

## CBA LRPC POSITION REQUEST FORM

The CBA Paralegals Section position request is as follows:

1) Proposed legislative or regulatory concept:

The Paralegals Section has been made aware of House Bills 5374, 5556 and 5974, which seek to codify Governor Lamont's Executive Order allowing remote notarization. A similar bill (House Bill 5325) was proposed prior to the COVID pandemic. At that time, the Paralegals Section opposed that bill and raised various concerns. As the needs of society changed as a result of the pandemic, the remote notarization was implemented. While it is being currently used, there are issues that still need to be addressed. Many paralegals hold a notary public commission and therefore, the Paralegals Section would like to provide the following comments on these bills as the Section opposes the bill as a simple adoption of Executive Order 7k.

2) A Plan language explanation and rationale for advancing this position:

- Currently under Executive Order 7K, there is a requirement for the notary or Commissioner of the Superior Court to retain the video of the notarial act performed through "Communication Technology" for a period of 10 years. However, a notary is only commissioned for a period of 5 years. Who is responsible for retaining/maintaining the recorded video journal if the notary does not renew, becomes ill, dies, moves out of state, etc.? Storage of this information requires significant costs for storage and security. What will be the succession plan of same? This is also applicable to Commissioners of the Superior Court. Is the law office responsible or the individual attorney who performed the act? What if the attorney leaves the law firm that maintains the recorded video journal? What happens if the Executor doesn't know or can't get access to the e-journal? The State should be responsible for the maintenance, security, and cost after the notary's death; particularly if the iNet owner of the site will not transfer the data to the Secretary of State - or charges a service fee to do this.
- The Paralegals Section would also like to note that, under current statute, a notary can only charge \$5 for a notary act. We would like this addressed as there will be substantial potential exposure to a notary for signing remotely. There should be a separate electronic notary fee if a CT notary is performing a video notarization. The Paralegals Section suggests that notaries should be able to charge at least \$25 PER individual notarization; i.e., for each "signature" that must be notarized. Further, this fee should be reviewed on a bi-annual basis to ensure this model is sustainable.
- Employees who are notaries who perform electronic notarization as a job duty, are still personally responsible for the notarization. Along those lines, who is responsible for maintaining the video journal - the employer or the notary? When the employee-notary leaves that position, is the employer going to allow the notary to take the video notarization records with him/her. Who pays the costs for this? Notaries work in law firms, banks, town clerk offices, etc.
- Finally, C.G.S 3-94a, subsection 10, should be clarified to incorporate how identification should be presented to the notary i.e., should the identification number and information be shown to the notary and read into the recorded journal?

- The Secretary of State should update the notary language to address remote notarial acts.

Remote, online notarization should be carefully crafted to protect the interests of those in Connecticut. It should be crafted by a group of individuals in the state who understand the goals, and concerns of notary publics.

The Paralegals Section would also recommend that any drafting or committees formed regarding this bill, should it move toward becoming a statute, include paralegals who are notaries to provide sufficient input.

3) Is draft regulation, legislation or proposed bill included?

No.

4) What is the date of any legislative hearing, if known?

TBD

5) Was this position previously approved by the CBA? If so, when does/did it expire?

The Paralegals Section opposed to H.B. 5325, which was just prior to COVID. It is unknown if the Section's opposition was approved.

6) Is the CBA section or committee seeking to join a previously approved CBS section or committee position?

No.

7) Potential or actual CBA opposition from another CBA section or committee?

Real estate; Elder

8) Strength of section position (including process and results of section vote taken on issue).

The House Bills were sent to the entire Paralegals Section for feedback and comment, which was received. The Paralegals Section Executive Committee voted unanimously to approve this position request.

9) Fiscal Impact on state

None.

10) Are you seeking "fast-track" approval?

Yes.