

Governor Permits Remote Notarial Acts Through April 27

On March 24, 2020, Governor Inslee issued [Proclamation 20-27](#) in response to the COVID-19 outbreak and its impacts on the provision of estate, end-of-life planning, adoption, and other critical legal services. Proclamation 20-27 puts [Senate Bill \(SB\) 5641](#) into immediate effect from March 27 until midnight on April 27, 2020. SB 5641 was signed into law on April 26, 2019 with a delayed effective date of October 1, 2020. It allows notaries in Washington State to perform notarial acts for remotely located individuals who would otherwise be required to appear personally and makes other related changes to chapters 42.45, 9A.60, and 65.08 RCW.

What Is Required of a Notarial Act for a Remotely Located Individual?

A notary may perform a notarial act for a remotely located individual (within the United States) by: (a) confirming the identity of the individual in compliance with [RCW 42.45.050](#) or by using at least two different types of “identity proofing”; (b) confirming that the record before the notary is the same as that before the remotely located individual; and (c) creating an audio-visual record of the performance of the notarial act. The audio-visual record of the notarial act must be retained for at least ten years unless a different period of time is adopted by the Director of the Department of Licensing (DOL). The notarial certificate used with a remotely located individual must state that the notarial act was performed using “communication technology.” Specifically, a certificate is sufficient if it complies with any applicable rules prescribed by the Director and is otherwise in a form provided in [RCW 42.45.140](#) with the addition of the following or similarly substantive statement: “This notarial act involved the use of communication technology.”

Who Can Perform a Notarial Act for a Remotely Located Individual?

A notary must obtain specific authorization from the DOL in order to perform notarial acts for remotely located individuals. To obtain such authorization, a notary must (a) obtain an electronic notary endorsement from the DOL; (b) obtain a so-called “Remote Online Notary” (RON) authorization; and (c) select a vendor for electronic signatures and remote notarization. The application for an electronic notary endorsement is located [here](#). According to the DOL, notaries can apply for a RON authorization by sending an email to notaries@dol.wa.gov (using the subject line “Remote Online Notary Endorsement Application”) and providing their name, license number, and date of application for the electronic notary endorsement. Notaries who already have an electronic notary endorsement do not have to provide the date of their application in their RON authorization request. At the time of this bulletin and given the immediate effect of the Governor’s proclamation, DOL has not issued recommendations or guidelines regarding specific vendors for electronic signatures and remote notarization. DOL does, however, note that the following companies provide remote notarization services: DocVerify; Notarize; NotaryCam; Pavaso; Safedocs; SIGNiX; and Nexsys Clear Sign.

If you have any questions regarding this information, please contact us. Additional COVID-19 resources are available on Pacifica's website at <https://www.pacificallawgroup.com/>.

Andrew Zellers

Andrew.Zellers@pacificallawgroup.com

206.245.1706

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