

West Virginia Notary Law Changes in Effect June 17, 2021

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West Virginia Governor Jim Justice signed [SB 469](#) into law, codifying provisions from a 2020 executive order suspending the mandate requiring a notary be physically present with individuals when signing documents or making notary statements (W.Va. Code 39-4-6). This law, which takes effect on June 17, 2021, will impact those currently using electronic communication technology for notary services. These changes can influence the validity of notarized documents, and it's important to understand the requirements that will soon be imposed.

The law sets forth two crucial sections pertaining to notary duties: **Remote Online Notarial acts** (RON) and **Remote Ink Notarial acts** (RIN). RON refers to acts for remotely located individuals using a communication technology platform, and RIN refers to acts by remotely located individuals, whereby the individuals exchange wet-signed documents but verify identities and acts using a communication technology platform.

Below are some points from the bill that outline how RON and RIN will work in West Virginia. [Click here](#) to view the full text of the law.

RON

- A remotely located individual not present with a notary is authorized to use communication technology to appear before a notary public.
- Notaries must register to perform remote online notarizations and must comply with all requirements for electronic notarizations in the state
- Notaries must submit information about the technology vendor they plan to use for performing RONs when registering with the Secretary of State's office.
- The Notary must identify a signer for a RON through one of the following options:
 - Personal knowledge
 - Evidence from a credible witness, or

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- Multi-factor authentication that must include remote presentation of an ID to the Notary, credential analysis by a reputable third party.
 - Notaries must reasonably confirm the record before the notary is the same one signed by the remote individual.
 - The communication technology used for RON must provide synchronous audio-visual feeds sufficient for the Notary and signer to see and speak with each other and provide reasonable security to prevent unauthorized access to the live transmission of the audiovisual feed, the methods used to verify the signer's identity or the electronic record being notarized.
 - The Notary must keep an audiovisual recording of each RON notarial act for at least 5 years after the recording is made.
 - The notarial seal used for the RON must state "This notarial act involved the use of communication technology."

RIN

- Documents may be notarized for individuals not physically present with the notary at the time of notarization if: (a) The individual and notary are using an acceptable communication technology that allows for simultaneous sight and sound, and (b) the notary reasonably identifies the individual by:
 - Personal knowledge;
 - Review of a government-issued ID with a photo, name, and signature, e.g., a driver's license or passport;
 - Review of at least two different types of processes or services provided by a third party that verify identity through public or private data, or
 - Oath or affirmation of a credible witness who is in the presence of the notary or individual or can communicate in real time by sight and sound with the notary and the witness has personal knowledge of the individual and the notary has identified them.
- The Notary must keep an audiovisual recording of each RIN notarial act for at least 5 years after the recording is made.
- Once signed, the individual signing must mail or otherwise cause the original signed copy of the documents to be delivered to the Notary to be acknowledged and stamped.
- The notarial seal used for the RON should state "This remote online notarization involved the use of communication technology."
- The date and time of notarization shall be the time of witnessing the signature with the communication technology, not the date when received.
- Notaries may refuse to perform notarial acts with respect to electronic records for individuals

not physically present, or for communication technologies the notary has not selected.

The Secretary of State's office will likely promulgate new rules affecting this program soon.

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