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HOUSE JOINT RESOLUTION NO. 141

Offered January 11, 2006

Prefiled January 11, 2006

Requesting the Secretary of the Commonwealth to study Virginia's notary statutes to determine whether amendments are appropriate to facilitate notarization of electronic documents. Report.

Patron—Moran

Referred to Committee on Rules

WHEREAS, one of the purposes of the existing notary statutes found in Title 47.1 (§ 47.1-1 et seq.) of the Code of Virginia is to provide assurances to the general public and those engaged in the stream of commerce that a notary, in taking an official act of notarizing a document, has required the person signing the document to personally appear before the notary and provide proof of his identity and legal presence in the United States; and

WHEREAS, the General Assembly has enacted legislation facilitating the use of electronic documents in the stream of commerce; and

WHEREAS, the National Notary Association has prepared a model notary act that proposes procedures and standards to facilitate the notarization of electronic documents and the use of electronic documents in the stream of commerce; and

WHEREAS, updating the statutes affecting notarization of documents executed or transmitted by electronic means is vital to the Commonwealth's interests; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Secretary of the Commonwealth be requested to study Virginia's notary statutes to determine whether amendments are appropriate to facilitate notarization of electronic documents.

In conducting its study, the Secretary of the Commonwealth may seek assistance from the National Notary Association and other interested organizations including, but not limited to, the Virginia Bar Association, the Virginia Land Title Association, the Virginia Bankers Association, the Virginia Real Estate Attorney's League, the Virginia Association of Realtors, the Supreme Court of Virginia, the Virginia Court Clerks Association, and such other groups that have an interest in the notary laws of the Commonwealth.

All agencies of the Commonwealth shall provide assistance to the Secretary of the Commonwealth for this study, upon request.

The Secretary of the Commonwealth shall complete its meetings by November 30, 2006, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2007 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

INTRODUCED

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