

# Notary Digest

## Legislative Report: Recap of notary laws that went into effect in 2020

*By Dora Valles*

### Alaska

**SB 241** — **Effective Date: April 9, 2020.** Senate Bill 241 was signed and approved by the Governor on April 9, 2020. This bill creates a new section to Title 13, Chapter 12, Section 13.12.502 of the Alaska Statutes that temporarily enables the testator, the witnesses, and the notary public to appear before each other through the use of video-conference technology. This bill provides that the signing of a last will and testament and the witnessing of such signing before a notary public by videoconference technology is specifically and provisionally allowed for the duration of the COVID-19 public health disaster emergency declared by the Governor on March 11, 2020, as extended, and for ten days thereafter only if the will contains the witnesses' prescribed statement.

Read the bill text: <http://www.akleg.gov/basis/Bill/Text/31?Hsid=SB0241Z>

### Arizona

**SB 1030** — **Effective Date: July 1, 2020.** Senate Bill 1030 was signed and approved by the Governor on April 10, 2019. This bill enacts the "Remote Online Notarization," which adds provisions for notarial procedures and standards for remote online notarizations. This bill: (1) authorizes a notary public to perform remote online notarial acts; (2) requires a notary public to maintain only one paper journal, which is presumed to be a public record; (3) authorizes the Secretary of State to require a notary public to attend a notary training course instead of or in addition to a suspension of the notary's commission; (4) requires a notary public to chronologically record each remote online notarization in a permanent, tamper-evident electronic format journal that complies with the Secretary of State's adopted rules; (5) requires a notary to create an audio and visual recording of each remote online notarization performed; (6) authorizes the Secretary of State to adopt rules and standards to implement the new remote online notarization statute, which must include the standards for applications and registration for a notary's authorization to perform remote online notarial acts; and (7) provides the methods of identification that a notary public may use to verify the identity of a remotely located individual when performing a remote online notarial act.

Read the bill text: <http://www.azleg.gov/legtext/54leg/1R/laws/0056.pdf>



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**Arizona Administrative Rules** — **Effective Date: April 10, 2020.** The Arizona Secretary of State has published final administrative rules to implement the statutory provisions of the “Remote Online Notarization” (Title 41, Chapter 2, Article 4 of the Arizona Revised Statutes), as enacted in SB 1030 (2019). The Remote Online Notarization Act does not become operative until July 1, 2020. Effective April 10, 2020, Arizona Governor Ducey issued Executive Order No. 2020-26 that waived the July 1, 2020 operative date for the Remote Online Notarization so that the Secretary of State could immediately commence implementation of the act. Moreover, this order moved the effective date to April 10, 2020. In conjunction with Governor Ducey’s Executive Order, the Secretary of State adopted final administrative rules as a necessity to establish fundamental standards so that certain notaries public may perform remote online notarizations using audio and visual communication technology, specifically during the COVID-19 social distancing restrictions. This order is only in effect through June 30, 2020, at which time the Remote Online Notarization Act becomes operative by its own terms.

Read the rule text: [https://apps.azsos.gov/public\\_services/register/2020/13/contents.pdf](https://apps.azsos.gov/public_services/register/2020/13/contents.pdf)

## Colorado

**SB 20-096** — **Effective Date: January 1, 2021.** Senate Bill 20-096 was signed and approved by the Governor on June 26, 2020. This bill establishes a permanent statutory framework authorizing notaries public to perform notarial acts with respect to electronic documents for remotely located individuals. This bill: (1) allows a notary public to perform a notarial act using an electronic system employing real-time audio-video communication for a remotely located individual; (2) requires the notary public, before performing the initial remote notarization, to notify the Secretary of State that he or she will be performing notarial acts using a remote notarization system for remotely located individuals; (3) requires a notary public to create an audio-video recording of each remote notarization using a remote notarization system; (4) prohibits a notary public from using a remote notarization system to notarize a record relating to the electoral process, a will or codicil, or a document purporting to be a will or codicil; and (5) prohibits the use or sale of personal information of a remotely located individual by a remote notary public and the provider of a remote notarization system except in specific, limited circumstances.

Read the bill text: [https://leg.colorado.gov/sites/default/files/2020a\\_096\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2020a_096_signed.pdf)

**Colorado Administrative Rules** — **Effective Date: December 31, 2020.** The Colorado Secretary of State has promulgated permanent administrative rules to implement the new remote notarization provisions incorporated into the Revised Uniform Law on Notarial Acts (CRS 24-21-514.5), as enacted in SB 20-096 (2020), which takes effect on December 31, 2020. The adopted rules repeal the temporary remote online notarization rules. In addition, the new adopted rules: (1) require an applicant who wishes to become a remote notary public to take and complete a remote notarization training course and pass an examination; (2) require a notary public who wishes to become a remote notary public to submit an application with the Secretary of State; (3) provide standards for the remote notary public’s seal and electronic signature; (4) require a remote notary public to maintain an electronic journal to record remote notarizations; and (5) prescribe the requirements, application, criteria, and standards for approval of remote notarization system providers and remote notarization storage providers.

Read the rule text: [https://www.sos.state.co.us/pubs/rule\\_making/files/2020/20201201NotaryNoticeTempPermAdoptionSBSJ.pdf](https://www.sos.state.co.us/pubs/rule_making/files/2020/20201201NotaryNoticeTempPermAdoptionSBSJ.pdf)

## District of Columbia

**DC B 23-0750** — **Effective Date: May 13, 2020.** DC Bill 23-0750 was signed and approved by the Governor on May 13, 2020. This bill temporarily amends Title 1, Chapter 12A, Sections 1-1231.01, 1-1231.05, and 1-1213.09 of the Code of the District of Columbia, which authorize a notary public to perform notarial acts using audio-video communication during a public health emergency. This bill: (1) allows a notary public to perform notarial acts using audio-video communication; (2) requires a notary public to have notified the Mayor of the intention to perform remote notarial acts and provide the identity of the audio-video communication the notary intends to use; (3) requires a notary public to create an audio-visual recording of the notarial act performed for an individual using audio-video communication; and (4) stipulates that a notary’s authorization to perform notarial acts using audio-video communication expires August 11, 2020.

