bond, and renew it with the commission. The bond is mandatory and protects the public. The policy is voluntary and protects the notary. A notary who understands the difference carries both.

Part VII. Glossary

The following terms recur throughout this guide and in conversations with commissioning authorities, title and escrow professionals and counsel. Definitions are written for the working notary, not the courtroom.

Acknowledgment

A notarial act in which the signer declares to the notary that the signature on the instrument is the signer's own and was made voluntarily for the purposes stated. The notary certifies the declaration; the notary does not certify the truth of the instrument.

Assurance

The term used by the Revised Uniform Law on Notarial Acts for the surety bond or its functional equivalent that a commissioning authority may require as a condition of the commission (RULONA § 21).

Commission

The authority granted by the commissioning sovereign to act as a notary public for a fixed term. The bond must be in force for the commission term.

Commissioning authority

The office that grants the commission: in most states the Secretary of State, but also the Lieutenant Governor (Alaska, Utah), the Attorney General (Hawaii), the Department of Licensing (Washington), the Department of Financial Institutions (Wisconsin), the probate judge (Alabama) or the county (Tennessee, Georgia).

Credible witness

A person who, under oath before the notary, identifies a signer who lacks acceptable identification. Permitted only where and as the statute provides.

Electronic notarization

A notarial act performed on an electronic record with an electronic signature and seal, with the signer physically present. Distinct from remote online notarization.

Errors and omissions insurance (E&O)

Professional liability insurance that pays, on the notary's behalf, damages arising from honest errors or omissions in official notarial acts, together with defense costs, and that is not subject to reimbursement. Protects the notary, unlike the bond.

Faithful performance bond

A surety bond conditioned on the principal's honest and lawful discharge of the duties of an office. The notary bond is a faithful performance bond.

Indemnity

The notary's obligation, given when the bond is purchased and existing independently at common law, to reimburse the surety for any claim the surety pays and its costs.

Journal

A chronological record of notarial acts. Required by statute in some states and for remote acts in most; advisable everywhere.

Jurat

A notarial act in which the signer swears or affirms to the notary that the contents of the document are true and signs in the notary's presence. The certificate recites that the document was subscribed and sworn to.

Notary signing agent

A notary who conducts loan document signings for lenders, title companies and escrow agents. Performs both notarial acts and non-notarial package-handling duties; only the former are covered by notary E&O.

Obligee

The party protected by a surety bond. On a notary bond, the commissioning sovereign and, through it, every person injured by the notary's official misconduct or neglect.

Penal sum (penalty)

The maximum amount for which the surety is liable under the bond, fixed by statute. Not a ceiling on the notary's own liability.

Personal appearance

The requirement that the signer be physically present before the notary (or present by audio-video communication in a remote online notarization) at the time of the notarial act. Its absence is the most common cause of notary bond claims.

Power of attorney (surety)

The instrument by which a surety company authorizes its attorney-in-fact to execute bonds on its behalf. Attached to the bond where the obligee requires it.

Premium

The price of the bond, paid once at issuance for the full commission term.

Principal

The party whose performance the bond guarantees. On a notary bond, the notary.

Remote online notarization (RON)

A notarial act performed by audio-video communication with a signer who is not physically present, using credential analysis and identity proofing, with the session recorded. Several states require a separate or enlarged bond for it.

Revised Uniform Law on Notarial Acts (RULONA)

The uniform statute promulgated by the Uniform Law Commission in 2010, amended in 2018 and 2021, governing notarial acts and enacted in whole or substantial part by more than half the states.

Satisfactory evidence of identity

The statutory standard for identifying a signer: personal knowledge, specified identification documents, or the oath of a credible witness, as the home statute provides (RULONA § 7).

Subrogation

The surety's succession, on payment of a claim, to the rights of the obligee and the claimant against the principal.

Surety

The Treasury-listed or state-admitted insurer that issues the bond and guarantees the principal's performance to the obligee.

Term

The period the bond is in force, coextensive with the commission: four years in most states; five in D.C. and West Virginia and, per bond, in Louisiana; six in Idaho and Michigan; eight in Indiana; ten in Arkansas.

References

Statutes and uniform acts

Ala. Code § 36-20-70 et seq.; Act 2023-548 (Alabama).

Alaska Stat. § 44.50.034; § 44.50.075.

Ariz. Rev. Stat. § 41-315; § 41-374.

Ark. Code Ann. § 21-14-101; Act 1053 of 2021.

Cal. Gov. Code §§ 8212, 8213, 8231.10; SB 696 (2023).

D.C. Code § 1-1231.20.

Fla. Stat. § 117.01(7); § 117.225(6).

Haw. Rev. Stat. § 456-5; § 456-1.5.

Idaho Code § 51-121.

5 ILCS 312/2-105.

Ind. Code § 33-42-12.

Kan. Stat. Ann. § 53-102; § 53-5a01 et seq.

Ky. Rev. Stat. § 423.395; § 423.455.

La. R.S. 35:71; Acts 2025, No. 258.

Mich. Comp. Laws § 55.273; § 55.286b.

Miss. Code Ann. § 25-34-1 et seq.

Mo. Rev. Stat. § 486.640.

Mont. Code Ann. Title 1, ch. 5, part 6.

Neb. Rev. Stat. § 64-102; Online Notary Public Act.

Nev. Rev. Stat. § 240.030; § 240.192 et seq.

N.M. Stat. Ann. ch. 14, art. 14A.

N.D. Cent. Code § 44-06.1-20.

