

OKLAHOMA STATUTES
TITLE 49. NOTARIES PUBLIC

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§49-1. Appointment - Removal.

The Secretary of State shall appoint and commission in this state notaries public, who shall hold their office for four (4) years. An applicant for a notary commission shall be eighteen (18) years of age or older, a citizen of the United States, and employed within this state or a legal resident of this state. A felony conviction shall be grounds for removal of a person from the office of notary public. All notary commissions shall run in the name and by the authority of the State of Oklahoma, be signed by the Secretary of State, and sealed with the Great Seal of the State of Oklahoma. Commissions shall not be attested. Any person filing an application for a new notary commission shall pay Twenty-five Dollars (\$25.00) to the Secretary of State with the application. Any person filing an application for a renewal of a notary commission shall pay Twenty Dollars (\$20.00) to the Secretary of State with the application. Any person requiring "same day filing service" shall pay Twenty-five Dollars (\$25.00) to the Secretary of State in addition to the applicable filing fee. These funds shall be deposited in the Revolving Fund created for the Secretary of State pursuant to the provisions of Section 276.1 of Title 62 of the Oklahoma Statutes. R.L.1910, § 4240. Amended by Laws 1929, c. 255, p. 363, § 2; Laws 1975, c. 165, § 1, emerg. eff. May 20, 1975; Laws 1978, c. 91, § 1, eff. July 1, 1978; Laws 1984, c. 1, § 83, emerg. eff. Jan. 30, 1984; Laws 1986, c. 157, § 5, emerg. eff. May 9, 1986; Laws 1990, c. 264, § 91, operative July 1, 1990; Laws 1997, c. 77, § 1, eff. Nov. 1, 1997; Laws 2002, c. 34, § 1, emerg. eff. April 11, 2002; Laws 2003, c. 191, § 1, eff. Nov. 1, 2003.

§49-1.1. Notary commission application.

The application for a notary commission shall set forth:

1. The name of the applicant, printed exactly as the applicant will sign documents as a notary public;
2. Former names of the applicant, if any;
3. If a resident of this state, the county of residence and street address of the applicant;
4. If a resident of another state, the county and street address of the applicant's place of employment in Oklahoma and the applicant's residence address;
5. Daytime phone number of the applicant;
6. Electronic mail address of the applicant;
7. A statement that the applicant is at least eighteen (18) years of age;
8. A designation of new, renewal or expired commission including an expiration date if applicable;

9. A statement that the applicant is a citizen of the United States;
 10. A statement that the applicant has never been convicted of a felony;
 11. A statement that the applicant is able to read and write in English; and
 12. Signature of the applicant, exactly as the applicant will sign documents as a notary public.
- Added by Laws 2001, c. 406, § 15, emerg. eff. June 4, 2001. Amended by Laws 2015, c. 9, § 1, eff. Nov. 1, 2015.

§49-2. Oath, signature, bond and seal.

A. Before entering upon the duties of his or her office and not more than sixty (60) days after issuance of a notary commission, every notary public so appointed and commissioned shall file in the office of the Secretary of State, the notary's oath of office, the notary's loyalty oath, the notary's official signature, an impression of the notary's official seal, and a good and sufficient bond to the State of Oklahoma, in the sum of One Thousand Dollars (\$1,000.00), to be approved by the Secretary of State, conditioned for the faithful performance of the duties of the notary's office.

B. The bond required by subsection A of this section shall be signed by:

1. An insurance agent licensed by the State of Oklahoma;
2. An attorney-in-fact on behalf of an insurance company with a power of attorney attached; or
3. One or more individual sureties who are property owners in the county of residence of the notary, or if a nonresident, the county of employment of the notary.

C. The bond required by subsection A of this section shall be issued for a term that commences on the bond's effective date and terminates on the commission's expiration date. Upon the filing of his or her bond with the Secretary of State, every notary public shall pay to the Secretary of State the sum of Ten Dollars (\$10.00) to be deposited to the credit of the Revolving Fund for the Office of the Secretary of State.

D. A notary public shall not perform any notarial act until his or her bond, official seal, oath of office and loyalty oath, as required by subsection A of this section, has been received and approved by the Secretary of State.

R.L. 1910, § 4241. Amended by Laws 1929, c. 255, p. 363, § 3; Laws 1943, p. 123, § 1; Laws 1959, p. 211, § 1; Laws 1975, c. 293, § 6, eff. Oct. 1, 1975; Laws 1978, c. 91, § 2, eff. July 1, 1978; Laws 1979, c. 21, § 1, eff. July 1, 1979; Laws 1997, c. 77, § 2, eff. Nov. 1, 1997; Laws 2001, c. 406, § 16, emerg. eff. June 4, 2001; Laws 2004, c. 101, § 1, eff. Nov. 1, 2004; Laws 2015, c. 9, § 2, eff. Nov. 1, 2015.

