



General Assembly

January Session, 2021

**Raised Bill No. 6604**

LCO No. 4492



Referred to Committee on COMMERCE

Introduced by:  
(CE)

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2021*) Sections 1 to 32, inclusive,  
2 of this act may be cited as the "Revised Uniform Law on Notarial Acts  
3 (2018)".

4 Sec. 2. (NEW) (*Effective October 1, 2021*) As used in sections 1 to 32,  
5 inclusive, of this act:

6 (1) "Acknowledgment" means a declaration by an individual before a  
7 notarial officer that the individual has signed a record for the purpose  
8 stated in the record and, if the record is signed in a representative  
9 capacity, that the individual signed the record with proper authority  
10 and signed it as the act of the individual or entity identified in the  
11 record.

12 (2) "Electronic" means relating to technology having electrical, digital,  
13 magnetic, wireless, optical, electromagnetic or similar capabilities.

14 (3) "Electronic signature" means an electronic symbol, sound or  
15 process attached to or logically associated with a record and executed  
16 or adopted by an individual with the intent to sign the record.

17 (4) "In a representative capacity" means acting as:

18 (A) An authorized officer, agent, partner, trustee or other  
19 representative for a person other than an individual;

20 (B) A public officer, personal representative, guardian or other  
21 representative, in the capacity stated in a record;

22 (C) An agent or attorney-in-fact for a principal; or

23 (D) An authorized representative of another in any other capacity.

24 (5) "Notarial act" means an act, whether performed with respect to a  
25 tangible or electronic record, that a notarial officer may perform under  
26 the law of this state. "Notarial Act" includes taking an acknowledgment,  
27 administering an oath or affirmation, taking a verification on oath or  
28 affirmation, witnessing or attesting a signature, certifying or attesting a  
29 copy and noting a protest of a negotiable instrument.

30 (6) "Notarial officer" means a notary public or other individual  
31 authorized to perform a notarial act.

32 (7) "Notary public" means an individual appointed to perform a  
33 notarial act by the Secretary of the State.

34 (8) "Official stamp" means a physical image affixed to or embossed  
35 on a tangible record or an electronic image attached to or logically  
36 associated with an electronic record.

37 (9) "Person" means an individual, corporation, business trust,  
38 statutory trust, estate, trust, partnership, limited liability company,  
39 association, joint venture, public corporation, government or  
40 governmental subdivision, agency or instrumentality or any other legal  
41 or commercial entity.

42 (10) "Record" means information that is inscribed on a tangible  
43 medium or that is stored in an electronic or other medium and is  
44 retrievable in perceivable form.

45 (11) "Sign" means, with present intent to authenticate or adopt a  
46 record:

47 (A) To execute or adopt a tangible symbol; or

48 (B) To attach to or logically associate with the record an electronic  
49 symbol, sound or process.

50 (12) "Signature" means a tangible symbol or an electronic signature  
51 that evidences the signing of a record.

52 (13) "Stamping device" means:

53 (A) A physical device capable of affixing to or embossing on a  
54 tangible record an official stamp; or

55 (B) An electronic device or process capable of attaching to or logically  
56 associating with an electronic record an official stamp.

57 (14) "State" means a state of the United States, the District of  
58 Columbia, Puerto Rico, the United States Virgin Islands or any territory  
59 or insular possession subject to the jurisdiction of the United States.

60 (15) "Verification on oath or affirmation" means a declaration, made  
61 by an individual on oath or affirmation before a notarial officer, that a  
62 statement in a record is true.

63 Sec. 3. (NEW) (*Effective October 1, 2021*) Sections 1 to 32, inclusive, of  
64 this act apply to a notarial act performed on or after October 1, 2021.

65 Sec. 4. (NEW) (*Effective October 1, 2021*) (a) A notarial officer may  
66 perform a notarial act authorized by sections 1 to 32, inclusive, of this  
67 act or by any other provision of the general statutes.

68 (b) A notarial officer may not perform a notarial act with respect to a

69 record to which the officer or the officer's spouse is a party or in which  
70 either of them has a direct beneficial interest. A notarial act performed  
71 in violation of this subsection is voidable.

72 (c) A notarial officer may certify that a tangible copy of an electronic  
73 record is an accurate copy of the electronic record.

74 Sec. 5. (NEW) (*Effective October 1, 2021*) (a) A notarial officer who  
75 takes an acknowledgment of a record shall determine, from personal  
76 knowledge or satisfactory evidence of the identity of the individual, that  
77 the individual appearing before the officer and making the  
78 acknowledgment has the identity claimed and that the signature on the  
79 record is the signature of the individual.

80 (b) A notarial officer who takes a verification of a statement on oath  
81 or affirmation shall determine, from personal knowledge or satisfactory  
82 evidence of the identity of the individual, that the individual appearing  
83 before the officer and making the verification has the identity claimed  
84 and that the signature on the statement verified is the signature of the  
85 individual.

86 (c) A notarial officer who witnesses or attests to a signature shall  
87 determine, from personal knowledge or satisfactory evidence of the  
88 identity of the individual, that the individual appearing before the  
89 officer and signing the record has the identity claimed.

90 (d) A notarial officer who certifies or attests a copy of a record or an  
91 item that was copied shall determine that the copy is a full, true and  
92 accurate transcription or reproduction of the record or item.

93 (e) A notarial officer who makes or notes a protest of a negotiable  
94 instrument shall determine the matters set forth in subsection (b) of  
95 section 42a-3-505 of the general statutes.

96 Sec. 6. (NEW) (*Effective October 1, 2021*) Except as provided in section  
97 15 of this act, if a notarial act relates to a statement made in or a signature  
98 executed on a record, the individual making the statement or executing

99 the signature shall appear personally before the notarial officer.

100 Sec. 7. (NEW) (*Effective October 1, 2021*) (a) A notarial officer has  
101 personal knowledge of the identity of an individual appearing before  
102 the officer if the individual is personally known to the officer through  
103 dealings sufficient to provide reasonable certainty that the individual  
104 has the identity claimed.

