

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1564 Session of 2019

INTRODUCED BY EMRICK, HEFFLEY, BERNSTINE, CIRESI, LAWRENCE, MILLARD, MOUL, PICKETT, STRUZZI AND ZIMMERMAN, JUNE 4, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 24, 2020

AN ACT

1 ~~Amending Title 53 (Municipalities Generally) of the Pennsylvania~~ <--
2 ~~Consolidated Statutes,~~ AMENDING TITLES 42 (JUDICIARY AND <--
3 JUDICIAL PROCEDURE), 53 (MUNICIPALITIES GENERALLY) AND 57
4 (NOTARIES PUBLIC) OF THE PENNSYLVANIA CONSOLIDATED STATUTES,
5 IN UNIFORM UNSWORN FOREIGN DECLARATIONS ACT, FURTHER
6 PROVIDING FOR HEADING OF CHAPTER, FOR SHORT TITLE OF CHAPTER,
7 FOR DEFINITIONS, FOR APPLICABILITY AND FOR FORM OF UNSWORN
8 DECLARATION; IN GENERAL PROVISIONS, EMERGENCY SEAT OF
9 GOVERNMENT, PROVIDING FOR OTHER EMERGENCIES AND FURTHER
10 PROVIDING FOR APPLICABILITY OF SUBCHAPTER; in consolidated
11 county assessment, further providing for definitions, for
12 subjects of local taxation and for assessment of mobile homes
13 and house trailers; AND, IN REVISED UNIFORM LAW ON NOTARIAL <--
14 ACTS, FURTHER PROVIDING FOR AUTHORITY TO PERFORM NOTARIAL
15 ACT, PROVIDING FOR NOTARIAL ACT PERFORMED BY REMOTELY LOCATED
16 INDIVIDUAL AND FURTHER PROVIDING FOR NOTIFICATION REGARDING
17 PERFORMANCE OF NOTARIAL ACT ON ELECTRONIC RECORD AND
18 SELECTION OF TECHNOLOGY.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 ~~Section 1. Section 8802 of Title 53 of the Pennsylvania~~ <--
22 ~~Consolidated Statutes is amended by adding definitions to read:~~
23 SECTION 1. CHAPTER 62 HEADING AND SECTIONS 6201, 6202, 6203 <--
24 AND 6206 OF TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED STATUTES
25 ARE AMENDED TO READ:

1 CHAPTER 62

2 UNIFORM UNSWORN [FOREIGN]

3 DECLARATIONS ACT

4 § 6201. SHORT TITLE OF CHAPTER.

5 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE UNIFORM
6 UNSWORN [FOREIGN] DECLARATIONS ACT.

7 § 6202. DEFINITIONS.

8 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
9 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
10 CONTEXT CLEARLY INDICATES OTHERWISE:

11 ["BOUNDARIES OF THE UNITED STATES." THE GEOGRAPHIC
12 BOUNDARIES OF THE UNITED STATES, PUERTO RICO, THE VIRGIN ISLANDS
13 AND ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE
14 JURISDICTION OF THE UNITED STATES.]

15 "LAW." INCLUDES [THE FEDERAL OR A STATE CONSTITUTION, A
16 FEDERAL OR STATE] A STATUTE, [A] JUDICIAL DECISION OR ORDER, [A]
17 RULE OF COURT, [AN] EXECUTIVE ORDER AND [AN] ADMINISTRATIVE
18 RULE, REGULATION OR ORDER.

19 "RECORD." INFORMATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM
20 OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS
21 RETRIEVABLE IN PERCEIVABLE FORM.

22 "SIGN." WITH PRESENT INTENT TO AUTHENTICATE OR ADOPT A
23 RECORD:

24 (1) TO EXECUTE OR ADOPT A TANGIBLE SYMBOL; OR

25 (2) TO ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD
26 AN ELECTRONIC SYMBOL, SOUND OR PROCESS.

27 ["STATE." A STATE OF THE UNITED STATES, THE DISTRICT OF
28 COLUMBIA, PUERTO RICO, THE VIRGIN ISLANDS OR ANY TERRITORY OR
29 INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED
30 STATES.]

1 "SWORN DECLARATION." A DECLARATION IN A SIGNED RECORD GIVEN
2 UNDER OATH. THE TERM INCLUDES A SWORN STATEMENT, VERIFICATION,
3 CERTIFICATE AND AFFIDAVIT.