§49-2.1. Repealed by Laws 1978, c. 212, § 17, emerg. eff. April 19, 1978.

§49-3. Blanks for bond and oath.

Blanks for bonds and oath of office shall be made available on the website of the Secretary of State.

R.L. 1910, § 4242. Added by Laws 2015, c. 9, § 3, eff. Nov. 1, 2015.

§49-4. Repealed by Laws 1943, p. 123, § 2.

§49-5. Notarial Seal - Authentication of documents - Penalties - Fees - Exception.

A. Every notary shall obtain a notarial seal containing the words "State of Oklahoma" and "Notary Public" and the notary's name. This seal may be either a metal seal which leaves an embossed impression or a rubber stamp used in conjunction with a stamp pad and ink. Each notary shall authenticate all official acts, attestations, and instruments with this seal; and shall add to the notary's official signature, the commission number of the notary and the date of expiration of the commission of the notary. Failure to add the commission number or the date of expiration of the commission shall not affect the recordability of the instrument or the notice given by such recording. This date and commission number may be a part of the stamp or seal. If any notary public shall neglect or refuse to attach to the notary's official signature the date of expiration of the notary's commission, the notary shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding Fifty Dollars (\$50.00). The maximum fee a notary may charge and collect for each notarial act is Five Dollars (\$5.00), except no fee shall be charged for the notarization of an official absentee ballot affidavit.

B. As authorized by Section 15-111 of Title 12A of the Oklahoma Statutes, regarding electronic transactions, a notary public's use of an electronic signature and electronic seal satisfies the requirement in this section to authenticate an official act with an official signature and seal of office. The electronic seal must legibly reproduce the required elements of the notarial seal.

R.L.1910, § 4244. Amended by Laws 1978, c. 91, § 3, eff. July 1, 1978; Laws 1982, c. 15, § 1, operative Oct. 1, 1982; Laws 1997, c. 77, § 3, eff. Nov. 1, 1997; Laws 2001, c. 406, § 17, emerg. eff. June 4, 2001; Laws 2002, c. 34, § 2, emerg. eff. April 11, 2002; Laws 2004, c. 101, § 2, eff. Nov. 1, 2004; Laws 2010, c. 189, § 21, eff. Jan. 1, 2011; Laws 2019, c. 338, § 16, eff. Jan. 1, 2020.

§49-6. Authority - Provision of legal advice.

A. Notaries public shall have authority within any county in this state to make the proof and acknowledgement of deeds and other instruments of writing required to be proved or acknowledged; to administer oaths; to demand acceptance or payment of foreign or inland bills of exchange and promissory notes, and protest the same for nonacceptance or nonpayment, as the same may require, and to exercise such other powers and duties as by law of nations and commercial usage may be performed by notaries public. A notary may not notarize his or her own signature.

B. No notary public, except those who are licensed attorneys or otherwise authorized by law to represent persons on immigration or citizenship matters, shall hold himself or herself out as having expertise in providing legal advice on any proceeding, filing or action affecting the immigration or citizenship status of another person. For purposes of this section, "legal advice" means any direct or indirect advice or counsel related to provisions of the Immigration and Nationality Act including, but not limited to, assistance in the selection of immigration forms required by the Immigration and Nationality Act, advice or council related to responses to information required on forms by the Immigration and Nationality Act, or acting in a representative capacity in an attempt to redress wrongs or secure benefits provided by the Immigration and Nationality Act. Any notary public who provides nonlegal assistance on any proceeding, filing or action affecting the immigration or citizenship status of another person shall give the following notice to that person verbally and in writing: "I am not a licensed attorney or representative of any government agency with authority over immigration or citizenship and, therefore, cannot offer legal advice about immigration or any other legal matters." If the notary public operates a business or advertises in any language other than English, such notice shall be given in both English and in the other language or languages. Literal translation of the phrase "notary public" into Spanish, hereby defined as "notario publico" or "notario", is prohibited. For purposes of this section, "literal translation" of a word or phrase from one language to another means the translation of a word or phrase without regard to the true meaning of the word or phrase in the language which is being translated.

R.L.1910, § 4245. Amended by Laws 1971, c. 48, § 1, emerg. eff. March 30, 1971; Laws 1975, c. 165, § 2, emerg. eff. May 20, 1975; Laws 2003, c. 191, § 2, eff. Nov. 1, 2003.

§49-6.1. Violation of Section 6 - Penalties.

Any individual convicted of violating subsection B of Section 6 of Title 49 of the Oklahoma Statutes shall be guilty of a misdemeanor and shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00). Upon receipt of a final judgment against a notary

public for a violation of subsection B of Section 6 of Title 49 of the Oklahoma Statutes from a district court of this state or its equivalent from a foreign jurisdiction, the Secretary of State shall revoke the appointment of the notary for a period of eight (8) years. Added by Laws 2003, c.191, § 3, eff. July 1, 2003.

