

BILL SUMMARY
1st Session of the 57th Legislature

Bill No.:	SB 915
Version:	Committee Substitute
Request Number:	
Author:	Rep. Kannady/ Sen. Rosino
Date:	4/15/2019
Impact:	Budget Neutral

Research Analysis

The CS to SB 915 creates the Remote Online Notary Act. The measure authorizes notary publics to certify electronic documents. The notary is required to verify that the document is in a tamper-evident format and contains no signature related errors. The notary must also personally print the paper and ensure no changes are made other than indicating the document is certified by the notary. The certified document may then be submitted to state and county officials if a certified document is required. This measure does not apply to a plat, plan, map, or survey of real property in certain circumstances.

The Secretary of State is directed by the measure to promulgate rules governing electronic document certification. The rules will address what tools may be used to validate documents, storage of electronic documents, creating forms for remote online notarizations, and other matters deemed necessary by the Secretary. The Secretary may use national entities for guidance. The rules may be amended or repealed.

Notaries must register with the Secretary to receive authorization to conduct remote notarization and pay a fee of \$25.00 to the Secretary's office. Applicants must submit a form containing information as required by the measure. Submitted notarizations may be denied by the Secretary if the Secretary deems the technology insufficient or if the notary violated any rule promulgated under this measure or if the notary violated current laws and rules governing professional behavior. A notary public renewing his or her commission shall also constitute a renewal of his or her authority to notarize electronic documents.

A notary public shall maintain a journal in a permanent, tamper-evident electronic format complying with standards promulgated by the Secretary of State in which the notary public chronicles all remote online notarial acts that the notary public performs. The notary public is further required to create an audio and visual recording of the performance of each remote online notarial act. The measure also provides for procedures to follow upon certain termination of the notary public's commission.

A notary public's use of an electronic signature and electronic seal satisfies the requirement to authenticate an official act with an official signature and seal of office. The electronic seal must legibly reproduce the required elements of the notarial seal.

Prepared By: Brad Wolgamott

Fiscal Analysis

SB 915 in its current form, creates the Remote Online Notary Act, which authorizes and provides licensing for remote online notarizations. The measure requires the Secretary of State to

promulgate rules and handle the licensing of applicants. The measure establishes an application fee of \$25 and directs fee proceeds to be deposited in the Secretary of State Revolving Fund. It is assumed the application fee is designed to cover the costs incurred by the Secretary of State administering the program. For this reason SB 915 is expected to be budget neutral for the Secretary of State.

The Secretary of State is a nonappropriated agency. SB 915 is expected to have no impact on the state budget.

Prepared By: John McPhetridge

Other Considerations

None.