

# Commerce Committee JOINT FAVORABLE REPORT

**Bill No.:** HB-6604

**Title:** AN ACT ADOPTING THE REVISED UNIFORM LAW ON NOTARIAL ACTS.

**Vote Date:** 3/22/2021

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/18/2021

**File No.:** 311

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## **SPONSORS OF BILL:**

Commerce Committee

## **REASONS FOR BILL:**

HB 6604 would allow remote online notarizations between a signer and notary along with an authorized individual such as an attorney, public officer, official guardian, etc.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

**Denise Merrill, Secretary of the State of Connecticut** proposes to adopt the REVISED UNIFORM LAW ON NOTARIAL ACTS (RULONA) because it is the most comprehensive template available to balance the need to ensure safety in the notarial process, with the public demand to do more online. RULONA is also the model endorsed by the National Association of Secretaries of State.

RULONA is a comprehensive bill that is intended, with some exceptions, to supersede all state notary law. Indeed, the remote notarization provisions in RULONA make up only about 15% of its language.

**The State of Connecticut Judicial Branch** has several concerns with HB 6604:

- In Section 5 of the bill, we would request that in lieu of “notarial officer” the term “notary public” be used
- Additionally, we would respectfully request that all court personnel be exempt from Section 16
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## **NATURE AND SOURCES OF SUPPORT:**

**Bruce Adams, President & CEO – Credit Union League of Connecticut** supports HB 6004 because it would permit remote notarizations which will help lead to a more equitable and inclusive environment for consumers of financial services who may be immunocompromised or facing other physical challenges.

**Nicole Booth, Executive Vice President of Public Affairs for Notarize, Inc.** supports HB 6604 because of a key component in the bill that would permit remote online notarization, which would allow a signer and notary to conduct notarizations remotely through multifactor authentication and a live audio/video recording.

## **NATURE AND SOURCES OF OPPOSITION:**

**Linda Bulkovitch, Esq** does not support allowing remote notarial acts using communication technology for the making or executing of a Will or a Codicil or for real estate transactions.

Both of these actions require: 1) the signatory to be able to fully and completely understand what they are executing; 2) that they are doing so as their "free act and deed;" and 3) that they are doing this with no undue influence by anyone.

**Carolyn J. Cavolo, Section Vice Chair of the Connecticut Bar Association Real Property Law section** is in opposition to HB 6604 or any legislation that would allow remote notarization in real estate transactions. We are in support of Section 15(j) of HB 6604 which states that "A notarial officer located in this state shall not perform a notarial act using communication technology for a remotely located individual if such notarial act is connected with a real estate transaction or the making or execution of a will or codicil" and we would oppose any version of HB 6604 that would eliminate this provision.

**Connecticut State Representative Jason Doucette** is in opposition to HB 6604 because this bill could represent a radical departure from the way deeds, mortgages and wills are executed and the way estate planning and real estate closings are conducted in the State of Connecticut – to the detriment of our clients and all our constituents.

The process of remote notarization, while certainly providing some convenience for consumers, also has the potential to eliminate critical safeguards against fraud and undue influence in the execution of legal documents. Furthermore, it also has the potential to encourage people to execute important legal documents without the advice and guidance of an attorney. This could also invite violation of current law – particularly PA 19-88 which requires an attorney to conduct real estate closings. At a minimum, this bill should be significantly more explicit to carve out rules for real estate closings pursuant to PA 19-88

**Heather Lange and I am the vice chair of the Estates and Probate Section of the Connecticut Bar Association** is in opposition to HB 6604 as we are concerned about CT notaries being able to notarize for people anywhere in the world and CT residents being able to have their documents notarized by persons not sanctioned by CT law. Such a relaxation of the rules does not allow anyone to be sure the documents were executed in accordance with Connecticut law. We believe that some modifications are required if this legislation is

intended to apply to estate planning documents and is intended to assist the elderly, the homebound, and those with limited mobility.

**Reported by: Jason Snukis**

**Date: April 5, 2021**