

## FAQ: Remote Online Notarization

### 1. What is remote online notarization?

Remote online notarization (“RON”) “allows banks, title companies, law firms, and other businesses to complete important transactions that require signatures and a notary seal remotely with the aid of online audio and video technology.”<sup>1</sup> On March 26, 2020, Louisiana Governor John Bel Edwards issued Proclamation No. [37-JBE-2020](#), which authorizes RON during the COVID-19 public health emergency. The requirement that an individual appear personally before a notary public at the time of notarization is satisfied if the proper RON procedure is followed.

### 2. Who can perform remote online notarization?

Any regularly commissioned notary public who holds a valid notarial commission in the State of Louisiana, including an attorney who is licensed to practice law and commissioned by the Secretary of State.

### 3. What are the requirements for remote online notarization?

- The notary public, the individual requesting notarization, and the witnesses, if any, must be able to communicate simultaneously by sight **and** sound through an electronic device or process, such as a web cam or Facetime conversation. RON cannot be performed solely through a telephone conversation.
- The notary public must “reasonably identify” the individual. For instance, the notary may request that the individual identify him or herself and to produce a valid, government-issued form of identification, such as a driver’s license or passport. In the event the individual is someone already known to the notary, it is advisable that the notary state so on the recording.
- The notary public, either directly or through an agent, must create an audio **and** visual recording of the performance of the notarization. The recording must be kept for at least 10 years from the date of execution. The following links are to websites that offer instructions on how to use your computer, phone, or iPad to record a

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<sup>1</sup> Amanda Farrell, *The Latest States To Pass Remote Online Notarization Laws*, PropLogix (Sept. 16, 2019), <https://www.proplogix.com/blog/remote-online-notarization-a-brief-history-and-how-its-changing-real-estate-closings> (last updated Feb. 20, 2020).

conversation, such as a FaceTime call. Alternatively, the last links are to online commercial services that will provide the necessary software for a fee.

- [Learn how to record your computer screen \(Windows and Mac\).](#)
- [Learn how to record your iPhone or iPad screen.](#)
- Commercial RON services: [Notarize](#) and [Pavaso](#).

#### 4. How does remote online notarization actually work?

Assuming you are not using a commercial RON service, you can set up a web cam or Facetime call with the individual requesting notarization. **Be sure that you are properly recording the entire process and that you can see the individual.** Once you have reasonably confirmed the individual's identity, the individual can affix his or her signature to the document. Electronic signatures are generally permitted and given the same legal effect as handwritten signatures.<sup>2</sup> If the individual is using an electronic signature, be sure that you are able to view the individual's computer or device screen that the individual is using to affix his or her signature. This may preclude you from using a web cam or Facetime conversation if the individual is using the same device to affix his or her electronic signature.

Once the individual has signed the document, he or she should send it to you, preferably by electronic means such as email. Once you have the signed document, you can affix your signature (either electronic or handwritten). Again, be sure that you are properly recording the process, including the act of signing and notarizing the document.

Don't forget to include the normal information required in a notarized document, including: the full name(s) of the party or parties; your notary ID number (or your Louisiana bar roll number if you are an attorney); and your name.<sup>3</sup>

#### 5. What documents can be remotely notarized?

- ✓ Affidavits
- ✓ Acknowledgements
- ✓ Notices of liens or privileges
- ✓ Motor vehicle bills of sale

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<sup>2</sup> See La. R.S. 9:2607; La. R.S. 9:2611.

<sup>3</sup> La. R.S. 35:12.

- ✓ Powers of attorney
- ✓ Promissory notes
- ✓ Any other document or act not prohibited to be remotely notarized

## 6. What documents cannot be remotely notarized?

- ✗ Authentic acts
- ✗ Testaments
- ✗ Trust Instruments
- ✗ Donations *inter vivos*
- ✗ Matrimonial agreements
- ✗ Acts modifying, waiving, or extinguishing spousal support obligations

## 7. Can a tangible copy of an electronic record be filed into the public records?

Yes. The governor's proclamation states that a recorder shall not refuse to record a tangible copy of an electronic record on the ground that it does not bear the original signature of a person if a notary public certifies that it is an accurate copy of the electronic record.

If you have any other questions regarding remote online notarization, please contact **Bradley Guin** ([bguin@roedelparsons.com](mailto:bguin@roedelparsons.com)) or **David Phelps** ([dphelps@roedelparsons.com](mailto:dphelps@roedelparsons.com)).

## Get in Touch

**Baton Rouge Office**  
8440 Jefferson Highway  
Suite 301  
Baton Rouge, LA 70809

Phone: (225) 929-7033  
Fax: (225) 928-4925

**New Orleans Office**  
1515 Poydras Street  
Suite 2330  
New Orleans, LA 70112

Phone: (504) 566-1801  
Fax: (504) 565-5626