



January 14, 2025

Honorable Jeff Barta, Chair
Senate Industry and Business Committee
North Dakota Legislature
State Capitol
600 East Boulevard Avenue
Bismark, ND 58505

RE: SENATE BILL 2144 (KLEIN, ET AL.) — NNA SUPPORT

Dear Senator Barta,

On behalf of the National Notary Association and our North Dakota members and customers, I write in support of Senate Bill 2144 (Klein, et al.) that authorizes Notaries Public to charge a technology fee when performing notarial acts for remotely located individuals (remote notarial acts).

The \$5 maximum fee for a notarial act currently authorized under NDCC 44-06.1-28 is insufficient to compensate Notaries for using technology to perform notarial acts. Gone are the days when an inexpensive ink pen and rubber stamp Notary seal are the only tools needed to perform notarial acts. With electronic transactions, Notaries must use a technology system that is developed by third parties. Whether companies offering technology platforms charge a per transaction or subscription fee, the current maximum fee for a notarial act will not cover the cost to the Notary to use the system.

The only issue we have is that the bill as introduced applies narrowly to notarial acts for remotely located individuals under NDCC 44-06.1-13.1. NDCC 44-06.1-18 also authorizes Notaries to perform notarial acts with respect to an electronic record utilizing a tamper-evident technology (so-called "in-person electronic notarial acts"). Electronic notarial acts performed in the physical presence of a Notary Public also require the use of technology to sign and notarize the documents. We would urge and will support an amendment authorizing Notaries Public who perform these notarial acts to charge a technology fee as they would for a remote notarial act.

Respectfully,

A handwritten signature in blue ink that reads "Bill Anderson".

Bill Anderson
Vice President, Government Affairs