



General Assembly

Amendment

February Session, 2022

LCO No. 6054



Offered by:

SEN. HARTLEY, 15th Dist.

REP. CURREY, 11th Dist.

SEN. MARTIN, 31st Dist.

REP. BUCKBEE, 67th Dist.

To: Senate Bill No. 99

File No. 211

Cal. No. 167

**"AN ACT ESTABLISHING A WORKING GROUP TO STUDY
REMOTE NOTARIAL ACTS AND THE REVISED UNIFORM LAW ON
NOTARIAL ACTS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2022*) Sections 1 to 30, inclusive,
4 of this act may be cited as the "Connecticut Revised Uniform Law on
5 Notarial Acts (2018)".

6 Sec. 2. (NEW) (*Effective October 1, 2022*) As used in sections 1 to 30,
7 inclusive, of this act:

8 (1) "Acknowledgment" means a declaration by an individual before a
9 notarial officer that the individual has signed a record for the purpose
10 stated in the record and, if the record is signed in a representative
11 capacity, that the individual signed the record with proper authority

12 and signed it as the act of the individual or entity identified in the
13 record.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 (13) "Stamping device" means:

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

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

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

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

66 Sec. 3. (NEW) (*Effective October 1, 2022*) Sections 1 to 30, inclusive, of
67 this act shall apply to a notarial act performed on or after October 1,

68 2022.

69 Sec. 4. (NEW) (*Effective October 1, 2022*) (a) A notarial officer may
70 perform a notarial act authorized by sections 1 to 30, inclusive, of this
71 act or by any other provision of the general statutes.

72 (b) A notarial officer shall not perform a notarial act with respect to a
73 record to which the officer or the officer's spouse is a party or in which
74 the officer or officer's spouse has a direct beneficial interest. A notarial
75 act performed in violation of this subsection is voidable.

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

78 Sec. 5. (NEW) (*Effective October 1, 2022*) (a) A notarial officer who
79 takes an acknowledgment of a record shall determine, from personal
80 knowledge or satisfactory evidence of the identity of the individual, that
81 the individual appearing before the officer and making the
82 acknowledgment has the identity claimed and that the signature on the
83 record is the signature of the individual.

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

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

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

97 (e) A notarial officer who makes or notes a protest of a negotiable

98 instrument shall determine the matters set forth in subsection (b) of
99 section 42a-3-505 of the general statutes.

100 Sec. 6. (NEW) (*Effective October 1, 2022*) Except as provided in section
101 15 of this act, if a notarial act relates to a statement made in or a signature
102 executed on a record, the individual making the statement or executing
103 the signature shall appear personally before the notarial officer.

104 Sec. 7. (NEW) (*Effective October 1, 2022*) (a) A notarial officer has
105 personal knowledge of the identity of an individual appearing before
106 the officer if the individual is personally known to the officer through
107 dealings sufficient to provide reasonable certainty that the individual
108 has the identity claimed.

109 (b) A notarial officer has satisfactory evidence of the identity of an
110 individual appearing before the officer if the officer can identify the
111 individual:

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

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

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

126 (c) A notarial officer may require an individual to provide additional
127 information or identification credentials necessary to assure the officer

128 of the identity of the individual.

129 Sec. 8. (NEW) (*Effective October 1, 2022*) (a) A notarial officer may
130 refuse to perform a notarial act if the officer is not satisfied that:

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

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

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

136 Sec. 9. (NEW) (*Effective October 1, 2022*) If an individual is physically
137 unable to sign a record, the individual may direct an individual other
138 than the notarial officer to sign the individual's name on the record. The
139 notarial officer shall insert the phrase "Signature affixed by (name of
140 other individual) at the direction of (name of individual)" or words of
141 similar import.

142 Sec. 10. (NEW) (*Effective October 1, 2022*) (a) A notarial act may be
143 performed in this state by:

144 (1) A notary public of this state;

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

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

148 (4) A town clerk;

149 (5) A justice of the peace; or

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

152 (b) The signature and title of an individual performing a notarial act
153 in this state are prima facie evidence that the signature is genuine and

154 that the individual holds the designated title.