4 "UNSWORN DECLARATION." A DECLARATION IN A SIGNED RECORD
5 [THAT IS] NOT GIVEN UNDER OATH BUT [IS] GIVEN UNDER PENALTY OF
6 PERJURY.

7 § 6203. APPLICABILITY.

8 THIS CHAPTER APPLIES TO AN UNSWORN DECLARATION BY A DECLARANT
9 WHO AT THE TIME OF MAKING THE DECLARATION IS PHYSICALLY LOCATED
10 WITHIN OR OUTSIDE THE BOUNDARIES OF THE UNITED STATES WHETHER OR
11 NOT THE LOCATION IS SUBJECT TO THE JURISDICTION OF THE UNITED
12 STATES. [THIS CHAPTER DOES NOT APPLY TO A DECLARATION BY A
13 DECLARANT WHO IS PHYSICALLY LOCATED ON PROPERTY THAT IS WITHIN
14 THE BOUNDARIES OF THE UNITED STATES AND SUBJECT TO THE
15 JURISDICTION OF ANOTHER COUNTRY OR A FEDERALLY RECOGNIZED INDIAN
16 TRIBE.]

17 § 6206. FORM OF UNSWORN DECLARATION.

18 AN UNSWORN DECLARATION UNDER THIS CHAPTER MUST BE IN
19 SUBSTANTIALLY THE FOLLOWING FORM:

20 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE
21 COMMONWEALTH OF PENNSYLVANIA THAT THE FOREGOING IS TRUE
22 AND CORRECT[, AND THAT I AM PHYSICALLY LOCATED OUTSIDE
23 THE GEOGRAPHIC BOUNDARIES OF THE UNITED STATES, PUERTO
24 RICO, THE VIRGIN ISLANDS AND ANY TERRITORY OR INSULAR
25 POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED
26 STATES].

27 [EXECUTED] SIGNED ON THE.....DAY OF.....,
28 AT.....,
29 (DATE) (MONTH) (YEAR)
30 ([CITY] COUNTY OR OTHER LOCATION, AND STATE).....

1
2 (COUNTRY)
3 (PRINTED NAME)
4 (SIGNATURE)

5 SECTION 2. TITLE 53 IS AMENDED BY ADDING A SECTION TO <--
6 READ:

7 § 1123.1. OTHER EMERGENCIES.

8 (A) APPLICATION OF SECTION.--IN ADDITION TO THE OTHER
9 PROVISIONS OF THIS SUBCHAPTER, THE PROVISIONS OF THIS SECTION
10 SHALL ALSO APPLY AFTER THE DECLARATION OF A DISASTER OR
11 EMERGENCY BY THE GOVERNOR AND DURING WHICH THE CONDUCT OF THE
12 AFFAIRS OF LOCAL GOVERNMENT AT A REGULAR PLACE AND TIME ARE
13 IMPRUDENT, INEXPEDIENT OR IMPOSSIBLE AS PROVIDED FOR BY THIS
14 SUBCHAPTER.

15 (B) USE OF TELECOMMUNICATIONS DEVICES.--IF THE DECLARATION
16 IS OF A DISASTER OR EMERGENCY WHICH WOULD RENDER THE CONDUCT OF
17 PUBLIC BUSINESS DANGEROUS TO THE HEALTH OR SAFETY OF THE MEMBERS
18 OF THE GOVERNING BODY, OFFICIALS OR MEMBERS OF THE PUBLIC, THE
19 GOVERNING BODY OF THE MUNICIPALITY MAY EXERCISE ITS EXECUTIVE,
20 LEGISLATIVE AND JUDICIAL POWERS AND FUNCTIONS TO THE EXTENT
21 POSSIBLE, BY MEANS OF ANY TELECOMMUNICATION DEVICES, WHICH
22 PERMIT, AT A MINIMUM, AUDIO COMMUNICATION BETWEEN LOCATIONS. THE
23 TELECOMMUNICATION DEVICES SHALL PERMIT THE MEMBERS OF THE
24 GOVERNING BODY CONDUCTING THE AFFAIRS OF THE MUNICIPALITY TO
25 SPEAK TO AND HEAR THE COMMENTS AND VOTES, IF ANY, OF THE MEETING
26 OR CONDUCTING THE AFFAIRS. THE GOVERNING BODY NEED NOT HAVE A
27 QUORUM PHYSICALLY PRESENT AT ANY ONE LOCATION IN ORDER TO
28 CONDUCT BUSINESS.

