
From: BetsyAnn Wrask
Sent: Thursday, May 3, 2018 12:34 PM
To: Maida Townsend
Cc: Winters, Chris
Subject: H.526 (notaries): general summary and specific description of the Senate's proposed changes

Hi Maida,

Below is:

- the link to that **highlighted** doc we just reviewed (which shows the Senate's proposed changes to the House's version of H.526);
- a general overview of the changes that the Senate proposed to the House version of the bill; and
- a description of each of the changes made, referencing the **highlighting** in the linked doc.

I'm copying Chris Winters on this email. **Chris, I believe Maida has a few follow-up questions that I was not able to address!**

Good luck, thank you both, and please let me know if you'd like to further discuss.

Thanks,
Betsy

<https://legislature.vermont.gov/assets/Documents/2018/WorkGroups/House%20Government%20Operations/Bills/H.526/Senate%20Version%20of%20H.526,%20Chris%20Winters,%20BetsyAnn%20Wrask/H.526~Chris%20Winters,%20BetsyAnn%20Wrask~Senate%20Government%20Operations%20changes%20to%20HGO's%20document~4-11-2018.pdf>

The general overview is that the Sec. of State's Office worked to address some concerns raised by the Vermont Bar Association and real estate attorneys, which resulted in removal of some references to blockchain, allowing an alternative to a stamping device, removing the ability to certify copies, addressing concerns about marketability of title, providing for the uniform unsworn declarations report, and addressing the transition to OPR's regulation.

Here is a list of those main differences (referring to pages of the above-linked doc with highlighting):

- Pg. 2, line 5, and throughout doc: Eliminated reference to “notarial officer” because all persons who perform notarial acts must be a commissioned “notary public.”
- Pg. 2, lines 13-15: Specifying that a notary’s commission term is two years starting Feb. 1, to help transition from the current commission cycle.
- Pg. 3, lines 13-15: Specifying that a notarial act does not include a corporate officer witnessing another’s signature in the ordinary course of business.
- Pg. 3, lines 16-18: Allowing the witnessing of signatures by non-notaries when allowed by other law.
- Pg. 4, lines 6-7: Removing reference to blockchain.
- Pg. 6, line 3: Allowing assistant judges and county clerks to be exempted from the chapter’s requirements (except the requirement to get a commission).
- Pg. 8, lines 5-6: Allowing AAGs, public defenders, and their staff to be exempted from the notary commission fee.
- Pg. 9, lines 3-5: Requiring that one of OPR’s advisor appointees be an attorney selected from among a list provided by the Bar Assoc.
- Pg. 17, lines 14-18: Prohibiting video conferencing from being used to take acknowledgements.
- Top of pg. 20: Allowing a notary to print or type their name and commission number on a certificate as an alternative to a stamp.
- Pg. 25, line 6: Addressing marketability of title.
- Pg. 25, new (b): Addressing validity of acknowledgements.
- Pg. 25, new (d): Allowing for the correction of defects in an acknowledgement.
- Pg. 26, new (e): Addressing the ability to record conveyance of title in land records as a sufficient notice to third parties, despite a notary’s failure to adequately perform a notarial act.
- Bottom of pg. 26-top of pg. 27: This is language based on current 27 VSA 379, which would be repealed in Sec. 5 on pg. 33. It’s being moved to the notary chapter so that info re: out-of-state acknowledgements is in the same section with similar provisions re: out-of-state notarial acts.

- Secs. 2-4 starting on pg. 31: Cleaning up Title 27 property sections to be consistent with the new notary chapter.

- Pg. 33, Sec. 5: Repeal of 27 VSA 379 (covered above).

- Sec. 8 starting on pg. 34: Asks various State entities to respond back with information regarding whether notarial acts performed in their government operations should actually be performed under a different uniform law, the Uniform Unsworn Declarations Act.

Sec. 9's effective dates:

- Extend the eff. Date to 7/2019, rather than 7/2018, to provide more time to prepare and to assist the transition, but allow OPR to adopt rules before 2019.
- Require OPR to take over the duties of the assistant judges and county clerks in commissioning notaries at the beginning of next renewal cycle in Feb. 2019.
- The exam for new notaries and the continuing ed for renewing notaries would not take effect until Feb. 2021.