

Notary Digest

Legislative Report: Recap of notary laws that went into effect in 2022

Arizona

HB 2612 — Effective Date: September 24, 2022. Arizona House Bill 2612 was signed on March 24, 2022 and went into effect on September 24, 2022. It eliminates the explicit requirement that notary applicants must be of good character in order to receive a notary commission.

Click here to read the bill text: <https://www.azleg.gov/legtext/55leg/2R/bills/HB2612H.htm>

HB 2645 — Effective Date August 12, 2022. Senate House Bill 2645 was signed into law on April 29, 2022 and will become effective on August 12, 2022. The bill increases the penalties for notaries who fail to comply with the requirement to notify the Arizona Secretary of State and law enforcement of a lost journal or stamping device.

Click here to read the bill text: <https://legiscan.com/AZ/text/HB2645/id/2579526>

SB 1115 — Effective Date: June 30, 2022. This act was approved by Governor Ducey on March 18, 2021 and will be effective on June 30, 2022. The act amends and adds the requirements for certain notarial acts, notary public commissions in effect, authorization to perform electronic and remote online notarizations in effect, and electronic records and notarial acts performed for remotely located individuals.

Click here to read the bill text: <https://www.azleg.gov/legtext/55leg/1r/bills/sb1115s.pdf>

Arizona Administrative Rules for 2022 — Effective Date April 24, 2022. The Arizona Administrative Rules for 2022 were approved on March 24, 2022 and went into effect on April 24, 2022. The rules contain a number of changes adopted by the Arizona Secretary of State regarding remote online notarization, including adding new requirements for remote notarization records and adjusting the definitions of terms. These changes are in support of Senate Bill 1115, which was signed into law in 2021 and went into effect on June 30, 2022.

Click here to read the bill text:

https://azsos.gov/sites/default/files/Final_Rules_Remote_Online_Notary_AG_Approved.pdf

Colorado

Administrative Rule for 2022 — Effective Date October 15, 2022. Certified interpreters are now permanently authorized to assist individuals who are deaf, hard of hearing, or blind to communicate with



notaries during notarizations. This rule was recently adopted by the Colorado Secretary of State as a provision to the Colorado Administrative Rules. Interpreters were allowed to provide such assistance on a temporary basis beginning on July 1, 2022.

Click here to read the bill text: https://coloradosos.gov/pubs/rule_making/files/2022/20220826NotaryNoticeofAdoptionSB.pdf

SB 21-199 — **Effective Date July 1, 2022.** Senate Bill 21-199 was signed by Governor Polis on June 25, 2021 and became effective on July 1, 2022, except that section 1 took effect upon passage. Senate Bill 21-199 removes barriers to certain public opportunities. The bill states that, upon passage, verification of lawful presence in the United States is not required for any purpose that lawful presence is not required by law, ordinance, or rule to receive benefits pursuant to a federal stimulus law or rule. Specifically, the bill amends the qualifications for a commission as a notary to clarify acceptable documents for demonstrating eligibility.

Click here to read the bill text: http://leg.colorado.gov/sites/default/files/2021a_199_signed.pdf

Colorado Administrative Rules for 2022 — **Effective Date March 17, 2022.** The Colorado Administrative Rules for 2022 were approved on January 14, 2022 and went into effect on March 17, 2022. The amended rules give vendors, course providers, and remote notarization system or storage providers the right to a hearing before the Colorado Secretary of State takes any action against them.

Click here to read the bill text: https://www.coloradosos.gov/pubs/rule_making/files/2022/20220114NotaryNoticeAdoptionandSB.pdf

B 21-271 — **Effective Date March 1, 2022.** Senate Bill 21-271 was signed by Governor Jared Polis on July 6, 2021 and became effective on March 1, 2022. Senate Bill 21-271 primarily adopts the 2021 recommendations of the Colorado Criminal and Juvenile Justice Commission regarding sentencing for offenses. It includes penalties for false certificates by officers, violation of duty, official misconduct by a notary, willful impersonation, and wrongful possession of a journal or seal.

Click here to read the bill text: https://leg.colorado.gov/sites/default/files/2021a_271_signed.pdf

District of Columbia

DC Regulations for 2022 — **Effective Date October 21, 2022.** The District of Columbia has adopted regulations regarding notarial services that went into effect on October 21, 2022. One particular change of note is the authorization of in-person electronic notarization, which requires notaries to take a specific training course. Notaries who pass the course receive an electronic notary endorsement, which authorizes them to perform electronic notarial acts.

