

Uniform Real Property Electronic Recording Act (URPERA) / Revised Uniform Law on Notarial Acts (RULONA)

SUMMARY OF RECOMMENDED PROPOSED LEGISLATION

The Secretary of State's Office recommends enacting two uniform laws promulgated by the Uniform Law Commission: (1) the Uniform Real Property Electronic Recording Act or URPERA (pp.2-6); and (2) the latest version of the Revised Uniform Law on Notarial Acts or RULONA (pp. 7-26). Vermont enacted an earlier version of RULONA in Act 160 of 2018.

The recommend proposed legislation in this draft will enable (1) Vermont town clerks to accept electronic records for recording and to perform electronic recording of land records; and (2) notaries public to perform notarial acts on electronic records and for remotely located individuals.

- Enacting both URPERA and the latest version of RULONA will bring the State of Vermont in line with the rest of the United States as all other 49 states have already enacted these uniform laws or similar legislation.
- There is pending federal legislation, S.1625 (Securing and Enabling Commerce Using Remote and Electronic Notarization Act or SECURE Act), that was introduced in May 2021 and is anticipated to be enacted by the 117th Congress.
- S.1625, when passed, will authorize all notaries public in the United States to perform electronic notarizations and remote notarizations that occur in or affect interstate commerce and is inclusive to those relating to real estate transactions and instruments submitted for recording in the land records.

In this draft, the Secretary of State's Office adapted both URPERA and RULONA to existing state laws.

- URPERA, promulgated in 2004, was adapted to use an existing standards body for public records as the entity responsible for standards related to this new proposed chapter in Title 27. This alignment also meets the expectations of the Sunset Advisory Commission, which has an objective of not creating a new board or commission if there is an existing state agency charged with the same or similar mandate.
- RULONA, last revised in 2021, has largely been enacted in Vermont and this draft includes recommended revisions based on the latest version of RULONA to align Vermont with the uniform law as promulgated, which will assure compliance with the Federal SECURE Act, which will preempt state law if/when passed.
- A special endorsement for notaries performing notarial acts on electronic records or for remotely located individuals and minimum standards for communication technology and identity proofing are also included in the draft to support notaries, providers and the Office of Professional Regulation in carrying out the requirements of this chapter.

RECOMMENDED PROPOSED LEGISLATION: URPERA

Add to Title 27, Chapter 5: Conveyance of Real Estate:

Subchapter 8: Uniform Real Property Electronic Recording Act

27 V.S.A. § 617. Short title.

This subchapter shall be cited as the Uniform Real Property Electronic Recording Act.

27 V.S.A. § 618. Definitions.

For the purposes of this chapter:

(1) "Document" means information that is:

(A) inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

(B) eligible to be recorded in the land records maintained by the recorder.

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

(3) "Electronic document" means a document that is received by the recorder in an electronic form.

(4) “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

(5) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(6) “Recorder” means a town clerk, pursuant to 24 V.S.A. § 1154, or a county clerk, pursuant to 27 V.S.A. Chapter 5, Subchapter 3, responsible for recording deeds and other instruments or evidences respecting real estate.

(7) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

27 V.S.A. § 619. Validity of Electronic Documents

(a) If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium, or be in writing, the requirement is satisfied by an electronic document satisfying this subchapter.

(b) If a law requires, as a condition for recording, that a document be signed, the requirement is satisfied by an electronic signature.

(c) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature.

27 V.S.A. § 620. Recording of Documents

(a) In this section, “paper document” means a document that is received by the recorder in a form that is not electronic.

(b) A recorder:

(1) who implements any of the functions listed in this section shall do so in compliance with the most recent standards and best practices.

(2) may receive, index, store, transmit, and preserve electronic documents.

(3) may provide for access to, and for search and retrieval of, documents and information by electronic means.

(4) who accepts electronic documents for recording shall continue to accept paper documents as authorized by state law and shall place entries for both types of documents in the same index.

(5) may convert paper documents accepted for recording into electronic form.

(6) may convert into electronic form information recorded before the recorder began to record electronic documents.

(7) may accept electronically any fee the recorder is authorized to collect.

(8) may agree with other officials of this state or a political subdivision thereof, or of the United States, on procedures or processes to facilitate the electronic satisfaction of prior approvals and conditions precedent to recording and the electronic payment of fees.

