

**AMENDMENT TO REVISED UNIFORM LAW ON  
NOTARIAL ACTS\***

Drafted by the

NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

and by it

APPROVED AND RECOMMENDED FOR ENACTMENT  
IN ALL THE STATES

at its

ANNUAL CONFERENCE  
MEETING IN ITS ONE-HUNDRED-AND-TWENTY-FIFTH YEAR  
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WITHOUT PREFATORY NOTE AND COMMENTS

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By

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ON UNIFORM STATE LAWS

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**AMENDMENT TO REVISED UNIFORM LAW ON NOTARIAL ACTS**  
**[SECTION 14A. INDIVIDUAL LOCATED OUTSIDE UNITED STATES.**

(a) In this section:

(1) “Communication technology” means an electronic device or process that allows an individual located outside the United States and a notary public located in this state to communicate with each other simultaneously by sight and sound.

(2) “Identity proofing” means a process or service through which a third person provides a notary public with a reasonable means to verify the identity of an individual through a review of personal information from public or proprietary data sources.

(3) “Outside the United States” means a location outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

(b) A notary public in this state may perform by means of communication technology a notarial act relating to a statement made in or signature executed on a record by an individual located outside the United States if:

(1) the notary public has personal knowledge of the identity of the individual under Section 7(a) or has satisfactory evidence of the identity of the individual making the statement or signing the record under subsection (d);

(2) the record:

(A) is part of or pertains to a matter that is to be filed with or is before a court, governmental entity, or other entity located in the territorial jurisdiction of the United States; or

(B) involves property located in the territorial jurisdiction of the United

States, or a transaction substantially connected with the United States;

(3) the notary public is reasonably able, by use of tamper-evident technology or personal acknowledgement of the individual, to identify the record before the notary public as the same record on which the individual made the statement or executed the signature; and

(4) the act of making the statement or signing the record is not prohibited by the foreign state, as defined in Section 14(a), in which the individual is located.

(c) If a notarial act relates to a statement made in or a signature executed on a record by an individual located outside the United States, the individual may comply with Section 6 by appearing before the notary public by means of communication technology.

(d) In addition to the methods required by Section 7(a) for the identification of an individual, a notary public has satisfactory evidence of the identity of an individual appearing before the notary public by means of communication technology if the notary public can reasonably identify the individual by means of identity proofing.

(e) Without limiting the authority of a notary public under Section 8 to refuse to perform a notarial act, a notary public may refuse to perform a notarial act under this section if the notary public is not satisfied that the individual is located outside the United States.

(f) If a notarial act involves a statement made in or a signature executed on a record by an individual by means of communication technology, the certificate of notarial act required by Section 15 must indicate that the individual making the statement or signing the record declared to the notary public that the individual was located outside the United States at the time the notarial act was performed.

(g) If a notarial act involves the use of communication technology, the notary public shall retain a video and audio copy of the performance of the notarial act.

(h) The following short-form certificates of notarial acts performed with regard to an individual located outside the United States are sufficient for the purposes indicated, if completed with the information required by subsection (f) and Section 15(a) and (b):

(1) For a verification on oath or affirmation by an individual located outside the United States:

[State] of \_\_\_\_\_

[County] of \_\_\_\_\_

Signed and sworn to (or affirmed) before me by use of communication technology on

\_\_\_\_\_ by \_\_\_\_\_, who declared that (he)(she)(they) (is)(are) located  
Date Name(s) of individual(s)

in \_\_\_\_\_ and that this record is part of or pertains to a matter that is to be filed with or is before a court, governmental entity, or other entity located in the United States or involves property located in, or a transaction substantially connected with, the United States.

\_\_\_\_\_  
Signature of notary public

Stamp

[\_\_\_\_\_] Title of office

[My commission expires: \_\_\_\_\_]

(2) For an acknowledgment in an individual capacity by an individual located outside the United States:

[State] of \_\_\_\_\_

[County] of \_\_\_\_\_

This record was acknowledged before me by use of communication technology on

\_\_\_\_\_ by \_\_\_\_\_, who declared that (he)(she)(they) (is)(are) located  
Date Name(s) of individual(s)

in \_\_\_\_\_ and that this record is part of or pertains to a matter that is to be  
filed with or is before a court, governmental entity, or other entity located in the United States or  
involves property located in, or a transaction substantially connected with, the United States.

\_\_\_\_\_  
Signature of notary public

Stamp

[ \_\_\_\_\_ ]  
Title of office

[My commission expires: \_\_\_\_\_]

(3) For an acknowledgment in a representative capacity by an individual located  
outside the United States:

[State] of \_\_\_\_\_

[County] of \_\_\_\_\_

This record was acknowledged before me by use of communication technology on

\_\_\_\_\_ by \_\_\_\_\_ as (type of authority, such as officer or trustee) of (name  
Date Name(s) of individual(s)

of party on behalf of whom record was executed), who declared that (he)(she)(they) (is)(are)  
located in \_\_\_\_\_ and that this record is part of or pertains to a matter that is  
to be filed with or is before a court, governmental entity, or other entity located in the United  
States, or involves property located in, or a transaction substantially connected with, the United  
States.

\_\_\_\_\_  
Signature of notary public

Stamp

[\_\_\_\_\_]

Title of office

[My commission expires: \_\_\_\_\_]

(4) For witnessing or attesting a signature by an individual located outside the

United States:

[State] of \_\_\_\_\_

[County] of \_\_\_\_\_

Signed [or attested] before me by use of communication technology on

\_\_\_\_\_ by \_\_\_\_\_, who declared that (he)(she)(they) (is)(are) located  
Date Name(s) of individual(s)

in \_\_\_\_\_ and that this record is part of or pertains to a matter that is to be  
filed with or is before a court, a governmental entity, or other entity located in the United States,  
or involves property located in, or a transaction substantially connected with, the United States.

\_\_\_\_\_  
Signature of notary public

Stamp

[\_\_\_\_\_]

Title of office

[My commission expires: \_\_\_\_\_]

(i) Before a notary public performs the notary public’s initial notarial act under this section, a notary public must notify the [commissioning officer or agency] that the notary public will be performing notarial acts by communication technology and identify the communication technology and any third person that the notary public intends to rely on for identity proofing. If the [commissioning officer or agency] has established standards for approval of communication

technology under subsection (j) and Section 27, the communication technology must conform to the standards. If the communication technology conforms to the standards, the [commissioning officer or agency] shall approve the use of the communication technology.

(j) The [commissioning officer or agency] may adopt rules regarding the performance of a notarial act with respect to an individual located outside the United States. The rules may:

(1) prescribe the means of performing a notarial act involving communication technology to communicate with an individual located outside the United States;

(2) establish standards for the approval of communication technology;

(3) approve providers of third-person identity verification and the process of identity proofing; and

(4) establish standards for the retention of a video and audio copy of the performance of notarial acts under this act.]