



House Bill 1083

March 8, 2023

Senate Judiciary Committee

Janelle Moos, AARP ND – jmoos@arp.org

Chair Larson and members of the Senate Judiciary Committee,

My name is Janelle Moos, Associate State Director for Advocacy with AARP North Dakota. We are offering support for HB 1083, the Revised Uniform Law on Notarial Acts Amendment.

In recent years, more and more business, professional and personal activities have taken place digitally rather than solely on paper. Digital and communications technologies have enabled more of these activities to occur remotely. Remote Online Notarization (“RON”) enables individuals to execute estate planning and other documents requiring notarization while remaining remotely located from the notary and even from witnesses when they are required.

The COVID-19 pandemic heightened the need for physical distancing, and thus the importance of a remote notarization process. Older adults have been a high-risk group for COVID, and the virus heightened many people’s awareness of the need for estate planning and execution of documents such as health and financial powers of attorney, wills and trusts. Even as restrictions on in-person contact ebb and flow, the threat of infection continues and there is an increased recognition that virtual channels make a variety of transactions safer and easier in many ways.

While the utility and convenience of remote online notarization is clear, AARP recognizes the critical importance of guarding against fraud and financial abuse. In fact, the key goals of the notarization process are to ensure that document signers are who they say they are, that the individual appears to be competent, and to confirm that the individual’s acts were made knowingly and voluntarily. AARP believes that the bill establishes processes and guidelines to preserve the integrity of the notarization process and to protect individuals signing documents.

Although the bill does not totally remove the risk of undue influence or fraud, notarization can never fully eliminate these threats. The safeguards here are a significant step in the direction of safety and access.

The Revised Uniform Law on Notarial Acts (RULONA) has been adopted in 17 states since it was updated in 2018. Seven more states have adopted RULONA as amended in 2021. It is particularly important for vulnerable older adults who reside in nursing homes or are

homebound to finally have full access to estate planning and power of attorney services. Such services will, no doubt, give them peace of mind.

We encourage you to vote in favor of HB 1083. Thank you.