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

158 Sec. 11. (NEW) (*Effective October 1, 2022*) (a) A notarial act performed
159 in another state has the same effect under the law of this state as if
160 performed by a notarial officer of this state, if the act performed in that
161 state is performed by:

162 (1) A notary public of that state;

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

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

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

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

172 Sec. 12. (NEW) (*Effective October 1, 2022*) (a) A notarial act performed
173 under the authority and in the jurisdiction of a federally recognized
174 Indian tribe has the same effect as if performed by a notarial officer of
175 this state if the act performed in the jurisdiction of the tribe is performed
176 by:

177 (1) A notary public of the tribe;

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

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

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

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

188 Sec. 13. (NEW) (*Effective October 1, 2022*) (a) A notarial act performed
189 under federal law has the same effect under the law of this state as if
190 performed by a notarial officer of this state if the act performed under
191 federal law is performed by:

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

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

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

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

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

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

206 Sec. 14. (NEW) (*Effective October 1, 2022*) (a) As used in this section,
207 "foreign state" means a government other than the United States, a state
208 or a federally recognized Indian tribe.

209 (b) If a notarial act is performed under authority and in the
210 jurisdiction of a foreign state or constituent unit of the foreign state or is
211 performed under the authority of a multinational or international
212 governmental organization, the act has the same effect under the law of
213 this state as if performed by a notarial officer of this state.

214 (c) If the title of office and indication of authority to perform notarial
215 acts in a foreign state appears in a digest of foreign law or in a list
216 customarily used as a source for that information, the authority of an
217 officer with that title to perform notarial acts is conclusively established.

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

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

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

231 Sec. 15. (NEW) (*Effective October 1, 2022*) (a) As used in this section:

232 (1) "Communication technology" means an electronic device or
233 process that:

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

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

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

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

245 (4) "Outside the United States" means a location outside the
246 geographic boundaries of the United States, Puerto Rico, the United
247 States Virgin Islands and any territory, insular possession or other
248 location subject to the jurisdiction of the United States.

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

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

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

257 (1) The notarial officer:

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

260 (B) Has obtained satisfactory evidence of the identity of the remotely
261 located individual by oath or affirmation from a credible witness
262 appearing before the notarial officer under subsection (b) of section 7 of
263 this act or this section; or

264 (C) Has obtained satisfactory evidence of the identity of the remotely
265 located individual by using at least two different types of identity
266 proofing;

267 (2) The notarial officer confirms that a record before the notarial
268 officer is the same record that the remotely located individual executes
269 remotely before the notarial officer by communication technology;

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

273 (4) For a remotely located individual located outside the United
274 States:

275 (A) The record:

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

279 (ii) Involves property located in the territorial jurisdiction of the
280 United States or involves a transaction substantially connected with the
281 United States; and

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

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

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

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

293 (2) Is in the form provided in section 17 of this act and contains a
294 statement substantially as follows: "This notarial act involved the use of

295 communication technology."

296 (f) A notarial officer, guardian, conservator or agent of a notarial
297 officer or personal representative of a deceased notarial officer shall
298 retain the audio-visual recording created under subdivision (3) of
299 subsection (c) of this section or cause the recording to be retained by a
300 repository designated by or on behalf of the person required to retain
301 the recording. Unless a different period is required by regulation
302 adopted under subdivision (4) of subsection (h) of this section, the
303 recording shall be retained for a period of at least ten years after the
304 recording is made.

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

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

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

324 (2) Establish standards for communication technology and identity
325 proofing;

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

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

331 (i) Before adopting, amending or repealing a regulation governing
332 performance of a notarial act with respect to a remotely located
333 individual pursuant to subsection (h) of this section, the Secretary of the
334 State shall consider:

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

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

341 (3) The views of governmental officials and entities and other
342 interested persons.

343 (j) A notarial officer shall not perform a notarial act using
344 communication technology for a remotely located individual if such
345 notarial act is (1) performed in connection with the (A) making and
346 execution of a will, codicil or trust, (B) execution of health care
347 instructions pursuant to section 19a-575a of the general statutes, (C)
348 designation of a standby guardian pursuant to section 45a-624 of the
349 general statutes, (D) designation of a person for decision-making and
350 certain rights and obligations pursuant to section 1-56r of the general
351 statutes, (E) execution of a living will, as defined in section 19a-570 of
352 the general statutes, or (F) the appointment of an agent under power of
353 attorney, as defined in section 45a-334c of the general statutes, unless
354 such power of attorney is limited in duration to a date certain and grants
355 an agent authority with respect to transactions in real property, or (2)
356 performed in the course of a real estate closing. For the purposes of this

357 section, "real estate closing" has the same meaning as provided in
358 section 51-88a of the general statutes.

