



General Assembly

February Session, 2020

**Raised Bill No. 5325**

LCO No. 2195



Referred to Committee on COMMERCE

Introduced by:

(CE)

**AN ACT ADOPTING THE REVISED UNIFORM LAW ON NOTARIAL ACTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2020*) Sections 1 to 32, inclusive,  
2 of this act may be cited as the "Revised Uniform Law on Notarial Acts  
3 (2018)".

4 Sec. 2. (NEW) (*Effective October 1, 2020*) As used in sections 1 to 32,  
5 inclusive, of this act:

6 (1) "Acknowledgment" means a declaration by an individual before a  
7 notarial officer that the individual has signed a record for the purpose  
8 stated in the record and, if the record is signed in a representative  
9 capacity, that the individual signed the record with proper authority  
10 and signed it as the act of the individual or entity identified in the  
11 record.

12 (2) "Electronic" means relating to technology having electrical, digital,  
13 magnetic, wireless, optical, electromagnetic or similar capabilities.

14 (3) "Electronic signature" means an electronic symbol, sound or  
15 process attached to or logically associated with a record and executed  
16 or adopted by an individual with the intent to sign the record.

17 (4) "In a representative capacity" means acting as:

18 (A) An authorized officer, agent, partner, trustee or other  
19 representative for a person other than an individual;

20 (B) A public officer, personal representative, guardian or other  
21 representative, in the capacity stated in a record;

22 (C) An agent or attorney-in-fact for a principal; or

23 (D) An authorized representative of another in any other capacity.

24 (5) "Notarial act" means an act, whether performed with respect to a  
25 tangible or electronic record, that a notarial officer may perform under  
26 the law of this state. "Notarial Act" includes taking an acknowledgment,  
27 administering an oath or affirmation, taking a verification on oath or  
28 affirmation, witnessing or attesting a signature, certifying or attesting a  
29 copy and noting a protest of a negotiable instrument.

30 (6) "Notarial officer" means a notary public or other individual  
31 authorized to perform a notarial act.

32 (7) "Notary public" means an individual appointed to perform a  
33 notarial act by the Secretary of the State.

34 (8) "Official stamp" means a physical image affixed to or embossed  
35 on a tangible record or an electronic image attached to or logically  
36 associated with an electronic record.

37 (9) "Person" means an individual, corporation, business trust,  
38 statutory trust, estate, trust, partnership, limited liability company,  
39 association, joint venture, public corporation, government or  
40 governmental subdivision, agency or instrumentality or any other legal  
41 or commercial entity.

42 (10) "Record" means information that is inscribed on a tangible  
43 medium or that is stored in an electronic or other medium and is  
44 retrievable in perceivable form.

45 (11) "Sign" means, with present intent to authenticate or adopt a  
46 record:

47 (A) To execute or adopt a tangible symbol; or

48 (B) To attach to or logically associate with the record an electronic  
49 symbol, sound or process.

50 (12) "Signature" means a tangible symbol or an electronic signature  
51 that evidences the signing of a record.

52 (13) "Stamping device" means:

53 (A) A physical device capable of affixing to or embossing on a  
54 tangible record an official stamp; or

55 (B) An electronic device or process capable of attaching to or logically  
56 associating with an electronic record an official stamp.

57 (14) "State" means a state of the United States, the District of  
58 Columbia, Puerto Rico, the United States Virgin Islands or any territory  
59 or insular possession subject to the jurisdiction of the United States.

60 (15) "Verification on oath or affirmation" means a declaration, made  
61 by an individual on oath or affirmation before a notarial officer, that a  
62 statement in a record is true.

63 Sec. 3. (NEW) (*Effective October 1, 2020*) Sections 1 to 32, inclusive, of  
64 this act apply to a notarial act performed on or after October 1, 2020.

65 Sec. 4. (NEW) (*Effective October 1, 2020*) (a) A notarial officer may  
66 perform a notarial act authorized by sections 1 to 32, inclusive, of this  
67 act or by any other provision of the general statutes.

68 (b) A notarial officer may not perform a notarial act with respect to a

69 record to which the officer or the officer's spouse is a party or in which  
70 either of them has a direct beneficial interest. A notarial act performed  
71 in violation of this subsection is voidable.

72 (c) A notarial officer may certify that a tangible copy of an electronic  
73 record is an accurate copy of the electronic record.

74 Sec. 5. (NEW) (*Effective October 1, 2020*) (a) A notarial officer who  
75 takes an acknowledgment of a record shall determine, from personal  
76 knowledge or satisfactory evidence of the identity of the individual, that  
77 the individual appearing before the officer and making the  
78 acknowledgment has the identity claimed and that the signature on the  
79 record is the signature of the individual.