Click here to read the bill text: <https://dcregs.dc.gov/Common/DCMR/RuleList.aspx?ChapterNum=17-24>

DC Act B24-457 — **Effective Date September 21, 2022.** Signed by District of Columbia Mayor Bowser on July 27, 2022, this act amends the Revised Uniform Law on Notarial Acts Act of 2018 to authorize a notary public to certify that a paper copy of an electronic record is an accurate copy of that record, to accept a paper copy of an electronic record that is certified by a notarial officer, and to perform a notarial act for an individual who is not physically present before the notary public through the use of synchronous communication technology to verify the identity of the remote individual, evidenced by an audio-visual recording or by remote administration of oaths and remote notarization of tangible records evidenced by an audio-visual recording.

Click here to read the bill text: <https://legiscan.com/DC/text/B24-0457/id/2608341>

Florida

Administrative Rule for 2022 — **Effective Date February 22, 2022.** The Florida Administrative Rule for 2022 was approved on February 2, 2022 and went into effect on February 22, 2022. It makes a number of changes regarding the notification requirements of online notary public and remote online notarization (RON) service providers.

Click here to read the bill text: <https://www.flrules.org/gateway/RuleNo.asp?id=1N-7.005>

HB 121 — **Effective Date January 1, 2022.** House Bill 121 was signed by Governor Ron DeSantis on June 23, 2021 and went into effect on January 1, 2022. House Bill 121 provides several clarifications and technical updates to the process of online notarizations and allows for remote swearing-in of witnesses for court proceedings and attorney admission to the Florida Bar. It clarifies that the notary is entitled to select particular technology in performing a notarial act concerning electronic records and that the online notary is entitled to select his or her remote online notarization service provider.

Click here to read the bill text: <https://www.flsenate.gov/Session/Bill/2021/121/BillText/er/PDF>

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Georgia

SB 96 — **Effective Date July 1, 2022.** Georgia Governor Brian Kemp signed Bill 96 into law on April 18, 2022, and it went into effect on July 1, 2022. The bill permits individuals with a valid U.S. Veterans Health Identification Card to use it as a form of identification during a notarial act.

Click here to read the bill text: <https://legiscan.com/GA/text/SB96/id/2563254>

Hawaii

Administrative Rules for 2022 — **Effective Date April 27, 2022.** The Hawaii Administrative Rules for 2022 were approved on February 17, 2022 by the Attorney General of Hawaii and went into effect on April 27, 2022. The new rules amend, add, and repeal many of the provisions in Senate Bill 2275, which went into effect on January 1, 2021, and authorized remote online notarization (RON). The most significant changes are related to RON.

Click here to read the bill text: <https://ag.hawaii.gov/wp-content/uploads/2022/03/HAR-Ch-5-11.pdf>

Idaho

Administrative Rules for 2022 — **Effective Date March 31, 2022.** The Idaho Administrative Rules for 2022 went into effect on March 31, 2022 and permanently authorize notarial acts performed for remotely located individuals.

Click here to read the bill text: <https://adminrules.idaho.gov/rules/current/34/340701.pdf>

Illinois

SB 3865 — **Effective Date May 27, 2022.** Governor Jay B. Pritzker signed Senate Bill 3865 into law on May 27, 2022, and it became effective on that date. It removes the term “alien” from all Illinois statutes and states that notary applicants must be a U.S. citizen or a lawfully admitted permanent resident.

Click here to read the bill text: <https://legiscan.com/IL/text/SB3865/id/2591307>

HB 3764 — **Effective Date January 1, 2022.** The Illinois House passed Bill 3764 on August 8, 2021, and it became effective on January 1, 2021. It changes the definition of the phrase “acknowledged before me” to mean that the person acknowledging appeared before the person taking the acknowledgment in a manner prescribed by the laws or regulations applicable in the place in which the acknowledgment was taken.

Click here to read the bill text:

<https://www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=110&GA=102&DocTypeId=HB&DocNum=3764&GAID=16&LegID=132826&SpecSess=&Session=>

SB 2664 — **Effective Date January 1, 2022.** Senate Bill 2664 was signed by Governor J.B. Pritzker on June 28, 2021 and becomes generally effective on January 1, 2022. Senate Bill 2664 amends the Illinois Notary Public Act. It provides requirements concerning electronic notarization and electronic notaries public. It also provides further requirements concerning the certification of electronic documents by notaries public.