359 Sec. 16. (NEW) (*Effective October 1, 2022*) (a) A notarial act shall be
360 evidenced by a certificate that shall:

361 (1) Be executed contemporaneously with the performance of the
362 notarial act;

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

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

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

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

370 (b) If a notarial act regarding a tangible record is performed by a
371 notary public, an official stamp shall be affixed to or embossed on the
372 certificate. If a notarial act is performed regarding a tangible record by
373 a notarial officer other than a notary public and the certificate contains
374 the information specified in subdivisions (2) to (4), inclusive, of
375 subsection (a) of this section, an official stamp may be affixed to or
376 embossed on the certificate. If a notarial act regarding an electronic
377 record is performed by a notarial officer and the certificate contains the
378 information specified in subdivisions (2) to (4), inclusive, of subsection
379 (a) of this section, an official stamp may be attached to or logically
380 associated with the certificate.

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

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

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

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

387 (4) Sets forth the actions of the notarial officer and the actions are
388 sufficient to meet the requirements of the notarial act as provided in
389 sections 5 to 7, inclusive, of this act or any other applicable provision of
390 the general statutes.

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

394 (e) A notarial officer shall not affix the officer's signature to, or
395 logically associate it with, a certificate until the notarial act has been
396 performed.

397 (f) If a notarial act is performed regarding a tangible record, a
398 certificate shall be part of, or securely attached to, the record. If a notarial
399 act is performed regarding an electronic record, the certificate shall be
400 affixed to, or logically associated with, the electronic record. If the
401 Secretary of the State has established standards pursuant to section 27
402 of this act for attaching, affixing or logically associating the certificate,
403 the process shall conform to such standards.

404 Sec. 17. (NEW) (*Effective October 1, 2022*) The following short-form
405 certificates of notarial acts are sufficient for the purposes indicated, if
406 completed with the information required by subsections (a) and (b) of
407 section 16 of this act:

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

409 State of

410 County of

411 This record was acknowledged before me on ____ by _____

412 _____
Date Name(s) of individual(s)

413 _____

414 Signature of notarial officer

415 Stamp

416 _____

417 Title of office

418 My appointment expires: _____

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

420 State of

421 County of

422 This record was acknowledged before me on ____ by _____

423 Date Name(s) of individual(s)

424 as (type of authority, such as officer or trustee) of (name of party on
425 behalf of whom record was executed).

426 _____

427 Signature of notarial officer

428 Stamp

429 _____

430 Title of office

431 My appointment expires: _____

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

433 State of

434 County of

435 Signed and sworn to (or affirmed) before me on ____ by
436 _____

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

438 _____

439 Signature of notarial officer

440 Stamp

441 _____

442 Title of office

443 My appointment expires: _____

444 (4) For witnessing or attesting a signature:

445 State of

446 County of

447 Signed (or attested) before me on _____ by _____

448 Date Name(s) of individual(s)

449 _____

450 Signature of notarial officer

451 Stamp

452 _____

453 Title of office

454 My appointment expires: _____

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

456 State of

457 County of

458 I certify that this is a true and correct copy of a record in the possession
459 of _____.

460 Dated _____

461 _____

462 Signature of notarial officer

463 Stamp

464 _____

465 Title of office

466 My appointment expires: _____

467 Sec. 18. (NEW) (*Effective October 1, 2022*) The official stamp of a notary
468 public shall:

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

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

474 Sec. 19. (NEW) (*Effective October 1, 2022*) (a) A notary public shall be
475 responsible for the security of the notary public's stamping device and
476 shall not allow another individual to use the device to perform a notarial
477 act. On resignation from, or the revocation or expiration of, the notary
478 public's appointment, or on the expiration of the date set forth in the
479 stamping device, if any, the notary public shall disable the stamping
480 device by destroying, defacing, damaging, erasing or securing it against
481 use in a manner that renders it unusable. On the death or adjudication
482 of incompetency of a notary public, the notary public's personal
483 representative or guardian or any other person knowingly in possession

484 of the stamping device shall render it unusable by destroying, defacing,
485 damaging, erasing or securing it against use in a manner that renders it
486 unusable.