29 (C) PUBLIC PARTICIPATION AND NOTICE.--THE MUNICIPALITY SHALL
30 ALLOW, TO THE EXTENT POSSIBLE, FOR PUBLIC PARTICIPATION IN A

1 MEETING CONDUCTED BY TELECOMMUNICATION DEVICES. THE MUNICIPALITY
2 SHALL POST NOTICE OF THE MEETING ON ITS PUBLICLY ACCESSIBLE
3 INTERNET WEBSITE, IF ANY, NO LATER THAN 24 HOURS PRIOR TO THE
4 START OF THE MEETING TO ALERT THE PUBLIC OF THE MEETING AND HOW
5 TO OBTAIN REMOTE PARTICIPATION INFORMATION. AT LEAST ONE OF THE
6 FOLLOWING SHALL APPLY TO EACH MEETING:

7 (1) THE MEETING IS LIVE-STREAMED VIA WEB-BASED OR
8 MOBILE-BASED APPLICATIONS AND PLATFORMS OR OTHER FORMS OF
9 TRANSMISSION.

10 (2) THE MEETING IS RECORDED WITH THE RECORDING MADE
11 AVAILABLE TO THE PUBLIC WITHIN 24 HOURS AFTER THE MEETING,
12 INCLUDING ON THE MUNICIPALITY'S PUBLICLY ACCESSIBLE INTERNET
13 WEBSITE, IF ANY.

14 (3) A DRAFT OF THE MINUTES OF THE MEETING SHALL BE MADE
15 AVAILABLE FOR PUBLIC INSPECTION WITHIN 48 HOURS AFTER THE
16 MEETING ON THE MUNICIPALITY'S PUBLICLY ACCESSIBLE INTERNET
17 WEBSITE OR AT AN ACCESSIBLE LOCATION IN THE MUNICIPALITY.

18 (D) NEWSPAPER NOTIFICATION.--EXCEPT WHERE EMERGENCY
19 CIRCUMSTANCES DICTATE OTHERWISE, THE GOVERNING BODY SHALL, NO
20 LATER THAN 24 HOURS PRIOR TO THE START OF THE MEETING, NOTIFY A
21 NEWSPAPER OF GENERAL CIRCULATION OF THE UPCOMING MEETING WITH
22 INFORMATION ON HOW TO ACCESS THE MEETING. THE NEWSPAPER OF
23 GENERAL CIRCULATION SHALL BE A NEWSPAPER WHICH PUBLISHES NOTICES
24 OF THE MUNICIPALITY'S MEETINGS.

25 (E) RESOLUTION.--FOLLOWING THE EXERCISE OF ANY EXECUTIVE,
26 LEGISLATIVE OR JUDICIAL POWERS AND FUNCTIONS UNDER SUBSECTION
27 (B), AND AFTER THE GOVERNOR'S DISASTER OR EMERGENCY DECLARATION
28 IS LIFTED, THE ACTUAL EMERGENCY AND THE NATURE OF THE POWER OR
29 FUNCTION EXERCISED SHALL BE STATED IN A RESOLUTION AND ADOPTED
30 BY THE GOVERNING BODY AT THE NEXT PUBLIC MEETING AT THE REGULAR

1 OR USUAL PLACE OF CONDUCTING BUSINESS.

2 (F) EXISTING AND PENDING APPROVALS.--IF THE FINAL DAY FOR A
3 MUNICIPALITY OR AN AGENCY OR BOARD OF A MUNICIPALITY TO APPROVE
4 OR DENY ANY APPLICATION, PLAT, PLAN OR OTHER SUBMISSION FOR AN
5 "APPROVAL" AS THAT TERM IS DEFINED IN SECTION 2 OF THE ACT OF
6 JULY 9, 2013 (P.L.362, NO.54), KNOWN AS THE DEVELOPMENT PERMIT
7 EXTENSION ACT, FALLS DURING A DISASTER OR EMERGENCY DANGEROUS TO
8 HEALTH OR SAFETY AS DESCRIBED IN SUBSECTION (B), THE FOLLOWING
9 SHALL APPLY:

10 (1) NOTWITHSTANDING ANY PROVISION OF LAW, CHARTER OR
11 ORDINANCE, FOR ANY APPROVAL RECEIVED AND PENDING ACTION BY A
12 MUNICIPALITY OR AN AGENCY OR BOARD OF A MUNICIPALITY AS OF
13 THE DATE OF THE DECLARATION OF A DISASTER OR EMERGENCY, THE
14 NUMBER OF DAYS PROVIDED TO SATISFY STATUTORY TIME LIMITS IN
15 REVIEW, HEARING AND DECISION ON ANY APPLICATION, PLAT, PLAN
16 OR SUBMISSION SHALL BE SUSPENDED OR TOLLED AS OF THE DATE OF
17 THE DISASTER OR EMERGENCY DECLARATION AND SHALL RESUME ON THE
18 DATE FOLLOWING THE TERMINATION OF THE DISASTER OR EMERGENCY
19 OR THE FINAL EXTENSION THEREOF.