Click here to read the bill text: <https://www.ilga.gov/legislation/102/SB/PDF/10200SB2664lv.pdf>

Kansas

Permanent Regulations for 2022 — **Effective Date October 28, 2022.** Kansas Senate Bill 106, which went into effect on January 1, 2022, required the Kansas Secretary of State to adopt temporary regulations regarding notarial acts. Those went into effect on June 30, 2022. The Secretary of State made these regulations permanent beginning on October 28, 2022.

Click here to read the bill text: <https://sos.ks.gov/publications/Register/Volume-41/Issues/Issue-41/10-13-22-50591.html>

Temporary Regulations for 2022 — **Effective Date June 30, 2022.** The Kansas Secretary of State was required by Senate Bill 106, which went into effect on January 1, 2022, to adopt temporary regulations regarding notarial acts. These mostly pertain to notarial acts for remotely located individuals. The regulations went into effect on June 30, 2022.

Click here to read the bill text: <https://sos.ks.gov/publications/Register/Volume-41/Issues/Issue-27/07-07-22-50314.html>

SB 106 — **Effective Date January 1, 2022.** Signed by Governor Laura Kelly on April 21, 2021 and effective as of January 1, 2022, Senate Bill 106 enacts the Revised Uniform Law on Notarial Acts (RULONA) and repeals the Uniform Law on Notarial Acts (ULONA). This bill allows notarization to be performed for remotely located individuals using communication technology to appear before a notary. It requires notary applicants to take a course and pass an examination before performing a notarial act with respect to an electronic record. It also increases the required assurance in the form of a surety bond from \$7,500 to \$12,000.

Click here to read the bill text: <https://legiscan.com/KS/text/SB106/id/2373830/Kansas-2021-SB106-Enrolled.pdf>

Louisiana

HB 39 — **Effective Date August 1, 2022.** House Bill 39 was signed into law on June 10, 2022 and became effective on August 1, 2022. It permits the superintendent of the Beauregard Parish School Board to appoint up to two employees as ex officio notaries public.

Click here to read the bill text: <https://legiscan.com/LA/text/HB39/id/2596104>

HB 903 — **Effective Date August 1, 2022.** Governor John Bel Edwards signed House Bill 903 into law on May 25, 2022, and it became effective on August 1, 2022. The bill states that a remote online notarial act is deemed to be executed in any Louisiana parish where the notary is physically located as long as the notary has jurisdiction in that parish.

Click here read the bill text: <https://legiscan.com/LA/text/HB903/id/2592362>

Administrative Rules 2022 — **Effective Date January 20, 2022.** The Louisiana Secretary of State adopted the Louisiana Administrative Rules on January 20, 2022 to establish the rules for remote online notarization, which was authorized by Act No. 254 of House Bill 274 and went into effect on February 1, 2022.

Click here to read the bill text: https://www.notarypublicstamps.com/files/member/files/LA_admin_rule_2022.1673463422.pdf

Massachusetts

HB 4345 — **Effective Date February 12, 2022.** Governor Charlie Baker signed House Bill 4345 into law on February 12, 2022, and it went into effect on that day. It extended the temporary authorization of remote online notarizations until July 15, 2022.

Click here to read the bill text: <https://legiscan.com/MA/text/H4345/id/2484963>

Maryland

SB 317 & HB 663 — **Effective Date June 1, 2022.** Maryland Senate Bill 317 & House Bill 663 were both passed on May 29, 2022 and went into effect on June 1, 2022. The bills, which are identical, permit notaries to conduct remote notarial acts on tangible records and authorize the Maryland Secretary of State to raise the maximum fees notaries can charge for notarial acts.

Click here to read the bill text: <https://mgaleg.maryland.gov/2022RS/bills/sb/sb0317T.pdf> & <https://mgaleg.maryland.gov/2022RS/bills/hb/hb0663f.pdf>

HB 576 and Senate Bill 36 — **Effective Date April 21, 2022.** Maryland House Bill 576 and Senate Bill 36 were passed and went into effect on April 21, 2022. The identical bills authorize notaries to perform remote notarizations on wills or trust instruments.

Click here to read the bill text: <https://legiscan.com/MD/text/HB576/id/2578339> & <https://legiscan.com/MD/text/SB36/id/2578420>

Administrative Rules for 2022 — **Effective November 14, 2022.** Maryland notaries are now allowed to charge increased fees for notarial acts and remote notarial acts. The Maryland Secretary of State recently adopted these new rules on October 25, 2022, and they went into effect on November 14, 2022. The rules amend sections 1, 2, 7, and 11 of Title 1, Subtitle 2, Chapter 8 of the Code of Maryland Regulations.