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

491 Sec. 20. (NEW) (*Effective October 1, 2022*) (a) A notary public may
492 select one or more tamper-evident technologies to perform notarial acts
493 with respect to electronic records. A person shall not require a notary
494 public to perform a notarial act with respect to an electronic record with
495 a technology that the notary public has not selected.

496 (b) Before a notary public performs the notary public's initial notarial
497 act with respect to an electronic record, a notary public shall notify the
498 Secretary of the State that the notary public will be performing notarial
499 acts with respect to electronic records and identify the technology the
500 notary public intends to use. If the Secretary of the State has established
501 standards for approval of technology pursuant to section 27 of this act,
502 the technology shall conform to the standards. If the technology
503 conforms to the standards, the Secretary of the State shall approve the
504 use of the technology.

505 (c) A town clerk shall accept for recording a tangible copy of an
506 electronic record containing a notarial certificate as satisfying any
507 requirement that a record accepted for recording be an original if the
508 same notarial officer executing the notarial certificate contained on the
509 record certifies that the tangible copy is an accurate copy of the
510 electronic record. Such recording shall attach a declaration of
511 authenticity as follows:

512 DECLARATION OF AUTHENTICITY

513 State of

514 County of ...

515 The attached document, (insert title), dated (insert date) and
516 containing (insert number of pages) pages, is a true and correct copy of
517 an electronic record printed by me or under my supervision. At the time
518 of printing, no security features present on the electronic record
519 indicated any changes or errors in an electronic signature or other
520 information in the electronic record after the electronic record's creation
521 or execution.

522 This declaration is made under penalty of perjury.

523 Signed this ___ day of _____, ____.

524 _____

525 Signature of notarial officer

526 Stamp

527 _____

528 Title of office

529 My appointment expires: _____

530 Sec. 21. (NEW) (*Effective October 1, 2022*) (a) An individual qualified
531 under subsection (b) of this section may apply to the Secretary of the
532 State for an appointment as a notary public. The applicant shall comply
533 with and provide the information required by any regulations adopted
534 by the Secretary of the State in accordance with the provisions of chapter
535 54 of the general statutes, and pay any application fee.

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

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

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

539 (3) Be a resident of or have a place of employment or practice in this

540 state;

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

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

544 (6) Have completed the course of study described in section 22 of this
545 act.

546 (c) Before issuance of an appointment as a notary public, an applicant
547 for the appointment shall execute an oath of office in accordance with
548 section 1-25 of the general statutes and submit it to the Secretary of the
549 State.

550 (d) Upon compliance with this section, the Secretary of the State shall
551 issue an appointment as a notary public to an applicant for a term of five
552 years.

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

557 Sec. 22. (NEW) (*Effective October 1, 2022*) The Secretary of the State or
558 an entity approved by the Secretary of the State shall offer regularly a
559 course of study to applicants who do not hold commissions as notaries
560 public in this state, including notaries public seeking renewal or
561 reinstatement of a notary commission. The course shall cover the laws,
562 regulations, procedures and ethics relevant to notarial acts.

563 Sec. 23. (NEW) (*Effective October 1, 2022*) (a) The Secretary of the State
564 may deny, refuse to renew, revoke, suspend or impose a condition on
565 an appointment as notary public for any act or omission that
566 demonstrates the individual lacks the honesty, integrity, competence or
567 reliability to act as a notary public, including:

568 (1) Failure to comply with any provision of sections 1 to 30, inclusive,

569 of this act;

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

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

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

578 (5) Failure by the notary public to discharge any duty required of a
579 notary public, whether by any provision of sections 1 to 30, inclusive, of
580 this act, regulations of the Secretary of the State or any federal or state
581 law;

582 (6) Use of false or misleading advertising or representation by the
583 notary public representing that the notary has a duty, right or privilege
584 that the notary does not have;

585 (7) Violation by the notary public of a regulation of the Secretary of
586 the State regarding a notary public;

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

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

591 (b) In making a determination to deny, refuse to renew, revoke,
592 suspend or impose a condition on a commission as notary public
593 pursuant to subdivision (3) of subsection (a) of this section, the Secretary
594 of the State shall consider (1) the nature and number of relevant
595 convictions, (2) the recency of the convictions, (3) whether the
596 application has successfully completed the conditions of conviction,
597 including imprisonment, probation or parole, and (4) if a felony,