27 V.S.A. § 621. Administration and Standards

To ensure consistency in the standards and best practices of, and the technologies used by, recorders in this state, recorders shall, so far as is consistent with the purposes, policies, and provisions of this subchapter, seek services from the Statewide Records and Information Management Program, as defined in 3 V.S.A. § 117(b) and administered by the Vermont State Archives and Records Administration. The Secretary of State, pursuant to 3 V.S.A. § 117(e), may adopt rules after taking into consideration:

- (1) the most recent standards promulgated by national bodies, such as the Property Records Industry Association;
- (2) standards, practices and customs of other jurisdictions that have laws substantially similar to this chapter; and
- (3) the views of governmental officials and entities and other interested persons.

27 V.S.A. § 621. Relation to Electronic Signatures in Global and National Commerce Act

This subchapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. Section 7001, et seq.) but does not modify, limit, or supersede Section 101(c) of that act (15 U.S.C. Section 7001(c)) or authorize electronic delivery of any of the notices described in Section 103(b) of that act (15 U.S.C. Section 7003(b)).

27 V.S.A. § 621. Effective Date

This subchapter takes effect on [date].

Sec. TBA. Vermont State Archives and Records Administration; Position

There is created within Vermont State Archives and Records Administration one new permanent classified position to facilitate and provide the services described in 27 V.S.A. § 621. Any funding necessary to support the position created in this section shall be derived from the Secretary of State Services Fund, with no General Fund dollars.

TITLE 26, CHAPTER 103: NOTARIES PUBLIC

26 V.S.A. § 5304. Definitions

As used in this chapter:

(1) "Acknowledgment" means a declaration by an individual before a notary public that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

(2) "Certificate" or "notarial certificate" means the part of, or attachment to, a notarized document that is completed by a notary public, bears the required information set forth in section 5367 of this chapter, and states the facts attested to or certified by the notary public in a particular notarization.

(3) "Commission term" means the two-year period commencing on February 1 and continuing through January 31 of the second year following the commencement of the term.

(4) "Communication technology" means an electronic device or process operating in accordance with 26 V.S.A. § 5380 and any standards adopted by by the Office pursuant to 26 V.S.A. § 5323 that:

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

(B) when necessary and consistent with other applicable laws, facilitates communication with a remotely located individual who has a vision, hearing, or speech impairment.

~~(4)~~ (5) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

~~(5)~~ (6) "Electronic signature" means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

(7) "Foreign state" means a government other than the United States, a state, or a federally recognized Indian tribe.

(8) "Identity proofing" means a process or service operating in accordance with 26 V.S.A. § 5380 and any standards adopted by the Office pursuant to 26 V.S.A. § 5323 by which a third person provides a notary public with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.

~~(6)~~ (9) "In a representative capacity" means acting as:

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

(B) a public officer, personal representative, guardian, administrator, executor, trustee, or other representative, in the capacity stated in a record;

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

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

~~(7)~~(10)(A) "Notarial act" means an act, whether performed with respect to a tangible or an electronic record, that a notary public may perform under the law of this State. The term includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

(B) "Notarial act" does not include a corporate officer attesting to another corporate officer's signature in the ordinary course of the corporation's business.

(C) Nothing in this chapter shall be construed to require the use of a notary public to witness a signature that is allowed by law to be witnessed by an individual who is not a notary public.

~~(8)~~ (11) "Notarial officer" means a notary public or other individual authorized to perform a notarial act. ~~an individual authorized to perform a notarial act under authority and within the jurisdiction of another state, under authority and within the jurisdiction of a federally recognized Indian tribe, under authority of federal law, under authority and within the jurisdiction of a foreign state or constituent unit of the foreign state, or under authority of a multinational or international governmental organization.~~

~~(9)~~ (12) "Notary public" means an individual commissioned to perform a notarial act by the Office.

~~(40)~~ (13) "Office" means the Office of Professional Regulation within the Office of the Secretary of State.

~~(44)~~ (14) "Official stamp" means a physical image affixed to or embossed on a tangible record or an electronic process, seal, or image or electronic information attached to or logically associated with an electronic record.

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

~~(42)~~ (16) "Person" means an individual, corporation, business trust, statutory trust, partnership, limited liability company, association, joint venture, public corporation,

government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

~~(13)~~ (17) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(18) "Remotely located individual" means an individual who is not in the physical presence of the notary public who performs a notarial act under 26 V.S.A. § 5379.

~~(14)~~ (19) "Sign" means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

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

~~(15)~~ (20) "Signature" means a tangible symbol or an electronic signature that evidences the signing of a record.

~~(16)~~ (21) "Stamping device" means:

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

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

~~(17)~~ (22) "State" means a state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

~~(18)~~ (23) "Verification on oath or affirmation" means a declaration, made by an individual on oath or affirmation before a notary public, that a statement in a record is true.

