

MEMO: CHANGES GOVERNING NY NOTARIES



EFFECTIVE JANUARY 25, 2023

NY Executive Law § 135-c now mandates sweeping changes governing NY notaries. First, notary publics are now able to register as electronic notaries, which will allow them to perform electronic notarial acts remotely online. Second, notaries, whether traditional or electronic, are now required to keep a journal of all notarial acts performed which includes the type of identification provided, for 10 years.

REQUIRED NOTARY JOURNALS

In these required notary journals, both traditional and electronic notaries must include:

- 1 The date, approximate time, and type of notarial acts performed;
- 2 The name and address of any individuals for whom a notarial act was performed;
- 3 The number and type of notarial services provided;
- 4 The type of credential used to identify the principal, including, for verification made where a notary relied on the oath or affirmation of two witnesses who identify themselves with a valid government issued ID and who know the document signer personally, the names of witnesses, and if applicable, the type of credential used; and
- 5 The verification procedures used for any personal appearance before the notary public.

For electronic notarial acts, there are two more items that must be maintained in the notary journal: ① identification of the communication technology, certification authority, and verification provided used, and ② an actual audio/video recording of the act.

**In addition to the above 5 requirements*

FEES

In addition to these new requirements, traditional notaries may charge a fee up to \$2.00 for administering an oath or affirmation or for taking an acknowledgement or proof of execution. Electronic notaries may charge up to \$25.00 per electronic notarial act performed. The fee may be charged for each notarial act performed during one electronic session.