

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 595 Session of 2017

INTRODUCED BY FOLMER, MARTIN, GREENLEAF, RAFFERTY, BROWNE, BREWSTER AND DINNIMAN, APRIL 17, 2017

SENATOR FOLMER, STATE GOVERNMENT, RE-REPORTED AS AMENDED, APRIL 17, 2018

AN ACT

1 ~~Amending Title 57 (Notaries Public) of the Pennsylvania~~ <--
2 ~~Consolidated Statutes, in revised uniform law on notarial~~
3 ~~acts, further providing for definitions, for personal~~
4 ~~appearance required, for identification of individual, for~~
5 ~~short form certificates, for journal, for notification~~
6 ~~regarding performance of notarial act on electronic record~~
7 ~~and selection of technology and for regulations.~~

8 AMENDING TITLE 57 (NOTARIES PUBLIC) OF THE PENNSYLVANIA <--
9 CONSOLIDATED STATUTES, IN REVISED UNIFORM LAW ON NOTARIAL
10 ACTS, FURTHER PROVIDING FOR AUTHORITY TO PERFORM NOTARIAL
11 ACT, PROVIDING FOR NOTARIAL ACTS PERFORMED BY REMOTELY
12 LOCATED INDIVIDUALS AND FURTHER PROVIDING FOR NOTIFICATION
13 REGARDING PERFORMANCE OF NOTARIAL ACT ON ELECTRONIC RECORD
14 AND SELECTION OF TECHNOLOGY.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 ~~Section 1. Section 302 of Title 57 of the Pennsylvania~~ <--
18 ~~Consolidated Statutes is amended by adding definitions to read:~~
19 ~~§ 302. Definitions.~~

20 ~~The following words and phrases when used in this chapter~~
21 ~~shall have the meanings given to them in this section unless the~~
22 ~~context clearly indicates otherwise:~~

23 * * *

1 ~~"Audio video communication." Being able to see, hear and~~
2 ~~communicate with another individual in real time using~~
3 ~~electronic means.~~

4 * * *

5 ~~"Identity proofing." A process or service by which a third~~
6 ~~person provides a notary public with a reasonable means to~~
7 ~~verify the identity of an individual by a review of personal~~
8 ~~information from public or proprietary data sources.~~

9 * * *

10 Section 2. Section 306 of Title 57 is amended to read:

11 § 306. [Personal appearance required] ~~Appearance.~~

12 [If] (a) ~~Personal appearance. Except as provided by~~
13 ~~subsection (b), if a notarial act relates to a statement made in~~
14 ~~or a signature executed on a record, the individual making the~~
15 ~~statement or executing the signature shall appear personally~~
16 ~~before the notarial officer, either by being in the notarial~~
17 ~~officer's physical presence or by means of audio video~~
18 ~~communication.~~

19 ~~(b) Use of audio visual communications. A notary public in~~
20 ~~this Commonwealth may perform by means of audio video~~
21 ~~communication a notarial act if the notarial act is performed in~~
22 ~~a manner that complies with regulations promulgated by the~~
23 ~~department under section 327(a)(1.1) (relating to regulations).~~

24 Section 3. Section 307(b)(1) of Title 57 is amended by
25 adding a subparagraph to read:

26 § 307. Identification of individual.

27 * * *

28 (b) ~~Satisfactory evidence. A notarial officer has~~
29 ~~satisfactory evidence of the identity of an individual appearing~~
30 ~~before the notarial officer if the notarial officer can identify~~

1 ~~the individual as set forth in any of the following paragraphs:~~

2 ~~(1) By means set forth in any of the following~~
3 ~~subparagraphs:~~

4 * * *

5 ~~(iii) Identity proofing.~~

6 * * *

7 Section 4. ~~Section 316 of Title 57 is amended to read:~~

8 ~~§ 316. Short form certificates.~~

9 ~~[The] (a) Form. In accordance with subsection (b), the~~
10 ~~following short form certificates of notarial acts are~~
11 ~~sufficient for the purposes indicated if completed with the~~
12 ~~information required by section 315(a) and (b) (relating to~~
13 ~~certificate of notarial act):~~

14 ~~(1) For an acknowledgment in an individual capacity:~~

15 State of.....

16 County of.....

17 This record was acknowledged before me on

18 (date).....