Read the bill text: [https://lims.dccouncil.us/downloads/LIMS/44622/Signed\\_Act/B23-0750-SignedAct.pdf](https://lims.dccouncil.us/downloads/LIMS/44622/Signed_Act/B23-0750-SignedAct.pdf)

## Delaware

**SB 247** — **Effective Date: July 16, 2020.** Senate Bill 247 was signed and approved by the Governor on July 16, 2020. This bill ensures that the protections put in place during the COVID-19 pandemic related to notarizations do not cease immediately upon the lifting of the COVID-19 State of Emergency, but instead continue until June 30, 2021. Moreover, this bill authorizes remote notarization and witnessing by Delaware licensed attorneys via audio-visual technology provided that certain conditions are met. The provisions and the authorization to perform remote notarizations and witnessing by Delaware licensed attorneys via audio-visual technology are temporary.

Read the bill text:

<https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocument?legislationId=48142&legislationTypeId=1&docTypeId=2&legislationName=SB247>

## Florida

**HB 409** — **Effective Date: January 1, 2020.** House Bill 409 was signed and approved by the Governor on June 7, 2019. This bill enacts the “Online Notarizations” and adds provisions for notarial procedures and standards for online notarizations. This bill: (1) authorizes a current notary public, a civil-law notary public, and a commissioner of deeds to perform online notarizations; (2) provides the requirements for and the registration process by which the Department of State may authorize an online notary public to perform online notarizations; (3) provides the standards for determining an individual’s identity by which an online notary public may perform an online notarization; (4) requires an online notary public to keep an electronic journal and make an audio-video recording of each online notarization performed; (5) provides standards for supervising the witnessing of electronic records; and (6) authorizes the Department of State to adopt rules and standards to implement the new online notarization statutes, with some of these standards subjected to certain minimum requirements.

Read the bill text:

[https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=\\_h0409er.docx&DocumentType=Bill&BillNumber=0409&Session=2019](https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=_h0409er.docx&DocumentType=Bill&BillNumber=0409&Session=2019)

**Florida Administrative Rules** — **Effective Date: January 1, 2020.** The Florida Department of State has adopted administrative rules to implement the statutory provisions of the “Online Notarizations” (Title X, Chapter 117, Part II of the Florida Statutes), as enacted in HB 409 (2019), effective January 1, 2020. The published administrative rules: (1) prescribe the registration requirements for any person applying to register as an online notary public to perform online notarizations; (2) clarify that a registration for an online notary public is effective upon filing by the Department of State and expires on the date of expiration, termination, or resignation of the registrant’s notary public commission; (3) require an online notary public to attach the online notary’s electronic signature and seal to the electronic notarial certificate of an electronic document in a manner that is capable of independent verification and renders any subsequent change or modification to the electronic document evident; and (4) require the remote online service provider utilized by online notaries public to comply with the standards and requirements pursuant to Section 117.295, F.S. and utilize tamper-evident technologies..

Read the rule text: <https://www.flrules.org/gateway/ruleNo.asp?id=1N-7.001>

## Iowa

**SF 475** — **Effective Date: July 1, 2020.** Senate File 475 was signed and approved by the Governor on April 29, 2019. This bill enacts the amendments to the Revised Uniform Law on Notarial Acts (2018), which authorizes notaries public to perform notarial acts for remotely located individuals. This bill: (1) allows a notary public to perform a notarial act using communication technology for a remotely located individual; (2) provides that before a notary public performs his or her initial notarial act for a remotely located individual, the notary must notify the Secretary of State that he or she will be performing notarial acts with respect to remotely located individuals and identify the technologies he or she intends to use; (3) provides that a remotely located individual may comply with section 9B.6 (personal appearance) by using communication technology to appear before a notary public; (4) requires a notary to create an audio-visual recording of a notarial act using communication technology for a remotely located individual; and (5) authorizes the Secretary of State to adopt rules and standards to perform notarial acts for remotely located individuals.

Read the bill text: <https://www.legis.iowa.gov/docs/publications/iactc/88.1/CH0044.pdf>

**Iowa Administrative Rules** — **Effective Date: July 1, 2020.** The Iowa Secretary of State has published administrative rules to implement the new provisions that allows notaries public to perform notarial acts for remotely located individuals authorized by the Revised Uniform Law on Notarial Acts (2018) as enacted in Iowa SF 475 (2019 Iowa Acts Chapter 44) and codified in Title 1, Chapter 9B of the Iowa Code. Iowa Governor Reynolds issued a Proclamation that changed the effective date of SF 475 from July 1, 2020 to March 23, 2020 due to the COVID-19 State of Emergency. The waiver in the first Proclamation was last extended by the Governor's Proclamation (Section 125) issued on June 25, 2020 and remains in effect until July 1, 2020, at which time the Revised Uniform Law on Notarial Acts becomes operative by its own terms.

Read the rule text: <https://www.legis.iowa.gov/docs/aco/arc/5041C.pdf>

## Idaho

**SB 1111** — **Effective Date: January 1, 2020.** Senate Bill 1111 was signed and approved by the Governor on March 21, 2019. This bill amends the Idaho's Revised Uniform Law on Notarial Acts (2018) by authorizing a notary public to perform a notarial act using communication technology for a remotely located individual. This bill: (1) allows a notary public to certify that a tangible copy of an electronic record is an accurate copy; (2) allows a notary public to perform a notarial act using communication technology for a remotely located individual in certain situations; (3) requires a notary public to notify the Secretary of State that the notary will be performing notarial acts using communication technology and identify the technology before performing the initial notarial act; (4) provides the standards for determining the identity of a remotely located individual that a notary public may use to perform a notarial act for a remotely located individual; and (5) authorizes the Secretary of State to promulgate standards regulating notarial acts using communication technology for remotely located individuals.