Click here to read the bill text: <https://sos.maryland.gov/Documents/NotaryRegulations.pdf>

Mississippi

Administrative Rules (Identification) — **Effective Date June 24, 2022.** The Mississippi Administrative Rules were recently amended to remove a provision regarding identification that was very similar to another provision.

Click here to read the bill text: <https://www.sos.ms.gov/adminsearch/ACProposed/00026343b.pdf>

Administrative Rules (Oaths and Affirmations) — **Effective Date May 27, 2022.** The definitions of the terms “oath” and “affirmation” were recently added to the Mississippi Administrative Code.

Click here to read the bill text: <https://www.sos.ms.gov/adminsearch/ACProposed/00026289b.pdf>

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New Hampshire

SB 134 — Effective Date February 6, 2022. Senate Bill 134 was signed by Governor Sununu on August 10, 2021 and will become effective on February 6, 2022. Senate Bill 134 is omnibus legislation relative to civil actions and criminal liability. Specifically, Part II of the bill enacts provisions from the Revised Uniform Law on Notarial Acts (RULONA), includes provisions for the notarization of electronic records and for remotely located individuals, and entitles notaries to a fee of \$25 per notarial act involving a remotely located individual. The bill requires notaries to keep a journal for remote notarizations and to create an audio-visual recording of the remote notarial act.

Click here to read the bill text: http://www.gencourt.state.nh.us/bill_status/legacy/bs2016/billText.aspx?id=922&txtFormat=html&sy=2021

New Jersey

Education and Examination Administrative Rules for 2022 — Effective Date February 7, 2022. The New Jersey State Treasurer adopted new rules regarding notary education and examination requirements on January 13, 2022. The rules went into effect on February 7, 2022.

Click here to read the bill text:

https://www.notarypublicstamps.com/files/member/files/NEW_JERSEY_EDUCATION_RULE_2022.1673461756.pdf

New Mexico

HB 180 — Effective Date March 1, 2022. Governor Grisham signed House Bill 180 into law on March 1, 2022. It repeals a rule that went into effect on January 1, 2022 that permitted members of the public to request to view a journal entry or audiovisual recording of a notarial act.

Click here to read the bill text: <https://legiscan.com/NM/text/HB180/id/2535376>

Revised Uniform Law on Notarial Acts, New Mexico SB12 — Effective Date January 1, 2022. SB 12 was signed by Governor Grisham on April 5, 2021 and goes into effect on January 1, 2022. SB 12 enacts the Revised Uniform Law on Notarial Acts; authorizes notaries to perform remote notarizations; requires a notary to pass an exam; requires rulemaking by the New Mexico Secretary of State; and repeals sections of the NMSA 1978 pertaining to notarial acts.

Click here to read the bill text: <https://www.nmlegis.gov/Sessions/21%20Regular/bills/senate/SB0012.pdf>

Administrative Rules for 2021 — Effective Date January 1, 2022. The New Mexico Secretary of State approved the New Mexico Administrative Rules for 2021 on November 30, 2021, and they went into effect on January 1, 2022. The new rules implement permanent procedures for notarial acts involving tangible and electronic records and for notarial acts for remotely located individuals.

Click here to read the bill text: <https://www.srca.nm.gov/nmac/nmregister/xxxii/12.9.3.html> & <https://www.srca.nm.gov/nmac/nmregister/xxxii/12.9.4.html>

New York

SB 1780-C — Effective Date June 22, 2022. Senate Bill 1780-C was signed by Governor Kathy Hochul on December 22, 2021 and becomes effective on June 22, 2022. Senate Bill 1780-C amends the executive law in relation to rules on electronic notarization. It establishes that notarial acts can be performed electronically and sets forth guidelines on how electronic notarization is performed. The bill also includes registration requirements for electronic notaries public and authorizes the use of communication technology in identifying individuals for electronic notarization.

Click here to read the bill text: <https://legislation.nysenate.gov/pdf/bills/2021/S1780C>

SB S8006c — Effective Date April 28, 2022. Governor Kathy Hochul signed New York Senate Bill S8006c into law on April 9, 2022, and it went into effect on April 28, 2022. The bill makes changes regarding notaries who are also military veterans and who want to renew their commissions.

Click here to read the bill text: <https://legislation.nysenate.gov/pdf/bills/2021/S8006C>

SB 7780 — Effective Date February 25, 2022. Governor Kathy Hochul signed Senate Bill 7780 on February 25, 2022, and it went into effect on that day. It makes a number of important updates to Senate Bill 1780C, which was passed on December 22, 2021 and authorized remote online notarizations (RON). One key change is moving the starting date notaries can begin performing RONS from June 20, 2022 to January 31, 2023. This delay was put in place to give the government additional time to prepare for RON implementation. The bill also authorized remote ink notarizations (RIN) to allow notaries to perform remote notarization in the meantime. As such, RINs are authorized from February 25, 2022 until June 30, 2023. Beginning on June 31, 2023, only RONS will be allowed.

