

Rhode Island Remote Online Notarization Temporary Performance Guide

**Effective April 3, 2020 until the termination of the
COVID-19 state of emergency**



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Introduction

In an effort to honor the CDC's social distancing recommendations and in light of the Governor's declaration of a state of emergency, Remote Online Notarization (RON) will be permitted on a temporary basis during the current state of emergency due to the COVID-19 pandemic.

Remote Online Notarization is the process by which documents are notarized in an electronic form where the signer and notary public are not physically in each other's presence but can communicate simultaneously using secure audio-video technology.

A notary public performing Remote Online Notarization in this State must read and comply with the updated Standards of Conduct and the requirements of R.I. Gen. Laws Chapter 42-30.1.

Before You Begin

Before performing your first Remote Online Notarization, you **must** do the following:

1. Be or become a commissioned notary public registered with the RI Department of State;
2. Read the updated Standards of Conduct during the state of emergency period;
3. Contact one of the approved solution providers listed on our website and obtain their services for remote online notarizations.
4. Complete the training provided by the selected solution provider.
5. Register with the RI Department of State/Business Services/Notary Division to perform Remote Online Notarizations by completing and submitting the pertinent new notary application/renewal or information update form with all required information.
6. Await confirmation from the RI Department of State via email before notarizing remotely.

Procedure for Remote Online Notarizations

Remote Online Notarization can be used when the signer and notary are not in each other's physical presence. The signer and notary public must be able to communicate simultaneously through video and audio using the approved solution provider at the time the document is notarized. The document can be a physical (paper) document or in electronic form.

Once you have your documents and your solution provider ready, follow these steps to complete the RON. These steps are valid when both the notary public and the signer are physically located within the boundaries of the State of Rhode Island.

1. The signer sends the document to the notary, either electronically (by email) or by delivery (mail, courier, drop off, etc.).

2. The notary public opens the document in the approved solution provider on their computer and reviews the document to determine which notarial act is required.
3. The notary public begins recording the notarization process using the approved solution provider. The recording must be kept by the notary public for at least ten (10) years.
4. The notary public satisfactorily identifies the signer using one of the following methods:
 - a. using **at least two** different types of identity proofing (driver's license or ID issued by the RI DMV or another state's DMV, passport, military ID); or
 - b. having **personal knowledge** of the signer; or
 - i. personal knowledge is a narrow and strict option governed by R.I. Gen. Laws § 42-30.1-6(a). Personal knowledge means that you have seen the person's identification at some point during your relationship. Simply knowing the signer without ever having seen their identification does not satisfy the personal knowledge requirement.
 - c. taking the oath or affirmation of a **credible witness** who is either physically with the signer or able to communicate with both the notary and the signer simultaneously by sight and sound during the notarization process.
 - i. if identifying the signer by use of a credible witness, the notary public must either identify the credible witness using at least two different types of identity proofing or have personal knowledge of the credible witness's identity.
5. The signer, within full view of the notary public, physically signs the document.
6. The signer mails the signed document to the notary public within 30 days of the remote notarization.
7. Upon receipt of the mailed, signed document, the notary public completes the certificate and affixes his or her official stamp. The date/time of the signing is the time the audio/visual recording of the notarization was taken.

NOTE: If the signer is located outside the boundaries of the State of Rhode Island, the notary must also ensure the following:

1. The record is intended for filing with or relates to a matter before a court, governmental entity, public official, or other entity subject to the jurisdiction of the United States; or involve property located in the territorial jurisdiction of the United States or a transaction substantially connected to the United States; and
2. the notary public has no actual knowledge that the act of making the statement or signing the record is prohibited by the laws of the jurisdiction in which the remotely located individual is physically located.

Frequently Asked Questions

Is Remote Online Notarization the same as Electronic Notarization?

No. Remote Online Notarization is the process by which documents are notarized in an electronic form where the signer and notary public are not physically in each other's presence but can communicate simultaneously using secure audio-video technology. Electronic Notarization involves an electronic record using a tamper-evident technology, but the signer must physically be present before the notary.

What kind of technology do I need to perform remote notarizations? Can I use video chatting software such as Zoom or FaceTime?

You will need a computer with audio-visual capability as well as an approved remote online notarization solution. You and the signer will also need Internet connectivity. The approved solution is required because it provides a secure and safe method to perform remote notarizations. You may not use software or apps such as Zoom or FaceTime.

Do I need training or have to take a test?

You do not have to take a test; however, you must read the restated Standards of Conduct and complete the training provided by the solution provider you select before notarizing remotely.

Can I remotely notarize a paper document?

Yes, you may notarize a paper or tangible document. The signer must send you the document either electronically (by email) or by delivery (mail, courier, drop off, etc.) before you begin the notarization process. The signer must also send you the signed document within 30 days of the remote notarization so you can complete the certificate and affix your inked notary stamp.

Will the remotely notarized document be accepted everywhere? Is it legal?

Rhode Island notary laws include reciprocity. Therefore, the notarization should be accepted. It is legal pursuant to R.I. Gen. Laws and the Standards of Conduct. As a precaution, the signer should contact the receiver of the document to ensure they will accept the document if it was remotely notarized.

Can I charge my customers more for a remote notarization?

No. The maximum fee for any notarial act is \$5, whether the notarization is performed in person or remotely.