

1 **SENATE FLOOR VERSION**

2 February 19, 2019

3 SENATE BILL NO. 915

By: Rosino of the Senate

4 and

5 Kannady of the House

6  
7  
8 An Act relating to remote online notarial acts;  
9 authorizing recordation of electronic documents in  
10 tangible form; providing for certification of paper  
11 or tangible copies of electronic records; providing  
12 definitions; requiring the Secretary of State to  
13 promulgate standards regulating remote online  
14 notarizations; providing for registration  
15 requirements; authorizing performance of remote  
16 online notarial acts; requiring the creation and  
17 retention of certain electronic records; providing  
18 for use of electronic signatures and seals; providing  
19 procedures for performance of remote online notarial  
20 acts; authorizing fee for remote online notarial  
21 acts; requiring notaries public to destroy electronic  
22 software upon termination of commission; providing  
23 legal recognition of remote online notarial acts;  
24 providing for validity of remote online notarial  
acts; providing for applicability of the Remote  
Online Notary Act; providing for relation of the  
Remote Online Notary Act to the Electronic Signatures  
in Global and National Commerce Act; providing for  
codification; and providing an effective date.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 87 of Title 16, unless there is  
24 created a duplication in numbering, reads as follows:

1 RECORDATION OF ELECTRONIC DOCUMENTS IN TANGIBLE FORM.

2 A. As used in this section:

3 1. "Document" means information that is:

4 a. inscribed on a tangible medium or that is stored in an  
5 electronic or other medium and is retrievable in

6 perceivable form, and

7 b. eligible to be recorded in the office of the county  
8 clerk;

9 2. "Electronic" means relating to technology having electrical,  
10 digital, magnetic, wireless, optical, electromagnetic, or similar  
11 capabilities;

12 3. "Electronic document" means a document created, generated,  
13 sent, communicated, received, or stored by electronic means;

14 4. "Electronic signature" means an electronic sound, symbol, or  
15 process attached to or logically associated with an electronic  
16 document and executed or adopted by a person with the intent to sign  
17 the electronic document.

18 B. A paper or tangible copy of an electronic document that a  
19 notary public has certified to be a true and correct copy under  
20 subsection C of this section satisfies any requirement of law that,  
21 as a condition for recording, the document:

22 1. Be an original or be in writing;

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1           2. Be signed or contain an original signature, if the document  
2 contains an electronic signature of the person required to sign the  
3 document; and

4           3. Be notarized, acknowledged, verified, witnessed, or made  
5 under oath, if the document contains an electronic signature of the  
6 person authorized to perform that act, and all other information  
7 required to be included.

8           C. A notary public commissioned under Section 1 of Title 49 of  
9 the Oklahoma Statutes may certify that a paper or tangible copy of  
10 an electronic document is a true and correct copy of the electronic  
11 document if the notary public has:

12           1. Reasonably confirmed that the electronic document is in a  
13 tamper-evident format;

14           2. Detected no changes or errors in any electronic signature or  
15 other information in the electronic document;

16           3. Personally printed or supervised the printing of the  
17 electronic document onto paper or other tangible medium; and

18           4. Not made any changes or modifications to the electronic  
19 document or to the paper or tangible copy thereof other than the  
20 certification described in this subsection.

21           D. A county clerk shall record a paper or tangible copy of a  
22 document that is otherwise entitled to be recorded under the laws of  
23 this state, provided that the paper or tangible copy has been  
24 certified by a notary public to be a true and correct copy of an

1 electronic document under subsection C of this section as evidenced  
2 by a certificate. The certificate shall be completed in the manner  
3 required in subsection A of Section 118 of Title 49 of the Oklahoma  
4 Statutes.

5 E. The following form of certificate is sufficient for the  
6 purposes of this section if completed in the manner required by  
7 subsection D of this section:

8 State of

9 County of

10 I certify that the preceding or attached document (entitled  
11 (document title)), (dated (document date)), containing (number)  
12 pages is a true and correct copy of an electronic document printed  
13 by me or under my supervision, and that, at the time of printing, no  
14 security features present on the electronic document indicated any  
15 changes or errors in an electronic signature or other information in  
16 the electronic document since its creation or execution.

17 Dated

18 (Signature of notary public)

19 (Notary seal)

20 Notary Public

21 (My commission expires: )

22 F. If a certificate is completed in the manner required by  
23 subsection D of this section and is attached to or made a part of a  
24 paper or tangible document, the certificate is prima facie evidence

1 that the requirements of subsection C of this section have been  
2 satisfied with respect to the document.

