

HOUSE BILL No. 1487

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-5-10; IC 8-1-26.5; IC 23-0.5-4-3; IC 24-2-1-8; IC 26-1; IC 33-42; IC 34-33-3.

Synopsis: Business services of the secretary of state. Amends the law concerning the business practices of the secretary of state, including: (1) access to information maintained by the secretary of state; (2) use of electronic information and transmissions; (3) striking the current Uniform Commercial Code (UCC) financing statement form; adding use of a format that meets certain criteria for the filings; and amending the UCC fees; (4) adding to the requirement to include a notary public's Indiana county on an authentication certificate; (5) amending requirements concerning notary public examination and education; (6) prohibiting performance of a notarial act: (a) to benefit oneself or one's spouse; or (b) when a commission is suspended or revoked; (7) specifying a notarial act fee applies; (8) providing for issuance of a certificate of fact for a notary public per signature; (9) requiring maintenance of a remote notary public electronic journal for 10 years; and (10) providing for nonresident corporate service of process on the secretary of state. Repeals current law concerning excavation contractor filings and precontracting documentation of compliance with underground facility damage law. Makes a technical amendment and conforming changes.

Effective: Upon passage; July 1, 2019.

Carbaugh

January 16, 2019, read first time and referred to Committee on Judiciary.



First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1487

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-5-10-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 2. The secretary of state may:
3 (1) establish; and
4 (2) modify;
5 at any time fees to provide electronic, **expedited**, and enhanced access
6 to information maintained by the secretary of state.
7 SECTION 2. IC 4-5-10-5, AS AMENDED BY P.L.114-2011,
8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: Sec. 5. (a) The electronic and enhanced access
10 fund is established to do the following:
11 (1) Improve and enhance the technology necessary and desirable
12 to fulfill the duties of the secretary of state and state agencies as
13 provided in section 1 of this chapter.
14 (2) Improve service to customers of the secretary of state and state
15 agencies as provided in section 1 of this chapter.
16 (3) Provide the public electronic and other enhanced access to
17 information maintained by:



- 1 (A) the secretary of state under IC 23, **IC 24**, ~~or~~ IC 26, **or**
 2 **IC 33**; and
 3 (B) the secretary of state and state agencies as provided in
 4 section 1 of this chapter.
 5 (4) Allow the public to conduct business electronically with the
 6 secretary of state and state agencies as provided in section 1 of
 7 this chapter.
 8 (5) Acquire and finance technology necessary or desirable to
 9 accomplish the purposes stated in subdivisions (1) through (4),
 10 including the purchase or lease of hardware, software, and other
 11 appropriate goods and services.
 12 The secretary of state may enter into one (1) or more agreements in
 13 furtherance of the purposes of this chapter.
 14 (b) The fund consists solely of the following:
 15 (1) Electronic and enhanced access fees established and collected
 16 by the secretary of state under section 2 of this chapter.
 17 (2) Other money specifically provided to the fund by law.
 18 Fees collected by the secretary of state under IC 23, **IC 24**, ~~or~~ IC 26, **or**
 19 **IC 33** may not be deposited into the fund.
 20 (c) The secretary of state shall administer the fund.
 21 (d) The expenses of administering the fund shall be paid from
 22 money in the fund.
 23 (e) Money in the fund at the end of a state fiscal year does not revert
 24 to the state general fund.
 25 (f) The secretary of state may use money in the fund to pay expenses
 26 related to the purposes of the fund as set forth in section 5 of the
 27 chapter, to make payments under any agreement authorized by
 28 subsection (a) or authorized by law and directly relating to the purpose
 29 of the fund, and monies in the fund are continuously appropriated for
 30 the purposes set forth in this chapter.
 31 (g) Money in the fund not currently needed to meet the obligations
 32 of the fund may be invested by either of the following:
 33 (1) The treasurer of state in the same manner as other public
 34 funds may be invested.
 35 (2) A financial institution designated by trust agreement with the
 36 secretary of state.
 37 Interest that accrues from investment of money in the fund shall be
 38 deposited into the fund.
 39 SECTION 3. IC 8-1-26.5-7 IS REPEALED [EFFECTIVE UPON
 40 PASSAGE]. ~~Sec. 7. In an entity filing required or permitted under~~
 41 ~~IC 23-0.5, a filing entity that is a contractor must include a statement,~~
 42 ~~signed by or on behalf of a person authorized to sign the filing, that the~~



1 filing entity and its employees will comply with IC 8-1-26. An entity
 2 filing, including a biennial report filed under IC 23-0.5-2-13, that is
 3 submitted to the secretary of state before July 1, 2018, shall be:

- 4 (1) corrected in the manner prescribed by IC 23-0.5-2-5 to include
 5 the statement required by this section; and
 6 (2) delivered to the secretary of state;

7 before the filing entity to whom the entity filing applies may commence
 8 a new excavation or demolition described in IC 8-1-26.

9 SECTION 4. IC 8-1-26.5-8 IS REPEALED [EFFECTIVE UPON
 10 PASSAGE]. Sec. 8. A contractor that is a filing entity shall provide
 11 documentation of the contractor's compliance with section 7 of this
 12 chapter to a communications service provider or a utility before
 13 entering into a contract described in section 4 of this chapter with the
 14 communications service provider or the utility.

15 SECTION 5. IC 23-0.5-4-3, AS AMENDED BY P.L.52-2018,
 16 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]: Sec. 3. (a) A registered agent must be an
 18 individual, a general partnership, a domestic filing entity, or a
 19 registered foreign entity.

20 (b) A registered agent filing must provide either:

- 21 (1) if the entity has a commercial registered agent, the name of the
 22 entity's commercial registered agent; or
 23 (2) if the entity does not have a commercial registered agent:
 24 (A) the name of the individual, general partnership, domestic
 25 filing entity, or registered foreign entity;
 26 (B) the address of the entity's registered agent; and
 27 (C) the electronic mail address of the registered agent at which
 28 the registered agent will accept electronic service of process
 29 only in the manner prescribed by the Indiana supreme court in
 30 the Indiana trial rules.

31 (c) A registered agent filing must state:

- 32 (1) the registered agent's consent; or
 33 (2) a representation that the registered agent has consented.

34 (d) Each entity registered under the laws of Indiana shall provide to
 35 the entity's registered agent, and update from time to time as necessary,
 36 the name, business address, and business telephone number of an
 37 individual who is:

- 38 (1) an officer, a director, an employee, or a designated agent of
 39 the entity; and
 40 (2) authorized to receive communications from the registered
 41 agent.

42 The individual is considered to be the communications contact for the



1 entity.

2 (e) A registered agent shall retain, in paper or electronic form, the
3 information provided by an entity under subsection (d).

4 (f) If an entity fails to provide the registered agent with the
5 information required under subsection (d), the registered agent may
6 resign, as provided in section 9 of this chapter, as the registered agent
7 for the entity.

8 **(g) The secretary of state may provide to the Indiana supreme
9 court the electronic mail address of a registered agent.**

10 SECTION 6. IC 24-2-1-8, AS AMENDED BY P.L.135-2006,
11 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 UPON PASSAGE]: Sec. 8. (a) A mark and the registration of a mark
13 under this chapter are assignable with the:

- 14 (1) good will of the business in which the mark is used; or
15 (2) part of the good will of the business:
16 (A) connected with the use of the mark; and
17 (B) symbolized by the mark.