19 by (name(s) of individual(s)).....

20

21 Signature of notarial officer.....

22 Stamp

23

24 Title of office.....

25 My commission expires:.....

26 ~~(2) For an acknowledgment in a representative capacity:~~

27 State of.....

28 County of.....

29 This record was acknowledged before me on

30 (date).....

1 by (name(s) of individual(s)).....
2
3 as (type of authority, such as officer or trustee)
4
5 who represent that (he, she or they) are authorized to
6 act on behalf of (name of party on behalf of whom record
7 was executed).....
8
9 Signature of notarial officer.....
10 Stamp
11
12 Title of office.....
13 My commission expires:.....
14 (2.1) For an acknowledgment by an attorney at law
15 pursuant to 42 Pa.C.S. § 327 (relating to oaths and
16 acknowledgments):.....
17 State of.....
18 County of.....
19 This record was acknowledged before me on
20 (date).....
21 by (name of attorney).....
22 Supreme Court identification number.....
23 as a member of the bar of the Pennsylvania Supreme Court
24 certified that he/she was personally present when
25 (name(s) of individual(s)) executed the record and that
26 (name(s) of individual(s)) executed the record for the
27 purposes contained therein.
28 Signature of notarial officer.....
29 Stamp
30

1 ~~Title of office.....~~

2 ~~My commission expires:.....~~

3 ~~(3) For a verification on oath or affirmation:~~

4 ~~State of.....~~

5 ~~County of.....~~

6 ~~Signed and sworn to (or affirmed) before me on~~

7 ~~(date).....~~

8 ~~by (name(s) of individual(s)).....~~

9 ~~.....~~

10 ~~making statement.....~~

11 ~~Signature of notarial officer.....~~

12 Stamp

13 ~~.....~~

14 ~~Title of office.....~~

15 ~~My commission expires:.....~~

16 ~~(4) For witnessing or attesting a signature:~~

17 ~~State of.....~~

18 ~~County of.....~~

19 ~~Signed (or attested) before me on~~

20 ~~(date).....~~

21 ~~by (name(s) of individual(s)).....~~

22 ~~.....~~

23 ~~Signature of notarial officer.....~~

24 Stamp

25 ~~.....~~

26 ~~Title of office.....~~

27 ~~My commission expires:.....~~

28 ~~(5) For certifying a copy of a record:~~

29 ~~State of.....~~

30 ~~County of.....~~

1 ~~I certify that this is a true and correct copy of a...~~
2 ~~in the possession of.....~~
3 ~~Dated.....~~
4 ~~Signature of notarial officer.....~~
5 ~~Stamp~~

6 ~~.....~~
7 ~~Title of office.....~~
8 ~~My commission expires:.....~~

9 ~~(6) For certifying the transcript of a deposition:~~
10 ~~State of.....~~
11 ~~County of.....~~

12 ~~I certify that this is a true and correct copy of the~~
13 ~~transcript of the deposition of.....~~
14 ~~Dated.....~~
15 ~~Signature of notarial officer.....~~
16 ~~Stamp~~

17 ~~.....~~
18 ~~Title of office:.....~~
19 ~~My commission expires:.....~~

20 ~~(b) Audio visual communication. The department shall~~
21 ~~include in regulations promulgated under section 327(a)(1.1)~~
22 ~~(relating to regulations) modified short form certificates for~~
23 ~~notarial acts performed by means of audio visual communication.~~

24 Section 5. Section 319(c) of Title 57 is amended by adding
25 paragraphs to read:

26 § 319. Journal.

