

AN ACT  
**D.C. ACT 22-471**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 15, 2018**

To enact the Uniform Law Commission’s Revised Uniform Law on Notarial Acts, to provide for enhanced integrity of notarial transactions to ensure the authenticity of the information notarial officers certify, to recognize and facilitate notarizations using electronic records and harmonize the use of electronic notarizations with District and federal law concerning electronic transactions, to permit the notarization of signatures of individuals outside the United States by communications technology and identity proofing, and to prohibit certain fraudulent or deceptive practices; to make conforming amendments to section 6(b-20) of the Office of Administrative Hearings Establishment Act of 2001 and sections 15-501(a) and 47-2853.04(c)(2) of the District of Columbia Official Code; and to repeal the Uniform Law on Notarial Acts of 1991, sections 558 through 573 of An Act To establish a code of law for the District of Columbia, and sections 4 and 5 of An Act To authorize the commissioners of the District of Columbia to appoint notaries public.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Revised Uniform Law on Notarial Acts Act of 2018”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Acknowledgment” means a declaration by an individual that states the individual has signed a record for the purposes stated in the record, and if the record is executed in a representative capacity, that the person signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

(2) “Electronic” means relating to technology that has electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) “Electronic notary” means an individual who has received an endorsement from the Mayor to perform a notarial act with respect to electronic records under section 20(i).

(4) “Electronic signature” means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

**ENROLLED ORIGINAL**

(5) "Foreign state" means a government other than the United States, a state, or a federally recognized Indian tribe.

(6) "In a representative capacity" means acting as:

(A) An authorized officer, agent, partner, trustee, or other representative for a person other than an individual;

(B) A public officer, personal representative, guardian, or other representative, in the capacity stated in a record;

(C) An agent or attorney-in-fact for a principal; or

(D) An authorized representative of another in any other capacity.

(7) "Notarial act" means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of the District. The term "notarial act" includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, noting a protest of a negotiable instrument, taking and certifying the acknowledgment or proof of powers of attorney, mortgages, deeds, other instruments of writing, and taking affidavits to be used before any court, judge, or officer within the District.

(8) "Notarial officer" or "officer" (except as used in paragraphs (6) and (7) of this section) means a notary public or other individual authorized to perform a notarial act.

(9) "Notarial sealer" means:

(A) A physical device capable of affixing to or embossing on a tangible record an official seal;

(B) An electronic device or process capable of attaching to or logically associating with an electronic record an official seal; or

(C) A stamping device.

(10) "Notary public" means an individual commissioned by the:

(A) Mayor to perform notarial acts in the District; or

(B) Commissioning authority of the federal government, a state, or a federally recognized Indian tribe.

(11) "Official seal" means a physical image affixed to or embossed on a tangible record or an electronic image securely attached directly to or logically associated with an electronic record.

(12) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(13) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(14) "Sign" means, with present intent to authenticate or adopt a record, to:

(A) Execute or adopt a tangible symbol; or