18 (b) An assignment:

- 19 (1) must be made by ~~an instrument in writing duly executed;~~
20 **electronic application;** and
21 (2) may be **electronically** recorded with the secretary upon the
22 payment of a recording fee to the secretary.

23 (c) The secretary, after recording an assignment, shall issue in the
24 name of the assignee a new certificate of registration for the remainder
25 of the term of the:

- 26 (1) registration; or
27 (2) most recent renewal of the registration.

28 (d) An assignment of a registration under this chapter is void against
29 a subsequent purchaser for valuable consideration without notice
30 unless the assignment is recorded with the secretary not more than
31 three (3) months:

- 32 (1) after the date of the assignment; or
33 (2) before the subsequent purchase.

34 SECTION 7. IC 26-1-1-108.1 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 108.1. (a) The
36 secretary of state may provide that a document required to be filed
37 under this article with the secretary of state may be filed by ~~teletype;~~
38 ~~facsimile;~~ ~~or other form of~~ electronic transmission meeting the
39 requirements established by the secretary of state.

40 (b) The secretary of state may accept payment of a filing fee for a
41 document filed by electronic transmission by credit card, debit card,
42 charge card, or similar method. However, if the filing fee is paid by



1 credit card, debit card, charge card, or similar method, the liability is
2 not finally discharged until the secretary of state receives payment or
3 credit from the institution responsible for making the payment or credit.

4 (c) The secretary of state may contract with a bank or credit card
5 vendor for acceptance of bank or credit cards. However, if there is a
6 vendor transaction charge or discount fee, whether billed to the
7 secretary of state or charged directly to the secretary of state's account,
8 the secretary of state or the credit card vendor may collect from the
9 person using the bank or credit card a fee that may not exceed the
10 highest transaction charge or discount fee charged to the secretary of
11 state by the bank or credit card vendor during the most recent
12 collection period. The fee may be collected regardless of any
13 agreement between the bank and a credit card vendor or regardless of
14 any internal policy of the credit card vendor that may prohibit this type
15 of fee. The fee is a permitted additional charge under IC 24-4.5-3-202.

16 SECTION 8. IC 26-1-1.5-1, AS AMENDED BY P.L.54-2011,
17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 UPON PASSAGE]: Sec. 1. ~~The forms~~ **A format described in**
19 **IC 26-1-9.1-521** may be used for filings under IC 26-1.

20 SECTION 9. IC 26-1-9.1-521, AS AMENDED BY P.L.86-2013,
21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 UPON PASSAGE]: Sec. 521. **Except for a reason set forth in**
23 **IC 26-1-9.1-516(b) or IC 26-1-9.1-901**, a filing office that accepts
24 written records may not refuse to accept a written ~~initial financing~~
25 ~~statement in the following form and format except for a reason set forth~~
26 ~~in IC 26-1-9.1-516(b) or IC 26-1-9.1-901~~: **document for a filing**
27 **authorized by this chapter if the document conforms to a format**
28 **that is:**

- 29 (1) **established by the International Association of**
- 30 **Commercial Administrators;**
- 31 (2) **adopted by a rule adopted by the secretary of state under**
- 32 **IC 26-1-9.1-526; and**
- 33 (3) **approved for this purpose by the state board of accounts.**

34 UCC FINANCING STATEMENT
35 FOLLOW INSTRUCTIONS

36 A. NAME & PHONE OF CONTACT AT FILER (optional)
37 _____

38 B. E-MAIL CONTACT AT FILER (optional)
39 _____

40 C. SEND ACKNOWLEDGMENT TO: (Name and Address)
41 _____
42 _____

THE ABOVE SPACE IS FOR



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FILING OFFICE USE ONLY

1. DEBTOR'S NAME = provide only one Debtor name (1a or 1b) (use exact, full name;

do not omit, modify, or abbreviate any word in the Debtor's name)

1a. ORGANIZATION'S NAME

OR

1b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S) THAT ARE PART OF THE NAME OF THIS DEBTOR SUFFIX

1c. MAILING ADDRESS

CITY STATE P O S T A L C O D E
COUNTRY

2. DEBTOR'S NAME = provide only one Debtor name (2a or 2b) (use exact, full name;

do not omit, modify, or abbreviate any word in the Debtor's name)

2a. ORGANIZATION'S NAME

OR

2b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S) THAT ARE PART OF THE NAME OF THIS DEBTOR SUFFIX

2c. MAILING ADDRESS

CITY STATE P O S T A L C O D E
COUNTRY

3. SECURED PARTY'S NAME (or NAME of ASSIGNEE of



1 ASSIGNOR SECURED
 2 PARTY) = provide only one Secured Party name (3a or 3b)
 3 3a. ORGANIZATION'S NAME
 4 _____
 5 _____
 6 OR
 7 3b. INDIVIDUAL'S SURNAME F I R S T
 8 PERSONAL NAME
 9 _____
 10 _____
 11 ADDITIONAL NAME(S)/INITIAL(S) SUFFIX
 12 _____
 13 3c. MAILING ADDRESS
 14 _____
 15 _____
 16 CITY STATE POSTAL CODE
 17 COUNTRY
 18 _____
 19 _____
 20 4. COLLATERAL: This financing statement covers the following
 21 collateral:
 22 _____
 23 _____
 24 5. Check only if applicable and check only one box:
 25 Collateral is held in a Trust (see
 26 Instructions) being administered by a Decedent's Personal
 27 Representative.
 28 6a. Check only if applicable and check only one box:
 29 Public-Finance Transaction Manufactured-Home Transaction
 30 A Debtor is a Transmitting Utility
 31 6b. Check only if applicable and check only one box:
 32 Agricultural Lien Non-UCC Filing
 33 7. ALTERNATIVE DESIGNATION (if applicable): Lessee/Lessor
 34 Consignee/Consignor Seller/Buyer Bailee/Bailor
 35 Licensee/Licensor
 36 8. OPTIONAL FILER REFERENCE DATA
 37 _____
 38 _____
 39 _____
 40 {UCC FINANCING STATEMENT (Form UCC1)}
 41 UCC FINANCING STATEMENT ADDENDUM
 42 FOLLOW INSTRUCTIONS



1 9. NAME OF FIRST DEBTOR (same as item 1a or 1b on Financing
 2 Statement)
 3 9a. ORGANIZATION'S NAME
 4 _____
 5 _____
 6 OR
 7 9b. INDIVIDUAL'S SURNAME
 8 _____
 9 FIRST PERSONAL NAME
 10 _____
 11 ADDITIONAL NAME(S)/INITIAL(S) SUFFIX
 12 _____
 13 THE ABOVE SPACE IS FOR
 14 FILING OFFICE USE ONLY
 15 10. ADDITIONAL DEBTOR'S NAME = provide only one Debtor
 16 name (10a or 10b) (use
 17 exact, full name; do not omit, modify, or abbreviate any word in the
 18 Debtor's name)
 19 10a. ORGANIZATION'S NAME
 20 _____
 21 _____
 22 OR
 23 10b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME
 24 _____
 25 _____
 26 ADDITIONAL NAME(S)/INITIAL(S) THAT
 27 ARE PART OF THE NAME OF THIS DEBTOR SUFFIX
 28 _____
 29 10c. MAILING ADDRESS
 30 _____
 31 _____
 32 CITY STATE P-O-S-T-A-L C-O-D-E
 33 COUNTRY
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 35 _____
 36 11. ADDITIONAL SECURED PARTY'S
 37 NAME or ASSIGNOR SECURED
 38 PARTY'S NAME = provide only one name (11a or 11b)
 39 11a. ORGANIZATION'S NAME
 40 _____
 41 _____
 42 OR