3 G. When any paper or tangible copy of an electronic document  
4 shall have been recorded in the office of the county clerk in the  
5 proper county, and the document was not certified in accordance with  
6 this section, such document shall, from and after the time of the  
7 filing thereof for record, be valid as though such document had, in  
8 the first instance, been an all respects duly certified in  
9 accordance with this section. Such document or the record thereof  
10 or a duly-authenticated copy thereof shall be competent evidence  
11 without requiring the original to be produced or accounted for to  
12 the same extent that written documents, duly executed and  
13 acknowledged, or the record thereof, are competent. This subsection  
14 shall apply to documents recorded before or after January 1, 2020.

15 H. This section does not apply to a plat, plan, map, or survey  
16 of real property if under another law of this state or a rule,  
17 regulation, or ordinance applicable to a county clerk:

18 1. There are requirements of format or medium for the  
19 execution, creation, or recordation of such plat, plan, map, or  
20 survey beyond the requirements applicable to a deed to real  
21 property; or

22 2. Such plat, plan, map, or survey shall be recorded in a  
23 different location than a deed to real property.

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1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 201 of Title 49, unless there is  
3 created a duplication in numbering, reads as follows:

4 SHORT TITLE. Sections 2 through 15 shall be known and may be  
5 cited as the "Remote Online Notary Act".

6 SECTION 3. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 202 of Title 49, unless there is  
8 created a duplication in numbering, reads as follows:

9 As used in this act:

10 1. "Communication technology" means an electronic device or  
11 process that allows a notary public and a remotely located  
12 individual to communicate with each other by sight and sound;

13 2. "Credential analysis" means a process or service that meets  
14 the standards under Section 4 of this act through which a third  
15 person affirms the validity of an identification credential through  
16 review of public or private data sources;

17 3. "Electronic" means relating to technology having electrical,  
18 digital, magnetic, wireless, optical, electromagnetic, or similar  
19 capabilities;

20 4. "Electronic record" means information that is created,  
21 generated, sent, communicated, received, or stored by electronic  
22 means;

23 5. "Electronic seal" means an electronic image containing  
24 information attached to or logically associated with an electronic

1 record that contains the notary public's name exactly as indicated  
2 on the notary's commission, the words "State of Oklahoma" and  
3 "Notary Public", and the notary public's commission number and the  
4 date of expiration of the notary public's commission;

5 6. "Electronic signature" means an electronic sound, symbol, or  
6 process attached to or logically associated with an electronic  
7 record and executed or adopted by a person with the intent to sign  
8 the electronic record;

9 7. "Foreign state" means a jurisdiction other than the United  
10 States, a state, or a federally recognized Indian tribe;

11 8. "Identity proofing" means a process or service that meets  
12 the standards under Section 4 of this act through which a third  
13 person provides a notary public with a means to verify the identity  
14 of a remotely located individual by a review of personal information  
15 from public or private data sources;

16 9. "Notarial act" or "Notarization" means an act that a notary  
17 public is authorized to perform under subsection A of Section 6 of  
18 Title 49 of the Oklahoma Statutes or under any other law of this  
19 state;

20 10. "Outside the United States" means a location outside the  
21 geographic boundaries of the United States, Puerto Rico, the United  
22 States Virgin Islands, and any territory, insular possession, or  
23 other location subject to the jurisdiction of the United States;

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1 11. "Person" means an individual, corporation, business trust,  
2 statutory trust, estate, trust, partnership, limited liability  
3 company, association, joint venture, public corporation, government  
4 or governmental subdivision, agency, or instrumentality, or any  
5 other legal or commercial entity;

6 12. "Personal knowledge" means knowledge through dealings  
7 sufficient to provide reasonable certainty that the individual has  
8 the identity claimed, and "personally known" and "personally knows"  
9 have corresponding meanings;

10 13. "Principal" means a remotely located individual whose  
11 signature is notarized in a remote online notarization, whether in  
12 an individual or representative capacity, or who makes an oath,  
13 affirmation, or acknowledgment in a remote online notarization,  
14 other than in the capacity of a witness;

15 14. "Remote online notarization" or "remote online notarial  
16 act" means a notarial act performed by means of communication  
17 technology under this act;

18 15. "Remote presentation" means transmission to a notary public  
19 through communication technology of an image of a remotely located  
20 individual's identification credential that is of sufficient quality  
21 to enable the notary public to reasonably identify the remotely  
22 located individual and to perform credential analysis;

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1 16. "Remotely located individual" means an individual who is  
2 not in the physical presence of the notary public who performs a  
3 remote online notarization; and

4 17. "State" means a state of the United States, the District of  
5 Columbia, Puerto Rico, the United States Virgin Islands, or any  
6 territory or insular possession subject to the jurisdiction of the  
7 United States.