§49-7. Record of protests.

In cases of protests for banks, notaries shall keep a register thereof in a book provided for that purpose by the bank, and the notary shall not be required to deliver such register to the county clerk, but shall leave the same in the possession of such bank. R.L. 1910, § 4246.

§49-8. Repealed by Laws 2001, c. 406, § 26, emerg. eff. June 4, 2001.

§49-9. Repealed by Laws 2001, c. 406, § 26, emerg. eff. June 4, 2001.

§49-10. Statute of limitations.

No suit shall be instituted against any such notary or his securities more than three (3) years after the cause of action accrues. R.L. 1910, § 4249.

§49-11. Name and address changes - Fees, bond and seal.

A. If a notary's resident address changes, the notary must inform the Secretary of State in writing within thirty (30) days of such change. The notary is not required to file a new bond or obtain another seal if the notary moves from one county to another.

B. If a name change occurs in the middle of a term, the notary has two options:

1. The notary may continue to use the former name as issued on the existing commission until it expires; or

2. The notary may use the notary's new name by completing and filing an application with the Secretary of State with a fee of Twenty-five Dollars (\$25.00). A new commission expiration date will be established. It will be necessary for the notary to purchase a new seal and obtain a new bond for filing with the court clerk.

Added by Laws 2001, c. 406, § 18, emerg. eff. June 4, 2001.

§49-12. Grounds to deny, refuse to renew, or revoke a commission.

A. The Secretary of State may deny, refuse to renew, or revoke a commission as a notary public for a:

1. Conviction of any felony;

2. Failure to meet the qualifications and application requirements set forth in Sections 1 and 1.1 of Title 49 of the Oklahoma Statutes; or

3. Failure to comply with the requirements set forth in Section 2 of Title 49 of the Oklahoma Statutes.

B. Upon receipt of a final judgment from a district court in this state or its equivalent in a foreign jurisdiction against a notary public in this state for performing a false or fraudulent notarial act, the Secretary of State shall revoke the appointment of the notary public.

Added by Laws 2015, c. 9, § 4, eff. November 1, 2015.

§49-101. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.

§49-102. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.

§49-103. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.

§49-104. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.

§49-105. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.

§49-106. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.

§49-107. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.

§49-108. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.

§49-109. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985.

§49-111. Short title.

Sections 1 through 11 of this act shall be known and may be cited as the Uniform Law on Notarial Acts.

Added by Laws 1985, c. 131, § 1, eff. Nov. 1, 1985.

§49-112. Definitions.

As used in the Uniform Law on Notarial Acts:

1. "Notarial acts" means any act that a notary public of this state is authorized to perform, and includes taking an acknowledgment, administering an oath or affirmation, taking a verification upon oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

2. "Acknowledgment" means a declaration by a person that the person has executed an instrument for the purposes stated therein and, if the instrument is executed in a representative capacity, that

the person signed the instrument with proper authority and executed it as the act of the person or entity represented and identified therein.

3. "Verification upon oath or affirmation" means a declaration that a statement is true made by a person upon oath or affirmation.

4. "In a representative capacity" means:

- a. for and on behalf of a corporation, partnership, trust, or other entity, as an authorized officer, agent, partner, trustee, or other representative;
- b. as a public officer, personal representative, guardian, or other representative, in the capacity recited in the instrument;
- c. as an attorney-in-fact for a principal; or
- d. in any other capacity as an authorized representative of another.

5. "Notarial officer" means a notary public or any other person authorized to perform notarial acts in the place in which the act is performed.

Added by Laws 1985, c. 131, § 2, eff. Nov. 1, 1985.

§49-113. Taking acknowledgment or verification - Witnessing or attesting signature - Certifying or attesting copies - Making or noting protest - Evidence of true signature.

A. In taking an acknowledgment, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the acknowledgment is the person whose true signature is on the instrument.

B. In taking a verification upon oath or affirmation, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the verification is the person whose true signature is on the statement verified.

C. In witnessing or attesting a signature the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the officer and named therein.

D. In certifying or attesting a copy of a document or other item, the notarial officer must determine that the proffered copy is a full, true, and accurate transcription or reproduction of that which was copied. In the case of official records, only the custodian of the official records may issue an official certified copy.

E. In making or noting a protest of a negotiable instrument the notarial officer must determine the matters set forth in Section 3-509 of the Uniform Commercial Code.

F. A notarial officer has satisfactory evidence that a person is the person whose true signature is on a document if that person is personally known to the notarial officer, is identified upon the oath or affirmation of a credible witness personally known to the notarial officer or is identified on the basis of identification documents. Added by Laws 1985, c. 131, § 3, eff. Nov. 1, 1985.

