



CASTLEWORKS REALTY, INC.

NEW REMOTE NOTARIZATION LAW IN NEW YORK

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It is now possible to have a legal document notarized remotely in the State of New York. The new law became permanent effective February 25, 2022. Under this new law a document can be notarized remotely through audiovisual technology with other security protocols. Remote notarization can be performed by a Notary Public by traditional ink, such as by pen, or by electronic signature.

In order to provide a remote notarization, the notary public must be physically located within the state of New York at the time of the notarization. The notary must also identify the remote signer of the document through one of three methods –

1. That the notary has personal knowledge of the signer;
2. By means of remote technology/communication. Remote presentation requires that the signer produce an acceptable form of ID or some other method to credibly prove identity;
3. Through an oath or affirmation of a credible witness who personally knows the signer and is known to the notary or identified by the previously referenced means of communication technology.

Once the remote signer has executed the document it must be transmitted to the Notary Public for officiating. The notary must confirm that the document is the same as the one signed remotely in the notary public's presence before the notary applies the notary stamp and signature to the document.

In addition, the jurat must clearly state that the remote notarial act involved the use of communication technology. The notary must be able to see and interact in real time with the remote signer of the document through audio visual communication technology. A notary must also make and keep an audio-visual recording of the remote notarization and ensure that there is backup of the recording. This information must be retained by the notary for at least 10 years.

Note: The notary may authorize a third-party to retain the recordings on behalf of the notary provided that all recordings retained by a third-party be made available to the Secretary of State upon request.

The notary must keep a journal of all remote notarizations performed. Each journal entry must be made contemporaneously with the performance of the notarial acts and each entry must include:

- the date and approximate time of notarization
- the name of the remote signer and whether audiovisual technology was used to perform the notarization
- the number and type of documents officiated
- the notarial services provided

They must also specify the type of identification or credentials presented by the remote signer of the document or documents. This journal must be kept by

the notary for as long as they remain a notary and for an additional five years thereafter.

This rule applies to any notary public commissioned by the New York State, Department of State. There is no separate application or license required and the notary is not required to pay any additional fee to the Department of State or the county clerk where a notary is currently commission. These rules are subject to change effective January 31, 2023.

For additional questions regarding this new law contact Frank G. Dangelo JD, PhD, co-owner and broker of Castleworks Realty Inc. at 516-873-0536 at FGDangelo@castleworksrealty.com

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