Read the bill text: <https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2019/legislation/S1111.pdf>

## Illinois

**SB 2135** — **Effective Date: June 12, 2020.** Senate Bill 2135 was signed and approved by the Governor on June 12, 2020. This bill enacts the Government Emergency Administration Act that centers on various subject matters to better respond to the statewide public health emergency caused by the outbreak of COVID-19. Moreover, this bill renders statutory approval for the provisions that temporarily authorize Illinois notaries public to perform notarial acts using two-way audio-video communication technology for the duration of the statewide public health emergency declared by Governor Pritzker's Executive Order 2020-14. This bill also provides extensions: (1) for expired state issued driver's licenses, etc. and (2) for expired professional licenses, registrations, certifications, and commissions issued by the Secretary of State during the COVID-19 state of emergency.

Read the bill text: <https://www.ilga.gov/legislation/publicacts/101/101-0640.htm>

**Guidance for Remote Notaries and Consumers** — **Effective Date: March 26, 2020.** In conjunction with Governor Pritzker's Executive Order 2020-14, the Illinois Secretary of State has issued guidance for Illinois notaries public who are equipped to temporarily perform remote notarial acts using two-way audio-video communication under the Illinois Governor's Executive Order 2020-14. The Governor's Executive Order 2020-14 requires Illinois notaries public who perform remote notarizations to follow the guidance issued by the Illinois Secretary of State and posted on its website. According to the Illinois Secretary of State, the Governor's Executive Order 2020-14 provides only temporary authority to notaries public in Illinois to perform remote notarial acts, which expires when the Gubernatorial Disaster Proclamation of March 9, 2020 is cancelled and/or revoked.

Read the guidance text: <https://www.cyberdriveillinois.com/departments/index/notary/electronicnotary0320.pdf>

**HB 2176** — **Effective Date: January 1, 2020.** House Bill 2176 was signed and approved by the Governor on August 23, 2019. This bill amends Section 3-103 of the Illinois Notary Public Act relating to notaries who advertise their notary public services in a foreign language. This bill: (1) increases the penalty for a notary's failure to follow the mandatory non-English notice requirements from a fine of \$1,000 to \$1,500 for each written violation; (2) provides that a notary's second violation of the legal requirement notice shall result in the permanent revocation of the notary's commission; and (3) modifies the mandatory legal notice, for non-English advertisements, that a notary public is not an attorney or accredited immigration representative authorized to provide legal advice or services.

Read the bill text: <https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=101-0465&print=true&write=8>

## Indiana

**SB 340** — **Effective Date: July 1, 2020.** Senate Bill 340 was signed and approved by the Governor on March 18, 2020. This bill requires a notary public or a certain specified individual authorized under IC 32-21-2-3 to perform two notarial acts, an acknowledgment and proof of execution, on certain private property documents to be recorded with an Indiana county clerk.

Read the bill text: <http://iga.in.gov/legislative/2020/bills/senate/340#document-170fc6bf>

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**Indiana Administrative Rules** — **Effective Date: March 31, 2020.** The Indiana Secretary of State has promulgated final administrative rules to implement the statutory provisions of the Remote Notarial Acts, Title 33, Article 42, Chapter 17 of the Indiana Code, which was enacted in SB 372 (2019) with an effective date of July 1, 2019. However, 2019 HB 1487 changed the effective date of the remote notarization provisions to the earlier of: (a) the Secretary of State's adopted rules; or (b) July 1, 2020. The adopted rules: (1) allow a commissioned notary public to apply with the Secretary of State for a remote notary authorization to perform remote notarial acts; (2) prescribe the process of granting, renewing, approving, or denying a remote notary authorization; (3) require a notary public to complete three continuing education courses during the notary's commission term; (4) provide that a remote notary public cannot apply for a consecutive remote notary authorization until the Secretary of State has renewed the notary's traditional notary public commission; and (5) require a remote notary public to keep an electronic journal for all remote notarizations performed.

Read the rule text: <http://iac.iga.in.gov/iac/20200401-IR-075190329FRA.xml.html>

## Kansas

**HB 2016** — **Effective Date: June 8, 2020.** House Bill 2016 was signed and approved by the Governor on June 8, 2020. This bill validates the notarial acts performed by Kansas notaries public during the suspension of the "personal appearance" requirements under executive orders if the notarial acts met all the requirements prescribed by such executive orders or other state law. Kansas Governor's Executive Order No. 20-20 (extended by Executive Order 20-49) temporarily allows notaries public and witnesses to act via audio-video communication technology during a state of disaster emergency. The Governor's Executive Order No. 20-49 remains in force until rescinded, until September 15, 2020, or until the statewide State of Disaster Emergency extended by HB 2016 expires, whichever is earlier.

Read the bill text: [http://www.kslegislature.org/li\\_2020s/b2020s/measures/documents/hb2016\\_enrolled.pdf](http://www.kslegislature.org/li_2020s/b2020s/measures/documents/hb2016_enrolled.pdf)

## Kentucky

**SB 102** — **Effective Date: July 14, 2020.** Senate Bill 102 was signed and approved by the Governor on March 27, 2020. This bill amends Section 202A.422 of the Kentucky Revised Statutes. This bill provides that the execution of an advance health care directive must be complete when signed by the grantor and signed by two adult witnesses or acknowledged before a notary public or other person authorized to administer oaths.

Read the bill text: <https://apps.legislature.ky.gov/recorddocuments/bill/20RS/sb102/bill.pdf>

**SB 150** — **Effective Date: March 30, 2020.** Senate Bill 150 was signed and approved by the Governor on March 30, 2020. This bill provides that a real-time video teleconference shall be considered equivalent to being in the presence of one another for the purposes of complying with testimony, signature, or notarization requirements in conjunction with the state of emergency declared by the Governor of Kentucky under executive orders related to the COVID-19 pandemic.