105 (b) A notarial officer has satisfactory evidence of the identity of an  
106 individual appearing before the officer if the officer can identify the  
107 individual:

108 (1) By means of: (A) A passport, driver's license or government-  
109 issued nondriver identification card that is current or expired not more  
110 than six months before performance of the notarial act; or

111 (B) Another form of government identification issued to an  
112 individual that is current or expired not more than six months before  
113 performance of the notarial act, contains the signature or a photograph  
114 of the individual and is satisfactory to the officer; or

115 (2) By a verification on oath or affirmation of a credible witness  
116 personally appearing before the notarial officer and known to such  
117 officer or whom such officer can identify on the basis of a passport,  
118 driver's license or government-issued nondriver identification card that  
119 is current or expired not more than six months before performance of  
120 the notarial act.

121 (c) A notarial officer may require an individual to provide additional  
122 information or identification credentials necessary to assure the officer  
123 of the identity of the individual.

124 Sec. 8. (NEW) (*Effective October 1, 2021*) (a) A notarial officer may  
125 refuse to perform a notarial act if the officer is not satisfied that:

126 (1) The individual executing the record is competent or has the  
127 capacity to execute the record; or

128 (2) The individual's signature is knowingly and voluntarily made.

129 (b) A notarial officer may refuse to perform a notarial act unless  
130 refusal is prohibited by any other provision of the general statutes.

131 Sec. 9. (NEW) (*Effective October 1, 2021*) If an individual is physically  
132 unable to sign a record, the individual may direct an individual other  
133 than the notarial officer to sign the individual's name on the record. The  
134 notarial officer shall insert the phrase "Signature affixed by (name of  
135 other individual) at the direction of (name of individual)" or words of  
136 similar import.

137 Sec. 10. (NEW) (*Effective October 1, 2021*) (a) A notarial act may be  
138 performed in this state by:

139 (1) A notary public of this state;

140 (2) A judge, clerk or deputy clerk of the Superior Court or a Probate  
141 Court of this state or a family support magistrate;

142 (3) An individual licensed to practice law in this state;

143 (4) A town clerk;

144 (5) A justice of the peace; or

145 (6) Any other individual authorized to perform the specific act by the  
146 law of this state.

147 (b) The signature and title of an individual performing a notarial act  
148 in this state are prima facie evidence that the signature is genuine and  
149 that the individual holds the designated title.

150 (c) The signature and title of a notarial officer described in  
151 subdivisions (1), (2) and (3) of subsection (a) of this section conclusively  
152 establish the authority of the officer to perform the notarial act.

153 Sec. 11. (NEW) (*Effective October 1, 2021*) (a) A notarial act performed  
154 in another state has the same effect under the law of this state as if

155 performed by a notarial officer of this state, if the act performed in that  
156 state is performed by:

157 (1) A notary public of that state;

158 (2) A judge, clerk or deputy clerk of a court of that state; or

159 (3) Any other individual authorized by the law of that state to  
160 perform the notarial act.

161 (b) The signature and title of an individual performing a notarial act  
162 in another state are prima facie evidence that the signature is genuine  
163 and that the individual holds the designated title.

164 (c) The signature and title of a notarial officer described in  
165 subdivision (1) or (2) of subsection (a) of this section conclusively  
166 establish the authority of the officer to perform the notarial act.

167 Sec. 12. (NEW) (*Effective October 1, 2021*) (a) A notarial act performed  
168 under the authority and in the jurisdiction of a federally recognized  
169 Indian tribe has the same effect as if performed by a notarial officer of  
170 this state if the act performed in the jurisdiction of the tribe is performed  
171 by:

172 (1) A notary public of the tribe;

173 (2) A judge, clerk or deputy clerk of a court of the tribe; or

174 (3) Any other individual authorized by the law of the tribe to perform  
175 the notarial act.

176 (b) The signature and title of an individual performing a notarial act  
177 under the authority of and in the jurisdiction of a federally recognized  
178 Indian tribe are prima facie evidence that the signature is genuine and  
179 that the individual holds the designated title.

180 (c) The signature and title of a notarial officer described in  
181 subdivision (1) or (2) of subsection (a) of this section conclusively  
182 establish the authority of the officer to perform the notarial act.

183       Sec. 13. (NEW) (*Effective October 1, 2021*) (a) A notarial act performed  
184 under federal law has the same effect under the law of this state as if  
185 performed by a notarial officer of this state if the act performed under  
186 federal law is performed by:

187       (1) A judge, clerk or deputy clerk of a court;

188       (2) An individual in military service or performing duties under the  
189 authority of military service who is authorized to perform notarial acts  
190 under federal law;

191       (3) An individual designated a notarizing officer by the United States  
192 Department of State for performing notarial acts overseas; or

193       (4) Any other individual authorized by federal law to perform the  
194 notarial act.

195       (b) The signature and title of an individual acting under federal  
196 authority and performing a notarial act are prima facie evidence that the  
197 signature is genuine and that the individual holds the designated title.

198       (c) The signature and title of an officer described in subdivision (1),  
199 (2) or (3) of subsection (a) of this section conclusively establish the  
200 authority of the officer to perform the notarial act.

201       Sec. 14. (NEW) (*Effective October 1, 2021*) (a) In this section, "foreign  
202 state" means a government other than the United States, a state or a  
203 federally recognized Indian tribe.

204       (b) If a notarial act is performed under authority and in the  
205 jurisdiction of a foreign state or constituent unit of the foreign state or is  
206 performed under the authority of a multinational or international  
207 governmental organization, the act has the same effect under the law of  
208 this state as if performed by a notarial officer of this state.

209       (c) If the title of office and indication of authority to perform notarial  
210 acts in a foreign state appears in a digest of foreign law or in a list  
211 customarily used as a source for that information, the authority of an



212 officer with that title to perform notarial acts is conclusively established.

213 (d) The signature and official stamp of an individual holding an office  
214 described in subsection (c) of this section are prima facie evidence that  
215 the signature is genuine and the individual holds the designated title.

216 (e) An apostille in the form prescribed by the Hague Convention of  
217 October 5, 1961, and issued by a foreign state party to the Convention  
218 conclusively establishes that the signature of the notarial officer is  
219 genuine and that the officer holds the indicated office.

