

As our country strives to find new ways to conduct business during the COVID-19 pandemic, there has been a push on the federal level to adopt legislation that would permit the use of remote online notarization (RON) throughout the country. Such legislation would drastically change the real estate closing process and could threaten the business practices of independent title agents and attorneys throughout the country.

Under the [SECURE Notarization Act](#), notaries in every state would be permitted to remotely notarize documents in accordance with minimum standards set forth in the bill. Those minimum standards would necessitate the use of a remote notarization provider as they require the use of tamper-evident technology and multifactor authentication to verify the identity of the signer.

The SECURE Notarization Act would also require interstate recognition of remote notarial acts, whether conducted pursuant to the federal act or in accordance with state remote notarization laws. Notarial laws have historically been left to the states to implement and this federal proposal would allow the federal government to interfere with this state process.

Concerns with Federal Act

CATIC Title does not oppose RON generally but we do oppose measures that we believe will hurt our independent agents and attorneys, including implementation of RON legislation at the federal level. Of utmost concern is that under the federal legislation, out-of-state entities could conduct closings in your state without the need to leave their desks in whichever jurisdiction they happen to be located. It would become increasingly difficult for independent agents or attorneys to compete with large agencies or a direct business model, as larger companies will be better equipped to adapt to these new practices and serve clients nationwide.

CATIC Title has identified the following additional concerns with the SECURE Notarization Act:

- Inability of agents to update their technological capabilities and get onboarded with a RON provider in such a short time frame;
- Lack of guidance regarding the recordability of remotely notarized documents by our local recording offices, potentially rendering such documents uninsurable;
- Lack of standards or guidance regarding how to conduct a remote notarization absent further direction from state law, which is unlikely during this crisis; and
- Lack of understanding regarding local real estate customs and practices.

Call to Action

If passed, this federal act would fundamentally change real estate practice during the COVID-19 crisis and beyond. It is crucial that you share your concerns about the SECURE Notarization Act with your Members of Congress. Please contact your state's U.S. Senators, and reference S. 3533, or your Congressional Representatives, and reference H.R. 6364, if you would like to provide your opinion on such legislation.

For a list of your state's Members of Congress and their contact information, please click on the appropriate link below:

- [New Jersey](#)
- [New York](#)