Click here to read the bill text: <https://legiscan.com/NY/text/S07780/id/2469753>

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Rhode Island

7363 & SB 2705 — Effective Date **June 30, 2022**. Rhode Island Governor McKee signed House Bill 7363 and Senate Bill 2705, both of which are identical, into law on June 30, 2022, and they went into effect that day. The legislation permanently authorizes remote notarizations (RONs) and raises the maximum fees notaries can charge for their services.

Click here to read the bill text: <http://webserver.rilin.state.ri.us/PublicLaws/law22/law22438.htm>

South Carolina

Electronic Regulations for 2022 — Effective Date **June 24, 2022**. The South Carolina Secretary of State has announced the final regulations of the state's Electronic Notary Act (Senate Bill 631), which was passed on May 18, 2021.

Click here to read the bill text:

https://www.notarypublicstamps.com/files/member/files/South_Carolina_Electronic_Regulations_for_2022.pdf

HB 5338 — Effective Date **May 16, 2022**. Senate Bill 5338 was passed by the South Carolina General Assembly on May 12, 2022 and went into effect on May 16. It approves the electronic notarization regulations proposed by the South Carolina Secretary of State.

Click here read the bill text: <https://legiscan.com/SC/text/H5338/id/2582604>

Texas

SB 43 — Effective Date **January 1, 2022**. Senate Bill 43 was passed on May 24, 2021 and became effective on January 1, 2022. It addresses several problems associated with so-called “wrap mortgages,” which some individuals have used to commit fraud. The bill also makes it clear that only attorneys or title insurance companies are allowed to close wrap mortgage loans.

Click here to read the bill text: <https://legiscan.com/TX/text/SB43/id/2393966>

Utah

HB 328 — Effective Date **May 3, 2022**. House Bill 328 was passed on March 22, 2022 and was signed into law on May 3, 2022. The bill makes a small change to a reference of the definition of “satisfactory evidence of identity.” This change does not alter the meaning of the definition.

Click here to read the bill text: <https://legiscan.com/UT/text/HB0328/id/2548530>

Vermont

HB 512 — Effective Date **July 1, 2022**. House Bill 512 was signed by Governor Phil Scott on June 2, 2022, and it went into effect on July 1, 2022. The bill permanently authorizes remote online notarizations (RONs) and establishes the requirements to perform them. Vermont notaries were allowed to conduct RONs previously but on a temporary basis in response to the COVID-19 pandemic.

Click here to read the bill text: <https://legiscan.com/VT/text/H0512/id/2593587>

HB 551 — Effective Date **July 1, 2022**. Governor Phil Scott signed House Bill 551 into law on May 27, 2022, and it went into effect on July 1, 2022. The bill prohibits racially and religiously restrictive covenants in property deeds, mortgages, plats, or other recorded devices and declares such covenants void and unenforceable from existing deeds and other recorded devices.

Click here to read the bill text: <https://legiscan.com/VT/text/H0551/2021>

Washington

SB 5132 — Effective Date **January 1, 2022**. Senate Bill 5132 authorizes Washington residents to create electronic wills and allows electronic wills to be self-proving through acknowledgements and affidavits, both of which must be notarized and can be done so remotely. Governor Inslee signed Senate Bill 5132 on April 26, 2021, and it went into effect on July 25, 2021. However, Sections 1001-1016 of the bill, which outline these changes, did not go into effect until January 1, 2022. Now testators (the individuals making the will) can sign electronic wills via an online audio-visual platform.

Click here to read the bill text: <https://legiscan.com/WA/text/SB5132/id/2231857>

Administrative Rules for 2022 — Effective Date November 22, 2022. The State of Washington recently increased fees for both new and renewed notary commissions. The change amends section 308-30-060 of the Washington Administrative Code.

Click here to read the bill text: <https://www.dol.wa.gov/business/docs/308-30-060-adopted.pdf>

West Virginia

SB 334 — Effective Date March 12, 2022. Senate Bill 334 went into effect on March 12, 2022. It authorizes the West Virginia Secretary of State's administrative rules on standards and guidelines for electronic notarization, remote online notarization, and remote ink notarization.

Click here to read the bill text: <https://legiscan.com/WV/text/SB334/id/2549924> &
<https://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=55289&Format=PDF>

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