220 (f) A consular authentication issued by an individual designated by  
221 the United States Department of State as a notarizing officer for  
222 performing notarial acts overseas and attached to the record with  
223 respect to which the notarial act is performed conclusively establishes  
224 that the signature of the notarial officer is genuine and that the officer  
225 holds the indicated office.

226 Sec. 15. (NEW) (*Effective October 1, 2021*) (a) As used in this section:

227 (1) "Communication technology" means an electronic device or  
228 process that:

229 (A) Allows a notary public and a remotely located individual to  
230 communicate with each other simultaneously by sight and sound; and

231 (B) When necessary and consistent with other applicable law,  
232 facilitates communication with a remotely located individual who has a  
233 vision, hearing or speech impairment.

234 (2) "Foreign state" means a jurisdiction other than the United States,  
235 a state or a federally recognized Indian tribe.

236 (3) "Identity proofing" means a process or service by which a third  
237 person provides a notary public with a means to verify the identity of a  
238 remotely located individual by a review of personal information from  
239 public or private data sources.

240 (4) "Outside the United States" means a location outside the  
241 geographic boundaries of the United States, Puerto Rico, the United  
242 States Virgin Islands and any territory, insular possession or other  
243 location subject to the jurisdiction of the United States.

244 (5) "Remotely located individual" means an individual who is not in  
245 the physical presence of the notary public who performs a notarial act  
246 under subsection (c) of this section.

247 (b) A remotely located individual may comply with section 6 of this  
248 act by using communication technology to appear before a notarial  
249 officer.

250 (c) A notarial officer located in this state may perform a notarial act  
251 using communication technology for a remotely located individual if:

252 (1) The notarial officer:

253 (A) Has personal knowledge under subsection (a) of section 7 of this  
254 act of the identity of the individual;

255 (B) Has satisfactory evidence of the identity of the remotely located  
256 individual by oath or affirmation from a credible witness appearing  
257 before the notary public under subsection (b) of section 7 of this act or  
258 this section; or

259 (C) Has obtained satisfactory evidence of the identity of the remotely  
260 located individual by using at least two different types of identity  
261 proofing;

262 (2) The notarial officer confirms that a record before the notarial  
263 officer is the same record that the remotely located individual executes  
264 remotely before the notarial officer by communication technology;

265 (3) The notarial officer, or a person acting on behalf of the notarial  
266 officer, creates an audio-visual recording of the performance of the  
267 notarial act; and

268 (4) For a remotely located individual located outside the United  
269 States:

270 (A) The record:

271 (i) Is to be filed with or relates to a matter before a public official or  
272 court, governmental entity or other entity subject to the jurisdiction of  
273 the United States; or

274 (ii) Involves property located in the territorial jurisdiction of the  
275 United States or involves a transaction substantially connected with the  
276 United States; and

277 (B) The act of making the statement or signing the record is not  
278 prohibited by the foreign state in which the remotely located individual  
279 is located.

280 (d) If a notarial act is performed under this section, the certificate of  
281 notarial act required by section 16 of this act and the short-form  
282 certificate provided in section 17 of this act shall indicate that the  
283 notarial act was performed using communication technology.

284 (e) A short-form certificate provided in section 17 of this act for a  
285 notarial act subject to this section is sufficient if it:

286 (1) Complies with regulations adopted under subdivision (1) of  
287 subsection (h) of this section; or

288 (2) Is in the form provided in section 17 of this act and contains a  
289 statement substantially as follows: "This notarial act involved the use of  
290 communication technology."

291 (f) A notarial officer, a guardian, conservator or agent of a notarial  
292 officer or a personal representative of a deceased notarial officer shall  
293 retain the audio-visual recording created under subdivision (3) of  
294 subsection (c) of this section or cause the recording to be retained by a  
295 repository designated by or on behalf of the person required to retain  
296 the recording. Unless a different period is required by regulation

297 adopted under subdivision (4) of subsection (h) of this section, the  
298 recording shall be retained for a period of at least ten years after the  
299 recording is made.

300 (g) Before a notary public performs the notarial public's initial  
301 notarial act under this section, the notary public shall notify the  
302 Secretary of the State that the notary public will be performing notarial  
303 acts with respect to remotely located individuals and identify the  
304 technologies the notary public intends to use. A notary public or notarial  
305 officer shall not perform a notarial act with respect to a remotely located  
306 individual using any technology that has not been approved by the  
307 Secretary of the State pursuant to subsection (h) of this section and any  
308 applicable regulations. Use of unapproved technology by a notary  
309 public shall be grounds to deny, refuse to renew, suspend or impose a  
310 condition on a notarial officer's commission in accordance with section  
311 23 of this act. Use of unapproved technology by a notarial officer other  
312 than a notary public may constitute grounds for discipline of such  
313 notarial officer by the applicable body having jurisdiction over such  
314 notarial officer.

315 (h) The Secretary of the State shall adopt regulations, in accordance  
316 with chapter 54 of the general statutes, under this section regarding  
317 performance of a notarial act. The regulations shall:

318 (1) Prescribe the means of performing a notarial act involving a  
319 remotely located individual using communication technology;

320 (2) Establish standards for communication technology and identity  
321 proofing;

322 (3) Establish requirements or procedures to approve providers of  
323 communication technology and the process of identity proofing; and

324 (4) Establish standards and a period for the retention of an audio-  
325 visual recording created under subdivision (3) of subsection (c) of this  
326 section.

327 (i) Before adopting, amending or repealing a regulation governing  
328 performance of a notarial act with respect to a remotely located  
329 individual, the Secretary of the State shall consider:

330 (1) The most recent standards regarding the performance of a notarial  
331 act with respect to a remotely located individual promulgated by  
332 national standard-setting organizations and the recommendations of  
333 the National Association of Secretaries of State;

334 (2) Standards, practices and customs of other jurisdictions that have  
335 laws substantially similar to this section; and

336 (3) The views of governmental officials and entities and other  
337 interested persons.

338 (j) A notarial officer located in this state shall not perform a notarial  
339 act using communication technology for a remotely located individual  
340 if such notarial act is connected with a real estate transaction or the  
341 making or execution of a will or codicil.

