

Status of eNotarization in the United States

July 1, 2017

Here are the finer details about the map on Page 2 that illustrates the following information.

- eNotarization face to face only: AR, CA, CO, DE, FL, ID (eff. 7/1/2018), IA, MN, MO, NE, NC, OR, PA, TX, UT, WA (eff. 7/1/2018), WV.
- eNotarization face to face, and remote: MT, NV (face to face eff. 7/1/2017, remote eff. 7/1/2018), TX (eff. 7/1/2018), and VA.
- eNotarization only with direction of legal advisor: IN, MI, OH, WI.
- eNotarization for land records only: NY.

The actual number of eNotarizations being performed in any given state are not being tracked. Inclusion on the map only indicates the state's position on whether eNotarizations may be performed in that state, based on my personal inquiries to all appointing authorities. For example,

- Oregon only has a handful of eNotaries at the moment.
- Minnesota informed me they have had 2,000+ notaries public who have registered with the state but that is not an indication that 2,000+ notaries are eNotarizing.
- North Carolina informed me that 1,000+ notaries public have taken the required education but, based on my survey of the approved vendors, probably only 100 notaries, or fewer, are really notarizing electronically.

In these states eNotarization should be taking place, but they have inactive or incomplete programs:

AZ: has two notary laws, one for the paper notary and one for eNotary. eNotary requires PKI. There are no approved vendors selling PKI certificates to notaries public in AZ.

CT, HI & VT: have told me during one of my many surveys that they would accept the fact that UETA would permit eNotarization in their state. Other callers may not get the same answer. It is advisable to check with the states' appointing authorities before moving ahead with eNotarization in these states.

DE: has a law that permits the appointing of eNotaries all over the U.S. They have announced a strategic alliance with a program administrator, but as of the date of this communication the state is still not issuing electronic notary commissions. A notary cannot apply to become an electronic notary at this time, according to the state website.

KS: has a requirement to purchase a PKI solution from the state. I have been informed that there may be only five to 10 notaries using this process.

LA: the notary here is both the same, and different, as their foundational paper notary laws are based on French law (although they have passed UETA). Louisiana had a study committee on eSignature and eNotary. They reported that more study is necessary before enabling legislation can be introduced.

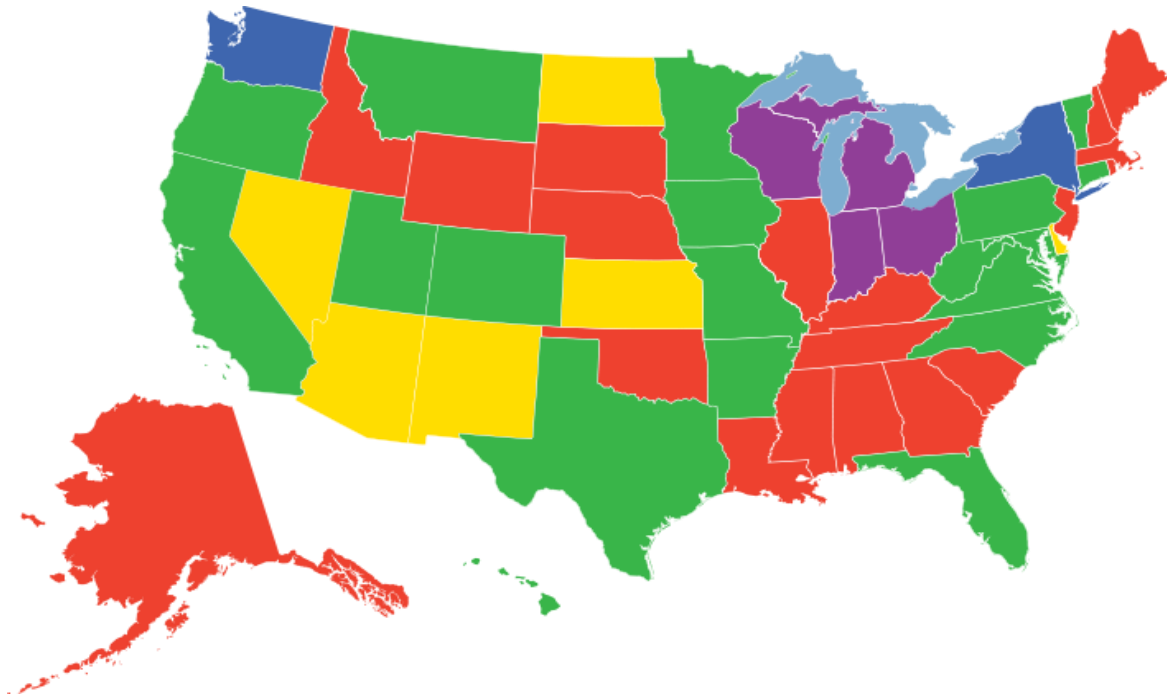
IN, MI, OH and WI: will not provide their notaries public with a firm yes or no as to eNotarization. While they appoint notaries, they do not give legal opinions. They advise individuals who want to be eNotaries to speak with their local legal representative for advice on this subject. However, I have been advised that eNotarization is taking place in Wisconsin in the banking environment.

ND: has passed RULONA but has not written regulations permitting eNotarization yet.

NM: has regulations in place. No notaries may become eNotaries in NM because there is no approved mandatory education vendor to provide the necessary eNotarization education.

NV: has a notary law which permits eNotary but needs to write regulations.

AK, AL, GA, IL, KY, MA, MD, ME, MS, NH, NJ, NY, OK, SC, SD, TN, and WY do not authorize their notaries public to be electronically enabled notaries public (with the NY exception for real estate only).



- TODAY
- LEGAL BUT DORMANT
- NOT TODAY
- POTENTIAL
- REAL PROPERTY

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