

April 8, 2022

The Honorable Ronald Mariano, Speaker
Massachusetts House of Representatives
State House—Room 356
Boston, MA 02133

The Honorable Karen E. Spilka, President
Massachusetts Senate
State House—Room 332
Boston, MA 02133

RE: Remote Online Notarization Legislation

Dear Mr. Speaker and Madam President:

On behalf of the undersigned organizations, we write to express our support for the passage of Remote Online Notarization (“RON”) legislation to modernize notarization practices in the Commonwealth by authorizing RON for use by Massachusetts’ notaries public.

As you know, the Joint Committee on the Judiciary has before it several bills relating to online notarization, the reporting date for which has been extended to April 15th. The Committee is also in possession of suggested language on which we, the undersigned organizations, have worked for over three years. This suggested language ensures Massachusetts’ notaries will have access to the most secure and latest notarization technology, while at the same time strengthening consumer protections and clarifying the rules governing the unauthorized practice of law. We have recommended that the House and Senate Judiciary Chairs support this compromise language as the basis for a committee redraft of the notarization bills currently before them. We ask, pending a favorable committee report, that it receives timely consideration by both the House and Senate.

In response to the COVID-19 pandemic, the Legislature enacted, and has since extended Chapter

71 of the Acts of 2020, which authorized Massachusetts' notaries to perform Remote Ink Notarization ("RIN"). The bill we propose is not an extension of COVID-era protections. Rather, it is a comprehensive bill designed to replace the temporary RIN extension with an acceptable standard in the General Laws for the use of remote technology by Massachusetts notaries. It is vital that the Secretary of the Commonwealth have adequate time for implementation, so that our business and consumers may join other states in which RON is available.

RON is a modern form of notarization that allows anyone to appear before a commissioned notary using audio/video technology. Unlike the existing RIN provision, RON is designed with a multi-layered approach to fraud prevention, using technology not available in the traditional paper-based process. The document signer would be identified through at least two forms of identity proofing, and an A/V recording of a signing would be created by employing tamper-evident technologies to secure electronic records.

Authorizing RON for use by Massachusetts' notaries will further position the Commonwealth as a leader in technology and innovation with a modern solution that benefits businesses, consumers, and notaries across the Commonwealth.

The bill will also increase access to notarial services. Utilizing RON, a notary can provide services to individuals located anywhere in the state without leaving home or an office. The bill will also make it easier for notaries who speak multiple languages to provide services to the thousands of residents in the Commonwealth who do not speak English, a critical step toward removing existing barriers to completing important financial and other personal transactions.

Massachusetts should join the 38 other states that have passed a law to authorize the use of fully remote technology in notarization practice. We believe that we have responded to the reasonable concerns of other stakeholders while at the same time respecting Massachusetts customs and conventions for the practice of law in real estate closings and estate planning. Importantly, RON will be accessible to everyone in Massachusetts, including our state's small businesses.

The bill is right for Massachusetts. It addresses the specific needs of the Commonwealth and creates a solution that works well for consumers and businesses alike. After years of deliberation and collaboration, the bill is supported by a diverse collection of stakeholders representing technology and financial service providers and industry and professional associations. We have drawn on legal and other research from experience in other states, going back nearly ten years ago when the first RON law went into effect in the Commonwealth of Virginia in 2012.

Now is the time for the General Court to continue to embrace effective solutions that carry on the Commonwealth's tradition of promoting 21st-century innovation. Therefore, we ask the General Court to support the proposed bill draft, and we encourage its timely passage.

Thank you for your consideration.

Sincerely,

Patrick Kinsel
CEO and Founder
Notarize, Inc.

Ronald McLean
President/CEO
Cooperative Credit Union Association, Inc.

Peter Wittenborg
Executive Director
Real Estate Bar Association for Massachusetts

Jason Sorochinsky
Vice President of Mortgage Lending
DCU - Digital Federal Credit Union

Deborah J. Sousa
Executive Director
Massachusetts Mortgage Bankers Association

Luke Dillon
President and CEO
Life Insurance Association of Massachusetts

Kathleen M. Murphy
President & CEO
Massachusetts Bankers Association

CC: The Honorable Michael S. Day, House Chairman, Joint Committee on The Judiciary
The Honorable James B. Eldridge, Senate Chairman, Joint Committee on The Judiciary