80 (b) A notarial officer who takes a verification of a statement on oath  
81 or affirmation shall determine, from personal knowledge or satisfactory  
82 evidence of the identity of the individual, that the individual appearing  
83 before the officer and making the verification has the identity claimed  
84 and that the signature on the statement verified is the signature of the  
85 individual.

86 (c) A notarial officer who witnesses or attests to a signature shall  
87 determine, from personal knowledge or satisfactory evidence of the  
88 identity of the individual, that the individual appearing before the  
89 officer and signing the record has the identity claimed.

90 (d) A notarial officer who certifies or attests a copy of a record or an  
91 item that was copied shall determine that the copy is a full, true and  
92 accurate transcription or reproduction of the record or item.

93 (e) A notarial officer who makes or notes a protest of a negotiable  
94 instrument shall determine the matters set forth in subsection (b) of  
95 section 42a-3-505 of the general statutes.

96 Sec. 6. (NEW) (*Effective October 1, 2020*) Except as provided in section  
97 15 of this act, if a notarial act relates to a statement made in or a signature  
98 executed on a record, the individual making the statement or executing

99 the signature shall appear personally before the notarial officer.

100 Sec. 7. (NEW) (*Effective October 1, 2020*) (a) A notarial officer has  
101 personal knowledge of the identity of an individual appearing before  
102 the officer if the individual is personally known to the officer through  
103 dealings sufficient to provide reasonable certainty that the individual  
104 has the identity claimed.

105 (b) A notarial officer has satisfactory evidence of the identity of an  
106 individual appearing before the officer if the officer can identify the  
107 individual:

108 (1) By means of: (A) A passport, driver's license or government-  
109 issued nondriver identification card that is current or expired not more  
110 than three years before performance of the notarial act; or

111 (B) Another form of government identification issued to an  
112 individual that is current or expired not more than three years before  
113 performance of the notarial act, contains the signature or a photograph  
114 of the individual and is satisfactory to the officer; or

115 (2) By a verification on oath or affirmation of a credible witness  
116 personally appearing before the notarial officer and known to such  
117 officer or whom such officer can identify on the basis of a passport,  
118 driver's license or government-issued nondriver identification card that  
119 is current or expired not more than three years before performance of  
120 the notarial act.

121 (c) A notarial officer may require an individual to provide additional  
122 information or identification credentials necessary to assure the officer  
123 of the identity of the individual.

124 Sec. 8. (NEW) (*Effective October 1, 2020*) (a) A notarial officer may  
125 refuse to perform a notarial act if the officer is not satisfied that:

126 (1) The individual executing the record is competent or has the  
127 capacity to execute the record; or

128 (2) The individual's signature is knowingly and voluntarily made.

129 (b) A notarial officer may refuse to perform a notarial act unless  
130 refusal is prohibited by any other provision of the general statutes.

131 Sec. 9. (NEW) (*Effective October 1, 2020*) If an individual is physically  
132 unable to sign a record, the individual may direct an individual other  
133 than the notarial officer to sign the individual's name on the record. The  
134 notarial officer shall insert the phrase "Signature affixed by (name of  
135 other individual) at the direction of (name of individual)" or words of  
136 similar import.

137 Sec. 10. (NEW) (*Effective October 1, 2020*) (a) A notarial act may be  
138 performed in this state by:

139 (1) A notary public of this state;

140 (2) A judge, clerk or deputy clerk of the Superior Court or a Probate  
141 Court of this state or a family support magistrate;

142 (3) An individual licensed to practice law in this state;

143 (4) A town clerk;

144 (5) A justice of the peace; or

145 (6) Any other individual authorized to perform the specific act by the  
146 law of this state.

147 (b) The signature and title of an individual performing a notarial act  
148 in this state are prima facie evidence that the signature is genuine and  
149 that the individual holds the designated title.

150 (c) The signature and title of a notarial officer described in  
151 subdivisions (1), (2) and (3) of subsection (a) of this section conclusively  
152 establish the authority of the officer to perform the notarial act.

153 Sec. 11. (NEW) (*Effective October 1, 2020*) (a) A notarial act performed  
154 in another state has the same effect under the law of this state as if

155 performed by a notarial officer of this state, if the act performed in that  
156 state is performed by:

157 (1) A notary public of that state;

158 (2) A judge, clerk or deputy clerk of a court of that state; or

159 (3) Any other individual authorized by the law of that state to  
160 perform the notarial act.

161 (b) The signature and title of an individual performing a notarial act  
162 in another state are prima facie evidence that the signature is genuine  
163 and that the individual holds the designated title.

164 (c) The signature and title of a notarial officer described in  
165 subdivision (1) or (2) of subsection (a) of this section conclusively  
166 establish the authority of the officer to perform the notarial act.