20 (2) THE MUNICIPALITY SHALL NOTIFY IN WRITING EACH
21 APPLICANT SUBJECT TO THIS SUBSECTION OF THE DISASTER OR
22 EMERGENCY, THE TIME EXTENSION SET FORTH IN THIS SECTION AND
23 THE RIGHT TO A REQUEST AS PROVIDED IN PARAGRAPH (3). IN NO
24 EVENT SHALL A FAILURE TO RECEIVE THE NOTICE PROVIDED BY THIS
25 SECTION AFFECT THE TOLLING OF THE NUMBER OF DAYS PROVIDED TO
26 SATISFY STATUTORY TIME LIMITS FOR REVIEW, HEARING AND
27 DECISIONS.

28 (3) THE APPLICANT MAY REQUEST SUCH MEETINGS, HEARINGS OR
29 PROCEEDINGS AS MAY BE REQUIRED BY THE LAW, CHARTER OR
30 ORDINANCE PROVISIONS GOVERNING THE APPLICATION, PLAT, PLAN OR

1 SUBMISSION DURING THE PERIOD OF THE DISASTER OR EMERGENCY IN
2 ACCORDANCE WITH THE PROCEDURES IN SUBSECTIONS (B), (C), (D)
3 AND (E). IT SHALL BE AT THE DISCRETION OF THE MUNICIPALITY TO
4 PROCEED WITH THE REQUESTS. IF THE MUNICIPALITY AGREES AND
5 HOLDS THE PROCEEDINGS, THE APPLICANT, THE MUNICIPALITY AND
6 ALL OTHER PARTIES RECEIVING ACTUAL NOTICE OF THE PROCEEDINGS
7 WAIVE ANY CHALLENGE TO THE PROCEEDINGS UNDER 42 PA.C.S. §
8 5571.1 (RELATING TO APPEALS FROM ORDINANCES, RESOLUTIONS,
9 MAPS, ETC.) OR ANY OTHER PROVISION OF LAW.

10 (4) FOR AN APPROVAL GRANTED BY A MUNICIPALITY, OR BOARD
11 OR AGENCY THEREOF, AND IN EFFECT AFTER THE BEGINNING OF THE
12 DISASTER OR EMERGENCY DECLARATION, THE RUNNING PERIOD OF THE
13 APPROVAL SHALL BE AUTOMATICALLY SUSPENDED DURING THE DISASTER
14 OR EMERGENCY AND SHALL RESUME AFTER THE FINAL TERMINATION OF
15 THE DISASTER OR EMERGENCY.

16 SECTION 3. SECTION 1124 OF TITLE 53 IS AMENDED TO READ:

17 § 1124. APPLICABILITY OF SUBCHAPTER.

18 THE PROVISIONS OF THIS SUBCHAPTER SHALL CONTROL, IN THE EVENT
19 IT SHALL BE EMPLOYED, NOTWITHSTANDING ANY STATUTORY, CHARTER OR
20 ORDINANCE PROVISION TO THE CONTRARY OR IN CONFLICT WITH THIS
21 SUBCHAPTER.

22 SECTION 4. SECTION 8802 OF TITLE 53 IS AMENDED BY ADDING
23 DEFINITIONS TO READ:

24 § 8802. Definitions.

25 The following words and phrases when used in this chapter
26 shall have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

28 * * *

29 "Manufactured home." A manufactured home as defined in
30 section 603(6) of the National Manufactured Housing Construction

1 and Safety Standards Act of 1974 (Public Law 93-383, 42 U.S.C.
2 5402(6)) or a structure designed and used exclusively for living
3 quarters.

4 "Mobile home." A structure manufactured before 1976,
5 designed and used exclusively for living quarters or commercial
6 purposes, but only incidentally operated on a highway.

