

Summary for SB 2645 - An Act providing for virtual notarization to address challenges related to COVID-19

- Authorizes a notary public to perform an acknowledgement, affirmation or other notarial using electronic video conferencing in real time; requires the notary public to observe execution of the document, for all parties to be present in the commonwealth, and for principal parties to provide evidence of identity, including real time display during the video conference and sending of a copy; requires the notary to retain the copy for 10 years;
- Additionally requires each principal party to make the acknowledgement, affirmation or other act to the notary public, to swear or affirm their presence in the commonwealth, to disclose the presence of a third party and to deliver the executed document to the notary;
- Mandates a second video conference to confirm the document if it part of a mortgage closing.
- Requires the notary stamp and signature to include a recital that the document was notarized remotely;
- Directs notaries to execute an affidavit under the penalties of perjury that he or she has received identification, received a principal's verbal assent to any recordings, affirmed a principal's physical presence in the commonwealth and was notified of any third party.
- Designates wills, nominations of guardians or conservators, caregiver authorization affidavits, trusts, durable powers of attorney, health care proxies or HIPAA authorizations as complete upon compilation of all original counterparts and the notary public affidavit.
- Designates documents notarized remotely as properly executed, acknowledged and notarized document for all legal purposes, including recording with the registry of deeds or recording of a will; additionally validates the signature of any witness participating in the video.
- Prohibits any impact on any law or regulation governing, authorizing or prohibiting the practice of law, including those requiring notary attorneys or paralegals under the supervision of attorneys to engage in certain notarial acts.
- Repeals all authorization for remote notarial acts effective 3 business days after the termination of the March 10, 2020 COVID-19 state of emergency.