167 Sec. 12. (NEW) (*Effective October 1, 2020*) (a) A notarial act performed  
168 under the authority and in the jurisdiction of a federally recognized  
169 Indian tribe has the same effect as if performed by a notarial officer of  
170 this state if the act performed in the jurisdiction of the tribe is performed  
171 by:

172 (1) A notary public of the tribe;

173 (2) A judge, clerk or deputy clerk of a court of the tribe; or

174 (3) Any other individual authorized by the law of the tribe to perform  
175 the notarial act.

176 (b) The signature and title of an individual performing a notarial act  
177 under the authority of and in the jurisdiction of a federally recognized  
178 Indian tribe are prima facie evidence that the signature is genuine and  
179 that the individual holds the designated title.

180 (c) The signature and title of a notarial officer described in  
181 subdivision (1) or (2) of subsection (a) of this section conclusively  
182 establish the authority of the officer to perform the notarial act.

183       Sec. 13. (NEW) (*Effective October 1, 2020*) (a) A notarial act performed  
184 under federal law has the same effect under the law of this state as if  
185 performed by a notarial officer of this state if the act performed under  
186 federal law is performed by:

187       (1) A judge, clerk or deputy clerk of a court;

188       (2) An individual in military service or performing duties under the  
189 authority of military service who is authorized to perform notarial acts  
190 under federal law;

191       (3) An individual designated a notarizing officer by the United States  
192 Department of State for performing notarial acts overseas; or

193       (4) Any other individual authorized by federal law to perform the  
194 notarial act.

195       (b) The signature and title of an individual acting under federal  
196 authority and performing a notarial act are prima facie evidence that the  
197 signature is genuine and that the individual holds the designated title.

198       (c) The signature and title of an officer described in subdivision (1),  
199 (2) or (3) of subsection (a) of this section conclusively establish the  
200 authority of the officer to perform the notarial act.

201       Sec. 14. (NEW) (*Effective October 1, 2020*) (a) In this section, "foreign  
202 state" means a government other than the United States, a state or a  
203 federally recognized Indian tribe.

204       (b) If a notarial act is performed under authority and in the  
205 jurisdiction of a foreign state or constituent unit of the foreign state or is  
206 performed under the authority of a multinational or international  
207 governmental organization, the act has the same effect under the law of  
208 this state as if performed by a notarial officer of this state.

209       (c) If the title of office and indication of authority to perform notarial  
210 acts in a foreign state appears in a digest of foreign law or in a list  
211 customarily used as a source for that information, the authority of an



212 officer with that title to perform notarial acts is conclusively established.

213 (d) The signature and official stamp of an individual holding an office  
214 described in subsection (c) of this section are prima facie evidence that  
215 the signature is genuine and the individual holds the designated title.

216 (e) An apostille in the form prescribed by the Hague Convention of  
217 October 5, 1961, and issued by a foreign state party to the Convention  
218 conclusively establishes that the signature of the notarial officer is  
219 genuine and that the officer holds the indicated office.

220 (f) A consular authentication issued by an individual designated by  
221 the United States Department of State as a notarizing officer for  
222 performing notarial acts overseas and attached to the record with  
223 respect to which the notarial act is performed conclusively establishes  
224 that the signature of the notarial officer is genuine and that the officer  
225 holds the indicated office.

226 Sec. 15. (NEW) (*Effective October 1, 2020*) (a) As used in this section:

227 (1) "Communication technology" means an electronic device or  
228 process that:

229 (A) Allows a notary public and a remotely located individual to  
230 communicate with each other simultaneously by sight and sound; and

231 (B) When necessary and consistent with other applicable law,  
232 facilitates communication with a remotely located individual who has a  
233 vision, hearing or speech impairment.

234 (2) "Foreign state" means a jurisdiction other than the United States,  
235 a state or a federally recognized Indian tribe.

236 (3) "Identity proofing" means a process or service by which a third  
237 person provides a notary public with a means to verify the identity of a  
238 remotely located individual by a review of personal information from  
239 public or private data sources.

240 (4) "Outside the United States" means a location outside the  
241 geographic boundaries of the United States, Puerto Rico, the United  
242 States Virgin Islands and any territory, insular possession or other  
243 location subject to the jurisdiction of the United States.

244 (5) "Remotely located individual" means an individual who is not in  
245 the physical presence of the notary public who performs a notarial act  
246 under subsection (c) of this section.

247 (b) A remotely located individual may comply with section 6 of this  
248 act by using communication technology to appear before a notary  
249 public.