§49-114. Person who may perform notarial acts - Federal acts - Genuineness of signature.

A. A notarial act may be performed within this state by the following persons:

1. a notary public of this state;
2. a judge, secretary-bailiff of a judge, clerk, or deputy clerk of any court of this state;
3. all judge advocates, staff judge advocates, assistant judge advocates and all legal officers of the state military forces in performance of their official duties for military personnel and their dependents; or
4. any other person authorized to perform the specific act by the law of this state.

B. Notarial acts performed within this state under federal authority have the same effect as if performed by a notarial officer of this state.

C. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

Added by Laws 1985, c. 131, § 4, eff. Nov. 1, 1985. Amended by Laws 1990, c. 78, § 1, eff. Sept. 1, 1990; Laws 1992, c. 89, § 1, eff. Sept. 1, 1992.

§49-115. Notarial acts performed in another state, commonwealth, territory, district, or possession of the United States.

A. A notarial act has the same effect pursuant to the laws of this state as if performed by a notarial officer of this state, if performed in another state, commonwealth, territory, district, or possession of the United States by any of the following persons:

1. a notary public of that jurisdiction;
2. a judge, clerk, or deputy clerk of a court of that jurisdiction;
3. all judge advocates, staff judge advocates, assistant judge advocates and all legal officers of the state military forces; or
4. any other person authorized by the law of that jurisdiction to perform notarial acts.

B. Notarial acts performed in other jurisdictions of the United States under federal authority have the same effect as if performed by a notarial officer of this state.

C. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

D. The signature and indicated title of an officer listed in this section conclusively establish the authority of a holder of that title to perform a notarial act.

Added by Laws 1985, c. 131, § 5, eff. Nov. 1, 1985. Amended by Laws 1990, c. 78, § 2, eff. Sept. 1, 1990.

§49-116. Notarial acts performed by certain federal officers.

A. A notarial act has the same effect pursuant to the laws of this state as if performed by a notarial officer of this state if performed anywhere by any of the following persons under authority granted by the law of the United States:

1. a judge, clerk, or deputy clerk of a court;
2. a commissioned officer on active duty in the military service of the United States;
3. an officer of the foreign service or consular officer of the United States; or
4. any other person authorized by federal law to perform notarial acts.

B. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

C. The signature and indicated title of an officer listed in this section conclusively establish the authority of a holder of that title to perform a notarial act.

Added by Laws 1985, c. 131, § 6, eff. Nov. 1, 1985.

§49-117. Notarial acts performed by officer of foreign nation or multinational or international organization.

A. A notarial act has the same effect pursuant to the laws of this state as if performed by a notarial officer of this state if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multinational or international organization by any of the following persons:

1. a notary public or notary;
2. a judge, clerk, or deputy clerk of a court of record; or
3. any other person authorized by the law of that jurisdiction to perform notarial acts.

B. An "Apostille" in the form prescribed by the Hague Convention of October 5, 1961, conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

C. A certificate by a foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by a foreign service

or consular officer of that nation stationed in the United States, conclusively establishes any matter relating to the authenticity or validity of the notarial act set forth in the certificate.

D. An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

E. An official stamp or seal of an officer listed in this section is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

F. If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

Added by Laws 1985, c. 131, § 7, eff. Nov. 1, 1985.

§49-118. Certification of notarial act.

A. A notarial act must be evidenced by a certificate signed and dated by a notarial officer. The certificate shall include identification of the jurisdiction in which the notarial act is performed and the title of the office of the notarial officer and may include the official stamp or seal of office. If the officer is a notary public, the certificate must also indicate the date of expiration, if any, of the commission of office, but omission of that information may subsequently be corrected. If the officer is a commissioned officer on active duty in the military service of the United States, it must also include the rank of the officer.

B. A certificate of a notarial act is sufficient if it meets the requirements of subsection A of this section and it:

1. is in the short form set forth in Section 9 of this act;
2. is in a form otherwise prescribed by the law of this state;
3. is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or
4. sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

C. By executing a certificate of a notarial act, the notarial officer certifies that the officer has made the determinations required by Section 3 of this act.

Added by Laws 1985, c. 131, § 8, eff. Nov. 1, 1985.

§49-119. Short form certificates of notarial acts.

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by subsection A of Section 8 of this act:

1. For an acknowledgment in an individual capacity:
State of
County of

This instrument was acknowledged before me on (date) by (name(s) of person(s)).

(Signature of notarial officer)

(Seal, if any)

Title (and Rank)
(My commission expires:)

2. For an acknowledgment in a representative capacity:
State of
County of

This instrument was acknowledged before me on (date) by (name(s) of person(s)) as (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom instrument was executed).