27 * * *

28 (c) Entries. An entry in a journal shall be made
29 contemporaneously with performance of the notarial act and
30 contain all of the following information:

1 * * *

2 ~~(7) Whether an individual making a statement or~~
3 ~~executing a signature which is the subject of the notarial~~
4 ~~act appeared before a notarial officer personally or before a~~
5 ~~notary public by means of audio visual communication.~~

6 ~~(8) If an individual makes a statement or executes a~~
7 ~~signature which is the subject of the notarial act before a~~
8 ~~notary public by means of audio visual communication, the~~
9 ~~state or country where the individual is located.~~

10 * * *

11 Section 6. ~~Section 320(a) and (b)(1) of Title 57 are amended~~
12 ~~to read:~~

13 ~~§ 320. Notification regarding performance of notarial act on~~
14 ~~electronic record; selection of technology.~~

15 ~~(a) Selection. A notary public may select one or more~~
16 ~~tamper evident technologies to perform notarial acts with~~
17 ~~respect to electronic records, to perform notarial acts by means~~
18 ~~of audio visual communication or to conduct identity proofing. A~~
19 ~~person may not require a notary public to perform a notarial act~~
20 ~~with respect to an electronic record, using audio visual~~
21 ~~communication or identity proofing with a technology that the~~
22 ~~notary public has not selected.~~

23 ~~(b) Notice and approval.~~

24 ~~(1) Before a notary public performs the initial notarial~~
25 ~~act with respect to an electronic record, using audio visual~~
26 ~~communication or identity proofing a notary public shall~~
27 ~~notify the department that the notary public will be~~
28 ~~performing notarial acts with respect to electronic records~~
29 ~~and identify each technology the notary public intends to~~
30 ~~use.~~

1 * * *

2 ~~Section 7. Section 327(a) of Title 57 is amended and the~~
3 ~~section is amended by adding a subsection to read:~~

4 ~~§ 327. Regulations.~~

5 ~~(a) Authority. Except as provided in section 329.1(a)~~
6 ~~(relating to fees of notaries public), the department may~~
7 ~~promulgate regulations to implement this chapter. Regulations~~
8 ~~regarding the performance of notarial acts with respect to~~
9 ~~electronic records may not require or accord greater legal~~
10 ~~status or effect to the implementation or application of a~~
11 ~~specific technology or technical specification. Regulations may:~~

12 ~~(1) Prescribe the manner of performing notarial acts~~
13 ~~regarding tangible and electronic records.~~

14 ~~(1.1) Regarding notarial acts performed using audio~~
15 ~~visual communication:~~

16 ~~(i) prescribe the means of performing a notarial act~~
17 ~~involving audio visual communication;~~

18 ~~(ii) establish standards for the approval of audio~~
19 ~~visual communication technology;~~

20 ~~(iii) establish standards for third person identity~~
21 ~~verification and the process of identity proofing; and~~

22 ~~(iv) establish standards for the retention of~~
23 ~~records relating to audio visual communications.~~

24 ~~(2) Include provisions to ensure that any change to or~~
25 ~~tampering with a record bearing a certificate of a notarial~~
26 ~~act is self evident.~~

27 ~~(3) Include provisions to ensure integrity in the~~
28 ~~creation, transmittal, storage or authentication of~~
29 ~~electronic records or signatures.~~

30 ~~(4) Prescribe the process of granting, renewing,~~

1 ~~conditioning, denying, suspending or revoking a notary public~~
2 ~~commission and assuring the trustworthiness of an individual~~
3 ~~holding a commission as notary public.~~

4 ~~(5) Include provisions to prevent fraud or mistake in~~
5 ~~the performance of notarial acts.~~

6 ~~(6) Establish the process for approving and accepting~~
7 ~~surety bonds under section 321(d) (relating to appointment~~
8 ~~and commission as notary public; qualifications; no immunity~~
9 ~~or benefit).~~