7 * * *

8 Section 2 5. Sections 8811(a)(1) and 8821 of Title 53 are <--
9 amended to read:

10 § 8811. Subjects of local taxation.

11 (a) Subjects of taxation enumerated.--Except as provided in
12 subsection (b), all subjects and property made taxable by the
13 laws of this Commonwealth for county, city, borough, town,
14 township and school district purposes shall, as provided in this
15 chapter, be valued and assessed at the annual rates, including
16 all:

17 (1) Real estate, namely:

18 (i) houses;

19 (ii) [house trailers] manufactured homes and mobile
20 homes permanently attached to land or connected with
21 water, gas, electric or sewage facilities;

22 (iii) buildings permanently attached to land or
23 connected with water, gas, electric or sewage facilities;

24 (iv) lands, lots of ground and ground rents, trailer
25 parks and parking lots;

26 (v) mills and manufactories of all kinds, furnaces,
27 forges, bloomeries, distilleries, sugar houses, malt
28 houses, breweries, tan yards, fisheries, ferries and
29 wharves;

30 (vi) all office buildings;

1 (vii) that portion of a steel, lead, aluminum or
2 like melting and continuous casting structure which
3 encloses or provides shelter or protection from the
4 elements for the various machinery, tools, appliances,
5 equipment, materials or products involved in the mill,
6 mine, manufactory or industrial process; and

7 (viii) telecommunication towers that have become
8 affixed to land.

9 * * *

10 § 8821. Assessment of mobile homes and [house trailers]
11 manufactured homes.

12 (a) Duty.--It shall be the duty of the county assessment
13 office to assess all mobile homes and [house trailers]
14 manufactured homes within the county according to the actual
15 value thereof. All mobile homes or [house trailers] manufactured
16 homes which are subject to taxation as real estate as provided
17 in this chapter shall be assessed and taxed in the name of the
18 owner. The land upon which the mobile home or [house trailer]
19 manufactured home is located at the time of assessment shall be
20 assessed separately and shall not include the value of the
21 [house trailer or] mobile home or manufactured home located
22 thereon.

23 (a.1) Value.--In arriving at the actual value of a mobile
24 home or manufactured home, the assessor shall consider:

25 (1) The value placed on the mobile home or manufactured
26 home in a THE MOST RECENT national directory or valuation <--
27 guide prepared by an association that analyzes mobile home or
28 manufactured home sales and other relevant data.

29 (2) Any depreciation in value of the unit.

30 (3) The ability of the mobile home or manufactured home

1 to be readily transported from one site to another.

2 (4) The fair market value of the mobile home or
3 manufactured home, using the approaches to value specified in
4 section 8842(b)(1) (relating to valuation of property),
5 provided, however, that such fair market value shall not
6 include the value of the land upon which the mobile home or
7 manufactured home is located.

8 (5) ANY IMPROVEMENT MADE TO THE MOBILE HOME OR
9 MANUFACTURED HOME.

<--

10 (b) Records.--All [mobile home court operators] manufactured
11 housing community owners, which shall mean every person who
12 leases land to [two] three or more persons for the purpose of
13 allowing the lessees to locate on the land a mobile home or
14 [house trailer] manufactured home which is subject to real
15 property taxation, shall maintain a record of the leases, which
16 shall be open for inspection at reasonable times by the county
17 assessment office. Each month, the [mobile home court operator]
18 manufactured housing community owner shall send a record to the
19 county assessment office of the arrivals and departures of
20 mobile homes or [house trailers] manufactured homes in the
21 [court] community during the prior month, including the make,
22 model, manufacturer, year and serial number of the mobile home
23 or [house trailer] manufactured home.

24 (c) Notice.--Each person in whose name a mobile home or
25 [house trailer] manufactured home is assessed, rated or valued
26 as provided in this chapter shall be notified in writing by the
27 assessor that it shall be unlawful for any person to remove the
28 mobile home or [house trailer] manufactured home from the taxing
29 district without first having obtained removal permits from the
30 local tax collector.

1 (d) Removal permits.--The local tax collector shall issue
2 removal permits upon application and payment of a fee of \$2 and
3 of all taxes levied and assessed on the mobile home or [house
4 trailer] manufactured home to be moved.

5 (e) Penalty.--Any person who moves a mobile home or [house
6 trailer] manufactured home from the territorial limits of the
7 taxing district without first having obtained a removal permit
8 issued under this chapter shall, upon summary conviction, be
9 sentenced to pay a fine of \$100 and costs of prosecution or to
10 imprisonment for not more than 30 days, or both.

