

HCMP UPDATE: REMOTE ELECTRONIC NOTARY

INTRODUCTION

Governor Inslee issued an order that will temporarily allow electronic notarization for remotely located individuals starting Friday, March 27, 2020. This will allow individuals who require notary services to maintain the social distancing required to combat COVID-19.

This remote notarization service can only be provided by an *electronic records notary public with a remote notarization endorsement* (“ERNP”) and not all notaries public have such additional endorsements. An ERNP must be registered and approved by the Washington State Department of Licensing (“Department” or “DOL”) before providing remote notarization services.

REQUIREMENTS

The following sets forth the requirements specifically relating to electronic notarization for individuals who are located in the U.S.:

1. The ERNP and individual use “communication technology,” which means an electronic device or process that allows them to communicate with each other simultaneously by sight and sound.
2. The ERNP confirms the identity of the individual in one of three ways set forth under the statute. This includes personal knowledge, verification by a credible witness, and identity proofing using software and services from third-party providers that satisfy the Department’s standards.
3. The ERNP is reasonably able to confirm that the record before the ERNP is the same record on which the individual executed a signature.
4. The ERNP creates an audio-visual recording of the performance of the notarial act and this recording is retained for at least 10 years. The certificate of the notarial act indicates that the notarial act was performed using communication technology.

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5. The ERNP has notified the Department that the ERNP will be performing electronic notarial acts and has identified the technologies that the ERNP intends to use.

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The DOL is authorized to adopt rules and establish standards with respect to remote notarial acts, and is adopting emergency rulemaking to allow for remote notarization. The emergency rule is located [here](#) and is available on the Department of Licensing website.

NOTE: Because remote notarization is a newly authorized procedure, not all parties are accepting documents notarized in this manner. Therefore, if you are involved in a transaction requiring notarized documents, you should confirm that remotely notarized documents will be acceptable to all the parties.

Please do not hesitate to contact me for additional information on any of these topics.

Best regards,



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