Read the bill text: <https://apps.legislature.ky.gov/recorddocuments/bill/20RS/sb150/bill.pdf>

**SB 114** — **Effective Date: January 1, 2020.** Senate Bill 114 was signed and approved by the Governor on March 25, 2019. This bill enacts the Revised Uniform Law on Notarial Acts, which includes allowing an online notary public to perform an electronic notarization for a remotely located individual. Moreover, this bill provides provisions for more in-depth and systematic notarial procedures and standards for paper notarizations and electronic notarizations. This bill: (1) establishes the requirements for and the process by which the Secretary of State may certify an online notary public to perform electronic notarizations; (2) allows an online notary public to perform a notarial act by means of communication technology; (3) requires a notary public to register with the Secretary of State prior to performing a notarial act with respect to electronic records; (4) requires a notary public to maintain a journal chronicling all notarial acts performed by the notary public; (5) requires an online notary public to keep an electronic journal, including an audio and video recording of each electronic notarization performed by the online notary; (6) specifies the requirements for determining an individual's identity when a notary public or online notary public performs notarial acts or electronic notarizations; and (7) allows the Secretary of State to promulgate administrative regulations to implement this act.

Read the bill text: <https://apps.legislature.ky.gov/recorddocuments/bill/19RS/sb114/bill.pdf>

**Kentucky Administrative Rules** — **Effective Date: January 1, 2020.** The Kentucky Secretary of State has promulgated an emergency administrative regulation to implement the statutory provisions of the Revised Uniform Law of Notarial Acts (Title 38, Chapter 423 of the Kentucky Revised Statutes), as enacted in SB 114 (2019), effective January 1, 2020. This emergency regulation prescribes significant provisions with respect to electronic records and online notarizations. The regulation: (1) allows a notary public who is registered with the Secretary of State to perform a notarial act with respect to an electronic record for a remotely located individual; (2) prescribes the process of granting, renewing, approving, or denying a notary public commission for traditional and online notaries public; (3) provides a notary public with multi-factor authentication options to ensure the remotely located individual's identity is verified prior to the performance of an online notarization; (4) provides tamper-evident technology standards to safeguard the notary's digital certificate, notary's electronic signature, and journal used during the online notarization process; (5) provides standards for communication technology to ensure the integrity and security of audio-visual feeds during an online notarization; (6) requires a notary public to keep an electronic journal for online notarizations; and (7) requires a notary public to retain an electronic journal and audio-visual recordings for a period of ten years after the online notarization.

Read the rule text: [https://apps.legislature.ky.gov/law/kar/registers/46Ky\\_R\\_2019-20/07\\_jan.pdf](https://apps.legislature.ky.gov/law/kar/registers/46Ky_R_2019-20/07_jan.pdf)

**Kentucky Administrative Regulations** — **Effective Date: August 20, 2020.** The Kentucky Secretary of State has promulgated and published permanent administrative regulations to implement the Revised Uniform Law on Notarial Acts (KRS 423.300 to 423.455), as enacted in SB 114 (2019), effective January 1, 2020. The administrative regulations: (1) authorize a notary public to perform notarial acts using communication technology for remotely located individuals; (2) establish standards for the performance of notarial acts with respect to electronic records; (3) establish standards for the performance of online notarial acts for remotely located individuals; (4) require a notary public to submit a registration with the Office of the Secretary of State to perform notarial acts with respect to electronic records and electronic (online) notarizations; (5) establish forms and procedures applicable to the registrations of notaries public; (6) establish standards for the retention of records; and (7) prescribe the manner of performing notarial acts for tangible records.

Read the rule text: <https://apps.legislature.ky.gov/law/kar/030/008/005.pdf>

## Louisiana

**HB 54** — **Effective Date: August 1, 2020.** House Bill 54 was signed and approved by the Governor on October 28, 2020. This bill adds Chapter 61 to Title 51 of the Louisiana Revised Statutes, which authorizes digital identification cards. This bill requires a person who is engaged in trade or commerce to accept a consumer's state-issued digitized identification card as a valid form of identification when identification is requested for the purpose of proving the consumer's identity or age. This bill provides that a person who validates identification for certain notarial acts may exercise the option to accept a digitized identification card.

Read the bill text: <https://www.legis.la.gov/legis/ViewDocument.aspx?d=1194937>

**HB 274** — **Effective Date: August 1, 2020.** House Bill 274 was signed by the Governor on June 11, 2020. This bill enacts the Remote Online Notarization Act by adding Chapter 10 (Sections 621 through 630) to Title 35 of the Louisiana Revised Statutes, which includes provisions authorizing remote online notarizations. This bill: (1) authorizes remote online notarizations; (2) provides that any regularly commissioned notary public in Louisiana may obtain authorization from the Secretary of State to perform remote online notarizations in compliance with R.S. 35:625; (3) provides that the provisions of R.S. 35:625 shall cease to be effective on February 1, 2022; (4) allows a party to the remote online notarial act to appear before a notary public using audio-video communication; (5) requires a notary public to create an audio-visual recording of each remote online notarization performed; (5) authorizes the Secretary of State to adopt standards by rule to implement the provisions regarding remote online notarizations; and (6) authorizes a notary public to certify that a tangible copy of an electronic record is an accurate copy of the electronic record.

Read the bill text: <https://www.legis.la.gov/legis/ViewDocument.aspx?d=1182325>

**HB 122** — **Effective Date: June 9, 2020.** House Bill 122 was signed and approved by the Governor on June 9, 2020. This bill adds Sections 35:701 and 35:702 to Title 35 of the Louisiana Revised Statutes, which provides for the legal effect of remote notarizations. Moreover, this bill provides for ratification of Section 6 of Proclamation Number 37 JBE 2020 and Part C of Section 5 of Proclamation Number 41 JBE 2020, which temporarily authorizes notaries public to perform remote notarial acts using audio-video communication during the COVID-19 public health emergency. The provisions and the authorization to perform remote notarial acts pursuant to Act No. 131 are temporary.

