

Information on Remote Notarization

RE: 2019 Senate Bill Number 841
Concerning the Remote Notarization of Documents

DATE: April 22, 2020

On April 20, 2020, SB 841 was signed by Governor Wolf. The bill became effective on that date and temporarily modifies the rules that apply to Public Notaries. The Pennsylvania Department of Environmental Protection requires notarized documents in nearly all of its programs. Below is a summary of the legislation and how it will affect DEP applications and forms that require notarization through the duration of the current COVID-19 Disaster Emergency.

Brief Overview of SB 841 Amendments to Title 35 (Health and Safety):

- amends Title 35 (Health and Safety) by adding Chapter 33 which reauthorizes and updates the Pennsylvania Health Care Cost Containment Council.
- amends Title 35 (Health and Safety) by adding Chapter 57 (COVID-19 Disaster Emergency) which includes subchapters for Property Tax Relief, Educational Tax Credit, School Contractors, *Notarial Acts*, and Local Government Meetings.

Title 35 (Health and Safety), Chapter 57 (COVID-19 Disaster Emergency), Subchapter D (Notarial Acts), Section 5731 (35 Pa. C.S.A § 5731)

For the duration of the Governor's COVID-19 Disaster Emergency Proclamation¹, Public Notaries in Pennsylvania are authorized to conduct their notarial duties remotely if the Notary:

- Provides notice to the PA Department of State that the Notary will be using Department of State-approved remote notarization software to perform their notarial duties; and
- Becomes an approved PA electronic notary (Department of State online application).²

To remotely conduct their duties as an alternative to personal appearance, a Department of State certified e-Notary must:

- Indicate *in the notary certificate* that the notarial act was performed using Department of State-approved remote notarization software. The following statement satisfies this requirement: **“This notarial act involved the use of communication technology.”**

DEP now can accept remote notarizations consistent with the new legislation. If a remote notarization does not contain a representation that communication technologies were used, please return the document and request proper notarization.

¹This provision (35 Pa. C.S.A § 5731) expires sixty (60) days after the termination or expiration of the Governor's COVID-19 Disaster Emergency Proclamation.

² As of this writing, there are well over 1000 notaries who have been certified by the Pennsylvania Department of State for electronic notarization.