



## **THE AMENDMENT TO THE REVISED UNIFORM LAW ON NOTARIAL ACTS (2016)**

### *- A Summary -*

The Revised Uniform Law on Notarial Acts (RULONA) was promulgated by the Uniform Law Commission (ULC) in 2010. Among its features, it included provisions to provide a stable infrastructure for the performance of notarial acts with respect to electronic records and signatures.

The Amendment to Revised Uniform Law on Notarial Acts (the Amendment) was approved by the ULC in 2016. If a state has already adopted RULONA, it may adopt the Amendment and add Section 14A to its enacted version of RULONA. If a state legislature plans to adopt RULONA, it may adopt this optional Section as part of its enacted version of RULONA. If a state legislature plans to adopt this optional section as part of its existing law on notarial acts, it should closely examine the Legislative Note (which may be found on the ULC website with the approved Amendment) for various provisions of RULONA that should be added to the enactment in order to make it complete.

The Amendment was prepared in response to information that individuals outside the United States encountered serious difficulties and unreasonable expense when they needed notarizations for purposes within the United States. Citizens and residents of the United States are traveling and working abroad in increasing numbers. When they require notarizations on records relating to matters in the United States, they may go to an embassy or consulate or, if they are in the military, seek a notarization from an authorized officer. They also may seek a notarization from a notary commissioned by a foreign state, although the very different and distinct responsibilities of foreign notaries may result in denial of their request. Access to embassies and consulates may be difficult, expensive, or delayed due to distance, enhanced security measures or increasing demands on embassy staff. The Amendment responds to this persistent and increasing need. States which desire to address this need should enact the Amendment.

The Amendment authorizes a notary public to perform notarial acts in the state in which he or she is commissioned on behalf of an individual who is physically located outside the United States. It contains provisions designed to protect the integrity of the notarial act by insuring that the notary is able to confirm the identity of the signer and that the individual is acting voluntarily and knowingly. The Amendment contains provisions which:

- Allow the notary, located in the commissioning state, to communicate with a signer located outside the United States;
- Require the use of real-time or synchronous audio and video communication;
- Require that the entire interaction between the notary and the individual be recorded;
- Permit the notary to identify the individual only (a) if the individual is personally known to the notary or (b) with the use of third-party provided identity proofing;
- The record upon which the notarial act is to be performed must:
  - Be part of or pertain to a matter to be filed with or is before a United States court, governmental entity or other entity in the United States; and

- Involve property located within the United States or a transaction substantially connected with the United States;
- The notarial certificate must include, in addition to the customary information, a statement that the notarial act was performed by the use of communication technology and a statement that the individual represented that he or she is located outside the United States;
- Requires the notary to notify the commissioning officer before performing the first notarial act by the use of communication technology;
- Specifically authorizes the commissioning officer to:
  - Prescribe the means of performing a notarial act by use of communication technology;
  - Establish standards for approval of communication technology;
  - Approve providers of third-party identity proofing; and
  - Establish standards for retention of the video and audio copy of the session.

For further information about the Amendment to RULONA, please contact ULC Legislative Counsel Brian Lewis at (312) 450-6619 or [blewis@uniformlaws.org](mailto:blewis@uniformlaws.org).