598 whether the crime involved fraud, deceit or dishonesty. The Secretary
599 of the State shall not deny, refuse to renew, revoke, suspend or impose
600 a condition on a commission as notary public on the basis of criminal
601 conviction if the Secretary of the State finds, based on the totality of the
602 circumstances, that the applicant possesses the character and fitness
603 necessary to perform the duties of a notary public in a manner consistent
604 with the law. The Secretary of the State shall inform all applicants that
605 criminal convictions that have been expunged, pardoned or otherwise
606 erased pursuant to law need not be disclosed to the Secretary of the
607 State.

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

612 (d) The authority of the Secretary of the State to deny, refuse to renew,
613 suspend, revoke or impose conditions on an appointment as a notary
614 public does not prevent a person from seeking and obtaining other
615 criminal or civil remedies provided by law.

616 Sec. 24. (NEW) (*Effective October 1, 2022*) The Secretary of the State
617 shall maintain an electronic database of notaries public:

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

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

623 Sec. 25. (NEW) (*Effective October 1, 2022*) (a) An appointment as a
624 notary public does not authorize an individual to:

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

627 (2) Act as an immigration consultant or an expert on immigration

628 matters;

629 (3) Represent a person in a judicial or administrative proceeding
630 relating to immigration to the United States, United States citizenship or
631 related matters; or

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

634 (b) A notary public shall not engage in false or deceptive advertising.

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

637 (d) A notary public, other than an attorney licensed to practice law in
638 this state, shall not advertise or represent that the notary public may
639 assist persons in drafting legal records, give legal advice, conduct a real
640 estate closing or otherwise practice law. If a notary public who is not an
641 attorney licensed to practice law in this state in any manner advertises
642 or represents that the notary public offers notarial services, whether
643 orally or in a record, including broadcast media, print media and the
644 Internet, the notary public shall include the following statement, or an
645 alternate statement authorized or required by the Secretary of the State,
646 in the advertisement or representation, prominently and in each
647 language used in the advertisement or representation: "I am not an
648 attorney licensed to practice law in this state. I am not allowed to draft
649 legal records, give advice on legal matters, including immigration, or
650 charge a fee for those activities". If the form of advertisement or
651 representation is not broadcast media, print media or the Internet and
652 does not permit inclusion of the statement required by this subsection
653 because of size, it shall be displayed prominently or provided at the
654 place of performance of the notarial act before the notarial act is
655 performed.

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

659 Sec. 26. (NEW) (*Effective October 1, 2022*) Except as otherwise
660 provided in subsection (b) of section 4 of this act, the failure of a notarial
661 officer to perform a duty or meet a requirement specified in sections 1
662 to 30, inclusive, of this act does not invalidate a notarial act performed
663 by the notarial officer. The validity of a notarial act under sections 1 to
664 30, inclusive, of this act does not prevent an aggrieved person from
665 seeking to invalidate the record or transaction that is the subject of the
666 notarial act or from seeking other remedies based on any other provision
667 of the general statutes or the law of the United States. This section does
668 not validate a purported notarial act performed by an individual who
669 does not have the authority to perform notarial acts.

670 Sec. 27. (NEW) (*Effective October 1, 2022*) (a) The Secretary of the State
671 shall adopt regulations, in accordance with chapter 54 of the general
672 statutes, to implement the provisions of sections 1 to 30, inclusive, of this
673 act. Regulations adopted regarding the performance of notarial acts
674 with respect to electronic records shall not require, or accord greater
675 legal status or effect to, the implementation or application of a specific
676 technology or technical specification. The regulations shall:

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

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

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

683 (4) Prescribe the process of granting, renewing, conditioning,
684 denying, suspending or revoking a notary public appointment and
685 assuring the trustworthiness of an individual holding an appointment
686 as notary public;

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

689 (6) Provide for the administration of the examination under
690 subsection (a) of section 22 of this act and the course of study under
691 subsection (b) of section 22 of this act.

692 (b) In adopting, amending or repealing regulations about notarial
693 acts with respect to electronic records, the Secretary of the State shall
694 consider, so far as is consistent with sections 1 to 30, inclusive, of this
695 act:

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

699 (2) Standards, practices and customs of other jurisdictions that
700 substantially enact the provisions of sections 1 to 30, inclusive, of this
701 act; and

702 (3) The views of governmental officials and entities and other
703 interested persons.