250 (c) A notary public located in this state may perform a notarial act  
251 using communication technology for a remotely located individual if:

252 (1) The notary public:

253 (A) Has personal knowledge under subsection (a) of section 7 of this  
254 act of the identity of the individual;

255 (B) Has satisfactory evidence of the identity of the remotely located  
256 individual by oath or affirmation from a credible witness appearing  
257 before the notary public under subsection (b) of section 7 of this act or  
258 this section; or

259 (C) Has obtained satisfactory evidence of the identity of the remotely  
260 located individual by using at least two different types of identity  
261 proofing;

262 (2) The notary public is reasonably able to confirm that a record  
263 before the notary public is the same record in which the remotely  
264 located individual made a statement or on which the individual  
265 executed a signature;

266 (3) The notary public, or a person acting on behalf of the notary  
267 public, creates an audio-visual recording of the performance of the  
268 notarial act; and

269 (4) For a remotely located individual located outside the United  
270 States:

271 (A) The record:

272 (i) Is to be filed with or relates to a matter before a public official or  
273 court, governmental entity or other entity subject to the jurisdiction of  
274 the United States; or

275 (ii) Involves property located in the territorial jurisdiction of the  
276 United States or involves a transaction substantially connected with the  
277 United States; and

278 (B) The act of making the statement or signing the record is not  
279 prohibited by the foreign state in which the remotely located individual  
280 is located.

281 (d) If a notarial act is performed under this section, the certificate of  
282 notarial act required by section 16 of this act and the short-form  
283 certificate provided in section 17 of this act shall indicate that the  
284 notarial act was performed using communication technology.

285 (e) A short-form certificate provided in section 17 of this act for a  
286 notarial act subject to this section is sufficient if it:

287 (1) Complies with regulations adopted under subdivision (1) of  
288 subsection (h) of this section; or

289 (2) Is in the form provided in section 17 of this act and contains a  
290 statement substantially as follows: "This notarial act involved the use of  
291 communication technology."

292 (f) A notary public, a guardian, conservator or agent of a notary  
293 public or a personal representative of a deceased notary public shall  
294 retain the audio-visual recording created under subdivision (3) of  
295 subsection (c) of this section or cause the recording to be retained by a  
296 repository designated by or on behalf of the person required to retain  
297 the recording. Unless a different period is required by regulation

298 adopted under subdivision (4) of subsection (h) of this section, the  
299 recording shall be retained for a period of at least ten years after the  
300 recording is made.

301 (g) Before a notary public performs the notary public's initial notarial  
302 act under this section, the notary public shall notify the Secretary of the  
303 State that the notary public will be performing notarial acts with respect  
304 to remotely located individuals and identify the technologies the notary  
305 public intends to use. If the Secretary of the State has established  
306 standards under subsection (h) of this section and section 27 of this act  
307 for approval of communication technology or identity proofing, the  
308 communication technology and identity proofing shall conform to the  
309 standards.

310 (h) In addition to adopting regulations under section 27 of this act,  
311 the Secretary of the State may adopt regulations, in accordance with  
312 chapter 54 of the general statutes, under this section regarding  
313 performance of a notarial act. The regulations may:

314 (1) Prescribe the means of performing a notarial act involving a  
315 remotely located individual using communication technology;

316 (2) Establish standards for communication technology and identity  
317 proofing;

318 (3) Establish requirements or procedures to approve providers of  
319 communication technology and the process of identity proofing; and

320 (4) Establish standards and a period for the retention of an audio-  
321 visual recording created under subdivision (3) of subsection (c) of this  
322 section.

323 (i) Before adopting, amending or repealing a regulation governing  
324 performance of a notarial act with respect to a remotely located  
325 individual, the Secretary of the State shall consider:

326 (1) The most recent standards regarding the performance of a notarial  
327 act with respect to a remotely located individual promulgated by

328 national standard-setting organizations and the recommendations of  
329 the National Association of Secretaries of State;

330 (2) Standards, practices and customs of other jurisdictions that have  
331 laws substantially similar to this section; and

332 (3) The views of governmental officials and entities and other  
333 interested persons.

334 (j) By allowing its communication technology or identity proofing to  
335 facilitate a notarial act for a remotely located individual or by providing  
336 storage of the audio-visual recording created under subdivision (3) of  
337 subsection (c) of this section, the provider of the communication  
338 technology, identity proofing or storage appoints the Secretary of the  
339 State as the provider's agent for service of process in any civil action in  
340 this state related to the notarial act.

341 Sec. 16. (NEW) (*Effective October 1, 2020*) (a) A notarial act shall be  
342 evidenced by a certificate that shall:

343 (1) Be executed contemporaneously with the performance of the  
344 notarial act;

345 (2) Be signed and dated by the notarial officer and, if the notarial  
346 officer is a notary public, be signed in the same manner as on file with  
347 the Secretary of the State;

348 (3) Identify the jurisdiction in which the notarial act is performed;

349 (4) Contain the title of office of the notarial officer; and

350 (5) If the notarial officer is a notary public, indicate the date of  
351 expiration, if any, of the officer's appointment.