1 11b. INDIVIDUAL'S SURNAME F I R S T

2 PERSONAL NAME

3 _____

4 _____

5 ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

6 _____

7 11c. MAILING ADDRESS

8 _____

9 _____

10 CITY STATE P O S T A L C O D E

11 COUNTRY

12 _____

13 _____

14 12. ADDITIONAL SPACE FOR ITEM 4

15 (Collateral)

16 _____

17 _____

18 13. This FINANCING STATEMENT is to

19 be filed [for record] (or recorded) in the

20 REAL ESTATE RECORDS (if applicable)

21 14. This FINANCING STATEMENT:

22 covers timber to be cut covers as-extracted collateral is filed

23 as a fixture filing

24 15. Name and address of a RECORD

25 OWNER of real estate described in item 16 (if

26 Debtor does not have a record interest):

27 _____

28 _____

29 16. Description of real estate:

30 _____

31 _____

32 17. MISCELLANEOUS:

33 _____

34 _____

35 {UCC FINANCING STATEMENT ADDENDUM (Form

36 UCC1Ad)}

37 (b) A filing office that accepts written records may not refuse to

38 accept a written record in the following form and format except for a

39 reason described in IC 26-1-9.1-516(b):

40 UCC FINANCING STATEMENT AMENDMENT

41 FOLLOW INSTRUCTIONS

42 A. NAME & PHONE OF CONTACT AT FILER (optional)



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B. E-MAIL CONTACT AT FILER (optional)

C. SEND ACKNOWLEDGMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR
FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE NUMBER

1b. This FINANCING STATEMENT AMENDMENT is to be
filed [for record] (or
recorded) in the REAL ESTATE RECORDS.

Filer: attach Amendment Addendum (Form UCC3Ad) and provide
Debtor's name in
item 13:

2. TERMINATION: Effectiveness of the Financing Statement
identified above is
terminated with respect to the security interest(s) of
Secured Party authorizing this Termination Statement

3. ASSIGNMENT (full or partial): Provide name of Assignee in
item 7a or 7b; and
address of Assignee in item 7c and name of Assignor in item 9. For
partial assignment,
complete items 7 and 9 and also indicate affected collateral in item
8

4. CONTINUATION: Effectiveness of the Financing Statement
identified above with
respect to the security interest(s) of Secured
Party authorizing this Continuation Statement is continued for the
additional period
provided by applicable law

5. PARTY INFORMATION CHANGE:
Check one of these two boxes:
This Change affects Debtor or Secured Party of record:
AND
Check one of these three boxes to:
 CHANGE name and/or address: Complete item 6a or 6b; and item
7a or 7b and item
7c.
 ADD name: Complete item 7a or 7b; and item 7c.
 DELETE name: Give record name to be deleted in item 6a or 6b:



1 6. CURRENT RECORD INFORMATION: Complete for Party
 2 Information Change =
 3 provide only one name (6a or 6b) (use exact, full name; do not omit;
 4 modify, or
 5 abbreviate any word in the Debtor's name)
 6 6a. ORGANIZATION'S NAME
 7 _____
 8 _____

9 OR
 10 6b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME
 11 _____
 12 _____
 13 ADDITIONAL NAME(S)/INITIAL(S) SUFFIX
 14 _____

15 7. CHANGED OR ADDED INFORMATION: Complete for
 16 Assignment or Party
 17 Information Change - provide only one name (7a or 7b) (use exact
 18 full name; do not
 19 omit, modify, or abbreviate any word in the Debtor's name)
 20 7a. ORGANIZATION'S NAME
 21 _____
 22 _____

23 OR
 24 7b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME
 25 _____
 26 _____
 27 ADDITIONAL NAME(S)/INITIAL(S) THAT ARE
 28 PART OF THE NAME OF THIS DEBTOR SUFFIX
 29 _____

30 7c. MAILING ADDRESS
 31 _____
 32 _____
 33 CITY STATE POSTAL CODE
 34 COUNTRY
 35 _____
 36 _____

37 8. COLLATERAL CHANGE:
 38 Also check one of these four boxes:
 39 ADD collateral DELETE collateral RESTATE covered
 40 collateral
 41 ASSIGN collateral
 42 Indicate collateral:



1 9. NAME OF SECURED PARTY OF RECORD AUTHORIZING
2 THIS AMENDMENT
3 = provide only one name (9a or 9b) (name of Assignor; if this is an
4 Assignment)
5 If this is an Amendment authorized by a DEBTOR, check here
6 and provide name of
7 authorizing Debtor
8 9a. ORGANIZATION'S NAME
9 _____
10 _____
11 OR
12 9b. INDIVIDUAL'S SURNAME
13 _____
14 ADDITIONAL NAME(S)/INITIAL(S) SUFFIX
15 _____
16 10. OPTIONAL FILER REFERENCE DATA
17 _____
18 _____
19 {UCC FINANCING STATEMENT AMENDMENT (Form UCC3)}
20 UCC FINANCING STATEMENT AMENDMENT ADDENDUM
21 FOLLOW INSTRUCTIONS
22 11. INITIAL FINANCING STATEMENT
23 FILE NUMBER (same as item 1a on Amendment form)
24 _____
25 _____
26 12. NAME OF PARTY AUTHORIZING
27 THIS AMENDMENT (same as item 9 on
28 Amendment form)
29 12a. ORGANIZATION'S NAME
30 _____
31 _____
32 OR
33 12b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME
34 _____
35 _____
36 ADDITIONAL NAME(S)/INITIAL(S) SUFFIX
37 _____
38 THE ABOVE SPACE IS FOR
39 FILING OFFICE USE ONLY
40 13. Name of DEBTOR on
41 related financing statement (Name of a current Debtor of record
42 required for indexing purposes only in some filing offices = see



1 Instruction for item 13 =
 2 insert only one Debtor name (13a or 13b) (use exact, full name; do
 3 not omit, modify, or
 4 abbreviate any word in the Debtor's name)
 5 13a. ORGANIZATION'S NAME
 6 _____
 7 _____
 8 OR
 9 13b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME
 10 _____
 11 _____
 12 ADDITIONAL NAME(S)/INITIAL(S) SUFFIX
 13 _____
 14 14. ADDITIONAL SPACE
 15 FOR ITEM 8 (Collateral)
 16 _____
 17 _____
 18 15. This FINANCING
 19 STATEMENT AMENDMENT: covers timber to be cut
 20 covers as-extracted collateral is filed as a fixture filing
 21 16. Name and address of a
 22 RECORD OWNER of real estate described in item 17 (if
 23 Debtor does not have a record interest):
 24 _____
 25 _____
 26 17. Description of real estate
 27 _____
 28 _____
 29 18. MISCELLANEOUS:
 30 _____
 31 _____
 32 [UCC FINANCING STATEMENT AMENDMENT ADDENDUM
 33 (Form UCC3Ad)]".
 34 SECTION 10. IC 26-1-9.1-525 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 525. (a) Except as
 36 otherwise provided in subsection (e), the fee for filing and indexing a
 37 record under IC 26-1-9.1-501 through IC 26-1-9.1-527, other than an
 38 initial financing statement of the kind described in IC 26-1-9.1-502(c),
 39 is:
 40 (1) **four twelve** dollars (~~\$4~~) (**\$12**) if the record is communicated
 41 in writing; **including by facsimile**, and consists of **one (1) or two**
 42 **(2) pages**;



1 ~~(2) eight dollars (\$8) if the record is communicated in writing,~~
 2 ~~including by facsimile, and consists of more than two (2) pages;~~
 3 and

4 ~~(3) (2) no statutory~~ fee if the record is communicated by
 5 electronic filing.