704 Sec. 28. (NEW) (*Effective October 1, 2022*) The provisions of sections 1
705 to 30, inclusive, of this act do not affect the validity or effect of a notarial
706 act performed before October 1, 2022.

707 Sec. 29. (NEW) (*Effective October 1, 2022*) In applying and construing
708 the provisions of sections 1 to 30, inclusive, of this act, consideration
709 shall be given to the need to promote uniformity of the law with respect
710 to its subject matter among states that enact it.

711 Sec. 30. (NEW) (*Effective October 1, 2022*) Sections 1 to 30, inclusive, of
712 this act modify, limit and supersede the Electronic Signatures in Global
713 and National Commerce Act, 15 USC 7001 et seq., but do not modify,
714 limit or supersede Section 101(c) of that act, 15 USC 7001(c), or authorize
715 electronic delivery of any of the notices described in Section 103(b) of
716 that act, 15 USC 7003(b).

717 Sec. 31. Section 3-94b of the general statutes is repealed and the
718 following is substituted in lieu thereof (*Effective October 1, 2022*):

719 (a) [Except as provided in subsection (c) of this section, the] The
720 Secretary of the State may appoint as a notary public any qualified
721 person who submits an application in accordance with [this section]
722 section 21 of this act.

723 (b) In order to qualify for appointment as a notary public, a person
724 appointed or reappointed on or after October 1, 2022, shall:

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

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

729 (3) Pass a written examination approved or administered by the
730 Secretary;]

731 (1) Successfully complete a course of study in accordance with section
732 22 of this act and any applicable regulations adopted by the Secretary of
733 the State in accordance with the provisions of chapter 54; and

734 [(4)] (2) Submit an application, on a form prescribed and provided by
735 the Secretary, [which the applicant shall complete in the applicant's
736 handwriting without misstatement or omission of fact.] The application
737 shall be accompanied by (A) a nonrefundable application fee, [of one
738 hundred twenty dollars,] and (B) [the recommendation] a certificate of
739 reference, on a form prescribed by the Secretary, of an individual who
740 has personally known the applicant for at least one year and is not
741 legally related to the applicant. The Secretary may require that such
742 application be submitted online and that the applicant provide
743 identifying information, including, but not limited to, a Social Security
744 number or other unique personal identifier. The Secretary shall adopt
745 regulations in accordance with the provisions of chapter 54 to prescribe
746 the amount of the nonrefundable application fee. Until the Secretary
747 adopts regulations prescribing the nonrefundable application fee under
748 this section, such fee shall be one hundred twenty dollars.

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

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

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

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

757 [(d)] (c) Upon approval of an application for appointment as a notary
758 public, the Secretary shall cause a certificate of appointment [bearing a
759 facsimile of the Secretary's signature and countersigned by the
760 Secretary's executive assistant or an employee designated by the
761 Secretary] in a format prescribed by the Secretary to be issued to such
762 appointee by electronic means.

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

766 (d) Any notary public appointed under this section prior to October
767 1, 2022, may continue to exercise the functions of a notary public until
768 the end of the term to which such notary public was appointed and shall
769 not be required to comply with the course requirements of section 22, or
770 any other requirements for appointment, renewal, or reinstatement
771 under section 21 of this act until such notary public applies for renewal
772 of such notary public's term of appointment or reinstatement.

773 Sec. 32. Section 3-94c of the general statutes is repealed and the
774 following is substituted in lieu thereof (*Effective October 1, 2022*):

775 [(a)] A person appointed as a notary public by the Secretary of the
776 State may exercise the functions of the office of notary public at any
777 place within the state beginning on the date of such person's
778 appointment and ending five years later on the last day of the month of

779 appointment, unless (1) such appointment as a notary is suspended or
780 terminated by the Secretary before the end of such term, (2) the notary
781 resigns such appointment, or (3) the notary ceases to either be a resident
782 of the state or have one's principal place of business in the state.