8 SECTION 4. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 203 of Title 49, unless there is  
10 created a duplication in numbering, reads as follows:

11 RULEMAKING; ADMINISTRATION OF STANDARDS.

12 A. The Secretary of State shall promulgate rules to implement  
13 and ensure the effective administration of this act. The rules  
14 shall provide standards for:

15 1. Ensuring integrity in the creation, transmittal, storage,  
16 and authentication of electronic signatures, electronic seals, and  
17 electronic records;

18 2. The means of performing remote online notarial acts;

19 3. Communication technology, credential analysis, and identity  
20 proofing;

21 4. The retention of journals and audio and visual recordings  
22 under Section 7 of this act;

23 5. Sufficient forms of notarial certificates for remote online  
24 notarizations; and

1           6. Other matters as deemed necessary by the Secretary of State  
2 to implement and administer this act.

3           B. In promulgating, amending, supplementing, and repealing  
4 rules under this section, the Secretary of State may consider  
5 standards adopted by national standard-setting bodies such as the  
6 National Association of Secretaries of State and the Mortgage  
7 Industry Standards and Maintenance Organization, the standards and  
8 practices of other jurisdictions that have laws substantially  
9 similar to this act, and the views of government officials and other  
10 interested persons.

11           C. The rules promulgated under this section may be amended,  
12 supplemented, and repealed.

13           SECTION 5.       NEW LAW       A new section of law to be codified  
14 in the Oklahoma Statutes as Section 204 of Title 49, unless there is  
15 created a duplication in numbering, reads as follows:

16           REGISTRATION REQUIRED.

17           A. A notary public appointed and commissioned under Section 1  
18 of Title 49 of the Oklahoma Statutes may perform remote online  
19 notarizations under this title if authorized by the Secretary of  
20 State. Before a notary public performs the notary public's initial  
21 remote online notarization, the notary public shall register with  
22 the Secretary of State under subsection C of this section and  
23 receive written authorization from the Secretary of State under  
24 subsection D of this section. An individual may apply for a

1 commission under Section 1 of Title 49 of the Oklahoma Statutes and  
2 apply for registration under this section at the same time.

3 B. A notary public applying to register to perform remote  
4 online notarizations shall pay a fee of Twenty-five Dollars (\$25.00)  
5 to the Secretary of State with the application. These funds shall  
6 be deposited in the Revolving Fund created for the Secretary of  
7 State under Section 276.1 of Title 62 of the Oklahoma Statutes.

8 C. A notary public registering to perform remote online  
9 notarizations under this section shall submit a completed  
10 application using the forms or format required by the Secretary of  
11 State that shall include:

12 1. The full legal name of the applicant and the applicant's  
13 official name as it appears on the applicant's notarial commission  
14 under Section 1 of Title 49 of the Oklahoma Statutes;

15 2. A description of the technology the applicant intends to use  
16 in performing remote online notarizations;

17 3. A statement that the applicant will comply with the  
18 standards under Section 4 of this act; and

19 4. Any other information the Secretary of State may by rule  
20 require.

21 D. If the technology identified by the applicant conforms to  
22 the standards under Section 4 of this act and the applicant has  
23 satisfied the requirements of this section, the Secretary of State  
24 shall approve the use of the technology and issue to the applicant

1 written authorization to perform remote online notarizations during  
2 the term of the applicant's notarial commission under Section 1 of  
3 Title 49 of the Oklahoma Statutes.

4 E. The Secretary of State may deny a notary public's  
5 application for registration under this section:

6 1. For a reason for which the Secretary of State may deny,  
7 refuse to renew, or revoke a commission under subsection A of  
8 Section 12 of Title 49 of the Oklahoma Statutes;

9 2. For a violation of the rules under Section 4 of this act;

10 3. If the technology identified by the notary public does not  
11 conform to the standards under Section 4 of this act; or

12 4. If any information on the application is missing,  
13 inaccurate, or incomplete.