(Signature of notarial officer)

(Seal, if any)

Title (and Rank)
(My commission expires:)

3. For a verification upon oath or affirmation:
State of
County of

Signed and sworn to (or affirmed) before me on (date) by (name(s) of person(s) making statement).

(Signature of notarial officer)

(Seal, if any)

Title (and Rank)
(My commission expires:)

4. For witnessing or attesting a signature:
State of
County of

Signed or attested before me on (date) by (name(s) of person(s)).

(Signature of notarial officer)

(Seal, if any)

Title (and Rank)
(My commission expires:)

5. For attestation of a copy of a document:
State of
County of

I certify that this is a true and correct copy of a document in the possession of
Dated

(Signature of notarial officer)

(Seal, if any)

Title (and Rank)

(My commission expires:)

Added by Laws 1985, c. 131, § 9, eff. Nov. 1, 1985.

§49-120. Construction and application of act.

A notarial act performed prior to November 1, 1985, is not affected by the provisions of the Uniform Law on Notarial Acts. The Uniform Law on Notarial Acts provides an additional method of proving notarial acts. Nothing in the Uniform Law on Notarial Acts diminishes or invalidates the recognition accorded to notarial acts by other laws or regulations of this state.

Added by Laws 1985, c. 131, § 10, eff. Nov. 1, 1985.

§49-121. Interpretation of act.

The Uniform Law on Notarial Acts shall be so interpreted as to make uniform the laws of those states which enact it.

Added by Laws 1985, c. 131, § 11, eff. Nov. 1, 1985.

§49-201. Short title - Remote Online Notary Act.

SHORT TITLE. A. Sections 2 through 15 of this act shall be known and may be cited as the "Remote Online Notary Act".

B. Nothing in this act shall permit a notary to take testimony, certify transcripts, or otherwise exercise any authority of a certified or licensed shorthand reporter, as provided in Sections 1501 through 1513 of Title 20 of the Oklahoma Statutes.

Added by Laws 2019, c. 338, § 2, eff. Jan. 1, 2020.

§49-202. Definitions.

DEFINITIONS. As used in the Remote Online Notary Act:

1. "Communication technology" means an electronic device or process that allows a notary public and a remotely located individual to communicate with each other by sight and sound;

2. "Credential analysis" means a process or service that meets the standards under Section 4 of this act through which a third person affirms the validity of an identification credential through review of public or private data sources;

3. "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities;

4. "Electronic record" means information that is created, generated, sent, communicated, received or stored by electronic means;

5. "Electronic seal" means an electronic image containing information attached to or logically associated with an electronic record that contains the notary public's name exactly as indicated on the notary's commission, the words "State of Oklahoma" and "Notary Public", and the notary public's commission number and the date of expiration of the notary public's commission;

6. "Electronic signature" means an electronic sound, symbol or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record;

7. "Foreign state" means a jurisdiction other than the United States, a state or a federally recognized Indian tribe;

8. "Identity proofing" means a process or service that meets the standards under Section 4 of this act through which a third person provides a notary public with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources;

9. "Notarial act" or "notarization" means an act that a notary public is authorized to perform under subsection A of Section 6 of Title 49 of the Oklahoma Statutes or under any other law of this state;

10. "Outside the United States" means a location outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands and any territory, insular possession or other location subject to the jurisdiction of the United States;

11. "Person" means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity;

12. "Personal knowledge" means knowledge through dealings sufficient to provide reasonable certainty that the individual has the identity claimed, and "personally known" and "personally knows" have corresponding meanings;

13. "Principal" means a remotely located individual whose signature is notarized in a remote online notarization, whether in an individual or representative capacity, or who makes an oath, affirmation or acknowledgment in a remote online notarization, other than in the capacity of a witness;

14. "Remote online notarization" or "remote online notarial act" means a notarial act performed by means of communication technology under this act;

15. "Remote presentation" means transmission to a notary public through communication technology of an image of a remotely located individual's identification credential that is of sufficient quality to enable the notary public to reasonably identify the remotely located individual and to perform credential analysis;

16. "Remotely located individual" means an individual who is not in the physical presence of the notary public who performs a remote online notarization; and

17. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

Added by Laws 2019, c. 338, § 3, eff. Jan. 1, 2020.

§49-203. Rulemaking - Administration of standards.

RULEMAKING; ADMINISTRATION OF STANDARDS. A. The Secretary of State shall promulgate rules to implement and ensure the effective administration of the provisions of Sections 1 through 15 of this act and Sections 1 through 12 of Title 49 of the Oklahoma Statutes. The rules shall provide standards for:

1. Ensuring integrity in the creation, transmittal, storage and authentication of electronic signatures, electronic seals and electronic records;

2. The means of performing remote online notarial acts;

3. Communication technology, credential analysis and identity proofing;

4. The retention of journals and audio and visual recordings under Section 7 of this act;

5. Sufficient forms of notarial certificates for remote online notarizations; and

6. Other matters as deemed necessary by the Secretary of State to implement and administer the provisions of Sections 1 through 15 of this act and Sections 1 through 12 of Title 49 of the Oklahoma Statutes.

