

VIRGINIA'S NOTARY SPOTLIGHT

VOL 01

New Notary Laws Effective July 1, 2024

Senate Bill 8

This bill removes the requirement that a person applying for recommission as a notary public or electronic notary public include in his application an applicant oath, provided that such person is in good standing as a notary public or electronic notary public, is not subject to any investigation or proceeding, and has never been removed from office. Under current law, persons applying for recommission are required to include such oath.

How does this affect me?

If you are renewing your commission before the expiration and are in good standing, you are no longer required to take your oath at your local courthouse. Digital copies of notary renewal commissions will be given once your recommission is approved.

House Bill 986

This bill raises from \$5 to \$10 the amount a notary may charge for taking and certifying the acknowledgment of any writing, or administering and certifying an oath, or certifying affidavits and depositions of witnesses.

How does this affect me?

As of July 1, 2024, notaries may now charge \$10 to carry out their notarial duties.



House Bill 1372

This bill adds a knowledge-based authentication assessment to the methods by which a notary public may obtain satisfactory evidence of identity of an individual. As defined in the bill, a knowledge-based authentication assessment requires a principal to take a quiz composed of at least five questions related to the principal's personal history or identity and to score at least 80 percent on such quiz. The bill provides that if the principal fails to achieve a score of at least 80 percent, he may attempt up to two additional quizzes within 48 hours following the first failed quiz. The bill also provides that no notarial act shall be invalidated solely based on the failure of a notary public to perform a duty or meet a requirement as required by law;

however, the validity of a notarial act shall not prohibit an aggrieved person from invalidating a record or transaction or from seeking other remedies as allowed by law. The bill provides that these provisions shall apply retroactively to any notarial act that was performed before July 1, 2024.

How does this affect me?

1. Makes knowledge-based authentication (KBA) an explicitly allowed method of identity proofing for remote online notarization (RON). This change does not affect how Virginia notaries are performing RON today.
2. Requires only Virginia notaries to include the county or city in Virginia in which they are located to be included on an electronic notarial certificate. (This change does not affect how Virginia notaries are completing online certificates today); and
3. Adds a savings clause that means a notarial act is still valid if a notary fails to perform a duty or requirement when providing a notarization.

Notary Handbook

With three new laws in effect July 1, 2024, our department will be releasing an updated Notary Handbook. The handbook will be uploaded on July 1, 2024.

Kelly Gee
Secretary of the Commonwealth