352 (b) If a notarial act regarding a tangible record is performed by a  
353 notary public, an official stamp shall be affixed to or embossed on the  
354 certificate. If a notarial act is performed regarding a tangible record by  
355 a notarial officer other than a notary public and the certificate contains

356 the information specified in subdivisions (2) to (4), inclusive, of  
357 subsection (a) of this section, an official stamp may be affixed to or  
358 embossed on the certificate. If a notarial act regarding an electronic  
359 record is performed by a notarial officer and the certificate contains the  
360 information specified in subdivisions (2) to (4), inclusive, of subsection  
361 (a) of this section, an official stamp may be attached to or logically  
362 associated with the certificate.

363 (c) A certificate of a notarial act is sufficient if it meets the  
364 requirements of subsections (a) and (b) of this section and:

365 (1) Is in a short form set forth in section 17 of this act;

366 (2) Is in a form otherwise permitted by the law of this state;

367 (3) Is in a form permitted by the law applicable in the jurisdiction in  
368 which the notarial act was performed; or

369 (4) Sets forth the actions of the notarial officer and the actions are  
370 sufficient to meet the requirements of the notarial act as provided in  
371 sections 5 to 7, inclusive, of this act or any other provision of the general  
372 statutes.

373 (d) By executing a certificate of a notarial act, a notarial officer  
374 certifies that the officer has complied with the requirements and made  
375 the determinations specified in sections 4 to 6, inclusive, of this act.

376 (e) A notarial officer may not affix the officer's signature to, or  
377 logically associate it with, a certificate until the notarial act has been  
378 performed.

379 (f) If a notarial act is performed regarding a tangible record, a  
380 certificate shall be part of, or securely attached to, the record. If a notarial  
381 act is performed regarding an electronic record, the certificate shall be  
382 affixed to, or logically associated with, the electronic record. If the  
383 Secretary of the State has established standards pursuant to section 27  
384 of this act for attaching, affixing or logically associating the certificate,  
385 the process shall conform to such standards.

386 Sec. 17. (NEW) (Effective October 1, 2020) The following short-form  
387 certificates of notarial acts are sufficient for the purposes indicated, if  
388 completed with the information required by subsections (a) and (b) of  
389 section 16 of this act:

390 (1) For an acknowledgment in an individual capacity:

391 State of ....

392 County of ....

393 This record was acknowledged before me on \_\_\_\_ by \_\_\_\_\_

394 Date Name(s) of individual(s)

395 \_\_\_\_\_

396 Signature of notarial officer

397 Stamp

398 \_\_\_\_\_

399 Title of office

400 My appointment expires: \_\_\_\_\_

401 (2) For an acknowledgment in a representative capacity:

402 State of ....

403 County of ....

404 This record was acknowledged before me on \_\_\_\_ by \_\_\_\_\_

405 Date Name(s) of individual(s)

406 as (type of authority, such as officer or trustee) of (name of party on  
407 behalf of whom record was executed).

408 \_\_\_\_\_

409 Signature of notarial officer

410 Stamp

411 \_\_\_\_\_

412 Title of office

413 My appointment expires: \_\_\_\_\_

414 (3) For a verification on oath or affirmation:

415 State of ....

416 County of ....

417 Signed and sworn to (or affirmed) before me on \_\_\_\_ by

418 \_\_\_\_\_

419 Date Name(s) of individual(s) making statement

420 \_\_\_\_\_

421 Signature of notarial officer

422 Stamp

423 \_\_\_\_\_

424 Title of office

425 My appointment expires: \_\_\_\_\_

426 (4) For witnessing or attesting a signature:

427 State of ....

428 County of ....

429 Signed (or attested) before me on \_\_\_\_\_ by \_\_\_\_\_

430 \_\_\_\_\_ Date Name(s) of individual(s)



431 \_\_\_\_\_

432 Signature of notarial officer

433 Stamp

434 \_\_\_\_\_

435 Title of office

436 My appointment expires: \_\_\_\_\_

437 (5) For certifying a copy of a record:

438 State of ....

439 County of ....

440 I certify that this is a true and correct copy of a record in the possession  
441 of \_\_\_\_\_.

442 Dated \_\_\_\_\_

443 \_\_\_\_\_

444 Signature of notarial officer

445 Stamp

446 \_\_\_\_\_

447 Title of office

448 My appointment expires: \_\_\_\_\_

449 Sec. 18. (NEW) (*Effective October 1, 2020*) The official stamp of a notary  
450 public shall:

451 (1) Include the notary public's name, jurisdiction, appointment  
452 expiration date and other information required by the Secretary of the  
453 State; and

454 (2) Be capable of being copied together with the record to which it is  
455 affixed or attached or with which it is logically associated.

