

CBA LPRC POSITION REQUEST FORM

The CBA Real Property Section **position request** is as follows:

- 1) Proposed legislative or regulatory concept:

To **SUPPORT** Senate Bill 99, An Act Establishing a Working Group to Study Remote Notarial Acts and the Revised Uniform Law on Notarial Acts, provided certain amendments are made to the model act

- 2) Explanation and rationale for advancing this position:

The Section had previously opposed bills establishing remote online notarization (“RON”). This is the act of acknowledging a document, or swearing to an affidavit, where the signers and the notarial officer are communicating via computer technology. While there are still many reason to oppose RON, as set out in our prior position requests, we support this RON bill with certain amendments to it for the following reasons:

- We opposed it previously in part because it was proposed without the CBA’s participation and did not include any protections to guard against UPL
- RON is going to happen sooner or later as it has been enacted in the majority of states so our best approach is to support it provided it has protections for attorneys

Our support for the bill is contingent on it containing most or all of the following protections for documents executed in the course of a real estate closing, which the attached language includes:

- That the remote notarial act be performed by a Connecticut licensed attorney;
- That the attorney has an office in the State of Connecticut;
- That the attorney is located in the State of Connecticut at the time of the signing;
- That the attorney represent the individual signing the instrument or the party on whose behalf the individual is signing the instrument
- That the attorney’s Juris number be entered into the software and onto the document; and
- That interstate recognition not be given to RON signings in the course of real estate closing performed in accordance with the laws of other jurisdictions

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

Real Property has been working with a collection of interest groups. A proposed bill is attached.

- 4) What is the date of any legislative hearing, if known? Tuesday, February 22, 2022

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

No. Our current position is in opposition.

- 6) Is the CBA section or committee seeking to join a previously approved CBA section or committee position? No

7) Potential or actual CBA opposition from another CBA section or committee? None expected.
We expect Estates and Probate and Elder Law to support.

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

Pursuant to its bylaws, the Executive Committee was polled in between meetings of the Section.
Support for this position was unanimous in those responding to the poll (twelve responses).

9) Fiscal impact (on the state): None.

10) Are you seeking “fast-track” approval? Yes