6 (b) Except as otherwise provided in subsection (e), the fee for filing
 7 and indexing an initial financing statement of the kind described in
 8 IC 26-1-9.1-502(c) is:

9 (1) ~~eight twelve~~ dollars ~~(\$8)~~ **(\$12)** if the financing statement
 10 indicates that it is filed in connection with a public-finance
 11 transaction; and

12 (2) ~~eight twelve~~ dollars ~~(\$8)~~ **(\$12)** if the financing statement
 13 indicates that it is filed in connection with a manufactured-home
 14 transaction.

15 **(c) The number of names under which a record must be indexed**
 16 **does not affect the amount of a fee under subsection (a) or (b).**

17 ~~(e) (d)~~ The fee for responding to a request for information from the
 18 filing office, including for issuing a certificate showing whether there
 19 is on file any financing statement naming a particular debtor, is:

20 (1) five dollars (\$5) if the request is communicated in writing;
 21 ~~including by facsimile;~~ and

22 (2) no **statutory** fee if the request is communicated electronically.

23 ~~(d) (e)~~ This section does not require a fee with respect to a record of
 24 a mortgage which is effective as a financing statement filed as a fixture
 25 filing or as a financing statement covering as-extracted collateral or
 26 timber to be cut under IC 26-1-9.1-502(c). However, the recording and
 27 satisfaction fees that otherwise would be applicable to the record of the
 28 mortgage apply.

29 SECTION 11. IC 33-42-9-12, AS ADDED BY P.L.128-2017,
 30 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: Sec. 12. (a) A notarial act must be authenticated
 32 by a certificate bearing the date of the notarial act and the signature of
 33 the notarial officer. A properly completed certificate must conform to
 34 the following conditions:

35 (1) The certificate must be completed contemporaneously with
 36 the performance of the notarial act.

37 (2) The certificate must be signed and dated by the notarial
 38 officer. If the notarial officer is a notary public, the certificate
 39 must be signed in the manner on file with the secretary of state for
 40 the specific notary public.

41 (3) The certificate must identify the jurisdiction in which the
 42 notarial act is performed.



- 1 (4) The certificate must display the title of the notarial officer.
 2 (5) If the notarial officer is a notary public, the certificate must
 3 display:
 4 (A) the expiration date of the notary public's commission; and
 5 (B) **either of the following:**
 6 (i) **The Indiana** county of the notary public's commission.
 7 (ii) **If the notary public is not a resident of Indiana but is**
 8 **primarily employed in Indiana, the Indiana county**
 9 **where the notary public is primarily employed.**
- 10 (b) A notary public who performs a notarial act shall do the
 11 following:
 12 (1) affix, display, or emboss the notary's official seal; and
 13 (2) print or type the notary public's name underneath the notary
 14 public's signature on a certificate of acknowledgment, jurat, or
 15 other official record unless the name of the notary public:
 16 (A) appears in printed form on the record; or
 17 (B) appears as part of the notary public's seal; and
 18 is legible when the record is photocopied.
- 19 (c) If a notarial act is performed on a public record by a notarial
 20 officer other than a notary public, the information described in
 21 subsection (a)(2) through (a)(4) must be affixed, displayed, or
 22 embossed upon the certificate and accompanied by an official seal.
- 23 (d) A certificate of a notarial act is sufficient if it meets the
 24 requirements described in subsections (a) and (b) and:
 25 (1) is in a form permitted by the laws of this state;
 26 (2) is in a form permitted by the laws of the jurisdiction in which
 27 the notarial act was performed; or
 28 (3) sets forth the actions of the notarial officer.
- 29 (e) By executing a certificate of a notarial act, a notarial officer
 30 certifies that the officer has complied with the requirements of this
 31 chapter.
- 32 (f) A notarial officer may not affix a signature to or associate a
 33 certificate with a record until a notarial act has been performed.
- 34 (g) All notarized records must have a certificate attached or
 35 associated with them. The affixing, attaching, or associating of
 36 certificates to notarial acts must conform to subsections (a) through (d).
- 37 (h) An official certificate bearing a notary public's seal constitutes
 38 presumptive evidence of the facts stated in cases, where, by law, the
 39 notary public is authorized to certify facts.
- 40 (i) A notarial officer may subsequently correct any information
 41 included or omitted from a certificate executed by the notarial officer.
- 42 (j) Changes or corrections may never be made to the impression of



1 an official seal.

2 SECTION 12. IC 33-42-9-12, AS ADDED BY P.L.128-2017,
3 SECTION 18, AND AS AMENDED BY P.L.59-2018, SECTION 52,
4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
5 2019]: Sec. 12. (a) A notarial act must be authenticated by a certificate
6 bearing the date of the notarial act and the signature of the notarial
7 officer. A properly completed certificate must conform to the following
8 conditions:

9 (1) The certificate must be completed contemporaneously with
10 the performance of the notarial act.

11 (2) The certificate must be signed and dated by the notarial
12 officer. If the notarial officer is a notary public, the certificate
13 must be signed in the manner on file with the secretary of state for
14 the specific notary public.

15 (3) The certificate must identify the jurisdiction in which the
16 notarial act is performed as follows:

17 (A) For a notarial act that is not a remote notarial act, the
18 county and state in which the principal appears before the
19 notarial officer.

20 (B) For a remote notarial act, the information required by
21 IC 33-42-17-7(a)(3).

22 (4) The certificate must display the title of the notarial officer.

23 (5) If the notarial officer is a notary public, the certificate must
24 display:

25 (A) the expiration date of the notary public's commission; and

26 (B) **either of the following:**

27 (i) **The Indiana** county of the notary public's commission.

28 (ii) **If the notary public is not a resident of Indiana but is**
29 **primarily employed in Indiana, the Indiana county**
30 **where the notary public is primarily employed.**

31 (b) A notary public who performs a notarial act on a tangible record
32 shall:

33 (1) affix, display, or emboss the notary public's official seal; and

34 (2) print or type the notary public's name underneath the notary
35 public's signature on a certificate of acknowledgment, jurat, or
36 other official record unless the name of the notary public:

37 (A) appears in printed form on the record; or

38 (B) appears as part of the notary public's official seal; and

39 is legible when the record is photocopied.