Read the bill text: <https://www.legis.la.gov/Legis/ViewDocument.aspx?d=1181439>

## Massachusetts

**SB 2645** — **Effective Date: April 23, 2020.** Senate Bill 2645 was signed and approved by the Governor on April 23, 2020. This bill enacted a new law that authorizes a notary public appointed and commissioned under Chapter 222 of the General Laws of Massachusetts to perform an acknowledgment, affirmation, or other notarial act utilizing electronic video conferencing in real time. However, this bill limits the use of electronic video conference in real time for notarial acts to attorneys licensed in the Commonwealth of Massachusetts or paralegals operating under the supervision of an attorney licensed in Massachusetts for the following categories of documents: (1) documents involved with a conveyance of title to real estate; (2) wills; (3) nominations of a guardian or conservator; (4) durable powers of attorney; (5) trust; or (6) health care proxies or authorizations under the federal Health Insurance Portability and Accountability Act of 1996.

Read the bill text: <https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter71>

## Maryland

**SB 678** — **Effective Date: October 1, 2020.** Senate Bill 678 was signed and approved by the Governor on May 13, 2019. This bill enacts substantive provisions of the Maryland Revised Uniform Law on Notarial Acts, which include adding new provisions for the performance of notarial acts with respect to electronic records and for remotely located individuals. This bill: (1) authorizes a notary public to perform electronic notarization and remote notarization under specific conditions; (2) no longer requires an individual seeking a notary public commission to be a citizen or permanent legal resident of the United States; (3) no longer requires an individual seeking a notary public commission to be able to read and write English; (4) updates the provisions relating to maintaining a journal for notarial acts performed regarding tangible records and electronic records; (5) authorizes a remotely located individual to appear before a notary public through communication technology; (6) requires a notary to create an audio-visual recording of each remote online notarization performed; and (7) authorizes the Secretary of State to adopt regulations and standards to implement the new provisions relating to electronic notarizations and notarizing for remotely located individuals.

Read the bill text: [http://mgaleg.maryland.gov/2019RS/chapters\\_noln/Ch\\_407\\_sb0678E.pdf](http://mgaleg.maryland.gov/2019RS/chapters_noln/Ch_407_sb0678E.pdf)

**SB 636** — **Effective Date: October 1, 2020.** Senate Bill 636 was signed and approved by the Governor on May 8, 2020. This bill amends Section 18-102, Title 18, State Government, of the Annotated Code of Maryland. This bill delays the date—by one year, to October 1, 2021—by which an initial or renewal applicant for appointment as a notary public must have completed the education and passed the examination as required under Chapter 407 of the Acts of the Maryland General Assembly of 2019. In addition, this bill requires the Secretary of State, on or before October 21, 2021, to offer regularly a course of study and an examination that covers the laws, regulations, procedures, and ethics relevant to notarial acts, as required under Chapter 407.

Read the bill text: <http://mgaleg.maryland.gov/2020RS/bills/sb/sb0636e.pdf>

## Minnesota

**HF 4605** — **Effective Date: May 17, 2020.** House File 4605 was signed and approved by the Governor on May 16, 2020. This bill authorizes recording officials for the counties, cities, and townships to accept documents or signatures electronically, by mail, or by facsimile during a peacetime public health emergency. Moreover, this bill permits the recording of a notary public commission as required by law to be accepted by recording officials by the filing methods as stated in this bill.

Read the bill text: <https://www.revisor.mn.gov/laws/2020/0/Session+Law/Chapter/92/>

## Missouri

**HB 1655** — **Effective Date: August 28, 2020.** House Bill 1655 was signed and approved by the Governor on July 6, 2020. This bill triumphs by achieving a major overhaul of the Missouri notary statutes, which covers in-depth and methodical notarial procedures and guidelines for paper notarizations, electronic notarizations, and for the newly enacted remote notarization provisions. This bill: (1) authorizes a remote online notary public to perform a remote online notarial act by means of audio and video communication; (2) requires an applicant to take a notary course and pass an exam to be commissioned as a notary public; (3) requires a notary to take a course relating to electronic notarizations and pass an exam to be commissioned as an electronic notary public; (4) requires a notary to take a course relating to remote online notarizations and pass an exam to be commissioned as a remote online notary public; (5) requires a notary, prior to performing the initial remote online notarial act, to notify the Secretary of State that he or she will be performing remote online notarial acts for remotely located individuals; (6) requires a remote online notary to create an audio video recording of each remote online notarial act performed using communication technology; and (7) authorizes a notary public to certify that a tangible copy of an electronic record is an accurate copy of the electronic record.

Read the bill text: <https://house.mo.gov/billtracking/bills201/hlrbillspdf/3955S.03T.pdf>

## Montana

**Montana Temporary Emergency Rule** — **Effective Date: April 8, 2020.** The Montana Secretary of State has issued a temporary emergency rule pertaining to the format of electronic seals/stamps of notaries public authorized to perform remote or remote online notarizations. The emergency rule notice states, “The Secretary of State is adopting the following emergency rule because of the sudden and unexpected need for remote online notarizations (RON) due to the COVID-19 crisis.”

Read the rule text: [https://sosmt.gov/wpfd\\_file/emergency-rule-44-2-238/](https://sosmt.gov/wpfd_file/emergency-rule-44-2-238/)

## Nebraska

**LB 247** — **Effective Date: November 13, 2020.** Legislative Bill 247 was signed and approved by the Governor on August 11, 2020. This bill enacts the Advance Mental Health Care Directives Act to establish provisions specific to the advance planning of mental health care. This bill provides that the execution of an advance mental health care directive must be signed in the presence of a notary public who is not the attorney in fact of the principal or be witnessed in writing by at least two disinterested adults.

Read the bill text: <https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB247.pdf>

**LB 186** — **Signed: May 30, 2019.** Legislative Bill 186, which was signed and approved by the Governor, enacts the Online Notary Public Act, which adds provisions for notarial procedures and standards for online notarial acts. This bill: (1) allows a notary public commissioned in Nebraska to register as an online notary public to perform online notarial acts; (2) allows an individual to appear before an online notary public through communication technology; (3) requires a notary public to take a course of instructions and pass an examination approved by the Secretary of State before registering as an online notary public; (4) requires a notary public to register with the Secretary of State before performing an online notarial act; (5) requires a notary to include in the registration as an online notary the technology the notary intends to use to perform online notarial acts; (6) requires an online notary to keep a secure electronic record of electronic documents notarized by the notary; and (7) requires the Secretary of State to adopt and promulgate rules and regulations to facilitate the utilization of online notarial acts.

