

History of Electronic and Remote Notarization in Pennsylvania

Pennsylvania's electronic notarization program was established on January 30, 2006, and was the first of its kind in the nation.

With the 1999 enactment of the Uniform Electronic Transactions Act (UETA)¹ and the 2000 enactment of the federal Electronic Signatures in Global and National Commerce Act (E-SIGN),² electronic documents and electronic signatures became as legally binding as paper documents and pen-and-ink signatures. Section 307 of the UETA,³ specifically permitted the use of a notary's electronic signature, where the notary is performing services relating to a notarization, acknowledgment, verification or statement under oath. Section 307 did not take effect, however, until the Secretary of the Commonwealth issued a notice that the provisions of section 307 no longer conflict with the requirements and procedures of the former Notary Public Law with regard to electronic notarization, acknowledgment and verification.

Revisions to the Pennsylvania Notary Public Law, effective July 1, 2003, provided for electronic notarization by adding provisions for the execution and registration of a notary's electronic signature, as well as the requirement that notary education programs preapproved by the Secretary have a core curriculum which includes electronic notarization.

As part of the Secretary's oversight of the notaries public in the Commonwealth of Pennsylvania, the Department of State launched Phase I of the Electronic Notarization Initiative on January 30, 2006, in conjunction with notice that the provisions of section 307 of the Uniform Electronic Transactions Act no longer conflicted with the requirements and procedures of the Notary Public Law. That notice was published in the Pennsylvania Bulletin on December 31, 2005, at [35 Pa.B. 7068](#). From January 30, 2006 through June 30, 2010, the Department partnered with the National Notary Association to provide digital certificates to approved e-notaries.

In order to make more electronic notarization alternatives available to approved e-notaries, a second notice was published on April 17, 2010 at [40 Pa.B. 2065](#). This notice announced the availability of electronic notarization solution provider applications to any person, company or organization that offers a system or process that consists of, or includes, an electronic notarization component. The Department began approving electronic notarization solution providers in June 2010.

¹ 73 P.S. §§ 2260.101-2260.5101, effective January 15, 2000 (with the exception of section 307).

² 15 U.S.C. §§ 7001-7006, effective October 1, 2000.

³ Section 307 of the UETA, 73 P.S. § 2260.307, provides in full:

Notarization and Acknowledgment

If a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those services, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

After the enactment of the Revised Uniform Law on Notarial Acts (RULONA) ([Act 73 of 2013](#), effective October 26, 2017)⁴ and repeal of the Notary Public Law, the Department further streamlined the Electronic Notarization Program to eliminate the in-person identification of the electronic notary before a county Recorder of Deeds and the 45-day period for selection of technology. Notaries may now notify the Department that they will be performing notarial acts electronically at any time during their commissions. Those notaries who have notified the Department that they will be performing notarial acts with respect to electronic records may select approved electronic notarization technologies at any time during their commission.

Remote online notarization came to the Commonwealth with the COVID-19 pandemic. On March 25, 2020, Governor Wolf approved a temporary suspension⁵ of 57 Pa.C.S. § 306, which requires physical presence of the customer before the notary public, for all commercial real estate transactions and those personal real estate transactions that were already in process. On April 2, 2020, Governor Wolf approved an additional limited suspension of in-person regulator requirements relating to several types of documents used in estate planning that require or utilize notarization. On April 20, 2020, the enactment of [Act 15 of 2020](#) temporarily authorized remote notarization for all Pennsylvania notaries public during the COVID-19 disaster emergency. Rather than amending the Revised Uniform Law on Notarial Acts in Title 57 of the Pennsylvania Consolidated Statutes, Act 15 amended Title 35 (relating to Health and Safety) to create a Subchapter D entitled Notarial Acts and added section 5731 (relating to Remotely located individual).

On October 29, 2020, Governor Wolf signed into law [Act 97 of 2020](#), which made remote online notarization permanent in the Commonwealth. Act 97 amended the Revised Uniform Law on Notarial Acts (RULONA) and added sections 306.1 and subsection 320(c) to RULONA. Act 97 was effective immediately. Act 97 carried over the same process for notification to the Department and for approval of communication technology and identity proofing by the Department. In addition, notaries public who were approved to remotely notarize under Act 15 were approved to remotely notarize under Act 97.

⁴ 57 Pa.C.S. Ch. 3 (§§ 301—330)

⁵ Subsection (f) of 7301 of the Emergency Management Services Code (35 Pa. Cons. Stat. § 7301(f)) specifically enumerates the emergency management powers conferred upon the Governor by the Code. Among other things, the Governor may:

(1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency.