



REVISED UNIFORM LAW ON NOTARIAL ACTS (2021)

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.

Amendments to the Revised Uniform Law on Notarial Acts, including a new Section 14A on remote notarization, were approved by the ULC in 2018, resulting in RULONA (2018). The ULC approved further amendments to the uniform act in 2021 to accommodate remote ink notarization and to establish that a notary may administer an oath or affirmation remotely via communication technology. If a state has already adopted RULONA (2010), it will update to the current version by enacting new subsection 4(c), new Section 14A, and new subsection 20(c). If a state has not previously enacted a version of this uniform act, it should enact the 2021 version.

This Act was prepared in response to a rapidly emerging trend among the states to authorize the performance of notarial acts by means of audio-visual technology. Traditionally, an individual has been required to physically appear before a notary public. In recent years, technology and commercially available identification services have made it possible to perform notarial acts for persons who are not in the physical presence of a notary public. This Act authorizes remote notarization without geographic limits on the location of the signer.

This Act updates earlier versions by authorizing a notary public to perform notarial acts for remotely located individuals using communication and identity-proofing technology provided its requirements have been fulfilled. The new provisions:

- Provide that an individual may appear before a notary public by means of communication technology and thereby comply with the provisions of Section 6 calling for appearance before a notary public (Section 14A(b)).
- Define communication technology as any means or process that allows a notary public and a remotely located individual to communicate with each other simultaneously (Section 14A(a)(1)(A)). Specific technology is not identified in the amendment.
- Specify the means by which a notary public must identify a remotely located individual (Section 14A(c)(1)). This includes personal knowledge of the identity of the individual, and evidence of the identity of the remotely located individual by oath or affirmation from a credible witness.

- Permit a notary public to identify a remotely located individual by at least two different types of identity-proofing processes or services (Section 14A(c)(1)(C)). This may include having a remote individual answer questions for which there is a high probability that only the true individual would be able to answer correctly or using biometric identification technology or credential analysis.
- Require that an audio-visual recording of the performance of the notarial act be created (Section 14A(c)(3)).
- Address how a notary public may use communication technology to perform a notarial act with respect to a tangible record (Section 14A(d)-(g)).
- Permit a notary public to utilize communication technology to administer and oath or affirmation to a remotely located individual (Section 14A(h)).
- Provide that the certificate of notarial act required under Section 15 must indicate that a notarial act performed in accordance with this Section was done by means of communication technology (Section 14A(i)).
- Provide that the commissioning officer may adopt rules regarding the performance of notarial acts for remotely located individuals (Section 14A(m)).

The Act also now specifies that the notarial officer may certify that a tangible copy is an accurate copy of an electronic record and that such certifications may be accepted for recording into the real estate records.

For further information about RULONA (2021), please contact Legislative Counsel Haley Tanzman at (312) 450-6620 or htanzman@uniformlaws.org.