

eNotary Work Group Review

Marc L. Aronson & Kay Wrucke
PRIA Annual Meeting
Louisville, KY
August 27, 2015

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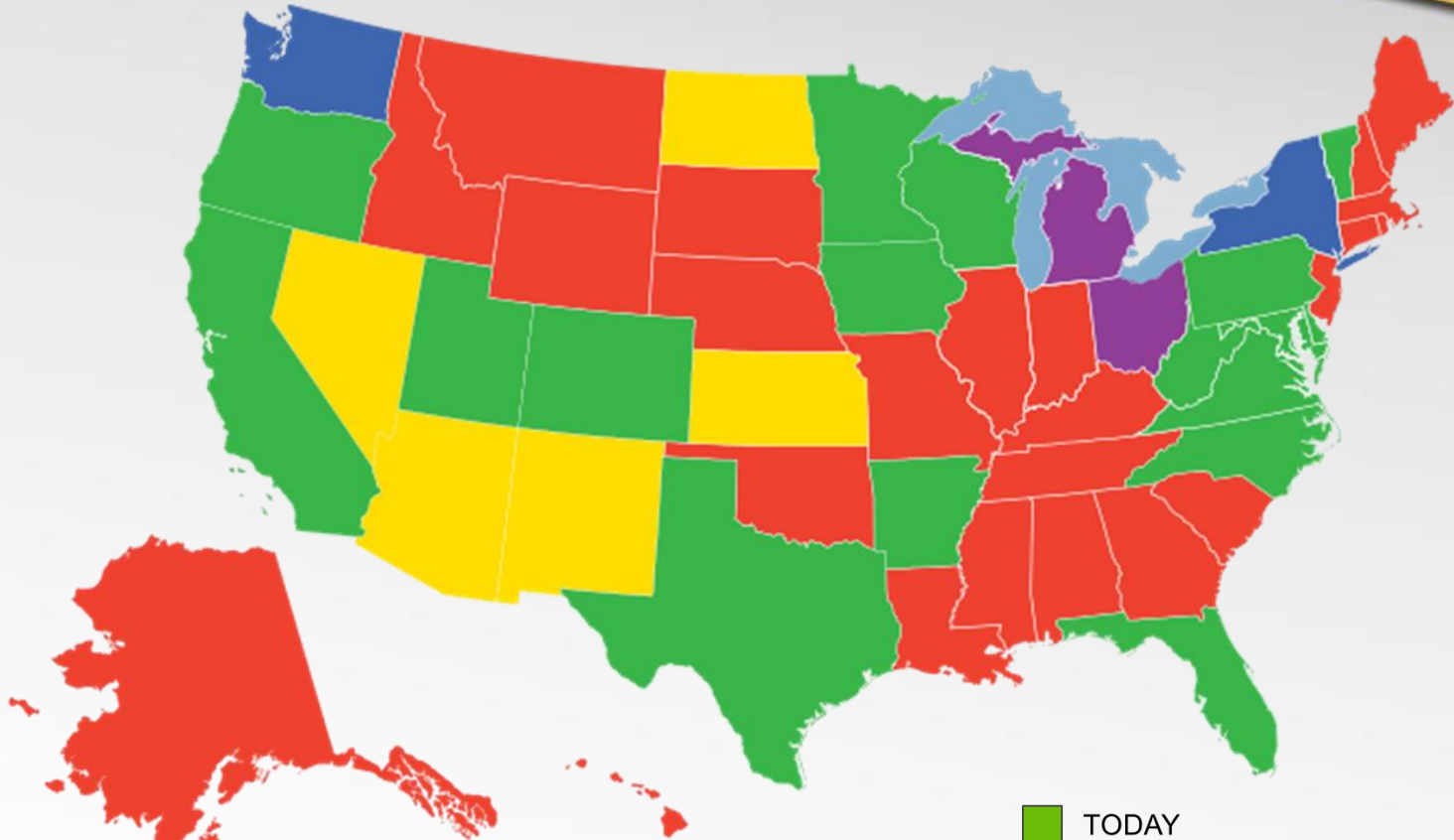
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Agenda

- Update on eNotary News and Activities
- eNotary Work Group White Paper

eNotary Map



- TODAY
- LEGAL BUT DORMANT
- NOT TODAY
- POTENTIAL
- REAL PROPERTY

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eNotary Map

- 12 states have programs:
AR, CO, DE, IA, MN, MT, NC, NM, OR, PA, VA, WV
- 6 states are “hands-off”: CA, FL, MD, TX, UT, VT
- 5 states are legal but dormant: AZ, KS, NV, NM, ND
- 2 states permit e-notarization for land records only:
NY, WA
- 3 states decline to take a legal position: MI, OH, WI
- MT, VA have long-distance video notarization

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Delaware

- Law took effect Feb. 1, 2009
- Ability to appoint notaries public in other states as Delaware eNotaries
- Financial, insurance, legal industries
- Approved technology providers
- Web site for more information:
<http://notary.delaware.gov/ElectronicNotarization.shtml>

Louisiana

- Will be convening two different committees:
 - Adoption and use of eNotarization
 - Adoption and use of eSignatures

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Montana

- Effective October 1, 2015
- Regulations to implement the new law
- Permits long-distance notarization for Montana notaries, citizens, property
- Video-witnessing a wet ink signature

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Virginia

- Enables long-distance video electronic notarization with electronic signatures
- Law of unintended consequences: An inadvertent application of the process
- Does not specifically say that the customer must use an e-signature

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RULONA Amendment

- Discussion to amend the ULC's Revised Uniform Law on Notarial Acts (RULONA)
- Requested by ABA International Law Section
- Met at Annual Conference, Williamsburg

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NASS Standards

- National eNotarization Standards
- Adopted in 2006; sunsets in 2016
- Comparison of NASS standards to states' versions of RULONA
- NPAs are meeting in Fall 2015

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- eClosing Pilot Program

- “adoption of eNotarization capabilities was still relatively low”
- “perception that the electronic notarization process would not be legally permissible”
- “notaries were still concerned about the state’s notary governance rules”
- [notaries] “had the perception that their livelihood was jeopardized”
- “lenders took action to use paper versions of all forms requiring notarization”

Policy Statement on eNotarization

“In keeping with our mission of promoting and advocating for the use of electronic signatures and records, ESRA supports and encourages the development of standards and best practices for electronically enabled notarization, while retaining the traditional assurances that the notarial act adds to the signing of documents. ESRA seeks to preserve the essential elements of notarization as valuable means of third-party verification of the identity, capacity, willingness and participation of the signers of electronic records.”

eNotary White Paper

- Give recorders information and confidence in accepting eNotarized documents for recording
- Weekly conference calls
- Review of the paper

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eNotary White Paper

- “This paper attempts to explain various electronic technologies that enable notarial acts within the land records industry and seeks to answer key questions and dispel misperceptions surrounding notarization in general and electronic notarization, in particular.”

The logo for the Property Records Industry Association (PRIA) features the acronym "PRIA" in a large, bold, serif font. A stylized, thin orange line loops around the letters, starting from the top left, curving under the "P" and "R", and ending at the top right. A small registered trademark symbol (®) is positioned to the upper right of the "A".

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eNotary White Paper

- Why Notarize Recordable Documents?
- What Are the Essential Elements of a Notarial Act?
- What is the Value of Notarization?
- What is the Effect of Notarization?
- Electronic Notary Issues
- Does Electronic Notarization Provide the Essential Elements of a Notarial Act?
- Summary
- Glossary

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Thank You!

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