



AMERICAN SOCIETY OF NOTARIES

May 27, 2011

Mr. Robert A. Stein
President, National Conference of Commissioners
on Uniform State Laws
111 N. Wabash Ave., Ste. 1010
Chicago, IL 60602

RE: Support of the Revised Uniform Law on Notarial Acts

Dear Mr. Stein,

American Society of Notaries, a professional organization serving our nation's notaries since 1965, congratulates the Uniform Law Commission on its excellent and thoughtfully crafted Revised Uniform Law on Notarial Acts. We convey our sincere praise and support of RULONA, as follows.

RULONA stands alone as an authoritative resource, for states wishing to update their notary laws as well as for anyone seeking insights and guidance in the Revised Uniform Law's language. The 1982 Uniform Law on Notarial Acts dealt primarily with the content and form of common notarial acts; RULONA's scope is significantly broader. RULONA comprehensively addresses such matters as qualification of applicants, commission term, fundamental requirements of a notarial act including detailed guidance on satisfactorily identifying signers, proper evidencing of a notarial act, use of an official stamp, prohibited acts, electronic notarization and more. As such, adoption of RULONA would be especially beneficial in states whose statutes are vague or in need of modernization.

On all the aforementioned subjects, even those conveyed as optional but not required (bracketed language), RULONA serves as an excellent reference document. The fact that this Uniform Law's language was thoroughly vetted by the Uniform Law Commission's esteemed Drafting Committee, aided by advisors and observers (including notary organizations such as ours), means the final product truly reflects the most desirable provisions of notarial law and best practices. I regularly consult RULONA for insights—for example, to determine a recommended period that notaries should retain journal records when state law is silent.

RULONA upholds the centuries-old fundamentals of sound notarial practice, but is equally responsive to the technological, market and societal changes that drive the evolution toward paperless transactions. The Uniform Law accomplishes this by unifying the requirements for paper-based and electronic notarial acts (ensuring that traditional fundamentals such as physical presence of the signer before the notary apply in both mediums), as well as addressing the unique demands of paperless transactions so that guidance in every area related to electronic notarization is provided.

RULONA's provisions help enhance the integrity of notarial acts. Without a doubt, RULONA's requirements such as physical presence of the signer before the notary, detailed positive signer identification procedures, use of an official seal on all notarial acts, and related measures promote the integrity of notarial acts. To this end, RULONA goes a valuable step further by providing the notary with explicit authority to refuse a notarial act when he/she has doubts about the signer's competence, comprehension or free will. Notaries commonly encounter such doubts, but the ability to decline/refuse performance of the notarial act is not addressed in all states' laws. We feel that knowing when to refuse a notarial act, and being allowed to do so, is as important to transactional integrity as knowing how to properly proceed. American Society of Notaries applauds RULONA's inclusion of this "safe harbors" provision.

While we wish that RULONA's language regarding the notary bond, journal and mandatory notary education were fully included (not bracketed) in the "black letter" of the final Act, we are very pleased that these important provisions appear. Each of these items lends significant value to the notarial act. The bond provides a means of compensation for loss due to a notary's misconduct or error; it also reinforces the obligation of professional and mindful conduct by the notary. The journal is frankly the most valuable tool a notary can use—it helps establish that the notary followed proper procedure, it provides a lasting transactional record that is maintained separately and securely from related documents, and it has significant evidentiary value in legal proceedings. Proper training of notaries, at least at the beginning of their commission terms but ideally upon renewal as well, would prevent many errors and omissions due to ignorance or misinterpretation of statute. American Society of Notaries would urge inclusion of these three provisions wherever RULONA may be enacted.

We congratulate the Uniform Law Commission, the RULONA Drafting Committee and its Chairperson, Patricia Brumfield Fry, for creation of a comprehensive and thoughtful Revised Uniform Law on Notarial Acts. The Board of Directors of American Society of Notaries and I sincerely thank everyone involved for this excellent Revised Uniform Law.

Sincerely,



Kathleen Butler
Executive Director
American Society of Notaries

cc: John A. Sebert, NCCUSL Executive Director
Patricia Brumfield Fry, Chairperson, RULONA Drafting Committee