

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 1097

PRINTER NO. 1622

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

March 23, 2020

PRIME SPONSOR

Senator Mastriano

DESCRIPTION

Senate Bill 1097 amends Title 42 (Judiciary and Judicial Procedures) and Title 57 (Notaries Public) to permit the electronic notarization of documents.

The legislation allows for remote notarization if the notary public has personal knowledge on the identity of the individual, satisfactory evidence of the identity of the remotely located individual and the ability to reasonably identify the individual by at least two different types of identity processes or services. Remote notarization of records may also be performed for individuals located outside the United States.

Senate Bill 1097 requires the notary public (or someone acting on behalf of the notary public) to create an audio-visual recording of the performance of the notarial act. Audio-visual recordings must be retained for at least 10 years after the recording is created or otherwise required by promulgated regulations.

The Department of State shall promulgate regulations regarding, but not limited to, communication technology, identity proofing and retention periods for recordings. This legislation contains definitions for communication technology, foreign state, identity proofing, outside the United States and a remotely located individual.

Senate Bill 1097 also allows a recorder of deeds to accept for recording a tangible copy of a remote notarization if the notarial office executing the notarial certificate certifies that the tangible copy is a true and correct copy of the electronic record.

This act shall take effect immediately.

FISCAL IMPACT

There is no fiscal impact to Commonwealth funds. Senate Bill 1097 requires the Department of State to promulgate regulations on the provisions of the bill, which can be accomplished within existing staffing and funding levels provided to the department.