

Governor Murphy Signs Bill Into Law Allowing Remote Notarization of Documents in Light of COVID-19

April 20, 2020

In light of the COVID-19 pandemic, on April 14, 2020 Governor Murphy signed into law Assembly Bill 3903 (the “Act”) as P.L. 2020 c.26, authorizing notary officers and other persons to perform certain notarial acts remotely through the use of communication technology. The Act is effective immediately and will remain in effect until the Governor’s “State of Emergency” declaration related to the pandemic has been rescinded.

Under the Act, notary officers as well as officers authorized to take oaths, affirmations, affidavits, and acknowledgements may provide notarial services to an individual who is not in the physical presence of the notary officer if:

1. the notarial act is performed by communication technology, defined as an electronic device or process that allows a notary officer and a remotely located individual to communicate with each other simultaneously by sight and sound;
2.

the notary officer (i) has personal knowledge of the individual’s identity; (ii) verification of the individual’s identity by oath or affirmation of a credible witness appearing before the notary officer; or (iii) has obtained satisfactory evidence of the individual’s identity by using at least two different types of proofs of identity;
3.

the notary officer is able to reasonably confirm that the record before the officer is the same record in which the remotely located individual made a statement or executed a signature; and
4.

an audio-visual recording of the performance of the notarial act is made and retained for a period of at least 10 years.

The Act does not apply to documents governed by (i) the Uniform Commercial Code other than Article 2 (Sales) and Article 2A (Leases), among other sections, which are subject to the Act; and (ii) laws governing adoption, divorce, or other family law matters.

The Act further provides that the State Treasurer may adopt rules and regulations governing the Act. We will update this Alert as necessary if and when the Treasurer implements regulations.