10 ~~(7) Provide for the administration of the examination~~
11 ~~under section 322(a) (relating to examination, basic~~
12 ~~education and continuing education) and the course of study~~
13 ~~under section 322(b).~~

14 ~~(7.1) Require applicants for appointment and commission~~
15 ~~as notaries public to submit criminal history record~~
16 ~~information as provided in 18 Pa.C.S. Ch. 91 (relating to~~
17 ~~criminal history record information) as a condition of~~
18 ~~appointment.~~

19 ~~(8) Include any other provision necessary to implement~~
20 ~~this chapter.~~

21 ~~* * *~~

22 ~~(c) Audio visual communications. Regulations regarding the~~
23 ~~performance of notarial acts by means of audio visual~~
24 ~~communication shall be published for notice of proposed~~
25 ~~rulemaking in the Pennsylvania Bulletin within 18 months of the~~
26 ~~effective date of this subsection.~~

27 ~~Section 8. This act shall take effect as follows:~~

28 ~~(1) The following shall take effect immediately:~~

29 ~~(i) This section.~~

30 ~~(ii) The amendment or addition of section 327(a) and~~

1 ~~(e) of the act.~~

2 ~~(2) The remainder of this act shall take effect on the~~
3 ~~date of publication of the notice of proposed rulemaking in~~
4 ~~the Pennsylvania Bulletin under section 327(c) of the act.~~

5 SECTION 1. SECTION 304 OF TITLE 57 OF THE PENNSYLVANIA <--
6 CONSOLIDATED STATUTES IS AMENDED BY ADDING A SUBSECTION TO READ:
7 § 304. AUTHORITY TO PERFORM NOTARIAL ACT.

8 * * *

9 (C) CERTIFICATION OF TANGIBLE COPIES.--A NOTARY PUBLIC MAY
10 CERTIFY THAT A TANGIBLE COPY OF AN ELECTRONIC RECORD IS A TRUE
11 AND CORRECT COPY OF THE ELECTRONIC RECORD.

12 SECTION 2. TITLE 57 IS AMENDED BY ADDING A SECTION TO READ:
13 § 314.1. NOTARIAL ACT PERFORMED BY A REMOTELY LOCATED
14 INDIVIDUAL.

15 (A) DEFINITIONS.--TERMS ARE DEFINED IN SUBSECTION (J).

16 (B) GENERAL RULE.--A REMOTELY LOCATED INDIVIDUAL MAY COMPLY
17 WITH SECTION 306 (RELATING TO PERSONAL APPEARANCE REQUIRED) BY
18 APPEARING BEFORE A NOTARY PUBLIC BY MEANS OF COMMUNICATION
19 TECHNOLOGY.

20 (C) USE OF COMMUNICATION TECHNOLOGY.--A NOTARY PUBLIC
21 LOCATED IN THIS COMMONWEALTH MAY PERFORM A NOTARIAL ACT
22 FACILITATED BY COMMUNICATION TECHNOLOGY FOR A REMOTELY LOCATED
23 INDIVIDUAL IF ALL OF THE FOLLOWING PARAGRAPHS APPLY:

24 (1) THE NOTARY PUBLIC:

25 (I) HAS PERSONAL KNOWLEDGE UNDER SECTION 307(A)
26 (RELATING TO IDENTIFICATION OF INDIVIDUAL) OF THE
27 IDENTITY OF THE INDIVIDUAL;

28 (II) HAS SATISFACTORY EVIDENCE OF THE IDENTITY OF
29 THE REMOTELY LOCATED INDIVIDUAL BY OATH OR AFFIRMATION
30 FROM A CREDIBLE WITNESS APPEARING BEFORE THE NOTARY

1 PUBLIC UNDER SECTION 307(B) OR UNDER THIS SECTION; OR

2 (III) IS ABLE TO REASONABLY IDENTIFY THE INDIVIDUAL
3 BY AT LEAST TWO DIFFERENT TYPES OF IDENTITY PROOFING
4 PROCESSES OR SERVICES.