456 Sec. 19. (NEW) (*Effective October 1, 2020*) (a) A notary public is  
457 responsible for the security of the notary public's stamping device and  
458 may not allow another individual to use the device to perform a notarial  
459 act. On resignation from, or the revocation or expiration of, the notary  
460 public's appointment, or on the expiration of the date set forth in the  
461 stamping device, if any, the notary public shall disable the stamping  
462 device by destroying, defacing, damaging, erasing or securing it against  
463 use in a manner that renders it unusable. On the death or adjudication  
464 of incompetency of a notary public, the notary public's personal  
465 representative or guardian or any other person knowingly in possession  
466 of the stamping device shall render it unusable by destroying, defacing,  
467 damaging, erasing or securing it against use in a manner that renders it  
468 unusable.

469 (b) If a notary public's stamping device is lost or stolen, the notary  
470 public or the notary public's personal representative or guardian shall  
471 notify promptly the Secretary of the State on discovering that the device  
472 is lost or stolen.

473 Sec. 20. (NEW) (*Effective October 1, 2020*) (a) A notary public may  
474 select one or more tamper-evident technologies to perform notarial acts  
475 with respect to electronic records. A person may not require a notary  
476 public to perform a notarial act with respect to an electronic record with  
477 a technology that the notary public has not selected.

478 (b) Before a notary public performs the notary public's initial notarial  
479 act with respect to an electronic record, a notary public shall notify the  
480 Secretary of the State that the notary public will be performing notarial  
481 acts with respect to electronic records and identify the technology the  
482 notary public intends to use. If the Secretary of the State has established  
483 standards for approval of technology pursuant to section 27 of this act,  
484 the technology shall conform to the standards. If the technology  
485 conforms to the standards, the Secretary of the State shall approve the

486 use of the technology.

487 (c) A recorder may accept for recording a tangible copy of an  
488 electronic record containing a notarial certificate as satisfying any  
489 requirement that a record accepted for recording be an original, if the  
490 notarial officer executing the notarial certificate certifies that the  
491 tangible copy is an accurate copy of the electronic record.

492 Sec. 21. (NEW) (*Effective October 1, 2020*) (a) An individual qualified  
493 under subsection (b) of this section may apply to the Secretary of the  
494 State for an appointment as a notary public. The applicant shall comply  
495 with and provide the information required by regulations adopted by  
496 the Secretary of the State and pay any application fee.

497 (b) An applicant for an appointment as a notary public shall:

498 (1) Be at least eighteen years of age;

499 (2) Be a citizen or permanent legal resident of the United States;

500 (3) Be a resident of or have a place of employment or practice in this  
501 state;

502 (4) Be able to read and write English;

503 (5) Not be disqualified to receive an appointment under section 23 of  
504 this act; and

505 (6) Have passed the examination required under subsection (a) of  
506 section 22 of this act.

507 (c) Before issuance of an appointment as a notary public, an applicant  
508 for the appointment shall execute an oath of office and submit it to the  
509 Secretary of the State.

510 (d) On compliance with this section, the Secretary of the State shall  
511 issue an appointment as a notary public to an applicant for a term of five  
512 years.

513 (e) An appointment to act as a notary public authorizes the notary  
514 public to perform notarial acts. The appointment does not provide the  
515 notary public any immunity or benefit conferred by the law of this state  
516 on public officials or employees.

517 Sec. 22. (NEW) (*Effective October 1, 2020*) (a) An applicant for an  
518 appointment as a notary public who does not hold an appointment in  
519 this state shall pass an examination administered by the Secretary of the  
520 State or an entity approved by the Secretary of the State. The  
521 examination shall be based on the course of study described in  
522 subsection (b) of this section.

523 (b) The Secretary of the State or an entity approved by the Secretary  
524 of the State shall offer regularly a course of study to applicants who do  
525 not hold appointments as notaries public in this state. The course shall  
526 cover the laws, regulations, procedures and ethics relevant to notarial  
527 acts.

528 Sec. 23. (NEW) (*Effective October 1, 2020*) (a) The Secretary of the State  
529 may deny, refuse to renew, revoke, suspend or impose a condition on  
530 an appointment as notary public for any act or omission that  
531 demonstrates the individual lacks the honesty, integrity, competence or  
532 reliability to act as a notary public, including:

533 (1) Failure to comply with any provision of sections 1 to 32, inclusive,  
534 of this act;

535 (2) A fraudulent, dishonest or deceitful misstatement or omission in  
536 the application for an appointment as a notary public submitted to the  
537 Secretary of the State;

538 (3) A conviction of the applicant or notary public of any felony or a  
539 crime involving fraud, dishonesty or deceit;

540 (4) A finding against, or admission of liability by, the applicant or  
541 notary public in any legal proceeding or disciplinary action based on the  
542 applicant's or notary public's fraud, dishonesty or deceit;

543 (5) Failure by the notary public to discharge any duty required of a  
544 notary public, whether by any provision of sections 1 to 32, inclusive, of  
545 this act, regulations of the Secretary of the State or any federal or state  
546 law;

547 (6) Use of false or misleading advertising or representation by the  
548 notary public representing that the notary has a duty, right or privilege  
549 that the notary does not have;

550 (7) Violation by the notary public of a regulation of the Secretary of  
551 the State regarding a notary public; or

552 (8) Denial, refusal to renew, revocation, suspension or conditioning  
553 of a notary public appointment in another state.