342 Sec. 16. (NEW) (*Effective October 1, 2021*) (a) A notarial act shall be  
343 evidenced by a certificate that shall:

344 (1) Be executed contemporaneously with the performance of the  
345 notarial act;

346 (2) Be signed and dated by the notarial officer and, if the notarial  
347 officer is a notary public, be signed in the same manner as on file with  
348 the Secretary of the State;

349 (3) Identify the jurisdiction in which the notarial act is performed;

350 (4) Contain the title of office of the notarial officer; and

351 (5) If the notarial officer is a notary public, indicate the date of  
352 expiration, if any, of the officer's appointment.

353 (b) If a notarial act regarding a tangible record is performed by a  
354 notary public, an official stamp shall be affixed to or embossed on the

355 certificate. If a notarial act is performed regarding a tangible record by  
356 a notarial officer other than a notary public and the certificate contains  
357 the information specified in subdivisions (2) to (4), inclusive, of  
358 subsection (a) of this section, an official stamp may be affixed to or  
359 embossed on the certificate. If a notarial act regarding an electronic  
360 record is performed by a notarial officer and the certificate contains the  
361 information specified in subdivisions (2) to (4), inclusive, of subsection  
362 (a) of this section, an official stamp may be attached to or logically  
363 associated with the certificate.

364 (c) A certificate of a notarial act is sufficient if it meets the  
365 requirements of subsections (a) and (b) of this section and:

366 (1) Is in a short form set forth in section 17 of this act;

367 (2) Is in a form otherwise permitted by the law of this state;

368 (3) Is in a form permitted by the law applicable in the jurisdiction in  
369 which the notarial act was performed; or

370 (4) Sets forth the actions of the notarial officer and the actions are  
371 sufficient to meet the requirements of the notarial act as provided in  
372 sections 5 to 7, inclusive, of this act or any other provision of the general  
373 statutes.

374 (d) By executing a certificate of a notarial act, a notarial officer  
375 certifies that the officer has complied with the requirements and made  
376 the determinations specified in sections 4 to 6, inclusive, of this act.

377 (e) A notarial officer may not affix the officer's signature to, or  
378 logically associate it with, a certificate until the notarial act has been  
379 performed.

380 (f) If a notarial act is performed regarding a tangible record, a  
381 certificate shall be part of, or securely attached to, the record. If a notarial  
382 act is performed regarding an electronic record, the certificate shall be  
383 affixed to, or logically associated with, the electronic record. If the  
384 Secretary of the State has established standards pursuant to section 27

385 of this act for attaching, affixing or logically associating the certificate,  
386 the process shall conform to such standards.

387 Sec. 17. (NEW) (*Effective October 1, 2021*) The following short-form  
388 certificates of notarial acts are sufficient for the purposes indicated, if  
389 completed with the information required by subsections (a) and (b) of  
390 section 16 of this act:

391 (1) For an acknowledgment in an individual capacity:

392 State of ....

393 County of ....

394 This record was acknowledged before me on \_\_\_\_ by \_\_\_\_\_

395 \_\_\_\_\_ Date Name(s) of individual(s)

396 \_\_\_\_\_

397 Signature of notarial officer

398 Stamp

399 \_\_\_\_\_

400 Title of office

401 My appointment expires: \_\_\_\_\_

402 (2) For an acknowledgment in a representative capacity:

403 State of ....

404 County of ....

405 This record was acknowledged before me on \_\_\_\_ by \_\_\_\_\_

406 \_\_\_\_\_ Date Name(s) of individual(s)

407 as (type of authority, such as officer or trustee) of (name of party on

408 behalf of whom record was executed).

409 \_\_\_\_\_

410 Signature of notarial officer

411 Stamp

412 \_\_\_\_\_

413 Title of office

414 My appointment expires: \_\_\_\_\_

415 (3) For a verification on oath or affirmation:

416 State of ....

417 County of ....

418 Signed and sworn to (or affirmed) before me on \_\_\_\_ by

419 \_\_\_\_\_

420 Date Name(s) of individual(s) making statement

421 \_\_\_\_\_

422 Signature of notarial officer

423 Stamp

424 \_\_\_\_\_

425 Title of office

426 My appointment expires: \_\_\_\_\_

427 (4) For witnessing or attesting a signature:

428 State of ....

429 County of ....



430 Signed (or attested) before me on \_\_\_\_\_ by \_\_\_\_\_

431 \_\_\_\_\_ Date Name(s) of individual(s)

432 \_\_\_\_\_

433 Signature of notarial officer

434 Stamp

435 \_\_\_\_\_

436 Title of office

437 My appointment expires: \_\_\_\_\_

438 (5) For certifying a copy of a record:

439 State of ....

440 County of ....

441 I certify that this is a true and correct copy of a record in the possession  
442 of \_\_\_\_\_.

443 Dated \_\_\_\_\_

444 \_\_\_\_\_

445 Signature of notarial officer

446 Stamp

447 \_\_\_\_\_

448 Title of office

449 My appointment expires: \_\_\_\_\_

450 Sec. 18. (NEW) (*Effective October 1, 2021*) The official stamp of a notary  
451 public shall:

452 (1) Include the notary public's name, jurisdiction, appointment  
453 expiration date and other information required by the Secretary of the  
454 State; and

455 (2) Be capable of being copied together with the record to which it is  
456 affixed or attached or with which it is logically associated.

457 Sec. 19. (NEW) (*Effective October 1, 2021*) (a) A notary public is  
458 responsible for the security of the notary public's stamping device and  
459 may not allow another individual to use the device to perform a notarial  
460 act. On resignation from, or the revocation or expiration of, the notary  
461 public's appointment, or on the expiration of the date set forth in the  
462 stamping device, if any, the notary public shall disable the stamping  
463 device by destroying, defacing, damaging, erasing or securing it against  
464 use in a manner that renders it unusable. On the death or adjudication  
465 of incompetency of a notary public, the notary public's personal  
466 representative or guardian or any other person knowingly in possession  
467 of the stamping device shall render it unusable by destroying, defacing,  
468 damaging, erasing or securing it against use in a manner that renders it  
469 unusable.

