



STATUS OF REMOTE NOTARIZATIONS IN NEW YORK AND CONNECTICUT

February 24, 2022

New York

On December 22, 2021, New York joined 39 other states (including Florida) to make remote notarizations permanently legal. The new amendment to the law, entitled the Remote Online Notarization law (NY State Senate Bill S1780C), was signed by Gov. Kathleen C. Hochul and will be effective June 30, 2022. The procedure for online notarization is forthcoming, but it is expected to be similar to what was set forth in the temporary emergency Executive Order 202.7, which covered the period March 19, 2020 through June 24, 2021, to address notarizations during the height of the pandemic. The process under the now-expired Executive Order required (i) that the technology provide sight and sound (“direct interaction”) for the remote signing, (ii) the person to provide valid photo ID during the video conference, (iii) an affirmation of the person of physical presence in the state of New York, (iv) the transmission of a copy of the document by fax or electronic means on the same date the document was signed to the notary, which the notary would then notarize on the same date, and transmit back to the person, and (v) allowed for the notary to repeat the notarization within thirty days if the original document and notarized copy of the document were sent to the notary within thirty days after the execution. Certain technical changes to the law may take effect as of January 31, 2023.

Connecticut

The temporary Executive Order permitting remote notarization in Connecticut expired and remote notarizations are not permitted in Connecticut at this time. The Connecticut legislature is currently working on a draft bill that would be effective October 1, 2022 to authorize remote notarization of documents, which has been endorsed by the Secretary of State. However, the current draft legislation would prohibit remote notarizations for real estate transactions or the making or execution of a Will or Codicil.

If you have any questions, please contact your Cummings & Lockwood LLC attorney.