B. In promulgating, amending, supplementing and repealing rules under this section, the Secretary of State may consider standards adopted by national standard-setting bodies such as the National Association of Secretaries of State and the Mortgage Industry Standards and Maintenance Organization, the standards and practices of other jurisdictions that have laws substantially similar to the provisions of Title 49 of the Oklahoma Statutes, and the views of government officials and other interested persons.

C. The rules promulgated under this section may be amended, supplemented and repealed.

Added by Laws 2019, c. 338, § 4, eff. Jan. 1, 2020.

§49-204. Registration required.

REGISTRATION REQUIRED. A. A notary public appointed and commissioned under Section 1 of Title 49 of the Oklahoma Statutes may perform remote online notarizations under Title 49 of the Oklahoma Statutes if authorized by the Secretary of State. Before a notary public performs the notary public's initial remote online

notarization, the notary public shall register with the Secretary of State under subsection C of this section and receive written authorization from the Secretary of State under subsection D of this section. An individual may apply for a commission under Section 1 of Title 49 of the Oklahoma Statutes and apply for registration under this section at the same time.

B. A notary public applying to register to perform remote online notarizations shall pay a fee of Twenty-five Dollars (\$25.00) to the Secretary of State with the application. These funds shall be deposited in the revolving fund created for the Secretary of State under Section 276.1 of Title 62 of the Oklahoma Statutes.

C. A notary public registering to perform remote online notarizations under this section shall submit a completed application using the forms or format required by the Secretary of State that shall include:

1. The full legal name of the applicant and the applicant's official name as it appears on the applicant's notarial commission under Section 1 of Title 49 of the Oklahoma Statutes;
2. A description of the technology the applicant intends to use in performing remote online notarizations;
3. A statement that the applicant will comply with the standards under Section 4 of this act; and
4. Any other information the Secretary of State may by rule require.

D. If the technology identified by the applicant conforms to the standards under Section 4 of this act and the applicant has satisfied the requirements of this section, the Secretary of State shall approve the use of the technology and issue to the applicant written authorization to perform remote online notarizations during the term of the applicant's notarial commission under Section 1 of Title 49 of the Oklahoma Statutes.

E. The Secretary of State may deny a notary public's application for registration under this section:

1. For a reason for which the Secretary of State may deny, refuse to renew or revoke a commission under subsection A of Section 12 of Title 49 of the Oklahoma Statutes;
2. For a violation of the rules under Section 4 of this act;
3. If the technology identified by the notary public does not conform to the standards under Section 4 of this act; or
4. If any information on the application is missing, inaccurate or incomplete.

F. The term of a notary public's authorization to perform remote online notarizations begins on the authorization date set by the Secretary of State and terminates on the commission's expiration date. The renewal of a notary public's commission pursuant to Section 1 of Title 49 of the Oklahoma Statutes shall not constitute

the renewal of the notary public's authorization to perform remote online notarizations under this section.

G. A notary public's authorization to perform remote online notarizations terminates if:

1. The notary public's name changes during the term of the notary public's commission; and
2. The notary public elects to use the notary public's new name under a new commission pursuant to paragraph 2 of subsection B of Section 11 of Title 49 of the Oklahoma Statutes.

H. Nothing in this section shall be construed as prohibiting a notary public from receiving, installing or utilizing a hardware or software update to the technology that the notary public identified under this section if the hardware or software update does not result in a technology that is materially different from the technology that the notary public identified under this section.

Added by Laws 2019, c. 338, § 5, eff. Jan. 1, 2020.

§49-205. Authority to perform remote online notarial acts.

AUTHORITY TO PERFORM REMOTE ONLINE NOTARIAL ACTS. A notary public physically located in this state and authorized to perform remote online notarizations under Section 5 of this act may perform a notarial act by means of communication technology for a remotely located individual who is physically located:

1. In this state;
2. Outside this state but not outside the United States; or
3. Outside the United States if:
 - a. the electronic record:
 - (1) is to be filed with or relates to a matter before a court, governmental entity, public official or other entity subject to the jurisdiction of the United States, or
 - (2) involves property located in the territorial jurisdiction of the United States or a transaction substantially connected to the United States, and
 - b. the notary public has no actual knowledge that the act of making the statement or signing the electronic record is prohibited by the foreign state in which the remotely located individual is located.

Added by Laws 2019, c. 338, § 6, eff. Jan. 1, 2020.

§49-206. Electronic record of remote online notarial acts.

