

1 **SECTION 14A. INDIVIDUAL LOCATED IN FOREIGN STATE.**

2 (a) In this section:

3 (1) “Communication technology” means an electronic device or process that
4 allows an individual in a foreign state and a notary public in this state to communicate with each
5 other simultaneously by sight and sound.

6 (2) “Foreign state” means a government other than the United States, a state, or a
7 federally recognized Indian tribe.

8 (3) “Identity proofing” is a process or service through which a third person
9 provides confidence as to the identity of an individual through a review of personal information
10 from public and proprietary data sources.

11 (b) A notary public in this state may perform a notarial act relating to a statement made in
12 or a signature executed on a record by an individual located in a foreign state by means of
13 communication technology if:

14 (1) the notary public has personal knowledge of the identity of the individual in
15 accordance with Section 7(a) or has satisfactory evidence of the identity of the individual making
16 the statement or signing the record in accordance with subsection (d);

17 (2) the record

18 (A) is part of or pertains to a matter that is to be filed with or is before a
19 court, a governmental entity, or other entity located in the United States; or

20 (B) involves property located in, or a transaction substantially connected
21 with, the United States;

22 (3) the notary public is reasonably able, by use of tamper-evident technology or
23 by personal acknowledgement of the individual, to identify the record before the notary public as

1 the same record on which the individual made the statement or executed the signature; and

2 (4) the act of the individual in making the statement or signing the record is not
3 prohibited in the foreign state in which the individual is located.

4 (c) For purposes of Section 6, if a notarial act relates to a statement made in or a signature
5 executed on a record by an individual physically located in a foreign state, the individual shall
6 appear personally before the notary public by means of communication technology.

7 (d) For purposes of Section 7, a notary public has satisfactory evidence of the identity of
8 an individual located in a foreign state and appearing before the notary public by means of
9 communication technology if the notary public can reasonably identify the individual by means
10 of identity proofing.

11 (e) Without limiting the ability of the notary public to refuse to perform a notarial act as
12 provided in Section 8, a notary public may refuse to perform a notarial act if the notary public is
13 not satisfied that an individual, who is identified as being located in a foreign state, is located in
14 the foreign state.

15 (f) If the notarial act involves a statement made in or a signature executed on a record by
16 an individual located in a foreign state by means of communication technology, the certificate of
17 notarial act must also indicate that the individual making the statement or signing the record
18 verified to the notary public that the individual was physically located in a foreign state at the
19 time that the notarial act was performed.

20 (g) If the notarial act involves the use of communication technology, a notary public shall
21 retain a video and audio copy of the session.

22 (h) The following short form certificates of notarial acts performed with regard to an
23 individual physically located in a foreign state are sufficient for the purposes indicated, if

1 completed with the information required by subsection (f) and Section 15(a) and (b):

2 (1) For a verification on oath or affirmation by a person in a foreign state:

3 State of _____

4 [County] of _____

5 Signed and sworn to (or affirmed) before me by use of communication technology on

6 _____ by _____, who verified that [he][she][they] are physically located

7 Date Name(s) of individual(s)

8 in _____. _____ also verified that [he][she][they] are

9 Name of foreign state Name(s) of individual(s)

10 under or consent to the jurisdiction of a court in the United States, or that the record herein

11 involves property located in or is part of a transaction substantially connected to a state.

12 _____

13 Signature of notary public

14 Stamp

15 [_____]

16 Title of office

17 [My commission expires: _____]

18 (2) For an acknowledgment in an individual capacity by a person in a foreign

19 state:

20 State of _____

21 [County] of _____

22 This record was acknowledged before me by use of communication technology on

23 _____ by _____, who verified that [he][she][they] are physically located

24 Date Name(s) of individual(s)

25 in _____. _____ also verified that [he][she][they] are

26 Name of foreign state Name(s) of individual(s)

1 under or consent to the jurisdiction of a court in the United States, or that the record herein
2 involves property located in or is part of a transaction substantially connected to a state.

3 _____

4 Signature of notary public

5 Stamp

6 [_____]

7 Title of office

8 [My commission expires: _____]

9 (i) Before a notary public performs the notary public’s initial notarial act involving
10 communication technology to communicate with an individual in a foreign state, a notary public
11 shall notify the [commissioning officer or agency] that the notary public will be performing
12 notarial acts by communication technology and identify the technology the notary public intends
13 to use. If the [commissioning officer or agency] has established standards for approval of
14 technology pursuant to subsection (j) and Section 27, the technology must conform to the
15 standards. If the technology conforms to the standards, the [commissioning officer or agency]
16 shall approve the use of the technology.

17 (j) The [commissioning officer or agency] may adopt rules regarding the performance of
18 notarial acts with respect to individuals physically located in a foreign state. The rules may:

19 (1) prescribe the means of performing notarial acts involving communication
20 technology to communicate with individuals in a foreign state;

21 (2) establish standards for the approval of communication technologies;

22 (3) approve providers of trusted third-party identity verifications and the
23 processes of identity proofing; and

24 (4) establish standards for the retention of a video or audio copy of the

1 performance of notarial acts under this act.

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Comments

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