

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” means a process or service in which a trusted third-person
9 verifies the identity of an individual.

10 (b) A notary public in this state may perform a notarial act relating to a statement made in
11 or a signature executed on a record by an individual located in a foreign state by means of
12 communication technology under rules established by the [commissioning officer or agency], if:

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

16 (2) the individual making the statement or signing the record is under or consents
17 to the jurisdiction of a court in the United States, or the record involves property located in or is
18 part of a transaction substantially connected to a state;

19 (3) the notary public is reasonably able, by use of tamper-evident technology or
20 by personal acknowledgement of the individual, to identify the record before the notary public as
21 the same record on which the individual made the statement or executed the signature; and

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

1 (c) For purposes of Section 6, if a notarial act relates to a statement made in or a signature
2 executed on a record and the individual is physically located in a foreign state, the individual
3 shall appear personally before the notary public by means of communication technology. If the
4 [commissioning officer or agency] has adopted rules regarding personal appearance of an
5 individual before a notary public by means of communication technology pursuant subsection (j)
6 and Section 27, the notary public shall comply therewith.

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 identify the individual by means of identity
10 proofing. If the [commissioning officer or agency] has adopted rules regarding identity proofing
11 pursuant to subsection (j) and Section 27, the notary public shall comply therewith.

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

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

21 (g) If the notarial act involves the use of communication technology, a notary public shall
22 retain a video and audio copy of the session. If the [commissioning officer or agency] has
23 adopted rules regarding the creation or retention of a video and audio copy of the session

1 pursuant subsection (j) and Section 27, the notary public shall comply therewith.

2 (h) The following short form certificates of notarial acts performed with regard to an
3 individual physically located in a foreign state are sufficient for the purposes indicated, if
4 completed with the information required by subsection (f) and Section 15(a) and (b):

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

6 State of _____

7 [County] of _____

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

9 _____ by _____, who verified that [he][she][they] are physically located
10 Date Name(s) of individual(s)

11 in _____. _____ also verified that [he][she][they] are
12 Name of foreign state Name(s) of individual(s)

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

15 _____
16 Signature of notary public

17 Stamp

18 [_____]
19 Title of office

20 [My commission expires: _____]

21 (2) For an acknowledgment in an individual capacity by a person in a foreign
22 state:

23 State of _____

24 [County] of _____

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

1 _____ by _____, who verified that [he][she][they] are physically located
2 Date Name(s) of individual(s)

3 in _____. _____ also verified that [he][she][they] are
4 Name of foreign state Name(s) of individual(s)

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

7 _____

8 Signature of notary public

9 Stamp

10 [_____]
11 Title of office

12 [My commission expires: _____]

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

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

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

25 (2) approve providers of trusted third-party identity verifications and the

1 processes of identity proofing.

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Comments