



STATE OF WASHINGTON
DEPARTMENT OF LICENSING
PO Box 9020, Olympia, Washington 98507-9020

Washington Administrative Code
Notice of Permanent Rules for
Remote Notarization for Notaries

Adoption of: WAC 308-30-020 Definitions; WAC 308-30-030 Application process for notary public commission; WAC 308-30-040 Approval or denial of application; WAC 308-30-050 Term of commission; WAC 308-30-150 Completion of electronic notarial certificate; WAC 308-30-200 Format of journals of notarial acts; WAC 308-30-220 Fees for notarial acts; WAC 308-30-270 Termination or suspension of commission or endorsement; and to add new sections: WAC 308-30-290 Authorized remote notarial acts; WAC 308-30-300 Standards for technology identity proofing; WAC 308-30-310 Standards for communication technology; WAC 308-30-320 Certificate of notarial act for remote notarial acts; WAC 308-30-330 Retention of audio-visual recordings and repositories.

Effective date: These rule changes will become effective 31 days after filing or on March 14, 2021.

What are the agency's reasons for adopting this rule?

Rule changes are necessary to update Chapter 308-30 WAC to incorporate changes required by SB 5641 to establish rules for remote notarization being performed by licensed Washington notaries. SB 5641 is effective October 1, 2020 as passed by the 2019 Legislature to allow licensed Washington notaries to perform remote notarizations.

Summary of all public comments received on this rule proposal and the agency's response to those comments:

The comments received in writing prior to the public hearing and the testimony received during the hearing supported rule changes to implement remote notarization.

There were additional comments and questions to include inquiries about the process of performing a compliant remote notarization; how a notary will comply with the recordkeeping requirements to keep the audio-visual recordings taken during a remote notarization; and clarification on the maximum fees notaries can charge a consumer for a notarial act performed remotely.

The Department's response on how to perform a compliant notarial act is generally, remote notarization software has a multifactor authentication feature to verify identity of the signers, there is virtual room where notary and signers can interact (see and hear), and the record being executed by the signers and notarized by the notary is an electronic record (PDF). The Department also cautioned that the act of

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The Department of Licensing appreciates your involvement in this rulemaking process. If you have any questions, please contact Damon Monroe, Agency Rules Coordinator, at (360) 902-3843 or email dmonroe@dol.wa.gov.

watching someone sign something on video, then later notarizing an emailed or faxed copy does not satisfy the requirements and standards of a remote notarization.

Recordkeeping & maintaining copies of the audio visual transaction: The remote notarization software that a notary will obtain to perform remote notarial acts becomes the property of the notary once it is purchased and its features include the ability to save the audio-visual recordings in compliance with WAC 308-30-330.

The maximum fees a notary can charge for remote notarial acts contained in WAC 308-30-220 (6) are consistent with other jurisdictions that allow for remote notarization. RCW 42.45.280 (9)(b) states: Before adopting, amending, or repealing a rule governing the performance of a notarial act with respect to a remotely located individual, the Department must consider: Standards, practices, and customs of other jurisdictions that have laws substantially similar to this section.

Changes made to the proposed WAC as a result of public comment:

There are no differences between the text of the proposed rules as published in the register and the text of the rule as adopted.

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