5 (2) THE NOTARY PUBLIC IS ABLE TO REASONABLY IDENTIFY A
6 RECORD BEFORE THE NOTARY PUBLIC AS THE SAME RECORD:

7 (I) IN WHICH THE REMOTELY LOCATED INDIVIDUAL MADE
8 THE STATEMENT; OR

9 (II) ON WHICH THE REMOTELY LOCATED INDIVIDUAL
10 EXECUTED THE SIGNATURE.

11 (3) THE NOTARY PUBLIC, OR A PERSON ACTING ON BEHALF OF
12 THE NOTARY PUBLIC, CREATES AN AUDIO-VISUAL RECORDING OF THE
13 PERFORMANCE OF THE NOTARIAL ACT.

14 (4) IF THE REMOTELY LOCATED INDIVIDUAL IS LOCATED
15 OUTSIDE THE UNITED STATES, ALL OF THE FOLLOWING SUBPARAGRAPHS
16 APPLY:

17 (I) THE RECORD:

18 (A) IS TO BE FILED WITH OR RELATES TO A MATTER
19 BEFORE A COURT, GOVERNMENTAL ENTITY, PUBLIC OFFICIAL
20 OR OTHER ENTITY UNDER THE JURISDICTION OF THE UNITED
21 STATES; OR

22 (B) INVOLVES:

23 (I) PROPERTY LOCATED IN THE TERRITORIAL
24 JURISDICTION OF THE UNITED STATES; OR

25 (II) A TRANSACTION SUBSTANTIALLY CONNECTED
26 WITH THE UNITED STATES.

27 (II) THE ACT OF MAKING THE STATEMENT OR SIGNING THE
28 RECORD IS NOT PROHIBITED BY THE FOREIGN STATE WHERE THE
29 REMOTELY LOCATED INDIVIDUAL IS LOCATED.

30 (D) NOTARIAL CERTIFICATE.--IF A NOTARIAL ACT IS SUBJECT TO

1 THIS SECTION, THE CERTIFICATE OF NOTARIAL ACT REQUIRED BY
2 SECTION 315 (RELATING TO CERTIFICATE OF NOTARIAL ACT) AND THE
3 SHORT FORM CERTIFICATE UNDER SECTION 316 (RELATING TO SHORT FORM
4 CERTIFICATES) MUST INDICATE THAT THE NOTARIAL ACT WAS PERFORMED
5 BY MEANS OF COMMUNICATION TECHNOLOGY.

6 (E) SUFFICIENCY.--A SHORT FORM CERTIFICATE UNDER SECTION 316
7 FOR A NOTARIAL ACT SUBJECT TO THIS SECTION IS SUFFICIENT IF
8 EITHER OF THE FOLLOWING PARAGRAPHS APPLY:

9 (1) THE SHORT FORM CERTIFICATE IS IN THE FORM PROVIDED
10 BY SECTION 316 AND CONTAINS A STATEMENT SUBSTANTIALLY AS
11 FOLLOWS:

12 "THIS NOTARIAL ACT INVOLVED THE USE OF COMMUNICATION
13 TECHNOLOGY."

14 (2) THE CERTIFICATE COMPLIES WITH THE REGULATIONS
15 PROMULGATED UNDER SUBSECTION (H) (1).

16 (F) AUDIO-VISUAL RECORDING.--

17 (1) THIS SUBSECTION APPLIES TO:

18 (I) A NOTARY PUBLIC;

19 (II) A GUARDIAN, A CONSERVATOR OR AN AGENT OF A
20 NOTARY PUBLIC; OR

21 (III) A PERSONAL REPRESENTATIVE OF A DECEASED NOTARY
22 PUBLIC.