14 F. The term of a notary public's authorization to perform  
15 remote online notarizations begins on the authorization date set by  
16 the Secretary of State and continues as long as the notary public's  
17 commission remains valid. The renewal of a notary public's  
18 commission pursuant to Section 1 of Title 49 of the Oklahoma  
19 Statutes shall constitute the renewal of the notary public's  
20 authorization to perform remote online notarizations under this  
21 section.

22 G. A notary public's authorization to perform remote online  
23 notarizations terminates if:

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1           1. The notary public's name changes during the term of the  
2 notary public's commission; and

3           2. The notary public elects to use the notary public's new name  
4 under a new commission pursuant to paragraph 2 of subsection B of  
5 Section 11 of Title 49 of the Oklahoma Statutes.

6           H. Nothing in this section shall be construed as prohibiting a  
7 notary public from receiving, installing, or utilizing a hardware or  
8 software update to the technology that the notary public identified  
9 under this section if the hardware or software update does not  
10 result in a technology that is materially different from the  
11 technology that the notary public identified under this section.

12           SECTION 6.           NEW LAW           A new section of law to be codified  
13 in the Oklahoma Statutes as Section 205 of Title 49, unless there is  
14 created a duplication in numbering, reads as follows:

15           AUTHORITY TO PERFORM REMOTE ONLINE NOTARIAL ACTS.

16           A notary public physically located in this state and authorized  
17 to perform remote online notarizations under Section 5 of this act  
18 may perform a notarial act by means of communication technology for  
19 a remotely located individual who is physically located:

- 20           1. In this state;
  - 21           2. Outside this state but not outside the United States; or
  - 22           3. Outside the United States if:
    - 23           a. the electronic record:
- 24

1 (i) is to be filed with or relates to a matter before  
2 a court, governmental entity, public official, or  
3 other entity subject to the jurisdiction of the  
4 United States, or

5 (2) involves property located in the territorial  
6 jurisdiction of the United States or a  
7 transaction substantially connected to the United  
8 States, and

9 b. the notary public has no actual knowledge that the act  
10 of making the statement or signing the electronic  
11 record is prohibited by the foreign state in which the  
12 remotely located individual is located.

13 SECTION 7. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 206 of Title 49, unless there is  
15 created a duplication in numbering, reads as follows:

16 ELECTRONIC RECORD OF REMOTE ONLINE NOTARIAL ACTS.

17 A. A notary public shall maintain a journal in a permanent,  
18 tamper-evident electronic format complying with standards  
19 promulgated by the Secretary of State in which the notary public  
20 chronicles all remote online notarial acts that the notary public  
21 performs. An entry in a journal shall be made contemporaneously  
22 with the performance of the remote online notarial act and contain  
23 the following information:

24 1. The date and time of the remote online notarial act;

1           2. A description of the document, if any, and type of notarial  
2 act;

3           3. The full name and address of each principal for whom the  
4 notarial act is performed;

5           4. If the identity of the principal is based on personal  
6 knowledge, a statement to that effect;

7           5. If identity of the principal is based on credential analysis  
8 and identity proofing, a brief description of the results of the  
9 identity verification process and the identification credential  
10 remotely presented, including the date of issuance and expiration of  
11 the identification credential;

12           6. If identity of the principal is based on oath or affirmation  
13 of a credible witness, the information identified in paragraph 4 or  
14 5 of this subsection, as applicable, that provided a basis for the  
15 notary public's identification of the credible witness, a statement  
16 of the basis by which the credible witness claims personal knowledge  
17 of the principal, the location of the credible witness, and the full  
18 name and address of the credible witness; and

19           7. The fee, if any, charged by the notary public.

20           B. A notary public, or a person acting on behalf of the notary  
21 public, shall create an audio and visual recording of the  
22 performance of each remote online notarial act.

23           C. A notary public shall take reasonable steps to:  
24

1 1. Ensure the integrity, security, and authenticity of remote  
2 online notarial acts;

3 2. Maintain a backup of the journal and the audio and visual  
4 recording; and

5 3. Protect the backup from unauthorized use.

6 D. A notary public, a guardian, conservator, or agent of the  
7 notary public, or a personal representative of a deceased notary  
8 public shall retain the journal and the audio and visual recording  
9 or cause the journal and the recording to be retained by a  
10 depository designated by or on behalf of the person required to  
11 retain the journal and the recording. The recording shall be  
12 retained for at least ten (10) years from the date of the remote  
13 online notarial act. The journal shall be retained for at least ten  
14 (10) years after the performance of the last remote online notarial  
15 act chronicled in the journal.

