



## **Provisions under Act 15 of 2020 regarding remote notarization of documents**

On April 20, 2020, Act 15 ([Senate Bill 841](#)) was signed into law. While providing various types of relief related to COVID-19, Act 15 also permits remote notarization of all documents. This is effective immediately and expires 60 days after termination or expiration of the COVID-19 disaster emergency.

Because Pennsylvania law requires that notarial acts be conducted in the physical presence of a notary, it became difficult to perform these notarial acts during the COVID-19 pandemic. Act 15 addresses this difficulty. Remote notarization is when personal appearance before a notary public is made via audio-visual technology. Thus, remote notarization allows notaries to perform their duties for persons who are not in the same physical location with them by using electronic communication technology.

There are several requirements that must be met by notaries prior to providing notarial services for individuals not in their physical presence.

1. Notification to the Department of State
  - The notary must provide notice to the Pennsylvania Department of State, via an online form on their website: (1) that the notary will be conducting remote notarizations; and (2) designate the communication and identity-proofing technology the notary intends to use.
2. Use of Approved Communication Technology
  - The technology that is used must meet several requirements:
    - (1) It must enable a notary public located in Pennsylvania to communicate with a remotely located person simultaneously by sight and sound. Reasonable accommodations must be made for persons with vision, hearing or speech impairments.
    - (2) It must enable the notary public to determine the identity of remotely located person based on either: (a) the notary public's personal knowledge; (b) the testimony of a credible witness; or (c) by using at least two identity-proofing technologies or services.<sup>1</sup>
    - (3) It must enable the notary public to reasonably identify a record before the notary public as the same record in which the remotely located individual made the statement or on which the remotely located individual executed the signature.

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<sup>1</sup> "Identity proofing technologies or services" include identifying the individual via biometric identification technology or analysis of identification cards or even having the remotely located person answer questions that only that person would be able to answer correctly.

- (4) It must create an audio-visual recording of the notarization which includes all interactions between the notary public and the remotely located person. This recording must be retained by the notary public for 10 years.
  - The Pennsylvania Department of State maintains a list of approved technology vendors. Currently, Skype, Zoom and FaceTime alone are NOT acceptable remote notarization technologies.
3. Modified Notarial Certificate
- The following statement must be added to the notarial certification, “This notarial act involved the use of communication technology.”
4. Location of Notary and Remotely Located Person
- The notary public must be in Pennsylvania at the time of the notarial act. The notarial certificate must reflect the county where the notary is physically located at the time of the notarial act.
  - The remotely located person may be in Pennsylvania, another state, U.S. territory or foreign country.

The Pennsylvania Department of State sets forth the complete process for becoming a remote notary in “Steps to Becoming an Electronic/Remote Notary in Pennsylvania”  
<https://www.dos.pa.gov/OtherServices/Notaries/NotaryServices/Documents/Update/E-Notary%20Simplified%20Steps%20to%20Becoming%20an%20Electronic%20Notary%20Public%20revised%203-2020.pdf>