



Legality and Acceptance of Remote Online Notarizations for Notarize Business Platform



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1. Introduction

Remote online notarization (“RON”) is a digital experience that enhances the traditional notarial act. It allows signers to get their documents notarized remotely at any time and from any location. With RON, the signer appears before a duly commissioned notary public remotely via audio/video conference to complete, sign, and notarize the document. The A/V session is recorded and retained along with an audit trail of the transaction.

2. Service Models

With Notarize, customers can choose whether they want their notarizations to be routed to their own in-house notaries or to notaries in Notarize’s independent contractor [Notary Network](#). Customers who use in-house notaries can still route certain notarizations to notaries in the Notarize Notary Network.

Bring Your Own Notary (BYON)

Notarize’s Bring Your Own Notary (BYON) service is for customers who want to use their own in-house notaries. With BYON, customers can be confident that their notaries are completing notarizations on Notarize’s secure and legally compliant platform that's efficient and easy to use. With the Notarize platform, a business can manage its team with performance reporting, notary training and notary commission expiration tracking.

BYON Availability

BYON is currently available to businesses with notaries commissioned in any one of the following states: Alaska, Arizona, Colorado, Florida, Idaho, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, Washington. For the most up to date information about the availability of BYON, see <https://www.notarize.com/byon>.

As a pioneer of RON and a strong advocate for its expansion, Notarize is constantly working closely with federal and state governments and numerous industry partners to make online notarization more accessible and to bring additional eligible states onto its platform. Businesses should reach out to Notarize for more information about a state that is not listed above and when Notarize expects it to be live on the platform.

Notary On-Demand (NOD)

Maintain and schedule around a dedicated team of in-house notaries. Instead, this service allows businesses to route their transactions to Notarize's 1000+ cohort of independent notaries who are contracted to perform notarizations for customers on the Notarize platform.

Notary Network notaries are vetted to ensure their state authorizes them to perform RON and that they understand how to properly use the Notarize platform. Additionally, Network notaries must maintain errors and omissions insurance, complete the National Signing Agent (NSA) training provided by the National Notary Association (NNA), and pass the NNA NSA background check annually.

NOD Availability

Although Notary Network notaries are only commissioned in Florida, Nevada, Texas, or Virginia, they can still complete notarizations for documents that are to be used anywhere in the US. For additional information on the use of NOD notaries for documents that are to be used in other states, see the section on [interstate recognition](#) below.

BYON and NOD Together

BYON businesses can still maintain the flexibility of notarization services on-demand 24/7/365 by relying on BYON together with NOD. Businesses can utilize these services together to automatically route signers who have been waiting for a certain time period to the Notary Network or to manually send an individual transaction directly to the Notary Network.

5. Transaction Eligibility

Most documents requiring notarization can be notarized on the Notarize platform. However, certain documents are restricted. Customers are advised to always check with their own attorneys, advisors, or document recipients if they have any questions about whether their documents are eligible to be remotely notarized. For more information about these restrictions, see [this article](#).

Signer Identification

The first step of a compliant notarization is verification of the signer's identity. There are two ways to complete this step on the Notarize platform:

- **Personal Knowledge:** The signer is personally known to the notary.
- **Multi-factor Authentication:** The signer establishes their identity by successfully completing Knowledge-Based Authentication (KBA) and credential analysis.

RON Authorization

Notarial laws are set at the state level, with each state setting the rules governing its own notaries. As public officials commissioned by their state, notaries must perform notarizations in compliance with the laws of their state, and may perform their notarizations remotely if authorized by their state. Currently, more than 37 states have enacted laws authorizing their notaries to perform RON.

Interstate Recognition

In addition to regulating notarial acts performed by their own notaries, every state recognizes and accepts notarial acts performed by notaries of other states. Interstate recognition is rooted in a robust statutory, common law, and constitutional framework and has been in practice for over a century and is applied daily to allow out-of-state notarizations to be legally accepted across all 50 states. Without it, critical documents would have to be re-executed for use in multiple states and cross-border transactions would be nearly impossible.

A foundational rule of interstate recognition is that each state's notaries must follow their own state's laws and rules and that their notarial acts are valid when performed in compliance with those rules. Notaries regularly perform notarial acts for documents intended to be used in other states, either for in-state residents who have business or property in other states, or for other states' residents who are traveling and need a document notarized for use back home. With interstate recognition, signers can be confident that these documents will be freely accepted across the country if notarized in compliance with the laws of the notary's state.

Acceptance

Being as every document notarized on the Notarize platform is electronically signed, it is always important to consider whether the eventual recipient of the document will accept e-signatures. Under e-signature law, all parties to the transaction must agree to use and/or accept electronic records and signatures. This includes both the immediate parties to the transaction and the entity that will be receiving the completed documents for filing or recording. Although the signer must consent prior to the transaction, the other parties' consent can be established based on the surrounding circumstances. This means that although every RON performed on the Notarize platform is legal, under electronic signature law, the recipient may refuse to accept or impose additional restrictions on its acceptance because it is electronically signed.

About Notarize

Notarize is the first platform to enable people to sign and notarize documents online, 24×7×365. Notarize's trusted products and services are digitizing and rewiring industries to bring trust to life and business' most important moments and make them more convenient, secure, and verifiable.

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