26 V.S.A. § 5324. Fees

(a) For the issuance of a commission as a notary public, the Office shall collect a fee of \$15.00.

(b) For issuance of a special endorsement authorizing the performance of electronic and remote notarial acts in accordance with 26 V.S.A. § 5341(d), the Office shall collect a fee of \$ [fee].

26 V.S.A. § 5341. Commission as notary public; qualifications; no immunity or benefit

(a) An individual qualified under subsection (b) of this section may apply to the Office for a commission as a notary public. The applicant shall comply with and provide the information required by rules adopted by the Office and pay the application fee set

forth in section 5324 of this chapter. An applicant for a commission as a notary public shall:

1. be at least 18 years of age;
2. be a citizen or permanent legal resident of the United States;
3. be a resident of or have a place of employment or practice in this State;
4. not be disqualified to receive a commission under section 5342 of this chapter; and

~~Subdivision (b)(5) effective February 1, 2021.~~

5. pass a basic examination approved by the Office based on the statutes, rules, and ethics relevant to notarial acts.

(b) Before issuance of a commission as a notary public, an applicant for the commission shall execute an oath of office and submit it to the Office.

(c) Upon compliance with this section, the Office shall issue a commission as a notary public to an applicant, which shall be valid through the then current commission term end date.

(d) A notary public shall not perform a notarial act on an electronic record or for a remotely located individual without obtaining a special endorsement from the Office. A notary public shall hold a notary public commission to be eligible for a special endorsement to perform notarial acts on electronic records and for remotely located individuals. The Office shall adopt rules for obtaining and regulating a special

commission endorsement authorizing a notary public to perform notarial acts on electronic records and for remotely located individuals. These rules shall require notaries public performing notarial acts on electronic records and for remotely located individuals to ensure the communication technology and identity proofing used for the performance of the notarial act on electronic records or for remotely located individuals comply with the requirements of 26 V.S.A. § 5380 and any rules adopted by the Office in accordance with 26 V.S.A. § 5323. A notary public shall apply for the special commission endorsement for the performance of notarial acts on electronic records and for remotely located individuals by filing with the Office an application provided by the Office accompanied by the required fees and evidence of eligibility, as required in rules adopted by the Office in accordance with 26 V.S.A. § 5323.

1. A commission to act as a notary public authorizes the notary public to perform notarial acts except for notarial acts on electronic records or for remotely located individuals. A commission with a special endorsement issued under 26 V.S.A. 5342(d) authorizes a notary public to perform notarial acts on electronic records and for remotely located individuals. The commission does not provide the notary public any immunity or benefit conferred by law of this State on public officials or employees.

26 V.S.A. § 5323. Rules

(a) The Office, with the advice of the advisor appointees, may adopt rules to implement

this chapter. The rules may:

- (1) prescribe the manner of performing notarial acts regarding tangible and electronic records;
- (2) include provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self-evident;
- (3) include provisions to ensure integrity in the creation, transmittal, storage, or authentication of electronic records or signatures;
- (4) prescribe the process of granting, renewing, conditioning, denying, suspending, or revoking the commission or special commission endorsement of or otherwise disciplining a notary public and assuring the trustworthiness of an individual holding a commission or a special commission endorsement as a notary public;
- (5) include provisions to prevent fraud or mistake in the performance of notarial acts; ~~and~~
- (6) prescribe the means of performing a notarial act involving a remotely located individual using communication technology; standards for remote online notarization, including standards for credential analysis, the process through which a third person affirms the identity of an individual, the methods for

- ~~communicating through a secure communication link, the means by which the remote notarization is certified, and the form of notice to be appended disclosing the fact that the notarization was completed remotely on any document acknowledged through remote online notarization.~~
- (7) establish standards for communication technology and identity proofing; and
 - (8) establish standards and a period for the retention of an audio-visual recording created under 26 V.S.A. § 5379; and
 - (9) prescribe methods for a notary public to confirm, under 26 V.S.A. § 5379 (c) and (d), the identity of a tangible record.
- (b) Rules adopted regarding the performance of notarial acts with respect to electronic records ~~and remote online notarization~~ may not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification. In adopting, amending, or repealing rules regarding notarial acts with respect to electronic records ~~and remote online notarization~~, the Office shall consider, as far as is consistent with this chapter:
- (1) the most recent standards regarding electronic records ~~and remote online notarization~~ promulgated by national bodies, such as the National Association of Secretaries of State;
 - (2) standards, practices, and customs of other jurisdictions that have laws substantially similar to ~~enact~~ this chapter; and
 - (3) the views of governmental officials and entities and other interested persons.

