

[J-126-2004]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

CONNIE J. TRITT,	:	NO. 274 MAP 2003
	:	
Appellant	:	Appeal from the Order of the
	:	Commonwealth Court entered on
	:	11/18/2003 at No, 427 MD 2003
v.	:	
	:	
	:	
PEDRO A. CORTES, SECRETARY OF	:	
THE COMMONWEALTH,	:	
	:	
Appellee	:	SUBMITTED: March 15, 2004
	:	
	:	
	:	

DISSENTING OPINION

MR. CHIEF JUSTICE CAPPY

Decided: June 22, 2004

Because I do not agree that the Notary Public Law (“the Act”)¹ granted a permanent exemption to existing notaries from complying with continuing professional educational requirements, I must respectfully dissent.

The Act has two provisions detailing requirements for an applicant to receive a commission as a notary. 57 P.S. § 151 controls those situations in which a person is first

¹ 57 P.S. § 147 et seq.

applying to become a notary. Subsection (c) of that statute states that after July 1, 2003,² a person applying to receive a commission as a notary must complete continuing educational classes within the six months preceding the application. This provision states that the requirement does not apply to those persons already appointed notaries.

57 P.S. § 152, on the other hand, states the requirements that must be met for an existing notary to be reappointed. It specifically states that an existing notary may not be reappointed unless she meets the requirements set forth in 57 P.S. § 151.

In my opinion, these two statutes read together stand for the proposition that a person who held a commission as notary prior to July 1, 2003 need not immediately complete continuing educational requirements. Yet, per § 152, a reappointment will not be forthcoming unless that notary complies with § 151's requirements regarding continuing education.

For the sake of argument, I will concede that it is possible to find that these statutes, when read together, are ambiguous as to the continuing educational requirements for those individuals who held commissions as notaries on July 1, 2003. In that event, the Statutory Construction Act requires that we examine the intent of the legislature. See 1 Pa.C.S. § 1921. In conducting such an examination, we are directed to inquire, inter alia, as to the mischief the legislation was to remedy, the object to be obtained by the legislation, and the consequences of a particular interpretation. 1 Pa.C.S. § 1921(c)(3), (4), and (6). We are also specifically cautioned that we should presume that the Legislature did not intend an absurd result. 1 Pa.C.S. § 1922(1).

I believe the Legislature engrafted these new continuing educational requirements on the Act in order to ensure that our notaries are informed of the nature of their work and

² July 1, 2003 is the date on which the amendments mandating continuing education for notaries became effective.

stay current with regard to any legal developments that would affect the discharge of their duties. In short, it desired that our notaries be competent. Contrary to the assertion of the majority, I cannot see how this legislative goal will be effectuated by interpreting the Act in such a way that essentially two classes of notaries are created: those who will complete continuing educational requirements, and presumably will be abreast of any changes regarding their duties, and those who will not. Such an interpretation will not logically advance the goal of the Legislature and, in my opinion, borders on the absurd.

Accordingly, because I do not agree that the Act provides a permanent exemption from continuing educational requirements to those notaries appointed before July 1, 2003, I must respectfully dissent.

Messrs. Justice Castille and Baer join this dissenting opinion.