11 (f) Characterization of property.--Nothing in this section
12 shall be construed as prohibiting a mobile home or [house
13 trailer] manufactured home upon which a real property tax is
14 levied as provided by law from being deemed tangible personal
15 property for other purposes.

16 SECTION 6. SECTION 304 OF TITLE 57 IS AMENDED BY ADDING A <--
17 SUBSECTION TO READ:

18 § 304. AUTHORITY TO PERFORM NOTARIAL ACT.

19 * * *

20 (C) CERTIFICATION OF TANGIBLE COPIES.--A NOTARIAL OFFICER
21 MAY CERTIFY THAT A TANGIBLE COPY OF AN ELECTRONIC RECORD IS A
22 TRUE AND CORRECT COPY OF THE ELECTRONIC RECORD.

23 SECTION 7. TITLE 57 IS AMENDED BY ADDING A SECTION TO READ:
24 § 314.1. NOTARIAL ACT PERFORMED BY REMOTELY LOCATED INDIVIDUAL.

25 (A) GENERAL RULE.--A REMOTELY LOCATED INDIVIDUAL MAY COMPLY
26 WITH SECTION 306 (RELATING TO PERSONAL APPEARANCE REQUIRED) BY
27 APPEARING BEFORE A NOTARY PUBLIC BY MEANS OF COMMUNICATION
28 TECHNOLOGY.

29 (B) USE OF COMMUNICATION TECHNOLOGY.--A NOTARY PUBLIC
30 LOCATED IN THIS COMMONWEALTH MAY PERFORM A NOTARIAL ACT

1 FACILITATED BY COMMUNICATION TECHNOLOGY FOR A REMOTELY LOCATED
2 INDIVIDUAL IF ALL OF THE FOLLOWING APPLY:

3 (1) THE NOTARY PUBLIC:

4 (I) HAS PERSONAL KNOWLEDGE UNDER SECTION 307(A)
5 (RELATING TO IDENTIFICATION OF INDIVIDUAL) OF THE
6 IDENTITY OF THE INDIVIDUAL;

7 (II) HAS SATISFACTORY EVIDENCE OF THE IDENTITY OF
8 THE REMOTELY LOCATED INDIVIDUAL BY OATH OR AFFIRMATION
9 FROM A CREDIBLE WITNESS APPEARING BEFORE THE NOTARY
10 PUBLIC UNDER SECTION 307(B) (2) OR UNDER THIS SECTION; OR

11 (III) IS ABLE TO REASONABLY IDENTIFY THE INDIVIDUAL
12 BY AT LEAST TWO DIFFERENT TYPES OF IDENTITY PROOFING
13 PROCESSES OR SERVICES.

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

16 (I) IN WHICH THE REMOTELY LOCATED INDIVIDUAL MADE
17 THE STATEMENT; OR

18 (II) ON WHICH THE REMOTELY LOCATED INDIVIDUAL
19 EXECUTED THE SIGNATURE.

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

23 (4) IF THE REMOTELY LOCATED INDIVIDUAL IS LOCATED
24 OUTSIDE THE UNITED STATES, ALL OF THE FOLLOWING APPLY:

25 (I) THE RECORD:

26 (A) IS TO BE FILED WITH OR RELATES TO A MATTER
27 BEFORE A COURT, GOVERNMENTAL ENTITY, PUBLIC OFFICIAL
28 OR OTHER ENTITY UNDER THE JURISDICTION OF THE UNITED
29 STATES; OR

30 (B) INVOLVES:

1 (I) PROPERTY LOCATED IN THE TERRITORIAL
2 JURISDICTION OF THE UNITED STATES; OR

3 (II) A TRANSACTION SUBSTANTIALLY CONNECTED
4 WITH THE UNITED STATES.

5 (II) THE ACT OF MAKING THE STATEMENT OR SIGNING THE
6 RECORD IS NOT PROHIBITED BY THE FOREIGN STATE WHERE THE
7 REMOTELY LOCATED INDIVIDUAL IS LOCATED.