23 (2) A PERSON UNDER PARAGRAPH (1) SHALL RETAIN THE AUDIO-
24 VISUAL RECORDING CREATED UNDER SUBSECTION (C) (3) OR CAUSE THE
25 RECORDING TO BE RETAINED BY A REPOSITORY DESIGNATED BY OR ON
26 BEHALF OF THE NOTARY PUBLIC. THE PERSON SHALL RETAIN THE
27 RECORDING:

28 (I) FOR AT LEAST 10 YEARS AFTER THE RECORDING IS
29 CREATED; OR

30 (II) AS OTHERWISE REQUIRED BY THE REGULATIONS

1 PROMULGATED UNDER SUBSECTION (H) (4).

2 (G) NOTIFICATION.--

3 (1) BEFORE A NOTARY PUBLIC PERFORMS THE NOTARY PUBLIC'S
4 INITIAL NOTARIAL ACT UNDER THIS SECTION, THE NOTARY PUBLIC
5 MUST NOTIFY THE DEPARTMENT THAT THE NOTARY PUBLIC WILL BE
6 PERFORMING NOTARIAL ACTS FACILITATED BY COMMUNICATION
7 TECHNOLOGY AND IDENTIFY THE TECHNOLOGY.

8 (2) IF THE DEPARTMENT HAS ESTABLISHED STANDARDS FOR
9 APPROVAL OF COMMUNICATION TECHNOLOGY OR IDENTITY PROOFING
10 UNDER SUBSECTION (H) AND SECTION 327 (RELATING TO
11 REGULATIONS), THE COMMUNICATION TECHNOLOGY AND IDENTITY
12 PROOFING MUST CONFORM TO THE STANDARDS.

13 (H) REGULATIONS.--IN ADDITION TO MATTERS LISTED IN SECTION
14 327, THE DEPARTMENT SHALL PROMULGATE REGULATIONS REGARDING
15 PERFORMANCE OF A NOTARIAL ACT PERFORMED UNDER THIS SECTION. THE
16 REGULATIONS SHALL DO ALL OF THE FOLLOWING:

17 (1) PRESCRIBE THE MEANS OF PERFORMING A NOTARIAL ACT
18 INVOLVING COMMUNICATION TECHNOLOGY TO COMMUNICATE WITH A
19 REMOTELY LOCATED INDIVIDUAL.

20 (2) ESTABLISH STANDARDS FOR COMMUNICATION TECHNOLOGY AND
21 IDENTITY PROOFING. THIS PARAGRAPH INCLUDES THE USE OF
22 CREDENTIAL ANALYSIS, DYNAMIC KNOWLEDGE-BASED AUTHENTICATION,
23 BIOMETRICS AND OTHER MEANS OF IDENTIFICATION.

24 (3) ESTABLISH REQUIREMENTS OR PROCEDURES TO APPROVE
25 PROVIDERS OF COMMUNICATION TECHNOLOGY AND THE PROCESS OF
26 IDENTITY PROOFING.

27 (4) ESTABLISH STANDARDS AND PERIODS FOR THE RETENTION OF
28 AN AUDIO-VISUAL RECORDING CREATED UNDER SUBSECTION (C) (3) OF
29 THE PERFORMANCE OF A NOTARIAL ACT.

30 (I) PROMOTION OF UNIFORMITY.--BEFORE PROMULGATING, AMENDING

1 OR REPEALING REGULATIONS ABOUT THE PERFORMANCE OF A NOTARIAL ACT
2 WITH RESPECT TO A REMOTELY LOCATED INDIVIDUAL, THE DEPARTMENT
3 SHALL CONSIDER, IF CONSISTENT WITH THIS CHAPTER, ALL OF THE
4 FOLLOWING:

5 (1) THE MOST RECENT STANDARDS REGARDING THE PERFORMANCE
6 OF A NOTARIAL ACT WITH RESPECT TO REMOTELY LOCATED
7 INDIVIDUALS PROMULGATED BY A NATIONAL STANDARD-SETTING
8 ORGANIZATION. THIS PARAGRAPH INCLUDES THE NATIONAL
9 ASSOCIATION OF SECRETARIES OF STATE.