470 (b) If a notary public's stamping device is lost or stolen, the notary  
471 public or the notary public's personal representative or guardian shall  
472 notify promptly by mail or electronic mail the Secretary of the State on  
473 discovering that the device is lost or stolen.

474 Sec. 20. (NEW) (*Effective October 1, 2021*) (a) A notary public may  
475 select one or more tamper-evident technologies to perform notarial acts  
476 with respect to electronic records. A person may not require a notary  
477 public to perform a notarial act with respect to an electronic record with  
478 a technology that the notary public has not selected.

479 (b) Before a notary public performs the notary public's initial notarial  
480 act with respect to an electronic record, a notary public shall notify the  
481 Secretary of the State that the notary public will be performing notarial  
482 acts with respect to electronic records and identify the technology the  
483 notary public intends to use. If the Secretary of the State has established

484 standards for approval of technology pursuant to section 27 of this act,  
485 the technology shall conform to the standards. If the technology  
486 conforms to the standards, the Secretary of the State shall approve the  
487 use of the technology.

488 (c) A town clerk shall accept for recording a tangible copy of an  
489 electronic record containing a notarial certificate as satisfying any  
490 requirement that a record accepted for recording be an original, if the  
491 same notarial officer executing the notarial certificate contained on the  
492 record certifies that the tangible copy is an accurate copy of the  
493 electronic record. Such recording shall attach a declaration of  
494 authenticity as follows:

495 DECLARATION OF AUTHENTICITY

496 State of ....

497 County of ....

498 The attached document, (insert title), dated (insert date) and  
499 containing (insert number of pages) pages, is a true and correct copy of  
500 an electronic record printed by me or under my supervision. At the time  
501 of printing, no security features present on the electronic record  
502 indicated any changes or errors in an electronic signature or other  
503 information in the electronic record after the electronic record's creation  
504 or execution.

505 This declaration is made under penalty of perjury.

506 Signed this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

507 \_\_\_\_\_

508 Signature of notarial officer

509 Stamp

510 \_\_\_\_\_

511 Title of office

512 My appointment expires: \_\_\_\_\_

513 Sec. 21. (NEW) (*Effective October 1, 2021*) (a) An individual qualified  
514 under subsection (b) of this section may apply to the Secretary of the  
515 State for an appointment as a notary public. The applicant shall comply  
516 with and provide the information required by regulations adopted by  
517 the Secretary of the State and pay any application fee.

518 (b) An applicant for an appointment as a notary public shall:

519 (1) Be at least eighteen years of age;

520 (2) Be a citizen or permanent legal resident of the United States;

521 (3) Be a resident of or have a place of employment or practice in this  
522 state;

523 (4) Be able to read and write English;

524 (5) Not be disqualified to receive an appointment under section 23 of  
525 this act; and

526 (6) Have passed the examination required under subsection (a) of  
527 section 22 of this act.

528 (c) Before issuance of an appointment as a notary public, an applicant  
529 for the appointment shall execute an oath of office and submit it to the  
530 Secretary of the State.

531 (d) On compliance with this section, the Secretary of the State shall  
532 issue an appointment as a notary public to an applicant for a term of five  
533 years.

534 (e) An appointment to act as a notary public authorizes the notary  
535 public to perform notarial acts. The appointment does not provide the  
536 notary public any immunity or benefit conferred by the law of this state  
537 on public officials or employees.

538       Sec. 22. (NEW) (*Effective October 1, 2021*) The Secretary of the State or  
539 an entity approved by the Secretary of the State shall offer regularly a  
540 course of study to applicants who do not hold commissions as notaries  
541 public in this state, including notaries public seeking renewal or  
542 reinstatement of a notary commission. The course shall cover the laws,  
543 regulations, procedures and ethics relevant to notarial acts. The  
544 Secretary of the State may make successful completion of such course of  
545 study mandatory for applicants for a notary commission or for renewal  
546 or reinstatement of a notary commission.

547       Sec. 23. (NEW) (*Effective October 1, 2021*) (a) The Secretary of the State  
548 may deny, refuse to renew, revoke, suspend or impose a condition on  
549 an appointment as notary public for any act or omission that  
550 demonstrates the individual lacks the honesty, integrity, competence or  
551 reliability to act as a notary public, including:

552       (1) Failure to comply with any provision of sections 1 to 32, inclusive,  
553 of this act;

554       (2) A fraudulent, dishonest or deceitful misstatement or omission in  
555 the application for an appointment as a notary public submitted to the  
556 Secretary of the State;

557       (3) A conviction of the applicant or notary public of any felony or a  
558 crime involving fraud, dishonesty or deceit;

559       (4) A finding against, or admission of liability by, the applicant or  
560 notary public in any legal proceeding or disciplinary action based on the  
561 applicant's or notary public's fraud, dishonesty or deceit;

562       (5) Failure by the notary public to discharge any duty required of a  
563 notary public, whether by any provision of sections 1 to 32, inclusive, of  
564 this act, regulations of the Secretary of the State or any federal or state  
565 law;

566       (6) Use of false or misleading advertising or representation by the  
567 notary public representing that the notary has a duty, right or privilege

568 that the notary does not have;

569 (7) Violation by the notary public of a regulation of the Secretary of  
570 the State regarding a notary public;

571 (8) Denial, refusal to renew, revocation, suspension or conditioning  
572 of a notary public appointment in another state; or

573 (9) Any violation of subsection (g) of section 15 of this act regarding  
574 the use of remote notary technology.

575 (b) In making a determination to deny, refuse to renew, revoke,  
576 suspend or impose a condition on a commission as notary public  
577 pursuant to subdivision (3) of subsection (a) of this section, the Secretary  
578 of the State shall consider (1) the nature and number of relevant  
579 convictions, (2) the recency of the convictions, (3) whether the  
580 application has successfully completed the conditions of conviction,  
581 including imprisonment, probation or parole, and (4) if a felony,  
582 whether the crime involved fraud, deceit or dishonesty. The Secretary  
583 of the State shall not deny, refuse to renew, revoke, suspend or impose  
584 a condition on a commission as notary public on the basis of criminal  
585 conviction if the Secretary of the State finds, based on the totality of the  
586 circumstances, that the applicant possesses the character and fitness  
587 necessary to perform the duties of a notary public in a manner consistent  
588 with the law. The Secretary of the State shall inform all applicants that  
589 criminal convictions that have been expunged, pardoned or otherwise  
590 erased pursuant to law need not be disclosed to the Secretary of the  
591 State.