40 (c) If a notarial act is performed on a public record by a notarial
41 officer other than a notary public, the information described in
42 subsection (a)(2) through (a)(4) must be affixed, displayed, or



1 embossed upon the certificate and accompanied by the notarial officer's
2 official seal.

3 (d) If a notarial act is performed on an electronic record by a notary
4 public:

5 (1) the electronic notarial certificate must contain the information
6 described in subsection (a)(2) through (a)(5); and

7 (2) the notary public's electronic seal must be attached to or
8 associated with the electronic notarial certificate.

9 (e) If a notarial act is performed on an electronic record by a notarial
10 officer other than a notary public:

11 (1) the electronic notarial certificate must contain the information
12 described in subsection (a)(2) through (a)(4); and

13 (2) the notarial officer's official seal must be attached to or
14 associated with the electronic notarial certificate.

15 (f) A certificate of a notarial act or an electronic notarial certificate
16 is sufficient if it meets the requirements described in subsections (a)
17 and (b) and:

18 (1) is in a form permitted by the laws of this state;

19 (2) is in a form permitted by the laws of the jurisdiction in which
20 the notarial act was performed; or

21 (3) sets forth the actions of the notarial officer.

22 (g) By executing a certificate of a notarial act or an electronic
23 notarial certificate, a notarial officer certifies that the notarial officer
24 has complied with this chapter.

25 (h) A notarial officer may not affix a signature to or associate a
26 certificate of a notarial act or an electronic notarial certificate with a
27 record until a notarial act has been performed.

28 (i) A certificate of a notarial act or an electronic notarial certificate
29 must be attached to or associated with each tangible record or
30 electronic record in a manner consistent with the applicable
31 requirements of subsections (a) through (f).

32 (j) An official:

33 (1) certificate of a notarial act bearing a notarial officer's official
34 seal; or

35 (2) electronic notarial certificate bearing a notarial officer's
36 electronic seal;

37 constitutes presumptive evidence of the facts stated in cases, where, by
38 law, the notarial officer is authorized to certify facts.

39 (k) A notarial officer may subsequently correct any information
40 included or omitted from a certificate of a notarial act or an electronic
41 notarial certificate executed by the notarial officer.

42 (l) Changes or corrections may never be made to the impression of



1 an official seal.

2 SECTION 13. IC 33-42-12-2, AS ADDED BY P.L.128-2017,
3 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 2. (a) An applicant seeking a commission as
5 a notary public, including an applicant reapplying for a subsequent
6 commission, must complete:

- 7 (1) a course of education; and
8 (2) an examination.

9 ~~administered by the secretary of state.~~

10 (b) A notary public must fulfill a continuing education requirement
11 ~~administered by the secretary of state~~, not to exceed two (2) hours of
12 continuing education every two (2) years.

13 SECTION 14. IC 33-42-13-3, AS ADDED BY P.L.128-2017,
14 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 UPON PASSAGE]: Sec. 3. (a) A commission as a notary public does
16 not allow a person to perform the following:

- 17 (1) Provide legal advice or otherwise practice law.
18 (2) Act as an immigration consultant or provide advice on
19 immigration matters.
20 (3) Represent a person in an administrative or judicial proceeding
21 related to citizenship or immigration.
22 (4) Use an initial or name, other than the initial or name under
23 which the notary public has been commissioned, to sign an
24 acknowledgment.
25 (5) At the time the notary takes the acknowledgment or
26 administers an oath to any person the notary public knows to be:
27 (A) adjudicated mentally incompetent; or
28 (B) under a guardianship described in IC 29-3.
29 (6) Take an acknowledgment from any person who is blind
30 without first reading the record to the person who is blind.
31 (7) Take the acknowledgment of any person who does not speak
32 or understand the English language unless the nature and effect
33 of the record is translated into a language the person speaks or
34 understands.
35 (8) Take the acknowledgment of a record without witnessing a
36 signature or receiving an acknowledgment from the principal that
37 the signature is authentic.
38 (9) Take a verification of an affidavit or oath in the absence of an
39 affirmation of truth by the affiant.
40 (10) Perform a notarial act for:
41 (A) oneself;
42 (B) one's spouse; or



- 1 (C) any party;
 2 that may directly benefit ~~any a~~ person described in ~~clauses~~ **clause**
 3 **(A) through (C): or (B).**
 4 (b) A notary public may not engage in false or deceptive advertising.
 5 (c) A notary public, other than an attorney licensed to practice law
 6 in Indiana, may not use the term "notario" or "notario publico".
 7 (d) Except as provided in subsection (g), a notary public may not
 8 advertise or represent that the notary public can draft legal documents,
 9 provide legal advice, or otherwise practice law. Any notary public who
 10 advertises notarial services shall include the following statement in
 11 each advertisement:
 12 "I am not an attorney licensed to practice law in Indiana. I am not
 13 allowed to draft legal records, give advice on legal matters, including
 14 immigration, or charge a fee for those activities."
 15 (e) The disclaimer described in subsection (d) shall be translated
 16 into every language used in an advertisement.
 17 (f) If size or space restrictions make it impossible for the disclaimer
 18 to be incorporated into an advertisement, the disclaimer described in
 19 subsection (d) shall be prominently displayed at the site of the notarial
 20 service. A display described in this subsection must be shown before
 21 the performance of a notarial act.
 22 (g) Subsections (c) through (f) do not apply to a notary public who
 23 is licensed to practice law in Indiana.
 24 (h) Unless otherwise permitted by law, a notary public may not
 25 withhold access to or possession of an original record provided by a
 26 person seeking the performance of a notarial act by a notary public.
 27 (i) A notary public who violates this chapter may have the notary
 28 public's commission revoked by a judge with jurisdiction in the county
 29 in which the notary public resides or is primarily employed.
 30 (j) The secretary of state may:
 31 (1) investigate any violation of this chapter by a notary public;
 32 and
 33 (2) revoke the commission of a notary public as described in
 34 section 1 of this chapter.
 35 (k) A notary public whose commission has been revoked may not
 36 reapply for a new commission until five (5) years after the revocation.
 37 (l) A notary public who has been convicted of notario publico
 38 deception under section 4 of this chapter may not reapply for a new
 39 commission.
 40 (m) If the secretary of state revokes the commission of a notary
 41 public, the notary public may not reapply for a new commission for five
 42 (5) years.