~~(c) Neither electronic notarization nor remote online notarization shall be allowed until the Secretary of State has adopted rules and prescribed standards in these areas.~~

26 V.S.A. § 5362. Authorized notarial acts

(a) A notary public may perform a notarial act as authorized by and in accordance with the requirements of this chapter or otherwise by law of this State.

(b) A notary public shall not perform a notarial act with respect to a record to which the notary public or the notary public's spouse is a party, or in which either of them has a direct beneficial interest. A notarial act performed in violation of this subsection is voidable.

(c) A notary public may certify that a tangible copy of an electronic record is an accurate copy of the electronic record.

26 V.S.A. § 5363. Requirements for certain notarial acts

(a) Acknowledgments. A notary public who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

(b) Verifications. A notary public who takes a verification of a statement on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the verification has the identity claimed and that the signature on the statement verified is the signature of the individual.

(c) Signatures. A notary public who attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and signing the record has the identity claimed.

(d) Protests. A notary public who makes or notes a protest of a negotiable instrument shall determine the matters set forth in 9A V.S.A. § 3-505(b), protest; certificate of dishonor.

(e) Copies. A notary public who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true, and accurate transcription or reproduction of the record or item.

26 V.S.A. § 5364. Personal appearance required

~~(a)~~ If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notary public.

~~(b) The requirement for a personal appearance is satisfied if:~~

~~(1) the notary public and the person executing the signature are in the same physical place; or~~

~~(2) the notary public and the person are communicating through a secure communication link using protocols and standards prescribed in rules adopted by the Secretary of State pursuant to the rulemaking authority set forth in this chapter.~~

26 V.S.A. § 5368. Short-form certificates

(5) For certifying a copy of a record:

State of _____

[County] of _____

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

Dated _____

Signature of notarial officer

Stamp

[_____]

Title of office

[My commission expires: _____]

26 V.S.A. § 5371. Notification regarding performance of notarial act on electronic record; selection of technology

(a) A notary public holding a special commission endorsement pursuant to 26 V.S.A. § 5341(d) and who is thus authorized to perform notarial acts on electronic records may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records ~~from the tamper-evident technologies approved by the Office by rule.~~ A person shall not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

(b) A recorder, as defined in 27 V.S.A. § 618, may accept for recording a tangible copy of an electronic record containing a notarial certificate as satisfying any requirement that a record accepted for recording be an original, if the notary public executing the notarial certificate certifies that the tangible copy is an accurate copy of the electronic record.

26 V.S.A. § 5379. Notarial act performed for remotely located individual

- (a) A remotely located individual may comply with 26 V.S.A. § 5364 by using communication technology to appear before a notary public with a special commission endorsement.
- (b) A notary public located in this state may perform a notarial act using communication technology for a remotely located individual if:
- (1) the notary public:
 - (A) holds a special commission endorsement pursuant to 26 V.S.A. § 5341(d);
 - (B) has personal knowledge under 26 V.S.A. § 5365(a) of the identity of the individual;
 - (C) has satisfactory evidence of the identity of the remotely located individual by oath or affirmation from a credible witness appearing before the notary public under 26 V.S.A. § 5365(b); or
 - (D) has obtained satisfactory evidence of the identity of the remotely located individual by using at least two different types of identity proofing;
 - (2) the notary public is able reasonably to confirm that a record before the notary public is the same record in which the remotely located individual made a statement or on which the individual executed a signature;
 - (3) the notary public, or a person acting on behalf of the notary public, creates an audio-visual recording of the performance of the notarial act; and

(4) for a remotely located individual located outside the United States:

(A) the record:

- (i) is to be filed with or relates to a matter before a public official or court, governmental entity, or other entity subject to the jurisdiction of the United States; or
- (ii) involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with the United States; and

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

(c) A notary public in this state may use communication technology under subsection (b) to take an acknowledgement of a signature on a tangible record physically present before the notary public if the record is displayed to and identified by the remotely located individual during the audio-visual recording under subsection (b)(3).

(d) The requirement under subsection (b)(2) for the performance of a notarial act with respect to a tangible record not physically present before the notary public is satisfied if:

(1) the remotely located individual:

(A) during the audio-visual under subsection (b)(3), signs:

- i. the record; and
- ii. a declaration, in substantially the following form, that is part of or

securely attached to the record:

I declare under penalty of perjury that the record of which this declaration is part or to which it is attached is the same record on which on which (name of notary public), a notary public, performed a notarial act and before whom I appeared by means of communication technology on (date).