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

789 (c) Within thirty days after receiving a certificate of appointment
790 from the Secretary, a notary public shall record, with the town clerk of
791 the municipality in the state in which the notary resides, or, if the notary
792 is not a resident of the state, with the town clerk of the municipality in
793 the state in which the notary's principal place of business is located, such
794 certificate and such notary's oath of office taken and subscribed to by
795 the notary before some proper authority. Any notary public who is a
796 resident of the state and whose principal place of business is in a
797 municipality within the state other than the municipality in which the
798 notary resides, may also record the notary's certificate of appointment
799 and oath of office with the town clerk of such other municipality. Town
800 clerks or assistant town clerks may certify to the authority and official
801 acts of any notary public whose certificate of appointment and oath of
802 office have been recorded in the books in their charge. The failure of a
803 notary public to so record such certificate of appointment and oath of
804 office shall not invalidate any notarial act performed by the notary after
805 the date of such person's appointment as a notary public.]

806 Sec. 33. Section 3-94d of the general statutes is repealed and the
807 following is substituted in lieu thereof (*Effective October 1, 2022*):

808 (a) A notary public may apply for [reappointment on a form] a
809 renewal of such notary public's term of appointment in a format
810 prescribed and provided by the Secretary, accompanied by a

811 nonrefundable application fee, [of sixty dollars, and shall otherwise
812 comply with all requirements for being appointed and serving as a
813 notary public. Not later than ninety days before the expiration of the
814 term of a notary public, the Secretary shall send the notary a notice of
815 the expiration and a reappointment application form.] The Secretary
816 shall adopt regulations in accordance with the provisions of chapter 54
817 prescribing the amount of the nonrefundable application fee for
818 renewals. Until the Secretary prescribes a nonrefundable application fee
819 by regulation, such fee shall be sixty dollars. The Secretary shall notify
820 a notary public of the expiration of such notary public's term of
821 appointment not less than ninety days before the expiration of such
822 notary public's term of appointment by electronic means or by other
823 appropriate method if electronic communication is not feasible. Failure
824 of the Secretary to provide such notification shall not invalidate the
825 expiration of a notary public's term of appointment.

826 (b) The Secretary may provide a grace period for renewal of a notary
827 public's term of appointment of not more than ninety days after the
828 expiration of such notary public's term of appointment. A notary public
829 whose term of appointment has expired for more than ninety days shall
830 be deemed to have lapsed and may apply for reinstatement through a
831 method prescribed by the Secretary. The procedures applicable for a
832 reinstatement shall be consistent with the procedures described in
833 section 3-94b, as amended by this act.

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

837 (d) Each application for appointment as a notary public and for
838 renewal or reinstatement of a notary public's term of appointment shall
839 be made under penalty of false statement and contain an affirmation by
840 the applicant that, if appointed, he or she will support the Constitution
841 of the United States and the Constitution of the state of Connecticut and
842 fairly discharge, according to law, the duties of the office of notary
843 public to the best of his or her abilities.

844 Sec. 34. Section 3-95 of the general statutes is repealed and the
845 following is substituted in lieu thereof (*Effective October 1, 2022*):

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

852 Sec. 35. Section 1-31a of the general statutes is repealed and the
853 following is substituted in lieu thereof (*Effective October 1, 2022*):

854 An acknowledgment of any instrument pertaining to real property
855 located in this state or a power of attorney may be made outside the state
856 before an attorney admitted to the bar in this state. The provisions of
857 this section shall not apply to any document executed on behalf of a
858 remotely located individual, as defined in section 15 of this act, in the
859 course of a real estate closing, as defined in section 51-88a.

860 Sec. 36. Section 1-37 of the general statutes is repealed and the
861 following is substituted in lieu thereof (*Effective October 1, 2022*):

862 Notwithstanding any provision in this chapter, the acknowledgment
863 of any instrument without this state in compliance with the manner and
864 form prescribed by the laws of the place of its execution, if in a state, a
865 territory or insular possession of the United States, or in the District of
866 Columbia, verified by the official seal of the officer before whom it is
867 acknowledged, and authenticated in the manner provided by
868 subsection (2) of section 1-36, shall have the same effect as an
869 acknowledgment in the manner and form prescribed by the laws of this
870 state for instruments executed within the state. The provisions of this
871 section shall not apply to any document executed on behalf of a
872 remotely located individual, as defined in section 15 of this act, in the
873 course of a real estate closing.