Read the bill text: <https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB186.pdf>

**Nebraska Administrative Rules** — **Signed: June 10, 2020; Effective Date: July 1, 2020.** The Nebraska Secretary of State has adopted permanent administrative rules and has codified the emergency regulations to implement the new provisions of the Online Notary Public Act, as enacted in LB 186 (2019), effective July 1, 2020. The new adopted rules make revisions relating to the notary public commission, registrations of electronic notaries public, and the electronic signature and seal of electronic notaries public and codify the emergency regulations regarding online notaries public.

Read the rule text: [https://www.nebraska.gov/rules-and-regs/regsearch/Rules/Secretary\\_of\\_State/Title-433/Chapter-8.pdf](https://www.nebraska.gov/rules-and-regs/regsearch/Rules/Secretary_of_State/Title-433/Chapter-8.pdf)



## Oklahoma

**SB 1779** — **Effective Date: May 21, 2020.** Senate Bill 1779 was signed and approved by the Governor on May 21, 2020. This bill adds Section 14-101.1 to, and amends Section 14-108.1 of, Title 26 in the Oklahoma Statutes that relate to the absentee ballot process, which includes modifying the restrictions of a notary public. This bill prohibits “absentee ballot harvesting” in certain elections; however, there are exceptions to the law that apply under certain circumstances, such as forwarding an absentee ballot to a uniformed-services voter.

Read the bill text: [http://webserver1.lsb.state.ok.us/cf\\_pdf/2019-20%20ENR/SB/SB1779%20ENR.PDF](http://webserver1.lsb.state.ok.us/cf_pdf/2019-20%20ENR/SB/SB1779%20ENR.PDF)

**SB 210** — **Effective Date: May 7, 2020.** Senate Bill 210 was signed and approved by the Governor on May 7, 2020. This bill makes an exception to certain statutory requirements related to absentee ballot affidavits for elections held in 2020 and creates alternative procedures. This bill also revises the civil procedure provision relating to unsworn written statements under penalty of perjury. This bill clarifies that any notarial act, oath, or affidavit as it relates to voting requirements are not permitted to be satisfied by the requirement to provide an unsworn declaration under penalty of perjury. Moreover, this bill authorizes voters to request an absentee ballot and attach a photocopy of a form of identification to the signed affidavit, in lieu of having the affidavit notarized and his or her signature witnessed by two people. In a nutshell, this bill provides alternative voting procedures for an election conducted during the COVID-19 pandemic as it relates to absentee ballots.

Read the bill text: [http://webserver1.lsb.state.ok.us/cf\\_pdf/2019-20%20ENR/SB/SB210%20ENR.PDF](http://webserver1.lsb.state.ok.us/cf_pdf/2019-20%20ENR/SB/SB210%20ENR.PDF)

**SB 915** — **Effective Date: January 1, 2020.** Senate Bill 915 was signed and approved by the Governor on May 9, 2019. This bill creates the Remote Online Notary Act to allow a notarization to be performed remotely. This bill: (1) authorizes a notary public to certify that a paper or tangible copy of an electronic document is a true and correct copy; (2) establishes the requirements for and the process by which the Secretary of State may authorize a notary public to perform remote online notarizations; (3) requires a notary public to register with the Secretary of State prior to performing the initial remote online notarial act; (4) establishes the standards for determining an individual’s identity when a remote notary performs a remote notarization; (5) requires a notary public to keep a journal and make an audio and visual recording of each remote notarization performed; and (6) requires the Secretary of State to promulgate standards regulating remote online notarizations.

Read the bill text: [http://webserver1.lsb.state.ok.us/cf\\_pdf/2019-20%20ENR/SB/SB915%20ENR.PDF](http://webserver1.lsb.state.ok.us/cf_pdf/2019-20%20ENR/SB/SB915%20ENR.PDF)

**Oklahoma Administrative Rule** — **Effective Dates: January 1, 2020 - September 14, 2020** unless superseded by another rule or disapproved by the legislature. The Oklahoma Secretary of State has promulgated emergency rules to implement the statutory provisions of the Remote Online Notary Act (Title 49, Sections 201 through 214 of the Oklahoma Statutes), as enacted in SB 915 (2019), effective on January 1, 2020. The promulgated emergency rules: (1) amend the outdated provisions relating to the commissioning of traditional notaries to comply with SB 915 and Title 49 of the Oklahoma Statutes; (2) outline the registration requirements for performing remote online notarizations, including the requirement that the applicant provide detailed information on his or her service provider; (3) add a new provision requiring multi-factor authentication to ensure the principal’s identity is verified prior to any remote online notarization; (4) add tamper-evident technology standards to safeguard the notary’s digital certificate, which is used during the remote online notarization process; (5) add standards for communication technology to ensure integrity and security of audio-video feeds during remote online notarizations; (6) add a new provision requiring a notary public to keep an electronic journal for remote online notarizations and detail the retention requirements for electronic journals and audio-visual recordings; and (7) add a new Appendix A that includes versions of sufficient forms of notarial certificates for remote online notarizations.

Read the rule text: [http://www.oar.state.ok.us/register/Volume-37\\_Issue-09.htm](http://www.oar.state.ok.us/register/Volume-37_Issue-09.htm)

## Oregon

**HB 4212** — **Effective Date: June 30, 2020.** House Bill 4212 was signed and approved by the Governor on June 30, 2020. This bill temporarily authorizes notaries public to perform notarial acts for remotely located individuals. This bill: (1) allows a notary public to perform a notarial act using communication technology for a remotely located individual; (2) provides that before a notary public performs the notary’s initial notarial act for a remotely located individual, the notary must notify the Secretary of State that the notary will be performing notarial acts with respect to remotely located individuals and identify the technologies the notary public intends to use; (3) provides that a remotely located individual may comply with ORS 194.235 by using communication technology to appear before a notary public; (4) requires a notary public to create an audiovisual recording of a notarial act using communication technology for a remotely located individual; and (5) authorizes the Secretary of State to adopt rules and standards for the performance of notarial acts for remotely located individuals.

