



To: All Maryland Policy Issuing Agents of WFG National Title Insurance Company
From: WFG Underwriting Department
Date: October 12, 2020
Bulletin No.: MD 2020-10
Subject: Maryland’s New Notary and RON Statute (RULONA)

WHAT IS RULONA?

Maryland’s Revised Uniform Law on Notarial Acts (“RULONA”) went into effect on October 1, 2020. This new law implements some basic changes affecting notarial acts, and provides revised requirements for remote online notarizations (“RONs”) beginning on October 1, 2020. **RULONA voids Governor Hogan’s temporary Executive Order Number 20-03-30-04 dated March 30, 2020**, (the “Executive Order”) which permitted RON closings through September 30, 2020 ([click here #1](#)).

BACKGROUND INFORMATION:

Under the Executive Order, remote notarial acts could be conducted by notaries who notified the Maryland Secretary of State (“SOS”), in advance, of their intention to perform RON closings. Notaries were required to submit a Remote Notary Notification Form (“RNNF”) dated April, 2020 to the SOS in order to receive approval to perform RON closings. The SOS permitted a wide variety of technology options which could be used by RON notaries.

With the implementation of RULONA, the April 20 RNNF is no longer valid. A new RNNF form dated October 1, 2020 must be submitted by notaries to the SOS ([click here #2](#)). Further, only a half-dozen national RON platforms are now permitted in Maryland ([click here #3](#)).

CHANGES MADE BY RULONA:

The SOS has published a document called “Changes to Notary Law Effective 10/1/2020” ([click here #4](#)). These changes are summarized below:

I. RULONA changes that affect day-to-day notarizations:

- **Use of a Journal:** Notaries must keep records in a “journal”, which was called a “fair register” under the old law. Records must be stored for 10 years from the last entry in the journal.
- **Ascertaining Identity:** There are three new options for identifying persons requesting a notarial act. Identification can now be accomplished using the following methods:

(1) Personal knowledge of the notary; or

- (2) Government-issued photo I.D.; or
 - (3) Reliance upon a credible witness who knows the person.
- **Determining Competency:** Notaries are explicitly empowered to refuse to perform notarial acts if they are not satisfied that the individual has the capacity to execute the record, or is not acting voluntarily.
 - **Use of Notarial Certificates:** There are now six categories of notarial acts under RULONA, and each has its own “notarial certificate” with requirements as to how they are affixed to each document or record. Notarial acts include:
 - (1) Acknowledgements;
 - (2) Verification on oath or affirmation of a statement;
 - (3) Witness or attest to a signature;
 - (4) Certify or attest to a copy of a record;
 - (5) Certify a tangible copy of an electronic record; and
 - (6) Protest of a negotiable instrument.

II. RULONA Changes that affect RON closings:

- Although not directly relevant to most real estate transactions, RON cannot be used to notarize wills.
- A RON notary may perform a remote notarial act if the notary can identify the remotely-located individual in one of three ways:
 - (1) Through personal knowledge of the identity of the remotely-located individual;
 - (2) If the notary has satisfactory evidence of the identity of the remotely-located individual by verification on oath or affirmation from a credible witness identified by the notary public; or
 - (3) If the notary has obtained satisfactory evidence of the identity of the remotely-located individual by:
 - **Remote presentation of an identification credential:** e.g., a driver’s license, passport, other government I.D.); or
 - **Credential analysis:** this involves the use of technology to confirm the security features on an I.D. and to confirm that the I.D. is not fraudulent; or
 - **Identity proofing of the individual:** this involves the use of knowledge-based authentication techniques, in which the individual is asked a series of questions about their identity and personal history. The individual must pass most of the questions, whose answers are specific only to that individual.

III. Revised RULONA underwriting requirements for Maryland RON Closings:

1. In addition to providing a revised RNNF form to the SOS, all Maryland notaries must have active licenses with the State of Maryland.
2. All parties to the RON transaction, **and especially the lender**, must provide written approval of RON procedures for the closing.

3. A Maryland notary providing RON services for a Maryland property must be physically located in the State of Maryland;

4. Only the following six RON platforms specified by the SOS may be used by Maryland notaries. These include:

- eNotaryLog, LLC
- Nexsys Technologies LLC
- Notarize Inc.
- Pavaso
- SIGNiX
- Simply Sign LLC

5. In most cases, promissory notes will require a “wet signature” by the lender. **YOU SHOULD INQUIRE SPECIFICALLY WITH THE LENDER AS TO HOW THEY WISH TO HANDLE THE RETURN OF PROMISSORY NOTES.**

6. RON transactions are limited to \$1 million, without written underwriter approval.

7. Out-of-state RON transactions involving Maryland properties: every effort should be made to use a Maryland notary for RON transactions involving Maryland properties. Contact a MD underwriter about the use of out-of-state notaries for RON transactions involving Maryland properties.

8. For RON services related to powers of attorney, the document must be signed by two witnesses and the notary public. **Note that the notary cannot be one of the witnesses where RON is used.**

9. Not all Maryland counties permit electronic documents to be recorded for every type of closing. In such cases, RULONA includes a process by which documents notarized using RON can be printed and recorded, so long as the notary certifies that the hard copies of these documents are entitled to be recorded.

CONCLUSION

RULONA has implemented extensive changes affecting Maryland notaries and RON procedures. As with any new law, it will take time to become comfortable with this new law. All agents are advised to contact your Maryland underwriter or agency manager if you have any questions about RULONA.

For additional information about FFBs or any other Maryland underwriting matter, please consult with Ned Livornese, Maryland Underwriter, at nlivornese@wfgnationaltitle.com, 443-286-5964, or John Micciche, Maryland Agency Manager, at jmicciche@wfgnationaltitle.com, 410-913-1884.

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