

TO: HOLLAND LAND TITLE & ABSTRACT COMPANY, INC. EXAMINING COUNSELS & CLOSING ATTORNEYS

RE: NEW NOTARY LAW

Please be advised that the purpose of this bulletin is to inform you that starting, January 25, 2023, all notaries are required to keep a journal, regardless of whether the acknowledgment is taken in person or remotely.

PLEASE NOTIFY YOUR TITLE CLOSERS IMMEDIATELY THAT THEY MUST MAINTAIN A JOURNAL FOR ALL ACKNOWLEDGEMENTS JANUARY 25, 2023 AND GOING FORWARD.

Also, notaries must register themselves as electronic notaries with the NYS Department of State if they want to be able to perform remote online notarization (“RON”) closings effective January 31, 2023. A link to a FAQ regarding the new regulations can be found here: <https://dos.ny.gov/important-updates-licensing>

All notaries must maintain a journal, also referred to as records, and those records must be maintained for a period of TEN years, and the records must be capable of being produced to the Secretary of State and others as necessary in relation to the performance of the notary public’s obligations.

Such records shall be made contemporaneously with the performance of the notarial act and 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 relies 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 the witnesses and, if applicable, the type of credential used; and
5. the verification procedures used for any personal appearance before the notary public