

Insights

Indiana Expedites Implementation of Remote Notary Statute - Part I

March 29, 2020

In response to social distancing mandates, the Indiana Secretary of State has expedited the implementation of Indiana's previously adopted remote notarial act statute. The statute would not have become effective until July 1, 2020 but is now effective March 31, 2020. Active Indiana notaries may apply to become a remote notary by filing this application online with the Indiana Secretary of State and submitting a \$5.00 registration fee. The education materials, exam and software platforms necessary for remote notarial functions, however, have not been finalized and are not yet available to the public. It is anticipated that the remote notary education course and exam will be available online on April 7th. As of this writing, the Indiana Secretary of State has not published a list of preferred software vendors or platforms.

Approved software platforms are necessary because a remote notary must make an audiovisual recording of the notarial act. The recording must include identifying information of the signer, a statement to authenticate the signer's identity, and confirmation by the signer that the electronic signature is freely given. The software platform must also provide a real time audio visual connection between the signer and remote notary and enable the remote notary to affix an electronic signature and seal to the document being notarized. The software options remain unknown until the Indiana Secretary of State publishes a list of approved software vendors for this technology. Remote notaries will also be required to maintain a secure electronic journal detailing each remote notarial act including its date and time and a description of the credentialing information used to authenticate the signer.

Keep in mind:

- A current notary public in Indiana is *not* authorized to perform remote notary functions without completion of the additional requirements referenced above.
- A notary public must first register with the Indiana Secretary of State as a *remote* notary in order to perform remote notary services.
- A remote notary must still be physically present in Indiana; the signer may be present outside of the state.
- The notarial act is considered to have been performed in Indiana and is governed by Indiana law.

Our firm's Commercial and Real Estate Lending Practice Group is ready and able to assist you to take advantage of Indiana's remote notary law and will provide additional remote notary information as it becomes available. Please stay tuned for Part II of this Alert.

In addition, should you need assistance navigating the new Paycheck Protection Program available under the federal CARES Act, we are ready and able to provide counsel regarding the process and the forms required.