

**Proposed Substitute
Bill No. 6604**

LCO No. 5803

AN ACT CONCERNING REMOTE NOTARIAL ACTS.

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

1 Section 1. (NEW) (*Effective from passage*) (a) As used in this section,
2 "notary public" means a person commissioned by the Secretary of the
3 State pursuant to section 3-94b of the general statutes or a commissioner
4 of the Superior Court as described in section 51-85 of the general
5 statutes. Notwithstanding any provision of the general statutes, on and
6 after the effective date of this section until June 30, 2022, any notarial act
7 that is required under Connecticut law to be performed by a notary
8 public may be performed using an electronic device or process that
9 allows a notary public and a remotely located individual to
10 communicate with each other simultaneously by sight and sound,
11 provided the following conditions are met:

12 (1) The individual seeking the notarial act from a notary public, if not
13 personally known to the notary public, shall present satisfactory
14 evidence of identity, as defined in section 3-94a of the general statutes,
15 while connected to the electronic device or process, and may not
16 transmit such evidence prior to or after the transaction;

17 (2) The electronic device or process used by the notary public shall be
18 capable of recording the complete notarial act and such recording shall
19 be made and retained by the notary public for not less than ten years;

20 (3) The individual seeking the signatory act shall affirmatively

21 represent using the electronic device or process that he or she is
22 physically situated in this state;

23 (4) The individual seeking the signatory act shall transmit by fax or
24 electronic means a legible copy of the signed document directly to the
25 notary public on the same date it was executed;

26 (5) The notary public may notarize the transmitted copy of the
27 document and transmit such copy to the individual seeking the
28 signatory act by fax or electronic means; and

29 (6) The notary public may repeat the notarization of the original
30 signed document as of the date of execution, provided the notary public
31 receives such original signed document, together with the electronically
32 notarized copy, within thirty days after the date of execution.

33 (b) Notwithstanding the provisions of subdivisions (1) to (6),
34 inclusive, of subsection (a) of this section, only an attorney admitted to
35 practice law in this state and in good standing may remotely administer
36 a self-proving affidavit to a will pursuant to section 45a-285 of the
37 general statutes or conduct a real estate closing as required under
38 section 51-88a of the general statutes. Any witnessing requirement for a
39 will may be satisfied remotely through the use of an electronic device or
40 process if it is completed under the supervision of a commissioner of the
41 Superior Court. The supervising commissioner shall certify that he or
42 she supervised the remote witnessing of the will.

43 (c) Notwithstanding any provision of the general statutes, no witness
44 shall be required for any document requiring a notarial act, other than a
45 will, as set forth in subsection (b) of this section.

46 (d) All remotely notarized documents pertaining to real property
47 shall be accepted for recording on the land records by all town clerks. A
48 one-page certification confirming the use of remote notarization
49 procedures shall be attached to each remotely notarized document
50 submitted for recording on the land records in this state.

51 Sec. 2. (*Effective from passage*) (a) The chairpersons of the joint standing
52 committee of the General Assembly having cognizance of matters
53 relating to commerce shall convene a working group to examine and
54 make recommendations regarding whether to adopt the Revised
55 Uniform Law on Notarial Acts and whether remote notarial acts should
56 be permitted in connection with real estate and trusts and estates
57 transactions.

58 (b) Appointments to the working group shall include, but need not
59 be limited to, the Secretary of the State, or the Secretary's designee, a
60 representative from the General Assembly who is an attorney having
61 experience in real estate transactions, representatives from the joint
62 standing committees of the General Assembly having cognizance of
63 matters relating to commerce, government administration and the
64 judiciary, the Judicial Branch, the office of the Secretary of the State, the
65 Connecticut State Library, the Connecticut Town Clerks Association, the
66 Uniform Law Commission, state or regional bar associations, notary
67 associations and the title insurance industry and the mortgage industry.
68 All appointments to the working group shall be made not later than
69 thirty days after the effective date of this section.

70 (c) The Secretary of the State, or the Secretary's designee, and the
71 representative from the General Assembly who is an attorney having
72 experience in real estate transactions shall be the chairpersons of the
73 working group. The chairpersons of the working group shall schedule
74 the first meeting of the working group, which shall be held not later than
75 sixty days after the effective date of this section. The working group
76 shall meet at least monthly thereafter, until it submits its report
77 pursuant to subsection (d) of this section.

78 (d) Not later than January 1, 2022, the working group shall submit a
79 report on its findings and recommendations pursuant to subsection (a)
80 of this section to the joint standing committees of the General Assembly
81 having cognizance of matters relating to commerce, government
82 administration and the judiciary, in accordance with the provisions of

83 section 11-4a of the general statutes. The working group shall terminate
84 on the date that it submits such report or on January 1, 2022, whichever
85 is later.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section