10 (2) STANDARDS, PRACTICES, AND CUSTOMS OF OTHER
11 JURISDICTIONS THAT ENACT A STATUTORY PROVISION SUBSTANTIALLY
12 SIMILAR TO THIS SECTION.

13 (3) THE VIEWS OF GOVERNMENTAL OFFICIALS AND ENTITIES AND
14 OTHER INTERESTED PERSONS.

15 (J) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
16 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
17 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

18 "COMMUNICATION TECHNOLOGY." AN ELECTRONIC DEVICE OR PROCESS
19 THAT:

20 (1) ALLOWS A NOTARY PUBLIC LOCATED IN THIS COMMONWEALTH
21 AND A REMOTELY LOCATED INDIVIDUAL TO COMMUNICATE WITH EACH
22 OTHER SIMULTANEOUSLY BY SIGHT AND SOUND; AND

23 (2) MAKES REASONABLE ACCOMMODATIONS FOR AN INDIVIDUAL
24 WITH A VISION, HEARING OR SPEECH IMPAIRMENT IN ACCORDANCE
25 WITH LAW.

26 "FOREIGN STATE." A JURISDICTION OTHER THAN THE UNITED
27 STATES, A STATE OR A FEDERALLY RECOGNIZED INDIAN TRIBE.

28 "IDENTITY PROOFING." A PROCESS OR SERVICE BY WHICH A THIRD
29 PERSON PROVIDES A NOTARY PUBLIC WITH A MEANS TO VERIFY THE
30 IDENTITY OF A REMOTELY LOCATED INDIVIDUAL BY A REVIEW OF

1 PERSONAL INFORMATION FROM PUBLIC OR PRIVATE DATA SOURCES.

2 "OUTSIDE THE UNITED STATES." A LOCATION OUTSIDE THE

3 GEOGRAPHIC BOUNDARIES OF:

4 (1) THE UNITED STATES;

5 (2) PUERTO RICO;

6 (3) THE VIRGIN ISLANDS; AND

7 (4) ANY TERRITORY, INSULAR POSSESSION OR OTHER LOCATION

8 SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

9 "REMOTELY LOCATED INDIVIDUAL." AN INDIVIDUAL WHO IS NOT IN

10 THE PHYSICAL PRESENCE OF THE NOTARY PUBLIC PERFORMING A NOTARIAL

11 ACT UNDER SUBSECTION (C).

12 SECTION 3. SECTION 320 OF TITLE 57 IS AMENDED BY ADDING A
13 SUBSECTION TO READ:

14 § 320. NOTIFICATION REGARDING PERFORMANCE OF NOTARIAL ACT ON
15 ELECTRONIC RECORD; SELECTION OF TECHNOLOGY.

16 * * *

17 (C) CERTIFICATION OF TANGIBLE COPIES.--A RECORDER OF DEEDS
18 MAY ACCEPT FOR RECORDING A TANGIBLE COPY OF AN ELECTRONIC RECORD
19 CONTAINING A NOTARIAL CERTIFICATE AS SATISFYING ANY REQUIREMENTS
20 THAT THE RECORD BE AN ORIGINAL, IF THE NOTARIAL OFFICER
21 EXECUTING THE NOTARIAL CERTIFICATE CERTIFIES THAT THE TANGIBLE
22 COPY IS A TRUE AND CORRECT COPY OF THE ELECTRONIC RECORD.

23 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

24 (1) THE ADDITION OF 57 PA.C.S. §§ 304(C), 314.1(H) AND
25 (J) AND 320(C) SHALL TAKE EFFECT IMMEDIATELY.

26 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

27 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JANUARY
28 1, 2020.