Signature of remotely located individual

Printed name of remotely located individual; and

(B) sends the record and declaration to the notary public not later than three days after the notarial act was performed; and

(2) the notary public:

(A) in the audio-visual recording under subsection (b)(3), records the individual signing the record and declaration; and

(B) after receipt of the record and declaration from the individual, executes a certificate of notarial act under 26 V.S.A. § 5367, which must include a statement in substantially the following form:

I (name of notary public) witnessed, by means of communication technology, (name of remotely located individual) sign the attached record and declaration on (date).

- (e) A notarial act performed in compliance with subsection (d) complies with 26 V.S.A. § 5367(a)(1) and is effective on the date the remotely located individual signed the declaration under subsection (d)(1)(A)(ii).
- (f) Subsection (d) does not preclude use of another procedure to satisfy subsection (b)(2) for a notarial act performed with respect to a tangible record.
- (g) A notary public located in this state may use communication technology under subsection (b) to administer an oath or affirmation to a remotely located individual if, except as otherwise provided by other law of this state, the notary public:
 - (1) identifies the individual under subsection (b)(1);
 - (2) creates or causes the creation under subsection (b)(3) of an audio-visual recording of the individual taking the oath or affirmation; and
 - (3) retains or causes the retention under subsection (j) of the recording.
- (h) The notary public shall ensure that the communication technology and identity proofing used to perform a notarial act for a remotely located individual complies with 26 V.S.A. § 5380 and any standards adopted by the Office in accordance with 26 V.S.A. § 5323.
- (i) If a notarial act is performed under this section, the certificate of notarial act required

by 26 V.S.A. § 5367 and the short-form certificate provided in 26 V.S.A. § 5368 must indicate that the notarial act was performed using communication technology.

(j) A short-form certificate provided in 26 V.S.A. § 5368 for a notarial act subject to this section is sufficient if it:

1. complies with rules adopted under 26 V.S.A. § 5323; or
2. is in the form provided in 26 V.S.A. § 5367 and contains a statement substantially as follows: “This notarial act involved the use of communication technology.”

(k) A notary public, a guardian, conservator, or agent of a notary public, or a personal representative of a deceased notary public shall retain the audio-visual recording created under subsection (b)(3) of this section or cause the recording to be retained by a repository designated by or on behalf of the person required to retain the recording. Unless a different period is required by rule adopted under 26 V.S.A. § 5323, the recording must be retained for a period of at least ten years after the recording is made.

(l) Providers of the communication technologies, identity proofing, or storage must be registered with the Secretary of State to do business in Vermont and, by allowing communication technology or identity proofing to facilitate a notarial act of an electronic record or for a remotely located individual or by providing storage of the audio-visual recording under (b)(3) of this section, providers of the communication technology, identity proofing, or storage consent and agree that the service or

process being provided is in compliance with the requirements set forth in this chapter and with any rules adopted by the Office.

26 V.S.A. § 5380. Computer Technology and Identity Proofing Providers; Minimum Standards

(a) Communication technology and identity proofing providers shall develop, maintain, and implement processes and services that are consistent with the requirements of this chapter and industry standards and best practices for the process or service provided. Providers must also comply with all applicable Federal and state regulations, rules and standards including but not limited to:

1. with respect to communication technology, regulations, rules and standards specific to simultaneous communication by sight and sound and information and communication technology for individuals with physical, sensory, and cognitive disabilities; and
2. with respect to identity proofing, regulations, rules and standards specific to the enrollment and verification of an identity used for use in digital authentication.

(b) A provider of communication technology or identity proofing shall provide evidence to the notary public's satisfaction of the provider's ability to satisfy the requirements of this chapter for the service or process being provided.

Related Statutes (review)¹

- [9 V.S.A. § 272](#) (Scope [related to Uniform Electronic Transactions Act])
- [9 V.S.A. § 276](#) (Legal recognition of electronic records, electronic signatures, and electronic contracts)
- [9 V.S.A. § 280](#) (Notarization and acknowledgment)
- [9 V.S.A. § 288](#) (Accuracy and ability to retain contracts and other records)
- [26 V.S.A. § 5374](#) (Notarial act in another state)
- [27 V.S.A. § 341](#) (Requirements generally; recording)
- [27 V.S.A. § 463](#) (By separate instrument)
- [27 V.S.A. Chapter 5, Conveyance of Real Estate](#)

¹ See [Chapter 7: Title Examinations and Title Issues](#) (posted on DRM website) for other possible statutes