592 (c) If the Secretary of the State denies, refuses to renew, revokes,  
593 suspends or imposes conditions on an appointment as a notary public,  
594 the applicant or notary public is entitled to timely notice and hearing in  
595 accordance with chapter 54 of the general statutes.

596 (d) The authority of the Secretary of the State to deny, refuse to renew,  
597 suspend, revoke or impose conditions on an appointment as a notary  
598 public does not prevent a person from seeking and obtaining other

599 criminal or civil remedies provided by law.

600 Sec. 24. (NEW) (*Effective October 1, 2021*) The Secretary of the State  
601 shall maintain an electronic database of notaries public:

602 (1) Through which a person may verify the authority of a notary  
603 public to perform notarial acts; and

604 (2) Which indicates whether a notary public has notified the Secretary  
605 of the State that the notary public will be performing notarial acts on  
606 electronic records.

607 Sec. 25. (NEW) (*Effective October 1, 2021*) (a) An appointment as a  
608 notary public does not authorize an individual to:

609 (1) Assist persons in drafting legal records, conduct a real estate  
610 closing, give legal advice or otherwise practice law;

611 (2) Act as an immigration consultant or an expert on immigration  
612 matters;

613 (3) Represent a person in a judicial or administrative proceeding  
614 relating to immigration to the United States, United States citizenship or  
615 related matters; or

616 (4) Receive compensation for performing any of the activities listed  
617 in subdivisions (1) to (3), inclusive, of this subsection.

618 (b) A notary public may not engage in false or deceptive advertising.

619 (c) A notary public, other than an attorney licensed to practice law in  
620 this state, may not use the term "notario" or "notario publico".

621 (d) A notary public, other than an attorney licensed to practice law in  
622 this state, may not advertise or represent that the notary public may  
623 assist persons in drafting legal records, give legal advice, conduct a real  
624 estate closing or otherwise practice law. If a notary public who is not an  
625 attorney licensed to practice law in this state in any manner advertises  
626 or represents that the notary public offers notarial services, whether

627 orally or in a record, including broadcast media, print media and the  
628 Internet, the notary public shall include the following statement, or an  
629 alternate statement authorized or required by the Secretary of the State,  
630 in the advertisement or representation, prominently and in each  
631 language used in the advertisement or representation: "I am not an  
632 attorney licensed to practice law in this state. I am not allowed to draft  
633 legal records, give advice on legal matters, including immigration, or  
634 charge a fee for those activities". If the form of advertisement or  
635 representation is not broadcast media, print media or the Internet and  
636 does not permit inclusion of the statement required by this subsection  
637 because of size, it shall be displayed prominently or provided at the  
638 place of performance of the notarial act before the notarial act is  
639 performed.

640 (e) Except as otherwise allowed by law, a notary public may not  
641 withhold access to or possession of an original record provided by a  
642 person that seeks performance of a notarial act by the notary public.

643 Sec. 26. (NEW) (*Effective October 1, 2021*) Except as otherwise  
644 provided in subsection (b) of section 4 of this act, the failure of a notarial  
645 officer to perform a duty or meet a requirement specified in sections 1  
646 to 32, inclusive, of this act does not invalidate a notarial act performed  
647 by the notarial officer. The validity of a notarial act under sections 1 to  
648 32, inclusive, of this act does not prevent an aggrieved person from  
649 seeking to invalidate the record or transaction that is the subject of the  
650 notarial act or from seeking other remedies based on any other provision  
651 of the general statutes or the law of the United States. This section does  
652 not validate a purported notarial act performed by an individual who  
653 does not have the authority to perform notarial acts.

654 Sec. 27. (NEW) (*Effective October 1, 2021*) (a) The Secretary of the State  
655 may adopt regulations, in accordance with chapter 54 of the general  
656 statutes, to implement the provisions of sections 1 to 32, inclusive, of this  
657 act. Regulations adopted regarding the performance of notarial acts  
658 with respect to electronic records may not require, or accord greater  
659 legal status or effect to, the implementation or application of a specific



660 technology or technical specification. The regulations may:

661 (1) Prescribe the manner of performing notarial acts regarding  
662 tangible and electronic records;

663 (2) Include provisions to ensure that any change to or tampering with  
664 a record bearing a certificate of a notarial act is self-evident;

665 (3) Include provisions to ensure integrity in the creation, transmittal,  
666 storage or authentication of electronic records or signatures;

667 (4) Prescribe the process of granting, renewing, conditioning,  
668 denying, suspending or revoking a notary public appointment and  
669 assuring the trustworthiness of an individual holding an appointment  
670 as notary public;

671 (5) Include provisions to prevent fraud or mistake in the performance  
672 of notarial acts; and

673 (6) Provide for the administration of the examination under  
674 subsection (a) of section 22 of this act and the course of study under  
675 subsection (b) of section 22 of this act.

676 (b) In adopting, amending or repealing regulations about notarial  
677 acts with respect to electronic records, the Secretary of the State shall  
678 consider, so far as is consistent with sections 1 to 32, inclusive, of this  
679 act:

680 (1) The most recent standards regarding electronic records  
681 promulgated by national bodies, such as the National Association of  
682 Secretaries of State;

683 (2) Standards, practices and customs of other jurisdictions that  
684 substantially enact the provisions of sections 1 to 32, inclusive, of this  
685 act; and

686 (3) The views of governmental officials and entities and other  
687 interested persons.

688 Sec. 28. (NEW) (*Effective October 1, 2021*) The provisions of sections 1  
689 to 32, inclusive, of this act do not affect the validity or effect of a notarial  
690 act performed before October 1, 2021.

