

Idaho Remote Online Notary Update

A Presentation to the Idaho State Bar Real Property Section

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RON Statutory Refresher

Idaho Code s. 51-101 et al

- ▶ Senate Bill No. 1111 Revised Idaho's Notary Act effective January 1, 2020
- ▶ I.C. 51-114A does the heavy lifting
 - ▶ Authorizes a notary public located in Idaho to perform a notarial act using communication technology for a remotely located individual if:
 - ▶ 1. personal knowledge
 - ▶ 2. satisfactory evidence of the identity of the remotely located individual by oath or affirmation of a credible witness appearing before the notary public; or
 - ▶ 3. has obtained satisfactory evidence of the identity of the remotely located individual by using at least two different types of identity proofing

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▶ Notary must also:

- ▶ 1. Confirm the record as the same executed by the signer
- ▶ 2. Create an audio-visual recording of the notary session (for 10 years)
- ▶ 3. Notary certificate must indicate notarial act was performed using communication technology
- ▶ 4. Register with the Idaho Secretary of State as both an electronic notary and as a remote online notary
- ▶ 5. Use RON software that has been approved by the Idaho Secretary of State

RON Software Providers & Requirements

- ▶ Examples: Signix, Notarize, Docverify, LiveNotary, Certify
- ▶ Software must comply with IDAPA 34.07.01:
 - ▶ Tamper evident
 - ▶ Digital Certificate
 - ▶ Identity Proofing (credential analysis, knowledge-based authentication)
 - ▶ Audio video feeds
 - ▶ Security Measures to prevent unauthorized access
 - ▶ Record retention
 - ▶ Certificate of Notarial Act

RON Notary Application Process

- ▶ 1. Electronically submitted through the Idaho Secretary of State
- ▶ 2. Provide:
 - ▶ Basic notarial info (applicant name, bond info)
 - ▶ Elect to be licensed as both electronic notary and remote online notary
 - ▶ Provide info regarding software provider
- ▶ 3. Sign and notarize
- ▶ Provide a sample notarized document using the RON software

RON in Action - Takeaways

- ▶ 1. Look and Feel is much like DocuSign—dragging and dropping signatures, text boxes, check boxes, etc.
- ▶ 2. Signix software incorporates Zoom into the platform for video call hosting
- ▶ 3. First identity authentication method requires SSN and birthday (soft credit pull)
 - ▶ Questions asked pertain to previous addresses, vehicles, relatives, etc.
- ▶ 5. Second identity authentication requires scan of Driver's License or Passport
- ▶ 6. Most of the challenges associated with RON notary sessions pertain to using and navigating the technology, not the documents.
- ▶ 7. Our office has used RON technology extensively for seller documents and cash or non-finance transactions. Lenders are hesitant to adopt.

Counties' Acceptance of RON Docs

- ▶ Anecdotally, I have not seen a county in Idaho rejecting a document because it was a RON signed document.
- ▶ Issues have come up with the quality of the scan submitted for recording and the sizes of signatures and stamps.