1 **(n) A notary public may not perform a notarial act when the**
 2 **notary public's commission is suspended or revoked.**

3 SECTION 15. IC 33-42-13-3, AS ADDED BY P.L.128-2017,
 4 SECTION 21, AND AS AMENDED BY P.L.59-2018, SECTION 58,
 5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 6 2019]: Sec. 3. (a) A commission as a notary public does not allow a
 7 person to do the following:

- 8 (1) Provide legal advice or otherwise practice law.
- 9 (2) Act as an immigration consultant or provide advice on
 10 immigration matters.
- 11 (3) Represent a person in an administrative or judicial proceeding
 12 related to citizenship or immigration.
- 13 (4) Use an initial or name, other than the initial or name under
 14 which the notary public has been commissioned, to sign an
 15 acknowledgment.
- 16 (5) Take an acknowledgment or administer an oath to any person
 17 the notary public knows at the time to be:
 - 18 (A) adjudicated mentally incompetent; or
 - 19 (B) under a guardianship described in IC 29-3.
- 20 (6) Take an acknowledgment from any person who is blind
 21 without first reading the record to the person who is blind.
- 22 (7) Take the acknowledgment of any person who does not speak
 23 or understand the English language unless the nature and effect
 24 of the record is translated into a language the person speaks or
 25 understands.
- 26 (8) Take the acknowledgment of a record without witnessing a
 27 signature or receiving an acknowledgment from the principal that
 28 the signature is authentic.
- 29 (9) Take a verification of an affidavit or oath in the absence of an
 30 affirmation of truth by the affiant.
- 31 (10) Perform a notarial act for:
 - 32 (A) oneself;
 - 33 (B) one's spouse; or
 - 34 (C) any party;
 that may directly benefit ~~any~~ a person described in ~~clauses~~ **clause**
 35 (A) ~~through (C).~~ **or (B).**
 - 37 (b) A notary public may not engage in false or deceptive advertising.
 - 38 (c) A notary public, other than an attorney licensed to practice law
 39 in Indiana, may not use the term "notario" or "notario publico".
 - 40 (d) Except as provided in subsection (g), a notary public may not
 41 advertise or represent that the notary public can draft legal documents,
 42 provide legal advice, or otherwise practice law. Any notary public who



1 advertises notarial services shall include the following statement in
2 each advertisement:

3 "I am not an attorney licensed to practice law in Indiana. I am not
4 allowed to draft legal records, give advice on legal matters,
5 including immigration, or charge a fee for those activities."

6 (e) The statement described in subsection (d) shall be translated into
7 every language used in an advertisement.

8 (f) If size or space restrictions make it impossible for the statement
9 to be incorporated into an advertisement, the statement described in
10 subsection (d) shall be prominently displayed at the site where the
11 notarial act is performed. A display described in this subsection must
12 be shown before the performance of a notarial act.

13 (g) Subsections (c) through (f) do not apply to a notary public who
14 is licensed to practice law in Indiana.

15 (h) Unless otherwise permitted by law, a notary public may not
16 withhold access to or possession of an original record provided by a
17 person seeking the performance of a notarial act by a notary public.

18 (i) A notary public who violates this chapter may have the notary
19 public's commission revoked by a judge with jurisdiction in the county
20 in which the notary public resides or is primarily employed.

21 (j) A notary public whose commission has been revoked may not
22 reapply for a new commission until five (5) years after the revocation.

23 (k) A notary public who has been convicted of notario publico
24 deception under section 4 of this chapter may not reapply for a new
25 commission.

26 (l) If the secretary of state revokes the commission of a notary
27 public, the notary public may not reapply for a new commission for five
28 (5) years.

29 **(m) A notary public may not perform a notarial act when the**
30 **notary public's commission is suspended or revoked.**

31 SECTION 16. IC 33-42-14-1, AS ADDED BY P.L.128-2017,
32 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 UPON PASSAGE]: Sec. 1. (a) A notary public may charge a fee of not
34 more than ten dollars (\$10) **per signature** for each of the following
35 notarial acts:

- 36 (1) Taking an acknowledgment.
- 37 (2) Administering an affirmation or oath.
- 38 (3) Attesting to or witnessing a signature.
- 39 (4) Taking a verification on an oath or affirmation.
- 40 (5) Attesting to or certifying a copy.

41 (b) Fees for notarial acts not described in subsection (a) are
42 negotiable.



1 (c) If a fee is charged for a notarial act, the notary public shall
2 display, in advance, a list of the fees that the notary public will charge.

3 (d) Notarial acts that:

4 (1) are performed as part of the notary public's employment; or

5 (2) do not require record keeping;

6 are subject to private agreement and are not governed by this section.

7 (e) A notary public may charge a reasonable fee for traveling to
8 perform a notarial act. The travel fee requested may not exceed the
9 federal travel fees established by the United States General Services
10 Administration.

11 (f) Except as provided in subsection (g), a person who is a:

12 (1) public official; or

13 (2) deputy or appointee of a public official;

14 may not charge for services as a notary public in connection with any
15 official business of that office or any other office belonging to the
16 governmental unit in which the person serves.

17 (g) Subsection (f) does not apply to a person or transaction
18 authorized to charge a fee for notarial services by another statute.

19 SECTION 17. IC 33-42-14-1, AS ADDED BY P.L.128-2017,
20 SECTION 22, AND AS AMENDED BY P.L.59-2018, SECTION 60,
21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
22 2019]: Sec. 1. (a) A notary public may charge a fee of not more than
23 ten dollars (\$10) **per signature** for each of the following notarial acts:

24 (1) Taking an acknowledgment.

25 (2) Administering an affirmation or oath.

26 (3) Attesting to or witnessing a signature.

27 (4) Taking a verification on an oath or affirmation.

28 (5) Attesting to or certifying a copy.

29 (b) Fees for notarial acts not described in subsection (a) are
30 negotiable.

31 (c) If a fee is charged for a notarial act, the notary public shall
32 display, in advance, a list of the fees that the notary public will charge.

33 (d) Notarial acts that:

34 (1) are performed as part of the notary public's employment; or

35 (2) do not require record keeping;

36 are subject to private agreement and are not governed by this section.

37 (e) A notary public may charge a reasonable fee for traveling to
38 perform a notarial act. The travel fee requested may not exceed the
39 federal travel fees established by the United States General Services
40 Administration.

41 (f) Except as provided in subsection (g), an individual who is a:

42 (1) public official; or



1 (2) deputy or appointee of a public official;
 2 may not charge for notarial acts performed by the individual in
 3 connection with any official business of the public official or any other
 4 office belonging to the governmental unit in which the individual
 5 serves.

6 (g) Subsection (f) does not apply to a person or transaction
 7 authorized by another statute to charge a fee for performing notarial
 8 acts.

9 SECTION 18. IC 33-42-15-2, AS ADDED BY P.L.128-2017,
 10 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 2. (a) The secretary of state shall collect two
 12 dollars (\$2) for each attestation provided under this chapter. However,
 13 no fee may be collected for an attestation pertaining to the following:

14 (1) An adoption.

15 (2) A birth certificate **issued by the state of Indiana.**

16 (3) A death certificate **issued by the state of Indiana.**

17 (4) A student:

18 (A) transcript; or

19 (B) diploma;

20 **issued by an academic institution domiciled in Indiana and**
 21 **attested to in a notarial act by the academic institution's**
 22 **registrar or equivalent official.**

23 (5) A document prepared by the secretary of state.

24 **(b) A fee collected under subsection (a) is nonrefundable.**

25 SECTION 19. IC 33-42-16-2, AS AMENDED BY P.L.59-2018,
 26 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 2. (a) The secretary of state shall adopt rules
 28 under IC 4-22-2 to implement this article, including rules to do the
 29 following:

30 (1) Prescribe the process for conditioning, denying, granting,
 31 renewing, revoking, or suspending the following:

32 (A) A commission as a notary public.

33 (B) A remote notary public registration.

34 (2) Prescribe standards to ensure the trustworthiness of
 35 individuals applying for or in possession of the following:

36 (A) A commission as a notary public.

37 (B) A remote notary public registration.