16 SECTION 8. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 207 of Title 49, unless there is  
18 created a duplication in numbering, reads as follows:

19 USE OF ELECTRONIC SIGNATURE AND SEAL.

20 A. In performing a remote online notarial act, a notary public  
21 shall attach or logically associate the notary public's electronic  
22 signature and electronic seal to the certificate of notarial act in  
23 a tamper-evident format. The electronic seal shall be capable of  
24 being copied together with the electronic record to which it is



1 attached or with which it is logically associated. The certificate  
2 shall be attached to or logically associated with the electronic  
3 record that is the subject of the remote online notarial act. If  
4 the Secretary of State has approved standards under Section 4 of  
5 this act for attaching or logically associating the electronic  
6 signature, electronic seal, or certificate, the process shall  
7 conform to the standards.

8 B. A notary public's use of an electronic signature and  
9 electronic seal under this section satisfies the requirement of  
10 Section 5 of Title 49 of the Oklahoma Statutes that a notary public  
11 authenticate an official act with an official signature and seal of  
12 office.

13 C. A notary public shall take reasonable steps to protect the  
14 notary public's electronic seal from unauthorized use. A notary  
15 public may not allow another person to use the notary public's  
16 electronic seal.

17 D. A notary public shall immediately notify an appropriate law  
18 enforcement agency and the Secretary of State upon actual knowledge  
19 of the theft or vandalism of the notary public's journal or  
20 electronic seal. A notary public shall immediately notify the  
21 Secretary of State upon actual knowledge of the loss or use by  
22 another person of the notary public's journal or electronic seal.

23 E. Unless required as part of the application under subsection  
24 C of Section 5 of this act, a notary public is not required to

1 submit an image of the notary public's electronic seal to the  
2 Secretary of State. A notary public's electronic seal is not  
3 subject to the requirement that an impression be filed with and  
4 approved by the Secretary of State under Section 2 of Title 49 of  
5 the Oklahoma Statutes.

6 SECTION 9. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 208 of Title 49, unless there is  
8 created a duplication in numbering, reads as follows:

9 REMOTE ONLINE NOTARIZATION PROCEDURES.

10 A. Before performing a remote online notarial act, a notary  
11 public shall:

12 1. Reasonably identify the electronic record before the notary  
13 public as the same electronic record in which the principal made a  
14 statement or on which the principal executed or adopted an  
15 electronic signature; and

16 2. Take reasonable steps to ensure that the communication  
17 technology used in the remote online notarial act is secure from  
18 unauthorized interception.

19 B. In performing a remote online notarial act, a notary shall  
20 reasonably verify the identity of the principal by:

- 21 1. The notary public's personal knowledge of the principal;
- 22 2. Each of the following:

23  
24

- a. remote presentation by the principal of a current government-issued identification credential containing the photograph and signature of the principal,
- b. credential analysis of the identification credential, and
- c. identity proofing of the principal; or

3. Oath or affirmation of a credible witness who personally knows the principal if:

- a. the credible witness is personally known to the notary public, or
- b. the notary public has reasonably verified the identity of the credible witness under paragraph 2 of this subsection.

C. A notary public may:

1. Require a principal or credible witness to provide additional information necessary to assure the notary public of the identity of the principal or credible witness; and

2. Refuse to perform a remote online notarial act if the remote online notary public is not satisfied as to the identity of a principal.

D. A credible witness under subsection B of this section who is:

1. Physically present with a principal at the time of a remote online notarial act may be a remotely located individual if the

1 credible witness and notary public communicate by means of  
2 communication technology; or

3 2. Physically present with a notary public at the time of a  
4 remote online notarial act may be outside the physical presence of a  
5 principal if the credible witness and principal communicate by means  
6 of communication technology.

7 E. The certificate of notarial act for a remote online  
8 notarization shall indicate that the notarial act was a remote  
9 online notarial act performed by means of communication technology.  
10 A certificate is sufficient to satisfy the requirement of this  
11 subsection if it:

- 12 1. Complies with standards under Section 4 of this act; or  
13 2. Is in a form otherwise sufficient under the laws of this  
14 state and contains a statement substantially as follows: "This  
15 remote online notarization involved the use of communication  
16 technology."

17 SECTION 10. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 209 of Title 49, unless there is  
19 created a duplication in numbering, reads as follows:

20 FEES.

21 A notary public, or a person acting for or on behalf of a notary  
22 public, may charge and collect a fee not to exceed Twenty-five  
23 Dollars (\$25.00) for a remote online notarial act.