554 (b) If the Secretary of the State denies, refuses to renew, revokes,  
555 suspends or imposes conditions on an appointment as a notary public,  
556 the applicant or notary public is entitled to timely notice and hearing in  
557 accordance with chapter 54 of the general statutes.

558 (c) The authority of the Secretary of the State to deny, refuse to renew,  
559 suspend, revoke or impose conditions on an appointment as a notary  
560 public does not prevent a person from seeking and obtaining other  
561 criminal or civil remedies provided by law.

562 Sec. 24. (NEW) (*Effective October 1, 2020*) The Secretary of the State  
563 shall maintain an electronic database of notaries public:

564 (1) Through which a person may verify the authority of a notary  
565 public to perform notarial acts; and

566 (2) Which indicates whether a notary public has notified the Secretary  
567 of the State that the notary public will be performing notarial acts on  
568 electronic records.

569 Sec. 25. (NEW) (*Effective October 1, 2020*) (a) An appointment as a  
570 notary public does not authorize an individual to:

571 (1) Assist persons in drafting legal records, give legal advice or  
572 otherwise practice law;

573 (2) Act as an immigration consultant or an expert on immigration  
574 matters;

575 (3) Represent a person in a judicial or administrative proceeding  
576 relating to immigration to the United States, United States citizenship or  
577 related matters; or

578 (4) Receive compensation for performing any of the activities listed  
579 in subdivisions (1) to (3), inclusive, of this subsection.

580 (b) A notary public may not engage in false or deceptive advertising.

581 (c) A notary public, other than an attorney licensed to practice law in  
582 this state, may not use the term "notario" or "notario publico".

583 (d) A notary public, other than an attorney licensed to practice law in  
584 this state, may not advertise or represent that the notary public may  
585 assist persons in drafting legal records, give legal advice or otherwise  
586 practice law. If a notary public who is not an attorney licensed to  
587 practice law in this state in any manner advertises or represents that the  
588 notary public offers notarial services, whether orally or in a record,  
589 including broadcast media, print media and the Internet, the notary  
590 public shall include the following statement, or an alternate statement  
591 authorized or required by the Secretary of the State, in the  
592 advertisement or representation, prominently and in each language  
593 used in the advertisement or representation: "I am not an attorney  
594 licensed to practice law in this state. I am not allowed to draft legal  
595 records, give advice on legal matters, including immigration, or charge  
596 a fee for those activities". If the form of advertisement or representation  
597 is not broadcast media, print media or the Internet and does not permit  
598 inclusion of the statement required by this subsection because of size, it  
599 shall be displayed prominently or provided at the place of performance  
600 of the notarial act before the notarial act is performed.

601 (e) Except as otherwise allowed by law, a notary public may not  
602 withhold access to or possession of an original record provided by a  
603 person that seeks performance of a notarial act by the notary public.

604 Sec. 26. (NEW) (*Effective October 1, 2020*) Except as otherwise  
605 provided in subsection (b) of section 4 of this act, the failure of a notarial  
606 officer to perform a duty or meet a requirement specified in sections 1  
607 to 32, inclusive, of this act does not invalidate a notarial act performed  
608 by the notarial officer. The validity of a notarial act under sections 1 to  
609 32, inclusive, of this act does not prevent an aggrieved person from  
610 seeking to invalidate the record or transaction that is the subject of the  
611 notarial act or from seeking other remedies based on any other provision  
612 of the general statutes or the law of the United States. This section does  
613 not validate a purported notarial act performed by an individual who  
614 does not have the authority to perform notarial acts.

615 Sec. 27. (NEW) (*Effective October 1, 2020*) (a) The Secretary of the State  
616 may adopt regulations, in accordance with chapter 54 of the general  
617 statutes, to implement the provisions of sections 1 to 32, inclusive, of this  
618 act. Regulations adopted regarding the performance of notarial acts  
619 with respect to electronic records may not require, or accord greater  
620 legal status or effect to, the implementation or application of a specific  
621 technology or technical specification. The regulations may:

622 (1) Prescribe the manner of performing notarial acts regarding  
623 tangible and electronic records;

624 (2) Include provisions to ensure that any change to or tampering with  
625 a record bearing a certificate of a notarial act is self-evident;

626 (3) Include provisions to ensure integrity in the creation, transmittal,  
627 storage or authentication of electronic records or signatures;

628 (4) Prescribe the process of granting, renewing, conditioning,  
629 denying, suspending or revoking a notary public appointment and  
630 assuring the trustworthiness of an individual holding an appointment  
631 as notary public;

632 (5) Include provisions to prevent fraud or mistake in the performance  
633 of notarial acts; and

634 (6) Provide for the administration of the examination under  
635 subsection (a) of section 22 of this act and the course of study under  
636 subsection (b) of section 22 of this act.