38 (3) Establish processes for accepting and approving assurances.

39 (4) Prescribe the manner by which notarial acts are performed
 40 with respect to tangible records and electronic records.

41 (5) Ensure that a change to or tampering with a record bearing an
 42 electronic notarial certificate is self-evident.



- 1 (6) Specify requirements to ensure the secure creation, storage,
 2 transmission, and authentication of electronic records, electronic
 3 seals, and electronic signatures.
- 4 (7) Establish standards for approval of the following for use in
 5 Indiana:
- 6 (A) Audio visual communication technology.
 7 (B) Identity proofing.
 8 (C) Credential analysis.
 9 (D) Dynamic knowledge based authentication.
 10 (E) Biometrics.
 11 (F) Other methods of identification.
- 12 (8) Establish standards related to electronic notarial certificates.
- 13 (b) When adopting, amending, or repealing rules governing
 14 electronic records or remote notarial acts, the secretary of state shall
 15 consider the following:
- 16 (1) Recent standards regarding electronic records issued by
 17 national bodies, including the National Association of Secretaries
 18 of State.
 19 (2) The customs, practices, and standards of other jurisdictions.
 20 (3) Actions of other governmental entities and officials.
- 21 (c) The administrative rules for remote notarial acts must be in
 22 effect before the secretary of state approves vendors of technology
 23 under IC 33-42-17-6.
- 24 (d) Remote notary public applications will not be accepted for
 25 processing until the administrative rules are in effect and vendors of
 26 technology are approved by the secretary of state.
- 27 **(e) The secretary of state may amend rules adopted under this**
 28 **section as determined necessary as a result of changes in electronic**
 29 **and remote notarial act technology.**
- 30 SECTION 20. IC 33-42-16-5 IS ADDED TO THE INDIANA
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2019]: **Sec. 5. (a) On the request of any**
 33 **person, the secretary of state shall issue a certificate of fact for a**
 34 **notary public.**
- 35 **(b) A certificate of fact issued under subsection (a) must state**
 36 **the following:**
- 37 **(1) The notary public's name.**
 38 **(2) The notary public's commission expiration date.**
 39 **(3) The notary public's county of commission.**
 40 **(4) That the records of the secretary of state indicate that the**
 41 **notary public's commission is active.**
- 42 **(c) Subject to any qualification specified in a certificate of fact**



1 **issued under subsection (a), the certificate may be relied upon as**
 2 **conclusive evidence of the facts stated in the certificate.**

3 SECTION 21. IC 33-42-17-2, AS ADDED BY P.L.59-2018,
 4 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2019]: Sec. 2. (a) A notary public may perform a remote
 6 notarial act only after registering as a remote notary public with the
 7 secretary of state.

8 (b) A notary public is eligible to register under subsection (a) if the
 9 notary public:

- 10 (1) holds a current commission as a notary public in Indiana;
 11 (2) complies with the continuing education requirements
 12 described in IC 33-42-12-2, and prescribed under IC 33-42-16-2;
 13 (3) is able to competently:
 14 (A) operate audiovisual communication technology; and
 15 (B) use identity proofing and credential analysis technology;
 16 **and**
 17 (4) pays a registration fee in the amount of five dollars (\$5); **and**
 18 **(5) passes a remote notarial act examination administered by**
 19 **the secretary of state.**

20 (c) The registration fee described in subsection (b) is in addition to
 21 the processing fee described in IC 33-42-12-1(c).

22 (d) Unless a registration under this section is revoked under
 23 IC 33-42-13, the term of registration:

- 24 (1) begins on the registration starting date set by the secretary of
 25 state; and
 26 (2) expires on the date on which the remote notary public's current
 27 commission ends.

28 (e) A remote notary public whose registration expires under
 29 subsection (d) may not perform a remote notarial act until the remote
 30 notary public has reregistered under this section.

31 (f) A notary public is not required to perform remote notarial acts.

32 (g) A remote notary public may perform a remote notarial act only
 33 if the remote notary public is physically present in Indiana at the time
 34 the remote notarial act is performed.

35 SECTION 22. IC 33-42-17-3, AS ADDED BY P.L.59-2018,
 36 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2019]: Sec. 3. (a) A remote notary public:

- 38 (1) is a notary public subject to IC 33-42-12 to the same extent as
 39 a notary public who is not registered under this chapter;
 40 (2) may perform notarial acts under IC 33-42-9 in addition to
 41 performing remote notarial acts; and
 42 (3) may perform remote notarial acts in accordance with this



- 1 chapter.
- 2 (b) A remote notary public who is physically present in Indiana may
 3 perform the following notarial acts as remote notarial acts:
- 4 (1) Taking an acknowledgment.
 - 5 (2) Administering an affirmation or oath.
 - 6 (3) Taking a verification on an oath or affirmation.
 - 7 (4) Attesting to or witnessing a signature.
 - 8 (5) Attesting to or certifying a copy of a document or record.
- 9 (c) A remote notary public may use audiovisual communication
 10 technology in performance of a remote notarial act described in
 11 subsection (b) if the remote notary public has first:
- 12 (1) selected an audiovisual communication technology that has
 13 been approved by the secretary of state under rules adopted under
 14 IC 4-22-2; and
 - 15 (2) notified the secretary of state of the selection.
- 16 (d) Subject to subsection (e), a remote notarial act performed:
- 17 (1) by a remote notary public commissioned in Indiana; and
 - 18 (2) using audiovisual communication technology described in
 19 subsection (c);
- 20 is considered to have been performed in Indiana, regardless of the
 21 physical location of the principal at the time the remote notarial act is
 22 performed, and is governed by Indiana law.
- 23 (e) A remote notary public may perform a remote notarial act using
 24 audiovisual communication technology described in subsection (c) for
 25 a principal that is present:
- 26 (1) in Indiana;
 - 27 (2) outside Indiana, but within the United States; or
 - 28 (3) outside the United States if:
 - 29 (A) the requested notarial act is not prohibited in the
 30 jurisdiction where the principal is present at the time of the
 31 remote notarial act; and
 - 32 (B) the remote notarial act concerns a matter that:
 - 33 (i) is before a court, a governmental entity, or another entity
 34 in;
 - 35 (ii) concerns a property located in; or
 - 36 (iii) relates to a transaction substantially connected to a
 37 territory or jurisdiction of;
 38 the United States.
- 39 (f) A remote notarial act that is performed using audiovisual
 40 communication technology described in subsection (c) must be
 41 captured by an audiovisual recording, regardless of whether the
 42 requested remote notarial act is completed.



1 (g) Before performing a remote notarial act described in subsections
 2 (b) and (c), a remote notary public shall inform the participating parties
 3 that the remote notarial act will be captured by an audiovisual
 4 recording.

5 (h) An audiovisual recording of a remote notarial act must include
 6 the following:

7 (1) A recitation of the following by the remote notary public:

8 (A) Identifying information sufficient to identify the specific
 9 remote notarial act performed.

10 (B) A statement explaining one (1) of the following:

11 (i) That the principal's identity is authenticated through the
 12 remote notary public's personal knowledge of the principal's
 13 identity.

14 (ii) That the identity of the principal is authenticated by a
 15 credible witness.

