

**Department of State  
Division of Publications**

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**For Department of State Use Only**

Sequence Number: 09-01-23

Rule ID(s): 9925

File Date: 9/5/2023

Effective Date: 12/4/2023

## Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

*Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).*

**Agency/Board/Commission:** Department of State

**Division:** Division of Business Services

**Contact Person:** Connor McDonald, Assistant General Counsel

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**Revision Type (check all that apply):**

☒ Amendment

☐ New

☐ Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1360-07-02	Notary Publics
Rule Number	Rule Title
1360-07-02-.01	Notary Public Seal of Office

**Chapter 1360-07-02  
Notary Publics**

**Amendment**

**Paragraph (1) of Rule 1360-07-02-.01 Notary Public Seal of Office is amended by deleting “commissioned on or after July 1, 2004,” from the first sentence of paragraph (1).**

**Authority: T.C.A. § 8-16-114.**

**Rule 1360-07-02-.01 Notary Public Seal of Office is amended by deleting paragraph (2).**

**Authority: T.C.A. § 8-16-114.**

\* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
N/A					

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Department of State on July 28, 2023, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: July 28, 2023

Signature: \_\_\_\_\_


Name of Officer: Michael T. Harmon

Title of Officer: General Counsel, Department of State

Agency/Board/Commission: Department of State

Rule Chapter Number(s): 1360-07-02

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

  
Jonathan Skrmetti  
Attorney General and Reporter

Aug. 31, 2023

Date

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Filed with the Department of State on: 9/5/2023

Effective on: 12/4/2023



Tre Hargett  
Secretary of State

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**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This rule will not have any impact on small businesses.

**Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

This rule will not have any impact on local government.

## Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Rule 1360-07-02 establishes the specific design of the notary seal that all notaries in Tennessee must use. When the Department of State promulgated Rule 1360-07-02 in 2004, some notaries were using a "Notary Public at Large" stamp. The rule required the discontinuance of that stamp, but also reflected that any notary then using the "Notary at Large" stamp could continue using such stamp through the end of the notary's term. Notary public commissions are four-year terms, so the last use of the "Notary Public at Large" stamp should have been in 2008. This proposed rule removes unnecessary language about the use of an alternative stamp.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

103 Tenn. Pub. Acts., ch. 854 (codified as T.C.A. §§ 8-16-101, *et seq.*)

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

No person, organization, corporation, or governmental entity will be impacted by this proposed rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The Department of State does not expect that there will be any significant changes to either state or local government revenues or expenditures resulting from this proposed rule.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Michael Harmon, General Counsel, Department of State  
Tom Riley, Director of Business and Charitable Organizations, Department of State

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Michael Harmon, General Counsel, Department of State  
Tom Riley, Director of Business and Charitable Organizations, Department of State

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

**RULES  
OF  
THE TENNESSEE DEPARTMENT OF STATE  
DIVISION OF BUSINESS SERVICES**

**CHAPTER 1360-07-02  
NOTARY PUBLICS**

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1360-07-02-.01 Notary Public Seal of Office

**1360-07-02-.01 NOTARY PUBLIC SEAL OF OFFICE.**

- (1) A notary public ~~commissioned on or after July 1, 2004,~~ shall use a notary seal that substantially conforms to the following design: a circular seal with the notary public's name as it appears on the commission printed at the top, the county of election printed at the bottom, and the words "State of Tennessee Notary Public" or "Tennessee Notary Public" printed in the center. A sample seal format appears below.



- (2) ~~Effective July 1, 2004, and until the expiration of his/her current term of office, a notary public commissioned prior to July 1, 2004, shall use either the notary seal design identified in section (1), or a notary seal that substantially conforms to the following design: a circular seal with the notary public's name as it appears on the commission printed at the top, the county of election and state printed at the bottom, and "Notary Public at Large" printed in the center. A sample seal format appears below.~~

*Authority:* T.C.A. §§ 4-5-202, 8-16-206(a), and Public Acts of 2004, ch. 854. *Administrative History:* Original rule filed June 10, 2004; effective October 28, 2004.