8 (C) NOTARIAL CERTIFICATE.--IF A NOTARIAL ACT IS SUBJECT TO
9 THIS SECTION, THE CERTIFICATE OF NOTARIAL ACT REQUIRED BY
10 SECTION 315 (RELATING TO CERTIFICATE OF NOTARIAL ACT) AND THE
11 SHORT FORM CERTIFICATE UNDER SECTION 316 (RELATING TO SHORT FORM
12 CERTIFICATES) MUST INDICATE THAT THE NOTARIAL ACT WAS PERFORMED
13 BY MEANS OF COMMUNICATION TECHNOLOGY.

14 (D) SUFFICIENCY.--A SHORT FORM CERTIFICATE UNDER SECTION 316
15 FOR A NOTARIAL ACT SUBJECT TO THIS SECTION IS SUFFICIENT IF
16 EITHER OF THE FOLLOWING APPLY:

17 (1) THE SHORT FORM CERTIFICATE IS IN THE FORM PROVIDED
18 BY SECTION 316 AND CONTAINS A STATEMENT SUBSTANTIALLY AS
19 FOLLOWS:

20 "THIS NOTARIAL ACT INVOLVED THE USE OF COMMUNICATION
21 TECHNOLOGY."

22 (2) THE CERTIFICATE COMPLIES WITH THE REGULATIONS
23 PROMULGATED UNDER SUBSECTION (G) (1).

24 (E) AUDIO-VISUAL RECORDING.--THE FOLLOWING APPLY:

25 (1) THIS SUBSECTION APPLIES TO:

26 (I) A NOTARY PUBLIC;

27 (II) A GUARDIAN, A CONSERVATOR OR AN AGENT OF A
28 NOTARY PUBLIC; OR

29 (III) A PERSONAL REPRESENTATIVE OF A DECEASED NOTARY
30 PUBLIC.

1 (2) A PERSON UNDER PARAGRAPH (1) SHALL RETAIN THE AUDIO-
2 VISUAL RECORDING CREATED UNDER SUBSECTION (B) (3) OR CAUSE THE
3 RECORDING TO BE RETAINED BY A REPOSITORY DESIGNATED BY OR ON
4 BEHALF OF THE NOTARY PUBLIC. THE PERSON SHALL RETAIN THE
5 RECORDING:

6 (I) FOR AT LEAST 10 YEARS AFTER THE RECORDING IS
7 CREATED; OR

8 (II) AS OTHERWISE REQUIRED BY THE REGULATIONS
9 PROMULGATED UNDER SUBSECTION (G) (4).

10 (F) NOTIFICATION.--THE FOLLOWING APPLY:

11 (1) BEFORE A NOTARY PUBLIC PERFORMS THE NOTARY PUBLIC'S
12 INITIAL NOTARIAL ACT UNDER THIS SECTION, THE NOTARY PUBLIC
13 MUST NOTIFY THE DEPARTMENT THAT THE NOTARY PUBLIC WILL BE
14 PERFORMING NOTARIAL ACTS FACILITATED BY COMMUNICATION
15 TECHNOLOGY AND IDENTIFY THE TECHNOLOGY.

16 (2) IF THE DEPARTMENT HAS ESTABLISHED STANDARDS FOR
17 APPROVAL OF COMMUNICATION TECHNOLOGY OR IDENTITY PROOFING
18 UNDER SUBSECTION (G) AND SECTION 327 (RELATING TO
19 REGULATIONS), THE COMMUNICATION TECHNOLOGY AND IDENTITY
20 PROOFING MUST CONFORM TO THE STANDARDS.

21 (G) REGULATIONS.--IN ADDITION TO MATTERS LISTED IN SECTION
22 327, THE DEPARTMENT MAY PROMULGATE REGULATIONS REGARDING
23 PERFORMANCE OF A NOTARIAL ACT PERFORMED UNDER THIS SECTION. THE
24 REGULATIONS MAY DO ALL OF THE FOLLOWING:

25 (1) PRESCRIBE THE MEANS OF PERFORMING A NOTARIAL ACT
26 INVOLVING COMMUNICATION TECHNOLOGY TO COMMUNICATE WITH A
27 REMOTELY LOCATED INDIVIDUAL.

28 (2) ESTABLISH STANDARDS FOR COMMUNICATION TECHNOLOGY AND
29 IDENTITY PROOFING. THIS PARAGRAPH INCLUDES THE USE OF
30 CREDENTIAL ANALYSIS, DYNAMIC KNOWLEDGE-BASED AUTHENTICATION,

1 BIOMETRICS AND OTHER MEANS OF IDENTIFICATION.

2 (3) ESTABLISH REQUIREMENTS OR PROCEDURES TO APPROVE
3 PROVIDERS OF COMMUNICATION TECHNOLOGY AND THE PROCESS OF
4 IDENTITY PROOFING.

