



THE REVISED UNIFORM LAW ON NOTARIAL ACTS

- A Summary -

The original Uniform Law on Notarial Acts (ULONA), promulgated in 1982 was designed to provide a consistent framework for notarial acts and officers among the states. The ULONA replaced the earlier Uniform Acknowledgement Act (1892) and the Uniform Recognition of Acknowledgements Act (1968). Since the promulgation of the ULONA, society and technology have again advanced considerably, requiring notarial officers and their practice to adapt. Growing variations in the law and practice of notarial acts have had an increasingly resounding effect on interstate commercial and lending transactions. Furthermore, broadening use of technology and electronic records has created a need for clarification and guidance on how notarization of electronic records should be treated. In recognition of these trends, the Uniform Law Commission (ULC) promulgated the Revised Uniform Law on Notarial Acts (RULONA) in 2010 to comprehensively revise and modernize the ULONA.

Like its 1982 predecessor, the RULONA provides minimum standards for all notarial acts and governs the recognition of notarizations across state and national lines. The RULONA covers and applies to all notarizations of both tangible and electronic records, and harmonizes treatment of notarization of electronic records with the Uniform Electronic Transactions Act (1999), the federally enacted Electronic Signatures in Global and National Commerce Act (2000), and the Uniform Real Property Electronic Recording Act (last amended in 2005). Specifically, the RULONA does the following:

- Authorizes the performance of notarial acts by a “notarial officer,” which can be a notary public, judge, clerk or other court officer. A state may also allow an attorney or other individual to perform notarial acts. The revised act prohibits a notarial officer from performing a notarial act in which they or their spouse is a party or has a direct beneficial interest in the underlying transaction.
- Mandates personal appearance by a party before the notarial officer if the notarial act relates to a statement made in or a signature executed on a record. The requirement of personal appearance applies for notarization of tangible and electronic records.
- Requires that a notarial officer who takes an acknowledgement of a record, a verification of a statement of an oath or affirmation, or witnesses or attests to a signature, is required to determine and verify the identity of the individual appearing before them from personal knowledge or satisfactory evidence as defined in section 7 of the act, and that any signatures are the signature of the person appearing. A notarial officer who certifies or attests a copy of a record or other item must determine that the copy is a full, true, and accurate reproduction of the record or item. A notarial officer who makes or notes a protest of a negotiable interest is required to do so in conjunction with required determinations under Article 3 of the Uniform Commercial Code.

- Obligates a notarial officer to refuse to notarize if satisfactory identification is not provided, and allows a notarial officer to refuse to perform a notarial act if they are not satisfied that the person executing a record is competent, or that a signature is knowingly and voluntarily made or authorized, unless prohibited from refusing by other law.
- Provides that a notarial act, with regard to either a tangible or electronic record, must be evidenced by a certificate containing the notarial officer's title, jurisdiction, and expiration of commission (if applicable), that is signed and dated contemporaneously with the notarial act. The revised act provides various acceptable formats, and provides for the form and content of the official stamp and the security of the stamping device.
- Allows a notarial officer to select one or more tamper evident technologies for the performance of notarial acts for electronic records. A notarial officer may not be required to use a technology other than one that they have selected. For notaries public, if the commissioning authority has set standards for technology, any technology that they select must conform to those guidelines.
- Provides for recognition of a notarization rendered under the authority and in the jurisdiction of another state, federally recognized American Indian tribe or nation, or federal law, if the act is performed by a proper party. The revised act also allows for recognition of foreign notarial acts or their equivalents, and U.S. consular authentications.
- Sets out minimum standards for receiving a commission as a notary public and optional requirements for a surety bond and for the examination of notaries public as a condition of their commissioning. The revised act also sets forth the grounds for the commissioning authority to deny, suspend, revoke, refuse to renew, or otherwise condition the commission of a notary public. The commission is also authorized to establish rules for the implementation of the act, and guidelines for the formation of rules related to electronic records.
- Addresses deceptive, fraudulent and prohibited practices and advertising, including prohibitions on unauthorized practice of law and consultation or representation on immigration issues. Furthermore, the revised act outlaws the use of the term "notario publico."
- Gives states with the option of requiring notarial officers to keep journals chronicling notarial acts, and details requirements, medium, content, and various procedures related to security and maintenance of the journal, and submission to the state when the notarial officer ceases to perform notarial acts.

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