STATE OF ALABAMA OFFICE OF THE SECRETARY OF STATE CIVIL-LAW NOTARIES DIVISION ADMINISTRATIVE CODE

CHAPTER 820-6-2 AUTHORIZED TRAINING AND EXAMINATION

TABLE OF CONTENTS

820-6-2-.01 Educational Programs
820-6-2-.02 Examination

820-6-2-.01 Educational Programs.

(1) Persons or entities who wish to submit a proposed civil-law notary curriculum or course of study to the Office of the Secretary of State for consideration as to its acceptability by the Secretary of State may do so. Any such curriculum or course of study submitted for the Secretary of State's approval should incorporate all of the following elements:

(a) The nature and characteristics of notarial practice in civil-law jurisdictions including a review of the historical development of civil-law notarial practice;

(b) A comparison of notarial functions and the nature and characteristics of common-law notarial practice under Alabama law and civil-law notarial functions and practices pursuant to these rules and their supporting statutes;

(c) The similarities and differences between practicing as an Alabama Civil-law Notary and the traditional practice of law in the State of Alabama;

(d) The purposes of and uses for authentic acts, and the rules regulating the execution of authentic acts, administration of oaths, and taking of acknowledgments by Alabama Civil-law Notaries;

(e) Solemnization of marriage by an Alabama Civil-law Notary;

(f) Alabama laws relevant to practice as an Alabama Civil-law Notary;

(g) Rules regulating the Alabama Bar including the Rules of Lawyer Discipline and the Rules of Professional Conduct.

(h) The potential malpractice liability of an Alabama Civil-law Notary.

(2) The Office of the Secretary of State shall maintain a list of the currently approved Alabama Civil-law Notary education programs and shall make the list available upon request. Each education program shall be subject to annual renewal.

(3) Persons who have had a curriculum or course of study approved by the Office of the Secretary of State may also administer the Office of the Secretary of State's civil-law notary test under the Office of the Secretary of State's supervision, but may not charge a fee in excess of $200 to any person for administering a test to that person. All test materials are confidential property of the Office of the Secretary of State and any person who compromises the confidentiality of the test materials or allows another to do so shall not in the future be authorized by the Office of the Secretary of State to serve as a test administrator.
Author: Charles E. Grainger, Jr.
Statutory Authority: Code of Ala. 1975, §§36-20-50, et seq.
History: **New Rule:** Filed January 10, 2001; effective February 14, 2001.

Ed. Note: Formerly 820-X-12-.02, as per certification filed January 10, 2001; effectiveFebruary 14, 2001.

820-6-2-.02 Examination.

(1) An Alabama Civil-law Notary application shall be valid for a period of one year from the date on which the application was received by the Office of the Secretary of State during which time the applicant must complete the Alabama Civil-law Notary examination. If the applicant completes the examination, with a satisfactory score of 70%, within the one year period prescribed above, the applicant remains eligible for appointment as an Alabama Civil-law Notary even though the appointment itself may occur more than one year after the date on which the application was received.

(2) After reviewing the application for completeness and accuracy of information, determining that all necessary documents accompany the application, and that the applicant meets the requirements of this rule and Act No. 99-449, the Office of the Secretary of State will provide the applicant with a certificate of eligibility to take the Alabama Civil-law Notary examination and a list of examination dates and corresponding examination locations.

(3) The applicant who has been certified as eligible must notify the Office of the Secretary of State at least two weeks in advance of any scheduled examination that the applicant intends to take a scheduled examination. If notice is not received, or if the notice is untimely, the applicant will not be admitted to the examination.

(4) Upon appearing at the examination location, and prior to entering the examination facility, the applicant must present to the examination authorities the certificate of eligibility issued to the applicant by the Office of the Secretary of State, a governmentally issued identification card which bears the applicant's picture, and pay the examination fee.
Author: Charles E. Grainger, Jr.
Statutory Authority: Code of Ala. 1975, §§36-20-50, et seq.
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