ELECTRONIC RECORD OF REMOTE ONLINE NOTARIAL ACTS. A. A notary public shall maintain a journal in a permanent, tamper-evident electronic format complying with standards promulgated by the Secretary of State in which the notary public chronicles all remote online notarial acts that the notary public performs. An entry in a

journal shall be made contemporaneously with the performance of the remote online notarial act and contain the following information:

1. The date and time of the remote online notarial act;
2. A description of the document, if any, and type of notarial act;
3. The full name and address of each principal for whom the notarial act is performed;
4. If the identity of the principal is based on personal knowledge, a statement to that effect;
5. If identity of the principal is based on credential analysis and identity proofing, a brief description of the results of the identity verification process and the identification credential remotely presented, including the date of issuance and expiration of the identification credential;
6. If identity of the principal is based on oath or affirmation of a credible witness, the information identified in paragraph 4 or 5 of this subsection, as applicable, that provided a basis for the notary public's identification of the credible witness, a statement of the basis by which the credible witness claims personal knowledge of the principal, the location of the credible witness, and the full name and address of the credible witness; and
7. The fee, if any, charged by the notary public.

B. A notary public, or a person acting on behalf of the notary public, shall create an audio and visual recording of the performance of each remote online notarial act.

C. A notary public shall take reasonable steps to:

1. Ensure the integrity, security and authenticity of remote online notarial acts;
2. Maintain a backup of the journal and the audio and visual recording; and
3. Protect the backup from unauthorized use.

D. A notary public, a guardian, conservator or agent of the notary public, or a personal representative of a deceased notary public shall retain the journal and the audio and visual recording or cause the journal and the recording to be retained by a depository designated by or on behalf of the person required to retain the journal and the recording. The recording shall be retained for at least ten (10) years from the date of the remote online notarial act. The journal shall be retained for at least ten (10) years after the performance of the last remote online notarial act chronicled in the journal.

Added by Laws 2019, c. 338, § 7, eff. Jan. 1, 2020.

§49-207. Use of electronic signature and seal.

USE OF ELECTRONIC SIGNATURE AND SEAL. A. In performing a remote online notarial act, a notary public shall attach or logically associate the notary public's electronic signature and electronic

seal to the certificate of notarial act in a tamper-evident format. The electronic seal shall be capable of being copied together with the electronic record to which it is attached or with which it is logically associated. The certificate shall be attached to or logically associated with the electronic record that is the subject of the remote online notarial act. If the Secretary of State has approved standards under Section 4 of this act for attaching or logically associating the electronic signature, electronic seal or certificate, the process shall conform to the standards.

B. A notary public's use of an electronic signature and electronic seal under this section satisfies the requirement of Section 5 of Title 49 of the Oklahoma Statutes that a notary public authenticate an official act with an official signature and seal of office.

C. A notary public shall take reasonable steps to protect the notary public's electronic seal from unauthorized use. A notary public may not allow another person to use the notary public's electronic seal.

D. A notary public shall immediately notify an appropriate law enforcement agency and the Secretary of State upon actual knowledge of the theft or vandalism of the notary public's journal or electronic seal. A notary public shall immediately notify the Secretary of State upon actual knowledge of the loss or use by another person of the notary public's journal or electronic seal.

E. Unless required as part of the application under subsection C of Section 5 of this act, a notary public is not required to submit an image of the notary public's electronic seal to the Secretary of State. A notary public's electronic seal is not subject to the requirement that an impression be filed with and approved by the Secretary of State under Section 2 of Title 49 of the Oklahoma Statutes.

Added by Laws 2019, c. 338, § 8, eff. Jan. 1, 2020.

§49-208. Remote online notarization procedures.

REMOTE ONLINE NOTARIZATION PROCEDURES. A. Before performing a remote online notarial act, a notary public shall:

1. Reasonably identify the electronic record before the notary public as the same electronic record in which the principal made a statement or on which the principal executed or adopted an electronic signature; and

2. Take reasonable steps to ensure that the communication technology used in the remote online notarial act is secure from unauthorized interception.