691 Sec. 29. (NEW) (*Effective October 1, 2021*) In applying and construing  
692 the provisions of sections 1 to 32, inclusive, of this act, consideration  
693 shall be given to the need to promote uniformity of the law with respect  
694 to its subject matter among states that enact it.

695 Sec. 30. (NEW) (*Effective October 1, 2021*) Sections 1 to 32, inclusive, of  
696 this act modify, limit and supersede the Electronic Signatures in Global  
697 and National Commerce Act, 15 USC 7001 et seq., but do not modify,  
698 limit or supersede Section 101(c) of that act, 15 USC 7001(c), or authorize  
699 electronic delivery of any of the notices described in Section 103(b) of  
700 that act, 15 USC 7003(b).

701 Sec. 31. Section 3-94b of the general statutes is repealed and the  
702 following is substituted in lieu thereof (*Effective October 1, 2021*):

703 (a) [Except as provided in subsection (c) of this section, the] The  
704 Secretary of the State may appoint as a notary public any qualified  
705 person who submits an application in accordance with this section.

706 (b) In order to qualify for appointment as a notary public, a person  
707 shall:

708 (1) Be eighteen years of age or older at the time of application;

709 (2) (A) Be a resident of the state of Connecticut at the time of  
710 application and appointment, or (B) have one's principal place of  
711 business in the state at the time of application and appointment;

712 (3) [Pass a written examination approved or administered by the  
713 Secretary] Successfully complete a course of study in accordance with  
714 section 22 of this act and any applicable regulations adopted by the  
715 Secretary of the State;

716 (4) Submit an application [, on a form prescribed and provided by] to

717 the Secretary, [ which the applicant shall complete in the applicant's  
718 handwriting without misstatement or omission of fact.] The application  
719 shall be accompanied by (A) a nonrefundable application fee [of one  
720 hundred twenty dollars] in an amount prescribed by the Secretary, and  
721 (B) [the recommendation] a certificate of reference, on a form prescribed  
722 by the Secretary, of an individual who has personally known the  
723 applicant for at least one year and is not legally related to the applicant.  
724 The Secretary may require that such application be submitted online  
725 and that the applicant provide identifying information, including, but  
726 not limited to, a Social Security number or other unique personal  
727 identifier. If the Secretary does not prescribe a nonrefundable  
728 application fee by regulation, such fee shall be one hundred twenty  
729 dollars.

730 [(c) The Secretary may deny an application based on:

731 (1) The applicant's conviction of a felony or a crime involving  
732 dishonesty or moral turpitude;

733 (2) Revocation, suspension or restriction of a notary public  
734 appointment or professional license issued to the applicant by this state  
735 or any other state; or

736 (3) The applicant's official misconduct, whether or not any  
737 disciplinary action has resulted.]

738 [(d)] ~~(c)~~ Upon approval of an application for appointment as a notary  
739 public, the Secretary shall cause a certificate of appointment [bearing a  
740 facsimile of the Secretary's signature and countersigned by the  
741 Secretary's executive assistant or an employee designated by the  
742 Secretary] in a format prescribed by the Secretary to be issued to such  
743 appointee by electronic means.

744 [(e) A notary public may obtain a replacement certificate of  
745 appointment by filing a written request with the Secretary,  
746 accompanied by a nonrefundable fee of five dollars.]

747 Sec. 32. Section 3-94c of the general statutes is repealed and the  
748 following is substituted in lieu thereof (*Effective October 1, 2021*):

749 [(a)] A person appointed as a notary public by the Secretary of the  
750 State may exercise the functions of the office of notary public at any  
751 place within the state beginning on the date of such person's  
752 appointment and ending five years later on the last day of the month of  
753 appointment, unless (1) such appointment as a notary is suspended or  
754 terminated by the Secretary before the end of such term, (2) the notary  
755 resigns such appointment, or (3) the notary ceases to either be a resident  
756 of the state or have one's principal place of business in the state.

757 [(b)] The Secretary may, pursuant to regulations adopted in  
758 accordance with the provisions of chapter 54, extend or reduce, by not  
759 more than one year, the term of any person serving as a notary public  
760 on October 1, 1990, who seeks reappointment after such date, in order  
761 for the new term for each such notary to begin on the effective date of  
762 the notary's reappointment.

763 (c) Within thirty days after receiving a certificate of appointment  
764 from the Secretary, a notary public shall record, with the town clerk of  
765 the municipality in the state in which the notary resides, or, if the notary  
766 is not a resident of the state, with the town clerk of the municipality in  
767 the state in which the notary's principal place of business is located, such  
768 certificate and such notary's oath of office taken and subscribed to by  
769 the notary before some proper authority. Any notary public who is a  
770 resident of the state and whose principal place of business is in a  
771 municipality within the state other than the municipality in which the  
772 notary resides, may also record the notary's certificate of appointment  
773 and oath of office with the town clerk of such other municipality. Town  
774 clerks or assistant town clerks may certify to the authority and official  
775 acts of any notary public whose certificate of appointment and oath of  
776 office have been recorded in the books in their charge. The failure of a  
777 notary public to so record such certificate of appointment and oath of  
778 office shall not invalidate any notarial act performed by the notary after  
779 the date of such person's appointment as a notary public.]

780 Sec. 33. Section 3-94d of the general statutes is repealed and the  
781 following is substituted in lieu thereof (*Effective October 1, 2021*):

782 (a) A notary public may apply for [reappointment on a form] a  
783 renewal of such notary public's term of appointment in a format  
784 prescribed and provided by the Secretary, accompanied by a  
785 nonrefundable application fee [of sixty dollars, and shall otherwise  
786 comply with all requirements for being appointed and serving as a  
787 notary public] in an amount prescribed by the Secretary. [Not later than  
788 ninety days before the expiration of the term of a notary public, the  
789 Secretary shall send the notary a notice of the expiration and a  
790 reappointment application form.] The Secretary shall notify a notary  
791 public of the expiration of such notary public's term of appointment not  
792 less than ninety days before the expiration of such notary public's term  
793 of appointment by electronic means or by other appropriate method if  
794 electronic communication is not feasible. Failure of the Secretary to  
795 provide such notification shall not invalidate the expiration of a notary  
796 public's term of appointment. If the Secretary does not prescribe a  
797 nonrefundable application fee by regulation, such fee shall be sixty  
798 dollars.

