State of Remote Notarization

Bill Anderson | Vice President, Government Affairs
National Notary Association
40 Permanent Remote Online Notarization Enactments
11 No Permanent Remote Notarization Enactments
9 Temporary COVID-19 Remote Notarization Authorizations
7 Permanent Remote Ink Notarization Enactments
Remote Notarization Buckets

Uniform Law
Revised Uniform Law on Notarial Acts
17 States

Model Law
MBA/ALTA, NNA Model Acts
15 States

Outlier
6 States

Hybrid
2 States
Uniform Law Bucket

- Less prescriptive
- Relies more on rulemaking (KS, NH, ND, PA excepted)
- Technology neutral
- Remote ink notarization
- History of enacting ULC uniform acts
Model Law Bucket*

- More prescriptive
  - Notary registration/commission
  - Notary electronic signature/seal
  - A/V recording and technology
  - Platform approval/registration
- Relies on rulemaking (AR, MN excepted)
- More technology specific
- No remote ink notarization (IL excepted)

* The Illinois and New York enactments are not yet in effect.
Outlier Bucket

- **Early adopters**
  - No uniform or model act to use
  - Had to figure it out or make it up
- **Unique enactments**
  - Don’t fit in the Uniform or Model Law Buckets

* The Vermont enactment is not yet in effect.
Hybrid Bucket

- Uniform/model law approaches
- Next door neighbors
- More prescriptive
  - Notary registration
  - Notary electronic signature/seal
  - A/V recording and technology
- Lighter on rulemaking
- Remote ink notarization
* Virginia is mentioned for being the first state to enact remote notarization for electronic records, not because it has enacted remote ink notarization.
Temporary Remote Notarization Authorizations*

* Every effort was made to check the accuracy of this information. Not all states broadly authorized remote notarizations. Some authorizations were limited to the administration of oaths or to real property or estate documents. Some states permitted permanent remote notarization statutes with delayed effective dates to take effect immediately. Other states limited who could perform remote notarizations. Some authorizations were issued through executive order, court order, special legislation, emergency rules, and Notary commissioning official guidance. There is some question whether certain temporary authorizations were rescinded when permanent remote notarization laws were enacted. Some authorizations are tied to ongoing declarations continuing the state of emergency. Some authorizations expire in a matter of days, if not renewed.
Regulating Technology Systems*

*Permanent remote notarization enactments only; temporary COVID-19 remote notarization authorizations not shown. The Illinois, New York, and Vermont enactments are not yet in effect.

1 Based on rules published for comment, a technology provider must certify its system meets certain standards.

2 The Notary must certify that the Notary intends to use technology that meets the standards.
Contact

Bill Anderson
818.739.4064
banderson@nationalnotary.org
www.nationalnotary.org