



General Assembly

**Substitute Bill No. 1040**

January Session, 2023



**AN ACT CONCERNING REMOTE NOTARIAL ACTS.**

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

1 Section 1. (NEW) (*Effective October 1, 2023*) (a) As used in this  
2 section:

3 (1) "Communication technology" means an electronic device or  
4 process that:

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

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

10 (2) "Identity proofing" means a process or service by which a third  
11 person provides a notary public with a means to verify the identity of a  
12 remotely located individual by a review of personal information from  
13 public or private data sources.

14 (3) "Outside the United States" means a location outside the  
15 geographic boundaries of the United States, Puerto Rico, the United  
16 States Virgin Islands and any territory, insular possession or other  
17 location subject to the jurisdiction of the United States.

18 (4) "Remotely located individual" means an individual who is not in  
19 the physical presence of the notary public who performs a notarial act  
20 under subsection (c) of this section.

21 (b) Except as provided in subsection (j) of this section, a document  
22 may be notarized for an individual who is not in the physical presence  
23 of the notary public at the time of the notarization if the following  
24 requirements are met:

25 (1) The individual and the notary can communicate simultaneously,  
26 in real time, by sight and sound using communication technology; and

27 (2) When performing a remote notarization pursuant to the  
28 provisions of this section, the notary reasonably identifies the  
29 individual at the time of notarization by one or more of the following  
30 methods:

31 (A) Personal knowledge of the identity of the individual;

32 (B) The individual presents a government-issued identification  
33 document or record that has not expired and includes the individual's  
34 photograph, name and signature. An acceptable form of government-  
35 issued identification document or record includes, but is not limited to,  
36 a driver's license, government-issued identification card or passport;

37 (C) Not less than two different types of processes or services by  
38 which a third person provides a means to verify the identity of the  
39 individual through a review of public or private data sources; or

40 (D) Oath or affirmation by a credible witness who:

41 (i) Is in the physical presence of either the notary or the individual;  
42 or

43 (ii) Is able to communicate in real time with the notary and the  
44 individual by sight and sound through an electronic device or process  
45 at the time of the notarization, if the credible witness has personal

46 knowledge of the identity of the individual and has been reasonably  
47 identified by the notary by a method provided in this section.

48 (c) When an individual who is physically located outside of the state  
49 of Connecticut or outside the United States seeks a remote notarization  
50 pursuant to subsection (b) of this section, the record being notarized  
51 shall:

52 (1) Be intended for filing or presentation in a matter before a court,  
53 governmental entity, public official or other entity subject to the  
54 jurisdiction of the state of Connecticut;

55 (2) Involve property located in the territorial jurisdiction of the state  
56 of Connecticut or a transaction substantially connected to the state of  
57 Connecticut; or

58 (3) Otherwise not be prohibited by law of the state of Connecticut to  
59 be notarized outside the state.

60 (d) Once the record notarized pursuant to subsection (b) of this  
61 section is signed by the individual in accordance with the procedures  
62 set forth in this section, the individual shall mail or otherwise cause to  
63 be delivered the signed original copy of the record to the notary public  
64 for certification and execution with the notary's commission signature  
65 and official stamp or seal.

66 (e) The date and time of a notarization conducted pursuant to  
67 subsection (b) of this section shall be the date and time when the  
68 notary witnessed the signature being performed by means of  
69 communication technology.

70 (f) Nothing in this section shall affect the authority of a notary  
71 public to refuse to perform a notarial act or require a notary public to  
72 perform a notarization remotely:

73 (1) With respect to an electronic record;

74 (2) For an individual not in the physical presence of the notary; or

75 (3) Using a technology that the notary has not selected.

76 (g) The Secretary of the State may adopt regulations in accordance  
77 with the provisions of chapter 54 of the general statutes regarding the  
78 performance of a notarial act pursuant to this section. Such regulations  
79 may:

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

82 (2) Establish standards for communication technology and identity  
83 proofing; or

84 (3) Establish requirements or procedures to approve providers of  
85 communication technology and the process of identity proofing.

86 (h) Prior to adopting or amending regulations governing the  
87 performance of a notarial act with respect to a remotely located  
88 individual, the Secretary of the State shall consider:

89 (1) The most recent standards regarding the performance of a  
90 notarial act with respect to a remotely located individual promulgated  
91 by national standard-setting organizations and the recommendations  
92 of the National Association of Secretaries of State;

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

95 (3) The views of governmental officials and entities and other  
96 interested persons.

97 (i) By permitting a notary public to utilize communication  
98 technology or identity proofing to facilitate a notarial act for a remotely  
99 located individual, the Secretary of the State shall serve as such notary  
100 public's agent for service of process in any civil action in this state  
101 related to the notarial act performed on behalf of a remotely located

102 individual.

103 (j) No record shall be acknowledged remotely pursuant to  
104 subsection (b) of this section for any acknowledgment (1) performed in  
105 connection with the (A) making and execution of a will, codicil or  
106 trust, (B) execution of health care instructions pursuant to section 19a-  
107 575a of the general statutes, (C) designation of a standby guardian  
108 pursuant to section 45a-624 of the general statutes, (D) designation of a  
109 person for decision-making and certain rights and obligations  
110 pursuant to section 1-56r of the general statutes, (E) execution of a  
111 living will, as defined in section 19a-570 of the general statutes, or (F)  
112 the appointment of an agent under power of attorney, as defined in  
113 section 45a-334c of the general statutes, unless such power of attorney  
114 is limited in duration to a date certain and grants an agent authority  
115 with respect to transactions in real property, or (2) performed in the  
116 course of a real estate closing, as defined in section 51-88a of the  
117 general statutes. The performance of any such acknowledgment in  
118 connection with any of the acts described in this subsection shall  
119 constitute a violation of section 51-88 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	New section

**JUD**      *Joint Favorable Subst.*