



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 2370

PRINTERS NO. 3659

PRIME SPONSOR: Keller

### COST / (SAVINGS)

FUND	FY 2019/20	FY 2020/21
General Fund	\$0	\$0

**SUMMARY:** Permits electronic notarization of documents. This legislation would take effect immediately.

**ANALYSIS:** This legislation amends Title 57 (Notaries Public) and 42 (Judiciary and Judicial procedure) to permit notaries in the Commonwealth to notarize documents electronically via audio-visual communication.

The legislation provides that a notary can certify a copy of an electronic record is a true and correct copy of the electronic record. A remotely located individual may comply by appearing before a notary by means of communication technology if the notary:

- (1) has personal knowledge of the individual;
- (2) has evidence of the individual from a witness; and
- (3) is able to reasonably identify the individual by two different forms of identification.

The notary public, or person acting on behalf of the notary, creates an audio-visual recording of the performance of the notarial act which includes all interactions between the notary and the individual. If an act is subject to remote notarization, the certificate of the act and the short form certificate must indicate it was performed with communication technology. Before a notary performs an act with communication technology, the notary must notify the Department of State.

The Department of State shall promulgate regulations regarding notarial acts done by communication technology. The department shall authorize notaries to conduct notarial acts if the notary gives notice to the department and acts in a manner authorized by regulation.

**FISCAL IMPACT:** This legislation would have no adverse fiscal impact on Commonwealth funds.

**PREPARED BY:** Tim Rodrigo  
House Appropriations Committee (R)

**DATE:** April 29, 2020

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*