

Update Regarding Notarized Forms

Pursuant to COVID-19 related emergency legislation A-3903/S-2336 which authorizes remote notarization through communication technology, Rowan will accept such remote notarization.

Governor Murphy has signed into law A-3903/S-2336, which, subject to certain requirements, temporarily allows remote notarizations during the Public Health Emergency and State of Emergency declared by Governor Murphy in Executive Order 103 on March 9, 2020. The law takes effect immediately. Details of the law are below.

A-3903/S-2336 authorizes either: (1) a notary public (“Notary”); or (2) an officer authorized to take oaths, affirmations and affidavits under R.S.41:2-1 or to take acknowledgements under R.S.46:14-6.1 (“Officer”), to perform notarial acts using “communication technology” for a remotely located individual if the notary public or officer:

(1) has personal knowledge of the identity of the individual appearing before the notary public or officer, which is based upon dealings with the individual sufficient to provide reasonable certainty that the individual has the identity claimed; (2) has satisfactory evidence of the identity of the remotely located individual by oath or affirmation from a credible witness appearing before the notary public or officer; or (3) has obtained satisfactory evidence of the identity of the remotely located individual by using at least two different types of identity proofing.

Additionally, the Notary or Officer must be reasonably able to confirm that a record before the Notary or Officer is the same record in which the remotely located individual made a statement or on which the remotely located individual executed a signature, and must create an audio-visual recording of the performance of the notarial act, a copy of which must be retained for a minimum of ten (10) years.

For individuals remotely located outside of the United States, A-3903/S-2336 specifies that:

(1) the record (i) is to be filed with or relates to a matter before a public official or court, governmental entity, or other entity subject to the jurisdiction of the United States; or (ii) involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with the United States; and

(2) the act of making the statement or signing the record is not prohibited by the foreign state in which the remotely located individual is located.