B. In performing a remote online notarial act, a notary shall reasonably verify the identity of the principal by:

1. The notary public's personal knowledge of the principal;
2. Each of the following:

- a. remote presentation by the principal of a current government-issued identification credential containing the photograph and signature of the principal,
 - b. credential analysis of the identification credential, and
 - c. identity proofing of the principal; or
3. Oath or affirmation of a credible witness who personally knows the principal if:
- a. the credible witness is personally known to the notary public, or
 - b. the notary public has reasonably verified the identity of the credible witness under paragraph 2 of this subsection.
- C. A notary public may:
- 1. Require a principal or credible witness to provide additional information necessary to assure the notary public of the identity of the principal or credible witness; and
 - 2. Refuse to perform a remote online notarial act if the remote online notary public is not satisfied as to the identity of a principal.
- D. A credible witness under subsection B of this section who is:
- 1. Physically present with a principal at the time of a remote online notarial act may be a remotely located individual if the credible witness and notary public communicate by means of communication technology; or
 - 2. Physically present with a notary public at the time of a remote online notarial act may be outside the physical presence of a principal if the credible witness and principal communicate by means of communication technology.
- E. The certificate of notarial act for a remote online notarization shall indicate that the notarial act was a remote online notarial act performed by means of communication technology. A certificate is sufficient to satisfy the requirement of this subsection if it:
- 1. Complies with standards under Section 4 of this act; or
 - 2. Is in a form otherwise sufficient under the laws of this state and contains a statement substantially as follows: "This remote online notarization involved the use of communication technology."
- Added by Laws 2019, c. 338, § 9, eff. Jan. 1, 2020.

§49-209. Fees.

FEES. A notary public, or a person acting for or on behalf of a notary public, may charge and collect a fee not to exceed Twenty-five Dollars (\$25.00) for a remote online notarial act.
 Added by Laws 2019, c. 338, § 10, eff. Jan. 1, 2020.

§49-210. Termination of notary public's commission.

TERMINATION OF NOTARY PUBLIC'S COMMISSION. A. Except as provided by subsection B of this section, a notary public authorized to perform remote online notarial acts whose commission is terminated or revoked shall destroy the coding, disk, certificate, card, software or password that enables the notary public to attach or logically associate the notary public's electronic signature and electronic seal to an electronic record. A notary public subject to the provisions of this subsection shall certify compliance with this subsection to the Secretary of State. On the death or adjudication of incompetency of a notary public, the notary public's personal representative or guardian shall comply with the provisions of this subsection.

B. A former notary public whose commission is terminated for a reason other than revocation is not required to destroy the items described by subsection A of this section if the former notary public receives a new commission as a notary public within three (3) months of the termination of the notary public's former commission.

C. A notary public's electronic signature and electronic seal shall be destroyed under subsection A of this section if:

1. The notary public's name changes during the term of the notary public's commission; and

2. The notary public elects to use the notary public's new name under a new commission pursuant to paragraph 2 of subsection B of Section 11 of Title 49 of the Oklahoma Statutes.

D. The termination of a notary public's commission shall not affect the retention requirements of subsection D of Section 7 of this act.

Added by Laws 2019, c. 338, § 11, eff. Jan. 1, 2020.

§49-211. Legal recognition of remote online notarial acts.

LEGAL RECOGNITION OF REMOTE ONLINE NOTARIAL ACTS. A. A remote online notarization under this act satisfies any requirement of law of this state that a principal appear before, appear personally before, or be in the physical presence of a notary public at the time of the performance of the notarial act.

B. A notary public's verification of a principal's identity under subsection B of Section 9 of this act constitutes satisfactory evidence of identity of the principal and satisfies any requirement of law of this state that the notary public obtain satisfactory evidence of identity of the principal.

Added by Laws 2019, c. 338, § 12, eff. Jan. 1, 2020.

§49-212. Validity of remote online notarial acts.

VALIDITY OF REMOTE ONLINE NOTARIAL ACTS. The failure of a notary public to perform a duty or meet a requirement specified in this act does not invalidate a remote online notarial act performed by the notary public. The validity of a remote online notarial act under

this act does not prevent an aggrieved person from seeking to invalidate the electronic record or transaction that is the subject of the remote online notarial act or from seeking other remedies based on law of this state other than this chapter or based on law of the United States. This section does not validate a purported remote online notarial act performed by an individual who does not have the authority to perform remote online notarial acts.
Added by Laws 2019, c. 338, § 13, eff. Jan. 1, 2020.

§49-213. Applicable law - Conflict of laws.

APPLICABLE LAW; CONFLICT OF LAWS. A. The validity of a remote online notarization performed under the Remote Online Notary Act is determined by applying the laws of this state, regardless of the physical location of the principal at the time of the remote online notarization.

B. In the event of a conflict between a provision of the Remote Online Notary Act and another provision of Title 49 of the Oklahoma Statutes or any other law of this state, the provision of the Remote Online Notary Act controls.

Added by Laws 2019, c. 338, § 14, eff. Jan. 1, 2020.

§49-214. Relation to Electronic Signatures In Global And National Commerce Act.

RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. The Remote Online Notary Act modifies, limits and supersedes the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. Section 7001, et seq.) but does not modify, limit or supersede Section 101(c) of that act (15 U.S.C. Section 7001(c)) or authorize electronic delivery of any of the notices described in Section 103(b) of that act (15 U.S.C. Section 7003(b)).

Added by Laws 2019, c. 338, § 15, eff. Jan. 1, 2020.