

Temporary Remote Notarization

Beginning April 20, 2020, remote notarization is temporarily authorized for all Pennsylvania notaries public, pursuant to Act 15 of 2020 ([S.B. 841](#)). This authorization will expire 60 days after termination or expiration of the [COVID-19 disaster emergency issued by Governor Wolf](#).

Remote notarization is when personal appearance before a notary public is made via audiovisual communication or technology. Remote notarization allows Pennsylvania notaries to perform their duties for clients who are not in the same physical location with them, using electronic communication technology. Until now, Pennsylvania law required notarial acts, even those performed electronically with respect to electronic records, to be done in the physical presence of the notary.

Prior to the signing of S.B. 841 into law on April 20, remote notarization in Pennsylvania was possible only in very specific instances [per COVID-19 waivers approved by the Governor](#). These waivers, authorized under the Emergency Management Services Code, suspended the Revised Uniform Law on Notarial Acts at 57 Pa.C.S. § 306 (requiring in-person appearance before a notary public) for certain records and transactions.

S.B. 841 expands remote notarization to every type of record and transaction that may be completed under the Governor's existing [order](#), [chart](#) and [FAQs](#) on the operation of life-sustaining businesses.

S.B. 841 requires all of the following for Pennsylvania notaries who wish to provide notarial services for individuals not in their physical presence:

Notification to the Department of State. The notary must notify the Department of State that the notary will be conducting remote notarizations and designate the communication and identity-proofing technology that the notary intends to use. Notice is given to the Department in [an online form](#) provided by the Department and does not require the payment of any additional fees or any additional training. The [Steps to Becoming an Electronic/Remote Notary in Pennsylvania](#) describes the complete process.

Use of approved communication technology. The notary must use a technology that satisfies the following requirements:

- The technology must enable a notary public located in Pennsylvania to communicate with a remotely located individual simultaneously by sight and sound and make reasonable accommodations for persons with vision, hearing or speech impairments.
- The technology must enable the notary public to determine the identity of the remotely located customer based either (1) on his or her personal knowledge; (2) the testimony of a credible witness; or (3) by using at least two identity-proofing technologies or services. Identify-proofing processes or services include having the remotely located individual answer questions for which there is a high probability that only the true individual would be able to answer correctly, or may identify the individual through the use of biometric identification technology or the analysis of identification cards. The identity of a witness must be determined in the same manner as the identity of the remotely located customer.

- The technology must enable the identification of a record before in the presence of the notary as the same record being signed by or containing a statement made by the remotely located individual. This can be accomplished by the use of electronic records or signatures created using tamper evident technology; the presence of the same tangible record before the notary and the remotely located individual; or by the exchange of tangible records.
- The technology must create an audio-visual recording of the notarization, including all interactions between the notary public and the remotely located individual, that will be retained by the notary public or a person acting on his or her behalf for at least ten years.

The Department of State maintains a list of [approved technology vendors](#) and continues to add new remote notary vendors. *Skype, Zoom and FaceTime alone are NOT acceptable remote notarization technologies.* The Department advises notaries to research the various vendors before applying to them. The cost and use of the approved remote notary solutions vary – some are eClosing and lender-oriented, while other solutions may be better applied to different sectors and types of transactions.

Modified notarial certificate. The notarial certificate must disclose that the notarization was conducted using communication technology. This requirement is satisfied by using the following statement: “This notarial act involved the use of communication technology.”

Location of notary and remotely located individual. The notary public must be in Pennsylvania at the time of the notarial act. The notarial certificate will reflect the county where the notary is physically located at the time of the notarization. The remotely located individual may be in Pennsylvania, another state or U.S. territory or possession, or in a foreign country. If the individual is not within the United States, the notarial act must relate to a record that will be used before a U.S. court or agency or will relate to property located in the U.S. or to a transaction substantially connected with the U.S. The signing of the document or making the statement must also not be prohibited by the law of the foreign country in which the individual is located. The failure to satisfy these requirements may provide grounds to challenge the validity of the notarial act, but the law does not impose any obligation on the notary public to ensure that foreign laws are not violated.

Again, the [Steps to Becoming an Electronic/Remote Notary in Pennsylvania](#) sets forth the complete process for becoming a remote notary. The notary will not show as “e-notary capable” on the [Department’s searchable public database](#) until the remote technology solution vendor provides the notary with authorization to use its services and notifies the Department that the vendor has done so. The term “e-notary capable” on the database means that the notary has been authorized to use *either* an electronic notary solution *or* a remote notary solution *or both*.

For more information, visit the Department’s [Electronic/Remote Notarization webpage](#).