799 (b) The Secretary may provide a grace period for renewal of a notary  
800 public's term of appointment of not more than ninety days after the  
801 expiration of such notary public's term of appointment. A notary public  
802 whose term of appointment has expired for more than ninety days shall  
803 be deemed to have lapsed and may apply for reinstatement through a  
804 method prescribed by the Secretary. The procedures applicable for a  
805 reinstatement shall be consistent with the procedures described in  
806 section 3-94b, as amended by this act.

807 (c) The Secretary may condition the renewal or reinstatement of a  
808 notary public's term of appointment on such notary public's successful  
809 completion of a course of study, as described in section 22 of this act.

810 (d) Each application for appointment as a notary public and for  
811 renewal or reinstatement of a notary public's term of appointment shall

812 be made under penalty of false statement and contain an affirmation by  
813 the applicant that, if appointed, he or she will support the Constitution  
814 of the United States and the Constitution of the state of Connecticut and  
815 fairly discharge, according to law, the duties of the office of notary  
816 public to the best of his or her abilities.

817 Sec. 34. Section 3-95 of the general statutes is repealed and the  
818 following is substituted in lieu thereof (*Effective October 1, 2021*):

819 The fee for any act performed by a notary public in accordance with  
820 the provisions of the general statutes shall not exceed five dollars, or any  
821 rate prescribed by the Secretary, plus an additional [thirty-five cents]  
822 rate for each mile of travel, as prescribed by the Secretary and not  
823 exceeding the standard mileage rate for businesses as determined by the  
824 Internal Revenue Service.

825 Sec. 35. Section 1-1e of the general statutes is repealed and the  
826 following is substituted in lieu thereof (*Effective October 1, 2021*):

827 Nothing in sections 1-1d, 3-94b to [3-94e] 3-94d, inclusive, as  
828 amended by this act, 7-6, 7-51, 7-53, 7-54, 7-172, 9-12, 10a-207, 14-14, 14-  
829 36, 14-40a, 14-41, 14-44, 14-61, 14-73, 14-214, 14-276, 17a-1, 17a-152, 17b-  
830 75, 17b-81, 17b-223, 17b-745, 18-73, 18-87, 19a-512, 20-10, 20-130, 20-146,  
831 20-188, 20-213, 20-217, 20-236, 20-250, 20-252, 20-270, 20-291, 20-316, 20-  
832 361, 20-590, 20-592, 26-38, 29-156a, 30-1, 30-45, 30-86a, 31-222, 38a-482,  
833 38a-609, 38a-633, 38a-786, 45a-263, 45a-502, 45a-504, 45a-606, 45a-754,  
834 46b-129, 46b-215, 52-572, 53-304, 53-330, 53a-70 or 53a-87 shall impair or  
835 affect any act done, offense committed or right accruing, accrued or  
836 acquired, or an obligation, liability, penalty, forfeiture or punishment  
837 incurred prior to October 1, 1972, and the same may be enjoyed, asserted  
838 and enforced, as fully and to the same extent and in the same manner as  
839 they might under the laws existing prior to said date, and all matters  
840 civil or criminal pending on said date or instituted thereafter for any act  
841 done, offense committed, right accruing, accrued or acquired, or  
842 obligation, liability, penalty, forfeiture or punishment incurred prior to  
843 said date may be continued or instituted under and in accordance with

844 the provisions of the law in force at the time of the commission of such  
 845 act done, offense committed, right accruing, accrued or acquired, or  
 846 obligation, liability, penalty, forfeiture or punishment incurred.

847 Sec. 36. Sections 3-94a, 3-94e to 3-94q, inclusive, and 3-95a of the  
 848 general statutes are repealed. (*Effective October 1, 2021*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	New section
Sec. 2	<i>October 1, 2021</i>	New section
Sec. 3	<i>October 1, 2021</i>	New section
Sec. 4	<i>October 1, 2021</i>	New section
Sec. 5	<i>October 1, 2021</i>	New section
Sec. 6	<i>October 1, 2021</i>	New section
Sec. 7	<i>October 1, 2021</i>	New section
Sec. 8	<i>October 1, 2021</i>	New section
Sec. 9	<i>October 1, 2021</i>	New section
Sec. 10	<i>October 1, 2021</i>	New section
Sec. 11	<i>October 1, 2021</i>	New section
Sec. 12	<i>October 1, 2021</i>	New section
Sec. 13	<i>October 1, 2021</i>	New section
Sec. 14	<i>October 1, 2021</i>	New section
Sec. 15	<i>October 1, 2021</i>	New section
Sec. 16	<i>October 1, 2021</i>	New section
Sec. 17	<i>October 1, 2021</i>	New section
Sec. 18	<i>October 1, 2021</i>	New section
Sec. 19	<i>October 1, 2021</i>	New section
Sec. 20	<i>October 1, 2021</i>	New section
Sec. 21	<i>October 1, 2021</i>	New section
Sec. 22	<i>October 1, 2021</i>	New section
Sec. 23	<i>October 1, 2021</i>	New section
Sec. 24	<i>October 1, 2021</i>	New section
Sec. 25	<i>October 1, 2021</i>	New section
Sec. 26	<i>October 1, 2021</i>	New section
Sec. 27	<i>October 1, 2021</i>	New section
Sec. 28	<i>October 1, 2021</i>	New section
Sec. 29	<i>October 1, 2021</i>	New section
Sec. 30	<i>October 1, 2021</i>	New section

Sec. 31	<i>October 1, 2021</i>	3-94b
Sec. 32	<i>October 1, 2021</i>	3-94c
Sec. 33	<i>October 1, 2021</i>	3-94d
Sec. 34	<i>October 1, 2021</i>	3-95
Sec. 35	<i>October 1, 2021</i>	1-1e
Sec. 36	<i>October 1, 2021</i>	Repealer section

**Statement of Purpose:**

To adopt the Revised Uniform Law on Notarial Acts.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*