Read the bill text: <https://olis.oregonlegislature.gov/liz/2020S1/Downloads/MeasureDocument/HB4212/Enrolled>

*Continued on page 10*

## Pennsylvania

**HB 2370** —Effective Date: October 29, 2020. House Bill 2370 was signed and approved by the Governor on October 29, 2020. House Bill 2370 amends the Revised Uniform Law on Notarial Acts, Title 57 (Notaries Public) of the Pennsylvania Consolidated Statutes by incorporating the provisions relating to the performance of notarial acts for remotely located individuals. This bill: (1) authorizes a notary public to perform notarial acts facilitated by communication technology; (2) requires a notary public to notify the Department of State before performing the initial notarial act facilitated by communication technology that the notary public will be performing notarial acts for remotely located individuals and to identify the technology; (3) provides that a remotely located individual may comply with Section 306 by appearing before a notary public by means of communication technology; (4) requires a notary public to create an audio-visual recording of the performance of the notarial act for a remotely located individual; (5) authorizes a notary public to certify that a tangible copy of an electronic record is an accurate copy of the electronic record; and (6) authorizes the Department of State to promulgate regulations regarding, but not limited to, communication technology, identity proofing, and retention periods for recordings.

Read the bill text: <https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2020&sessInd=0&act=97>

**SB 841** —Effective Date: April 20, 2020. Senate Bill 841 was signed and approved by the Governor on April 20, 2020. This bill adds Section 5731 to Title 35 of the Pennsylvania Consolidated Statutes, which authorizes a notary public to perform notarial acts using communication technology. This bill: (1) authorizes a notary public to perform notarial acts using communication technology for a remotely located individual; (2) requires a notary public to notify the Department of State before performing the initial online notarial act; (3) provides the methods of identification that a notary public may use to verify the identity of a remotely located individual for the performance of an online notarial act; (4) requires a notary public to create an audio-visual recording of the notarial act performed for a remotely located individual using communication technology; (5) authorizes a notarial officer to certify that a tangible copy of an electronic record is an accurate copy of the electronic record; and (6) stipulates that the authorization to perform notarial acts using communication technology expires sixty days after the termination or expiration of the COVID-19 disaster emergency.

Read the bill text:

<https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2019&sessInd=0&billBody=S&billTyp=B&billNbr=0841&pn=1623>

## South Dakota

**SB 148** —Effective Date: July 1, 2020. Senate Bill 148 was signed and approved by the Governor on March 20, 2020. This bill enacts the Uniform Power of Attorney Act. This bill requires the principal to acknowledge his or her signature on a power of attorney before a notary public or other individual authorized by law to take acknowledgments.

Read the bill text: <https://mylrc.sdlegislature.gov/api/Documents/69750.pdf>

## Tennessee

**Tennessee Administrative Rules** —Effective Date: January 7, 2020. The Tennessee Department of State promulgated permanent rules to implement the statutory provisions of the Online Notary Public Act, Title 8, Chapter 16, Part 3 of the Tennessee Code Annotated, which took effect on July 1, 2019. The Department of State published emergency rules on April 15, 2019 to implement the new act, which were effective until October 12, 2019. The Department of State promulgated permanent rules to replace the emergency rules on October 9, 2019. The permanent rules preserve most of the emergency rules; however, some of the emergency rules were repealed. For instance, the act: (1) removes references all through the emergency rules to an online notary's "unique" electronic notarial certificate and electronic seal; (2) repeals the provision that the Secretary of State will issue an online notary public an identification number, which must be provided to all principals for whom the online notary performs a notarial act; (3) repeals the provision requiring the online notary's ID number to appear below the electronic seal; (4) repeals the provision requiring an online notary public to notify the Secretary of State of a name change within 15 days of such change; and (5) repeals the provision that provides an online notary with the process and procedures for reporting a name change to the Secretary of State.

Read the rule text: [https://publications.tnsosfiles.com/rules\\_filings/10-12-19.pdf](https://publications.tnsosfiles.com/rules_filings/10-12-19.pdf)

## Utah

**HB 6001** — **Effective Date: August 31, 2020.** House Bill 6001 was signed and approved by the Governor on August 31, 2020. This bill enacts the Uniform Electronic Wills Act by adding Sections 75-2-1401 through 75-2-1411 to the Utah Code Annotated. This bill amends Section 46-1-7 that states that a notary public is not disqualified from performing a notarial act if the notary public is a signer or named in a self-proved electronic will as provided in Section 75-2-1408.

Read the bill text: <https://le.utah.gov/~2020S6/bills/hbillenr/HB6001.pdf>

## Virginia

**HB 1222** — **Effective Date: July 1, 2020.** House Bill 1222 was signed and approved by the Governor on April 9, 2020. This bill amends Section 47.1-2 of Title 47.1 of the Code of Virginia by revising the list of “satisfactory evidence of identity” documents that a notary public may accept for notarial services. This bill allows an individual residing in a nursing home or assisted living facility to use as a means of identification for notarial services an expired passport, an expired state issued driver’s license, or an expired state issued identification card, provided the identification is not expired within more than five years at the time of notarization.

Read the bill text: <https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP0902>

## Vermont

**SB 114** — **Effective Date: April 28, 2020.** Senate Bill 114 was signed and approved by the Governor on April 28, 2020. This bill enacts provisions relating to powers of attorney and real estate documents that can be signed in conformity with the Emergency Administrative Rules for Remote Notarial Acts issued by the Vermont Secretary of State. This bill provides that the signing of powers of attorney and real estate documents and the witnessing of such signing be allowed before a notary public using communication technology in conformity with the Secretary of State’s Emergency Rules arising from the COVID-19 public health emergency. According to the Emergency Rules, the requirement for a personal appearance is satisfied if the notary public and the person executing the signature are in the same physical place or communicating through a secure communication link using the protocols and standards prescribed in the rules.

