

TESTIMONY IN SUPPORT OF H. 206

Submitted by Patricia B. Fry

Thank you for this opportunity to submit written testimony in support of H 206, which incorporates the Revised Uniform Law on Notarial Acts [RULONA], as adapted to the needs of Vermont, its notaries, and its citizens.

I chaired the Uniform Law Commission's drafting committee that prepared RULONA. H 206 [as is true of RULONA] modernizes the law governing notaries public, last updated in 1982. Its provisions include:

- Authority to perform notarial acts
- Requirements for the traditional notarial acts, including verifications, acknowledgments, witnessing signatures and certifying copies and authority to refuse to notarize
- Requirements for personal appearance, identification of the individual and signatures
- Affirmation of the legal effect of notarial acts performed in this state, and of those performed in other states, under federal law, or in other nations
- Provisions governing the form of notarial certificates
- Provisions governing the commissioning and discipline of notaries public, their education, official stamps and journals
- Provisions to protect citizens from fraud by controlling advertisements

Notaries public serve the important function of enabling citizens and residents to comply with an assortment of state and federal laws requiring notarization of various documents. Since 1982, perhaps the most significant change in the world has been the widespread adoption of electronic technologies for records and signatures. H 206 contains provisions recognizing this fact and assuring that notaries are able to notarize electronic records and to use electronic signatures. Although several laws, including the Uniform Electronic Transactions Act [UETA, adopted in Vermont] and the federal Electronic Signatures in Global and National Transactions [ESIGN], have provided that such notarizations might occur, none have provided any guidance to notaries or their governing bodies. H 206 remedies that lack and explicitly provides that in an electronic environment the method of notarization must include steps to insure that the completed record will include tamper-evident technologies. As was noted in the recent policy paper, *Electronic Notarization: Traditional Assurances for Electronically Recorded Documents*, adopted by the Property Records Industry Association in November 2015, the result

is that electronically notarized records share, if not exceed, the reliability and trustworthiness of their paper counterparts.

It has been my privilege to offer this written testimony in support of H 206. If I may provide any further assistance or respond to questions, please do not hesitate to contact me at fryp@socket.net, 573-424-3515. Further information also is available from the Brian Lewis at the Uniform Law Commission, blewis@uniformlaws.org, 312-450-6600.

Respectfully submitted,

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Life Member
Uniform Law Commission