Ohio Rev. Code ch. 147.

Okla. Stat. tit. 49, § 2; SB 1028 (2025).

57 Pa.C.S. § 321.

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Tenn. Code Ann. § 8-16-104; § 8-16-301 et seq.

Tex. Gov't Code § 406.010; § 406.101 et seq.

Utah Code § 46-1-4; § 46-1-3.5.

Wash. Rev. Code § 42.45.020.

W. Va. Code § 39-4-20.

Wis. Stat. § 140.02; § 140.145.

Wyo. Stat. § 32-3-101 et seq.

Cherokee Nation Code, Title 49.

3 V.I.C. § 771 et seq.

Uniform Law Commission. 2010. *Revised Uniform Law on Notarial Acts*, with 2018 and 2021 amendments. Chicago: National Conference of Commissioners on Uniform State Laws.

Cases

Anderson v. Aronsohn, 181 Cal. 294 (1919).

Garton v. Title Insurance & Trust Co., 106 Cal. App. 3d 365 (1980).

Immerman v. Ostertag, 83 N.J. Super. 364 (Law Div. 1964).

Transamerica Title Insurance Co. v. Green, 11 Cal. 3d 693 (1974).

Vancura v. Katris, 238 Ill. 2d 352 (2010).

Werner v. Werner, 84 Wash. 2d 360 (1974).

Secondary sources

American Law Institute. 1996. *Restatement (Third) of Suretyship and Guaranty*. Philadelphia: American Law Institute.

Poindexter, C. Constantin. *The Contractor's Guide to Surety Bonds*. NewSouth Books. ISBN 979-8-31781-182-2.

Surety One, Inc. 2026. *Notary Bond Fee Schedule, Edition 01/2026*. Raleigh: Surety One, Inc.

Useful links

The following resources are official, authoritative or proprietary to Surety One. Addresses are given at the do main level; each office's notary page is reached from its home page and is subject to reorganization.

Commissioning authorities (bonding jurisdictions)

Alabama Secretary of State: <https://www.sos.alabama.gov>
Alaska Office of the Lieutenant Governor: <https://ltgov.alaska.gov>
Arizona Secretary of State: <https://azsos.gov>
Arkansas Secretary of State: <https://www.sos.arkansas.gov>
California Secretary of State: <https://www.sos.ca.gov>
District of Columbia, Office of the Secretary: <https://os.dc.gov>
Florida Department of State: <https://dos.fl.gov>
Hawaii Department of the Attorney General: <https://ag.hawaii.gov>
Idaho Secretary of State: <https://sos.idaho.gov>
Illinois Secretary of State: <https://www.ilsos.gov>
Indiana Secretary of State: <https://www.in.gov/sos>
Kansas Secretary of State: <https://sos.ks.gov>
Kentucky Secretary of State: <https://www.sos.ky.gov>
Louisiana Secretary of State: <https://www.sos.la.gov>
Michigan Department of State: <https://www.michigan.gov/sos>
Mississippi Secretary of State: <https://www.sos.ms.gov>
Missouri Secretary of State: <https://www.sos.mo.gov>
Montana Secretary of State: <https://sosmt.gov>
Nebraska Secretary of State: <https://sos.nebraska.gov>
Nevada Secretary of State: <https://www.nvsos.gov>
New Mexico Secretary of State: <https://www.sos.nm.gov>
North Dakota Secretary of State: <https://sos.nd.gov>
Oklahoma Secretary of State: <https://www.sos.ok.gov>
Pennsylvania Department of State: <https://www.pa.gov/agencies/dos>
Tennessee Secretary of State: <https://sos.tn.gov>
Texas Secretary of State: <https://www.sos.state.tx.us>
Utah Office of the Lieutenant Governor, Notaries: <https://notary.utah.gov>
Washington State Department of Licensing: <https://dol.wa.gov>
Wisconsin Department of Financial Institutions: <https://www.wdfi.org>

Uniform law and regulation

Uniform Law Commission (Revised Uniform Law on Notarial Acts, text and enactment map): <https://www.uniformlaws.org>
Cornell Legal Information Institute, state statutes by topic: <https://www.law.cornell.edu>

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NotaryBondSurety.com, client portal for notary bonds and E&O: <https://notarybondsurety.com>
Notary bond requirements by state: <https://notarybondsurety.com/notary-bond-requirements-by-state/>

Online and remote notary bonds: <https://notarybondsurety.com/online-notary-bonds/>

Notary E&O insurance: <https://notarybondsurety.com/notary-errors-and-omissions-insurance/>

Surety One main site: <https://suretyone.com>

Underwriting: Underwriting@SuretyOne.com · (800) 373-2804



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A Practitioner's Guide to Notary Public Bonds · Edition 09/2026

A Practitioner's Guide to Notary Public Bonds was written by C. Constantin Poindexter, founder of Surety One, Inc. and chief executive of Janus Assurance Re. The guide reflects statutory law, uniform law and reported decisions as of September 2026 and is offered as a working reference for notaries public, their employers, title and escrow professionals, signing services, commissioning officials and counsel.

Nothing in this guide constitutes legal advice. A bond is a contract, and a commission is a public office; specific decisions about either should be made in consultation with the commissioning authority, qualified counsel and a state-admitted or Treasury-listed surety. Statutory citations and penalties are current as of the date of publication and are subject to change by legislation and rule. Where this guide references the 2026 amendments in Louisiana, Pennsylvania and Oklahoma and the 2025 repeal in South Dakota, those changes are recent and implementing guidance continues to develop.



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