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1 SECTION 11. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 210 of Title 49, unless there is  
3 created a duplication in numbering, reads as follows:

4 TERMINATION OF NOTARY PUBLIC'S COMMISSION.

5 A. Except as provided by subsection B of this section, a notary  
6 public authorized to perform remote online notarial acts whose  
7 commission is terminated or revoked shall destroy the coding, disk,  
8 certificate, card, software, or password that enables the notary  
9 public to attach or logically associate the notary public's  
10 electronic signature and electronic seal to an electronic record. A  
11 notary public subject to the provisions of this subsection shall  
12 certify compliance with this subsection to the Secretary of State.  
13 On the death or adjudication of incompetency of a notary public, the  
14 notary public's personal representative or guardian shall comply  
15 with the provisions of this subsection.

16 B. A former notary public whose commission terminated for a  
17 reason other than revocation is not required to destroy the items  
18 described by subsection A of this section if the former notary  
19 public receives a new commission as a notary public within three (3)  
20 months of the termination of the notary public's former commission.

21 C. A notary public's electronic signature and electronic seal  
22 shall be destroyed under subsection A of this section if:

23 1. The notary public's name changes during the term of the  
24 notary public's commission; and

1           2. The notary public elects to use the notary public's new name  
2 under a new commission pursuant to paragraph 2 of subsection B of  
3 Section 11 of Title 49 of the Oklahoma Statutes.

4           D. The termination of a notary public's commission shall not  
5 affect the retention requirements of subsection D of Section 7 of  
6 this act.

7           SECTION 12.       NEW LAW       A new section of law to be codified  
8 in the Oklahoma Statutes as Section 211 of Title 49, unless there is  
9 created a duplication in numbering, reads as follows:

10           LEGAL RECOGNITION OF REMOTE ONLINE NOTARIAL ACTS.

11           A. A remote online notarization under this act satisfies any  
12 requirement of law of this state that a principal appear before,  
13 appear personally before, or be in the physical presence of a notary  
14 public at the time of the performance of the notarial act.

15           B. A notary public's verification of a principal's identity  
16 under subsection B of Section 9 of this act constitutes satisfactory  
17 evidence of identity of the principal and satisfies any requirement  
18 of law of this state that the notary public obtain satisfactory  
19 evidence of identity of the principal.

20           SECTION 13.       NEW LAW       A new section of law to be codified  
21 in the Oklahoma Statutes as Section 212 of Title 49, unless there is  
22 created a duplication in numbering, reads as follows:

23           VALIDITY OF REMOTE ONLINE NOTARIAL ACTS.  
24

1       The failure of a notary public to perform a duty or meet a  
2 requirement specified in this act does not invalidate a remote  
3 online notarial act performed by the notary public. The validity of  
4 a remote online notarial act under this act does not prevent an  
5 aggrieved person from seeking to invalidate the electronic record or  
6 transaction that is the subject of the remote online notarial act or  
7 from seeking other remedies based on law of this state other than  
8 this chapter or based on law of the United States. This section  
9 does not validate a purported remote online notarial act performed  
10 by an individual who does not have the authority to perform remote  
11 online notarial acts.

12       SECTION 14.       NEW LAW       A new section of law to be codified  
13 in the Oklahoma Statutes as Section 213 of Title 49, unless there is  
14 created a duplication in numbering, reads as follows:

15       APPLICABLE LAW; CONFLICT OF LAWS.

16       A. The validity of a remote online notarization performed under  
17 this act is determined by applying the laws of this state,  
18 regardless of the physical location of the principal at the time of  
19 the remote online notarization.

20       B. In the event of a conflict between a provision of this act  
21 and another provision of this title or any other law of this state,  
22 the provision this act controls.

23

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1 SECTION 15. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 214 of Title 49, unless there is  
3 created a duplication in numbering, reads as follows:

4 RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL  
5 COMMERCE ACT.

6 This act modifies, limits, and supersedes the federal Electronic  
7 Signatures in Global and National Commerce Act (15 U.S.C. Section  
8 7001, et seq.) but does not modify, limit, or supersede Section  
9 101(c) of that act (15 U.S.C. Section 7001(c)) or authorize  
10 electronic delivery of any of the notices described in Section  
11 103(b) of that act (15 U.S.C. Section 7003(b)).

12 SECTION 16. This act shall become effective January 1, 2020.

13 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
14 February 19, 2019 - DO PASS

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