637 (b) In adopting, amending or repealing regulations about notarial  
638 acts with respect to electronic records, the Secretary of the State shall  
639 consider, so far as is consistent with sections 1 to 32, inclusive, of this  
640 act:

641 (1) The most recent standards regarding electronic records  
642 promulgated by national bodies, such as the National Association of  
643 Secretaries of State;

644 (2) Standards, practices and customs of other jurisdictions that  
645 substantially enact the provisions of sections 1 to 32, inclusive, of this  
646 act; and

647 (3) The views of governmental officials and entities and other  
648 interested persons.

649 Sec. 28. (NEW) (*Effective October 1, 2020*) An appointment as a notary  
650 public in effect on October 1, 2020, continues until its date of expiration.  
651 A notary public who applies to renew an appointment as a notary public  
652 on or after October 1, 2020, is subject to and shall comply with the  
653 provisions of sections 1 to 32, inclusive, of this act. A notary public, in  
654 performing notarial acts after October 1, 2020, shall comply with the  
655 provisions of sections 1 to 32, inclusive, of this act.

656 Sec. 29. (NEW) (*Effective October 1, 2020*) The provisions of sections 1  
657 to 32, inclusive, of this act do not affect the validity or effect of a notarial  
658 act performed before October 1, 2020.

659 Sec. 30. (NEW) (*Effective October 1, 2020*) In applying and construing  
660 the provisions of sections 1 to 32, inclusive, of this act, consideration  
661 shall be given to the need to promote uniformity of the law with respect



662 to its subject matter among states that enact it.

663       Sec. 31. (NEW) (*Effective October 1, 2020*) Sections 1 to 32, inclusive, of  
 664 this act modify, limit and supersede the Electronic Signatures in Global  
 665 and National Commerce Act, 15 USC 7001 et seq., but do not modify,  
 666 limit or supersede Section 101(c) of that act, 15 USC 7001(c), or authorize  
 667 electronic delivery of any of the notices described in Section 103(b) of  
 668 that act, 15 USC 7003(b).

669       Sec. 32. Sections 1-28 to 1-41, inclusive, 1-57 to 1-65, inclusive, 3-94a  
 670 to 3-94q, inclusive, and 3-95 of the general statutes are repealed.  
 671 (*Effective October 1, 2020*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	New section
Sec. 2	<i>October 1, 2020</i>	New section
Sec. 3	<i>October 1, 2020</i>	New section
Sec. 4	<i>October 1, 2020</i>	New section
Sec. 5	<i>October 1, 2020</i>	New section
Sec. 6	<i>October 1, 2020</i>	New section
Sec. 7	<i>October 1, 2020</i>	New section
Sec. 8	<i>October 1, 2020</i>	New section
Sec. 9	<i>October 1, 2020</i>	New section
Sec. 10	<i>October 1, 2020</i>	New section
Sec. 11	<i>October 1, 2020</i>	New section
Sec. 12	<i>October 1, 2020</i>	New section
Sec. 13	<i>October 1, 2020</i>	New section
Sec. 14	<i>October 1, 2020</i>	New section
Sec. 15	<i>October 1, 2020</i>	New section
Sec. 16	<i>October 1, 2020</i>	New section
Sec. 17	<i>October 1, 2020</i>	New section
Sec. 18	<i>October 1, 2020</i>	New section
Sec. 19	<i>October 1, 2020</i>	New section
Sec. 20	<i>October 1, 2020</i>	New section
Sec. 21	<i>October 1, 2020</i>	New section
Sec. 22	<i>October 1, 2020</i>	New section
Sec. 23	<i>October 1, 2020</i>	New section
Sec. 24	<i>October 1, 2020</i>	New section

Sec. 25	<i>October 1, 2020</i>	New section
Sec. 26	<i>October 1, 2020</i>	New section
Sec. 27	<i>October 1, 2020</i>	New section
Sec. 28	<i>October 1, 2020</i>	New section
Sec. 29	<i>October 1, 2020</i>	New section
Sec. 30	<i>October 1, 2020</i>	New section
Sec. 31	<i>October 1, 2020</i>	New section
Sec. 32	<i>October 1, 2020</i>	Repealer section

**Statement of Purpose:**

To adopt the Revised Uniform Law on Notarial Acts.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*