874 Sec. 37. Section 1-1e of the general statutes is repealed and the

875 following is substituted in lieu thereof (*Effective October 1, 2022*):

876 Nothing in sections 1-1d, 3-94b to [3-94e] 3-94d, inclusive, as
877 amended by this act, 7-6, 7-51, 7-53, 7-54, 7-172, 9-12, 10a-207, 14-14, 14-
878 36, 14-40a, 14-41, 14-44, 14-61, 14-73, 14-214, 14-276, 17a-1, 17a-152, 17b-
879 75, 17b-81, 17b-223, 17b-745, 18-73, 18-87, 19a-512, 20-10, 20-130, 20-146,
880 20-188, 20-213, 20-217, 20-236, 20-250, 20-252, 20-270, 20-291, 20-316, 20-
881 361, 20-590, 20-592, 26-38, 29-156a, 30-1, 30-45, 30-86a, 31-222, 38a-482,
882 38a-609, 38a-633, 38a-786, 45a-263, 45a-502, 45a-504, 45a-606, 45a-754,
883 46b-129, 46b-215, 52-572, 53-304, 53-330, 53a-70 or 53a-87 shall impair or
884 affect any act done, offense committed or right accruing, accrued or
885 acquired, or an obligation, liability, penalty, forfeiture or punishment
886 incurred prior to October 1, 1972, and the same may be enjoyed, asserted
887 and enforced, as fully and to the same extent and in the same manner as
888 they might under the laws existing prior to said date, and all matters
889 civil or criminal pending on said date or instituted thereafter for any act
890 done, offense committed, right accruing, accrued or acquired, or
891 obligation, liability, penalty, forfeiture or punishment incurred prior to
892 said date may be continued or instituted under and in accordance with
893 the provisions of the law in force at the time of the commission of such
894 act done, offense committed, right accruing, accrued or acquired, or
895 obligation, liability, penalty, forfeiture or punishment incurred.

896 Sec. 38. Sections 3-94a, 3-94f to 3-94k, inclusive, 3-94q and 3-95a of the
897 general statutes are repealed. (*Effective October 1, 2022*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	New section
Sec. 2	<i>October 1, 2022</i>	New section
Sec. 3	<i>October 1, 2022</i>	New section
Sec. 4	<i>October 1, 2022</i>	New section
Sec. 5	<i>October 1, 2022</i>	New section
Sec. 6	<i>October 1, 2022</i>	New section
Sec. 7	<i>October 1, 2022</i>	New section
Sec. 8	<i>October 1, 2022</i>	New section

Sec. 9	<i>October 1, 2022</i>	New section
Sec. 10	<i>October 1, 2022</i>	New section
Sec. 11	<i>October 1, 2022</i>	New section
Sec. 12	<i>October 1, 2022</i>	New section
Sec. 13	<i>October 1, 2022</i>	New section
Sec. 14	<i>October 1, 2022</i>	New section
Sec. 15	<i>October 1, 2022</i>	New section
Sec. 16	<i>October 1, 2022</i>	New section
Sec. 17	<i>October 1, 2022</i>	New section
Sec. 18	<i>October 1, 2022</i>	New section
Sec. 19	<i>October 1, 2022</i>	New section
Sec. 20	<i>October 1, 2022</i>	New section
Sec. 21	<i>October 1, 2022</i>	New section
Sec. 22	<i>October 1, 2022</i>	New section
Sec. 23	<i>October 1, 2022</i>	New section
Sec. 24	<i>October 1, 2022</i>	New section
Sec. 25	<i>October 1, 2022</i>	New section
Sec. 26	<i>October 1, 2022</i>	New section
Sec. 27	<i>October 1, 2022</i>	New section
Sec. 28	<i>October 1, 2022</i>	New section
Sec. 29	<i>October 1, 2022</i>	New section
Sec. 30	<i>October 1, 2022</i>	New section
Sec. 31	<i>October 1, 2022</i>	3-94b
Sec. 32	<i>October 1, 2022</i>	3-94c
Sec. 33	<i>October 1, 2022</i>	3-94d
Sec. 34	<i>October 1, 2022</i>	3-95
Sec. 35	<i>October 1, 2022</i>	1-31a
Sec. 36	<i>October 1, 2022</i>	1-37
Sec. 37	<i>October 1, 2022</i>	1-1e
Sec. 38	<i>October 1, 2022</i>	Repealer section