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FOR DISCUSSION ONLY

**FOREIGN NOTARIZATION AMENDMENT TO  
REVISED UNIFORM LAW ON NOTARIAL ACTS**

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NATIONAL CONFERENCE OF COMMISSIONERS

ON UNIFORM STATE LAWS

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MEETING IN ITS ONE-HUNDRED-AND-TWENTY-FOURTH YEAR  
WILLIAMSBURG, VIRGINIA  
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By

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May 29, 2015

**DRAFTING COMMITTEE ON FOREIGN NOTARIZATION AMENDMENT  
TO REVISED UNIFORM LAW ON NOTARIAL ACTS**

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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 Section 14A(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 a  
18 transaction substantially connected to a state or is subject to the jurisdiction of a court in the  
19 United States;

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

23                   (4) the act of the individual in making the statement or signing the record is not

1 prohibited in the foreign state in which the individual is located.

2 (c) If a notarial act relates to a statement made in or a signature executed on a record and  
3 the individual is physically located in a foreign state, the individual shall appear personally  
4 before the notary public by means of communication technology under the rules adopted by the  
5 [commissioning officer or agency] pursuant to Section 14A(j) and Section 27.

6 (d) A notary public has satisfactory evidence of the identity of an individual located in a  
7 foreign state and appearing before the notary public by means of communication technology if  
8 the notary public can identify the individual by means of identity proofing under the rules  
9 adopted by the [commissioning officer or agency] pursuant to Section 14A(j) and Section 27.

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

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

19 (g) If the notarial act involves the use of communication technology, a notary public shall  
20 retain a recorded copy of the video and audio session under rules adopted by the [commissioning  
21 officer or agency] in accordance with Section 14(j) and Section 27.

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 Section 15(a) and (b) and Section 14A(f):

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

7 Date Name(s) of individual(s)

8 [he][she][they] were physically located in \_\_\_\_\_.

9 Name of foreign state

10 \_\_\_\_\_

11 Signature of notary public

12 Stamp

13 [\_\_\_\_\_]

14 Title of office

15 [My commission expires: \_\_\_\_\_]

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

17 state:

18 State of \_\_\_\_\_

19 [County] of \_\_\_\_\_

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

21 \_\_\_\_\_ by \_\_\_\_\_, who verified that

22 Date Name(s) of individual(s)

23 [he][she][they] were physically located in \_\_\_\_\_.

24 Name of foreign state

1 \_\_\_\_\_  
2 Signature of notary public

3 Stamp

4 [\_\_\_\_\_]   
5 Title of office

6 [My commission expires: \_\_\_\_\_]

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

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

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

19 (2) approve providers of trusted third-party identity verifications and the  
20 processes of identity proofing.