16 (2) A confirmation by the principal that the principal's electronic
 17 signature is freely and voluntarily issued.

18 (i) Regardless of the physical location of the principal at the time of
 19 the notarial act, the validity of a remote ~~notarization~~ **notarial act**
 20 performed by a remote notary public commissioned in Indiana must be
 21 determined under the laws of this state.

22 SECTION 23. IC 33-42-17-6, AS ADDED BY P.L.59-2018,
 23 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2019]: Sec. 6. (a) Technology used by a remote notary public
 25 for use in performing remote notarial acts must first be approved by the
 26 secretary of state.

27 (b) The secretary of state may approve technology described in
 28 subsection (a) only if the:

29 (1) technology:

30 (A) is tamper evident;

31 (B) allows a remote notarial act to be completed in accordance
 32 with this article;

33 (C) conforms to rules adopted by the secretary of state under
 34 IC 4-22-2; and

35 (D) if the technology is to be used for a remote notarial act
 36 described in section 4(a) of this chapter, allows for audiovisual
 37 communication between the parties; and

38 (2) vendor of the technology described in subdivision (1):

39 (A) uses a ~~traditional or cloud based~~ backup strategy that is
 40 acceptable to the secretary of state for use as a record keeper
 41 for any record that is related to a remote notarial act; and

42 (B) signs an agreement with the owner of the backup strategy



- 1 described in clause (A) that, in the event that the vendor
 2 ceases business operations, the owner is required to release to
 3 the secretary of state any record described in clause (A).
- 4 (c) A remote notary public:
 5 (1) may select one (1) or more technologies approved by the
 6 secretary of state under this section to perform remote notarial
 7 acts; and
 8 (2) may not be required to use a particular technology not
 9 previously selected by the remote notary public.
- 10 (d) A remote notary public shall do the following:
 11 (1) Take reasonable steps to ensure that audiovisual technology
 12 used in a remote notarial act is secure from unauthorized
 13 interception.
 14 (2) Not later than thirty (30) days after the change occurs, notify
 15 the secretary of state of any change in technology used by the
 16 remote notary public to perform remote notarial acts.
- 17 SECTION 24. IC 33-42-17-8, AS ADDED BY P.L.59-2018,
 18 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2019]: Sec. 8. (a) A remote notary public who performs a
 20 remote notarial act shall personally do the following:
 21 (1) Enter each remote notarial act in an electronic journal.
 22 (2) Maintain the electronic journal.
 23 (3) Keep the electronic journal in the exclusive control of the
 24 remote notary public.
 25 (4) Use commercially reasonable means to prevent unauthorized
 26 access to the electronic journal.
 27 (5) Provide for the lawful copying and inspection of the electronic
 28 journal.
- 29 (b) An employer may not perform the responsibilities described in
 30 subsection (a) on behalf of a remote notary public.
- 31 (c) A remote notary public may maintain more than one (1)
 32 electronic journal.
- 33 (d) The following apply to an electronic journal:
 34 (1) Access to the information contained in the electronic journal
 35 must be contingent upon the use of a password or other secure
 36 means of authentication.
 37 (2) It must be possible to print or produce a tangible record of any
 38 entry logged in the electronic journal.
- 39 (e) A journal entry for each remote notarial act must consist of the
 40 following:
 41 (1) The date and time of the remote notarial act.
 42 (2) The type of remote notarial act.



- 1 (3) A title or description of the electronic record for each remote
2 notarial act.
- 3 (4) The full name of the principal.
- 4 (5) A description of the manner by which the identity of the
5 principal was authenticated or verified.
- 6 (6) A description of any credential and the credential's
7 corresponding date of expiration used to authenticate or verify the
8 identity of the principal.
- 9 (7) A listing of:
- 10 (A) every type of fee; and
- 11 (B) every fee amount;
- 12 charged by the remote notary public for each remote notarial act.
- 13 (8) Any other information required by the secretary of state.
- 14 (f) A remote notary public shall not delete, destroy, overwrite, or
15 render inaccessible an electronic journal unless the remote notary
16 public is ordered to do so by the secretary of state or judicial order.
- 17 (g) Upon a remote notary public's learning that an electronic journal
18 is lost, stolen, or compromised, the remote notary public shall notify
19 the secretary of state.
- 20 (h) A remote notary public who resigns or whose commission
21 expires shall maintain the contents of an electronic journal for at least
22 ~~five (5)~~ **ten (10)** years after the performance of the last recorded remote
23 notarial act.
- 24 SECTION 25. IC 34-33-3-2 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. An action may
26 be filed in the county:
- 27 (1) where the plaintiff resides; or
- 28 (2) where the accident or collision occurred;
- 29 at the election of the plaintiff. Service of process shall be made ~~by~~
30 ~~leaving a copy of the action and a fee of five dollars (\$5) with the~~
31 ~~secretary of state for the defendant to be served.~~ **on the secretary of**
32 **state in accordance with Trial Rule 4.10 of the Indiana Rules of**
33 **Trial Procedure, together with the fee set forth in IC 23-0.5-9-56.**
34 The service is sufficient service upon the person if notice of service and
35 a copy of the process are immediately sent by registered mail to the
36 defendant and the defendant's return receipt is appended to the original
37 process and filed in the court.
- 38 SECTION 26. IC 34-33-3-3 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. If a defendant
40 refuses to accept or claim registered mail, the secretary of state shall
41 return the registered mail to the plaintiff or to the plaintiff's attorney.
42 The mail shall be appended to the original process, together with an



1 affidavit of the plaintiff or of the attorney or agent that the summons
 2 was delivered to the secretary of state ~~together with a fee of five dollars~~
 3 ~~(\$5)~~, **in accordance with Trial Rule 4.10 of the Indiana Rules of**
 4 **Trial Procedure, together with the fee set forth in IC 23-0.5-9-56,**
 5 and was returned unclaimed by the United States Postal Service. The
 6 affidavit, together with the returned envelope including the summons,
 7 is considered sufficient service upon the defendant.

8 SECTION 27. [EFFECTIVE UPON PASSAGE] **(a) It is the intent**
 9 **of the general assembly that the following sections amended by this**
 10 **act are effective until July 1, 2019:**

11 (1) IC 33-42-9-12, as added by P.L.128-2017, SECTION 18, as
 12 amended by this act.

13 (2) IC 33-42-13-3, as added by P.L.128-2017, SECTION 21, as
 14 amended by this act.

15 (3) IC 33-42-14-1, as added by P.L.128-2017, SECTION 22, as
 16 amended by this act.

17 **(b) It is the intent of the general assembly that the following**
 18 **sections amended by this act are effective July 1, 2019:**

19 (1) IC 33-42-9-12, as added by P.L.128-2017, SECTION 18,
 20 and as amended by P.L.59-2018, SECTION 52, as amended by
 21 this act.

22 (2) IC 33-42-13-3, as added by P.L.128-2017, SECTION 21,
 23 and as amended by P.L.59-2018, SECTION 58, as amended by
 24 this act.

25 (3) IC 33-42-14-1, as added by P.L.128-2017, SECTION 22,
 26 and as amended by P.L.59-2018, SECTION 60, as amended by
 27 this act.

28 **(c) This SECTION expires July 1, 2020.**

29 SECTION 28. An emergency is declared for this act.

