eClosing and eNotarization

Agenda

- Three types of eClosing

- National Activity

- IPEN Standards

- RON Standards

- eRecording Standards

- Q&A

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Three Types of eClosing

Three Types of eClosing

Hybrid In-Person

- Signing occurs in person

- All non-notarized documents are electronic and eSigned

- All notarized documents are wet signed and notarized on paper

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Three Types of eClosing

In-Person eNotarization

- Signing occurs in person

- All documents are electronic, eSigned and eNotarized

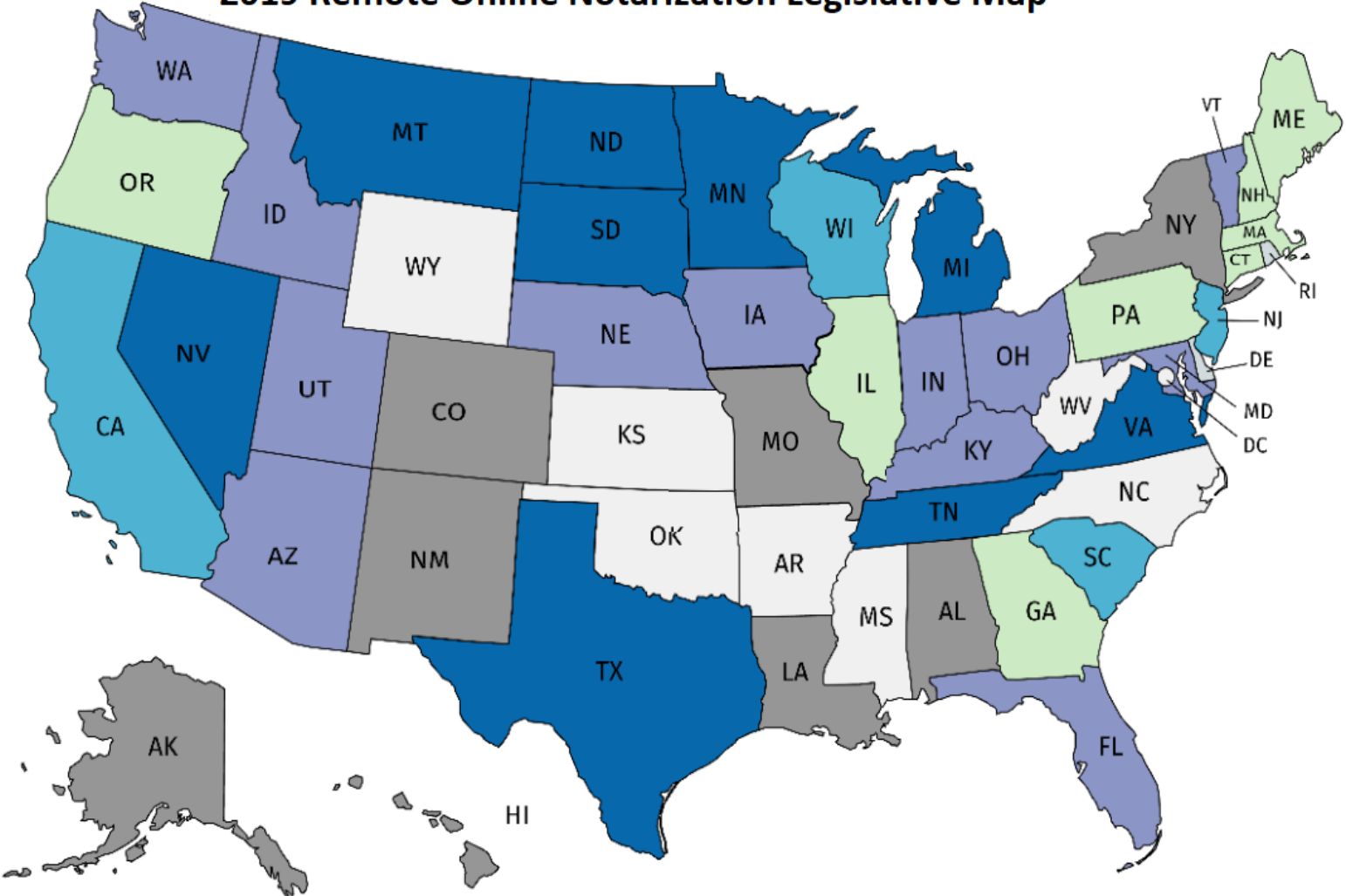# Three Types of eClosing

Remote Online Notarization (RON)

- Signing occurs remotely in real-time via two-way audio-visual connection

- All documents are electronic, eSigned and eNotarized

- ID verification occurs through knowledge-based assessment in addition to other ID inspections

National Activity

2019 Remote Online Notarization Legislative Map

Quick Math

- 22 States Legislation Approved

- 12 States Awaiting Regulations

- 10 States Live

Legend:
- Live
- Awaiting Regulation
- Introduced Legislation
- Discussions
- No Discussions Found
- Legislation Attempt Failed for 2019 Session

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IPEN Standards

IPEN Standards

- What requirements must a notary fulfill to become an e-notary? Are traditional requirements enough? Is a separate license required?

- What technology requirements must the notary use in performing IPEN (i.e. IPAD, phone, security requirements, tamper evident, etc)?;

- Should the journal requirement be the same for both IPEN and traditional notarizations? If the requirements are the same, should there be a provision for an electronic journal, or, should you be required to record your electronic act in your physical journal?

- Should technology approval be required by the State? i.e. must the tech provider apply and be listed as approved by the SoS?

RON Standards

RON Standards

MISMO

- Mortgage Industry Standards Maintenance Organization

- Close to finalizing

- States to look too: TN and TX

RON Standards

Credential Analysis

- Ensures the Signers ID is authentication

- Requires Government Issued ID with Photograph

- Identifies inappropriate modification

- Provides authenticity test results to the Notary

Knowledge Based Authentication

- Helps prove the signer is who they say they are

- Signer must answer 5 "out-of-wallet" Questions each with 5 possible answers

- Requires a Passing Score of 4 out of 5 correct answers (80%) within 2 Minutes

- If the signers fail, they get up to 2 more attempts within 48 hours

RON Standards

Audio/Video Quality

- Ensures real time communication and a recording of the notarial act

- Participants must be clearly seen and understood

- The video recording must include the Notarial Act and easily align to an electronic audit trail of events

Storage of the Notarial Records

- Provides information for the notarial journal

- Collect information necessary for the notarial record

- Make the information available to the Notary

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RON Standards

Post Execution Audit Trail

- Creates a log of important activities

- Each executed, digital document must be rendered Tamper-Evident

- Significant actions should be recorded in an audit trail to include:

    - The action
    - The person
    - The date and time
    - The IP address of the person's device

Security

- Keeps personal data safe and secure

- RON system platforms must have comprehensive security programs to ensure privacy and data security

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eRecording Standards

eRecording Standards

PRIA

- Property Records Industry Association

- Recordable Instrument Guide for eRecording

- **Importance:** Acceptance and Implementation

Q&A