Read the bill text: <https://legislature.vermont.gov/Documents/2020/Docs/BILLS/S-0114/S-0114%20As%20Passed%20by%20Both%20House%20and%20Senate%20Official.pdf>

## Washington

**SB 5641** — **Effective Date: October 1, 2020.** Senate Bill 5641 was signed and approved by the Governor on April 26, 2019. This bill enacts the 2018 Revised Uniform Law on Notarial Acts, which adds new provisions regarding electronic notarial acts for remotely located individuals. This bill: (1) authorizes an electronic records notary public located in Washington to perform a notarial act using communication technology for a remotely located individual; (2) allows a remotely located individual to appear before an electronic records notary public using communication technology; (3) provides the methods of identification that an electronic records notary public may use to verify the identity of a remotely located individual for the performance of a notarial act; (4) requires an electronic records notary public to create an audio-visual recording of the notarial act performed for a remotely located individual using communication technology; (5) authorizes the director of the Department of Licensing to adopt rules and standards to implement the new provisions relating to electronic notarial acts for remotely located individuals; and (6) authorizes a notarial officer to certify that a tangible copy of an electronic record is an accurate copy of the electronic record.

Read the bill text: <http://lawfilesexst.leg.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/Senate/5641.SL.pdf#page=1>

**SB 6028** — **Effective Date: June 11, 2020.** Senate Bill 6028 was signed and approved by the Governor on March 20, 2020. This bill enacts the Uniform Electronic Transactions Act, which establishes a general rule that a signature, record, or contract related to a transaction may not be denied legal effect or enforceability solely because it is in electronic form. This bill provides that any requirement that a signature or record be notarized, acknowledged, verified, or made under oath is satisfied if the electronic signature of a notary public, together with all other information required to be included, is attached to or logically associated with the signature or record.

Read the bill text: <http://lawfilesexst.leg.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/Senate/6028-S.SL.pdf#page=1>

## Wisconsin

**AB 293** — **Effective Date: May 1, 2020.** Assembly Bill 293 was signed and approved by the Governor on March 5, 2020. This bill enacts the Revised Uniform Law on Notarial Acts (2018) as enacted in Wisconsin AB 293 (2020) and adds provisions to allow notaries public to perform notarial acts for remotely located individuals using communication technology. This bill: (1) allows a notary public to perform a notarial act by means of communication technology for a remotely located individual; (2) requires a notary public to notify the Department of Financial Institutions that the notary will be performing notarial acts for remotely located individuals using communication technology; (3) requires a notary public to create an audio-visual recording of the notarial act performed using communication technology; (4) provides the standards for determining the identity of a remotely located individual by which a notary public may perform a notarial act using communication technology; (5) authorizes a notarial officer to certify that a tangible copy of an electronic record is an accurate copy of the electronic record; and (6) requires the Department of Financial Institutions to adopt rules and standards to implement this new act.

Read the bill text: <https://docs.legis.wisconsin.gov/2019/related/acts/125>

## West Virginia

**HB 4748** — **Effective Date: June 5, 2020.** House Bill 4748 was signed and approved by the Governor on March 25, 2020. This bill increases the maximum fee that private nongovernment notaries public may charge for notarial acts from \$5 to \$10.

Read the bill text: [https://www.wvlegislature.gov/Bill\\_Status/bills\\_text.cfm?billdoc=HB4748%20SUB.htm&yr=2020&sesstype=RS&i=4748](https://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=HB4748%20SUB.htm&yr=2020&sesstype=RS&i=4748)

**HB 4576** — **Effective Date: June 5, 2020.** House Bill 4576 was signed and approved by the Governor on March 25, 2020. This bill enacts a provision for correcting obvious description errors in a recorded deed, deed of trust, or mortgage purporting to convey or transfer an interest in real property by recording a notarized corrective affidavit with the county clerk of the county where the property is situated or where the real estate document was recorded.

Read the bill text: [https://www.wvlegislature.gov/Bill\\_Text\\_HTML/2020\\_SESSIONS/RS/bills/HB4576%20SUB%20ENR.pdf](https://www.wvlegislature.gov/Bill_Text_HTML/2020_SESSIONS/RS/bills/HB4576%20SUB%20ENR.pdf)

**HB 2086** — **Effective Date: May 28, 2020.** House Bill 2068 was signed and approved by the Governor on March 25, 2020. This bill enacts the Uniform Real Property Electronic Recording Act. The bill provides that any requirement that a real property document contains a signature is satisfied by an electronic signature. This bill authorizes a notary public to use an electronic signature in notarizing electronic real property documents.

Read the bill text:

[https://www.wvlegislature.gov/Bill\\_Status/bills\\_text.cfm?billdoc=HB2086%20SUB%20ENR2.htm&yr=2020&sesstype=RS&i=2086](https://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=HB2086%20SUB%20ENR2.htm&yr=2020&sesstype=RS&i=2086)

## Wyoming

**HB 5** — **Effective Date: July 1, 2020.** House Bill 5 was signed and approved by the Governor on March 6, 2020. This bill adds new provisions to Title 31, Chapter 8 of the Wyoming Statutes Annotated, which authorizes digital driver's licenses and digital identification cards. This bill: (1) allows a licensee to obtain a digital driver's license, supplemental to a physical driver's license; (2) permits a digital driver's license to be accepted in lieu of a physical driver's license at the option of the person requesting or requiring proof of licensure or identification; (3) allows Wyoming residents, who do not have a governmental-issued identification card, to obtain an identification card and a digital identification card; (4) permits a digital identification card to be accepted in lieu of a physical identification card at the option of the person requesting or requiring proof of identification; (5) requires a licensee to already have the corresponding physical driver's license when requesting a digital driver's license, unless the corresponding physical driver's license is issued simultaneously; and (6) requires a registrant to already have the corresponding physical identification card when requesting a digital identification card, unless the corresponding physical identification card is issued simultaneously.

Read the bill text: <https://www.wyoleg.gov/Legislation/2020/HB0005>

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