5 (4) ESTABLISH STANDARDS AND PERIODS FOR THE RETENTION OF
6 AN AUDIO-VISUAL RECORDING CREATED UNDER SUBSECTION (B) (3) OF
7 THE PERFORMANCE OF A NOTARIAL ACT.

8 (H) PROMOTION OF UNIFORMITY.--BEFORE PROMULGATING, AMENDING
9 OR REPEALING REGULATIONS ABOUT THE PERFORMANCE OF A NOTARIAL ACT
10 WITH RESPECT TO A REMOTELY LOCATED INDIVIDUAL, THE DEPARTMENT
11 SHALL CONSIDER, IF CONSISTENT WITH THIS CHAPTER, ALL OF THE
12 FOLLOWING:

13 (1) THE MOST RECENT STANDARDS REGARDING THE PERFORMANCE
14 OF A NOTARIAL ACT WITH RESPECT TO REMOTELY LOCATED
15 INDIVIDUALS PROMULGATED BY A NATIONAL STANDARD-SETTING
16 ORGANIZATION. THIS PARAGRAPH INCLUDES THE NATIONAL
17 ASSOCIATION OF SECRETARIES OF STATE.

18 (2) STANDARDS, PRACTICES AND CUSTOMS OF OTHER
19 JURISDICTIONS THAT ENACT A STATUTORY PROVISION SUBSTANTIALLY
20 SIMILAR TO THIS SECTION.

21 (3) THE VIEWS OF GOVERNMENTAL OFFICIALS AND ENTITIES AND
22 OTHER INTERESTED PERSONS.

23 (I) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
24 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
25 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

26 "COMMUNICATION TECHNOLOGY." AN ELECTRONIC DEVICE OR PROCESS
27 THAT:

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

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

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

6 "IDENTITY PROOFING." A PROCESS OR SERVICE BY WHICH A THIRD
7 PERSON PROVIDES A NOTARY PUBLIC WITH A MEANS TO VERIFY THE
8 IDENTITY OF A REMOTELY LOCATED INDIVIDUAL BY A REVIEW OF
9 PERSONAL INFORMATION FROM PUBLIC OR PRIVATE DATA SOURCES.

10 "OUTSIDE THE UNITED STATES." A LOCATION OUTSIDE THE
11 GEOGRAPHIC BOUNDARIES OF:

12 (1) THE UNITED STATES;

13 (2) PUERTO RICO;

14 (3) THE VIRGIN ISLANDS; AND

15 (4) ANY TERRITORY, INSULAR POSSESSION OR OTHER LOCATION
16 SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

17 "REMOTELY LOCATED INDIVIDUAL." AN INDIVIDUAL WHO IS NOT IN
18 THE PHYSICAL PRESENCE OF THE NOTARY PUBLIC PERFORMING A NOTARIAL
19 ACT UNDER SUBSECTION (B).

20 SECTION 8. SECTION 320 OF TITLE 57 IS AMENDED BY ADDING A
21 SUBSECTION TO READ:

22 § 320. NOTIFICATION REGARDING PERFORMANCE OF NOTARIAL ACT ON
23 ELECTRONIC RECORD; SELECTION OF TECHNOLOGY.

24 * * *

25 (C) CERTIFICATION OF TANGIBLE COPIES.--A RECORDER OF DEEDS
26 MAY ACCEPT FOR RECORDING A TANGIBLE COPY OF AN ELECTRONIC RECORD
27 CONTAINING A NOTARIAL CERTIFICATE AS SATISFYING ANY REQUIREMENT
28 THAT THE RECORD BE AN ORIGINAL, IF THE NOTARIAL OFFICER
29 EXECUTING THE NOTARIAL CERTIFICATE CERTIFIES THAT THE TANGIBLE
30 COPY IS AN ACCURATE COPY OF THE ELECTRONIC RECORD.

1 ~~Section 3. This act shall take effect January 1 of the year~~ <--
2 ~~following the date of enactment.~~

3 SECTION 9. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <--

4 (1) THE AMENDMENT OF SECTIONS 8802, 8811(A)(1) AND 8821
5 OF TITLE 53 SHALL TAKE EFFECT JANUARY 1 OF THE YEAR FOLLOWING
6 THE DATE OF ENACTMENT.

7 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
8 IMMEDIATELY.