

The Senate Committee on Judiciary offered the following substitute to HB 334:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 6 of Title 15 and Article 1 of Chapter 17 of Title 45 of the  
2 Official Code of Georgia Annotated, relating to clerks of superior courts and general  
3 provisions regarding notaries public, respectively, so as to provide for remote online notaries  
4 public and remote online notarizations; to provide for and revise definitions; to revise the  
5 powers of the Georgia Superior Court Clerks' Cooperative Authority; to provide for  
6 requirements for remote online notaries public and remote online notarization; to provide that  
7 the Georgia Superior Court Clerks' Cooperative Authority may adopt certain standards for  
8 remote online notarization; to provide for application and appointment as a remote online  
9 notary public; to provide requirements for electronic journaling; to amend Article 4 of  
10 Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to inspection of  
11 public records, so as to provide that certain records of remote online notarization processes  
12 shall not be subject to public disclosure; to provide for related matters; to provide an  
13 effective date; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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**PART I**  
**SECTION 1-1.**

17 Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to  
18 clerks of superior courts, is amended by revising paragraphs (8) and (9) and by adding a new  
19 paragraph to subsection (d) of Code Section 15-6-94, relating to the Georgia Superior Court  
20 Clerks' Cooperative Authority, as follows:

21     "(8) To exercise any power granted by the laws of this state to public or private  
22 corporations which is not in conflict with the public purpose of the authority; ~~and~~  
23     (9) To issue technical standards for remote online notarization pursuant to Article 1 of  
24     Chapter 17 of Title 45; and  
25     ~~(9)~~(10) To do all things necessary or convenient to carry out the powers conferred by this  
26     Code section and to carry out such duties and activities as are specifically imposed upon  
27     the authority by law."

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**SECTION 1-2.**

29 Article 1 of Chapter 17 of Title 45 of the Official Code of Georgia Annotated, relating to  
30 general provisions regarding notaries public, is amended by revising Code Section 45-17-1,  
31 relating to definitions, as follows:

32     "45-17-1.

33     As used in this article, the term:

34     (1) 'Appear', 'personally appear', and 'in the presence of' mean:

35         (A) Being in the same physical location as another individual and close enough to see,  
36         hear, communicate with, and exchange tangible identification credentials with such  
37         individual; or

38         (B) For remote online notary purposes, interacting with another individual by means  
39         of communication technology that complies with the provisions of this article.

40 (2) 'Attesting', and 'attestation', and 'attested' are synonymous and mean the notarial act  
41 of witnessing or attesting a signature or execution of a deed or other written instrument,  
42 where such notarial act does not involve the taking of an acknowledgment, the  
43 administering of an oath or affirmation, the taking of a verification, or the certification  
44 of a copy.

45 (3) 'Communication technology' means an electronic device or process that allows a  
46 remote online notary public physically located in this state and a remotely located  
47 individual to communicate with each other simultaneously by sight and sound and which,  
48 as necessary, makes reasonable accommodations for individuals with vision, hearing, or  
49 speech impediments.

50 (4) 'Credential analysis' means a process or service operating according to the standards  
51 through which a third person or entity affirms the validity of a government issued  
52 identification credential through review of public or proprietary data sources.

53 (5) 'Digital signature' means an electronic signature that embeds registered personal key  
54 infrastructure technology into the signing process and provides for the authentication of  
55 the identity of a remote online notary public, confirmation of the signed document's  
56 contents, and for the nonrepudiation of the notary's electronic signature. The digital  
57 signature shall be made pursuant to and associated with a digital certificate issued by a  
58 trusted service provider which is attached to or logically associated with an electronic  
59 document and adopted by a notary public with the intent to sign an electronic document  
60 in the official capacity as a notary. A digital signature means an electronic signature that  
61 is, and shall be, made in compliance with the standards adopted pursuant to this article  
62 by the Georgia Superior Court Clerks' Cooperative Authority based on the Digital  
63 Signature Standard (DSS) of the National Institute of Standards and Technology (NIST).

64 (6) 'Electronic' means relating to technology having electrical, digital, magnetic,  
65 wireless, optical, electromagnetic, or similar capabilities.

66 (7) 'Electronic document' and 'electronic record' mean information that is created,  
67 generated, sent, communicated, received, or stored by electronic means.

68 (8) 'Electronic journal' means a record kept by the remote online notary public to track  
69 and document every notarial act performed, as provided by subsection (a) of Code  
70 Section 45-17-8.5.

71 (9) 'Electronic in-person notarization' means the notarization of an electronic record  
72 when the signer or signers of the record are in the physical presence of the notary public  
73 and that include the notary's electronic notarial certificate, the notary's digital signature,  
74 and electronic signatures of each signer.

75 (10) 'Electronic notarial certificate' means the electronic form of an acknowledgment,  
76 jurat, verification by oath or affirmation, or verification of witness or attestation that is  
77 completed by a notary performing an electronic in-person notarization and:

78 (A) Contains the notary public's digital signature, electronic seal, title, and commission  
79 expiration date; or

80 (B) Otherwise conforms to the requirements for an acknowledgment, jurat, verification  
81 by oath or affirmation, or verification of witness or attestation under the laws of this  
82 state.

83 (11) 'Electronic seal' means information within a notarized electronic document that  
84 confirms the remote online notary public's, or electronic in person notary public's, name,  
85 jurisdiction, commission expiration date, commission number, and otherwise generally  
86 corresponds to information in notary public seals used on paper documents.

87 (12) 'Electronic signature' means an electronic sound, symbol, or process attached to or  
88 logically associated with an electronic record and executed or adopted by an individual  
89 with the intent to sign the electronic document or record.

90 (13) 'Identity proofing' means a process or service operating pursuant to the standards  
91 through which credential analysis and authentication confirms the identity of an  
92 individual.

93 ~~(2)~~(14) 'Notarial act' means any act that a notary public is authorized by law to perform  
94 and includes, without limitation, attestation, the taking of an acknowledgment, the  
95 administration of an oath or affirmation, the taking of a verification upon an oath or  
96 affirmation, and the certification of a copy.

97 ~~(3)~~(15) 'Notarial certificate' means the notary's documentation of a notarial act.

98 (16) 'Notary' and 'notary public' mean a person who has been appointed by a clerk of  
99 superior court pursuant to Code Section 45-17-2.3.

100 (17) 'Original appointment' means a notary public appointment other than a remote  
101 online notary public appointment.

102 (18) 'Real estate document' means any instrument, document, or deed entitled to  
103 recordation in the real property records or lien indices or recording records maintained  
104 by the clerk of superior court, and any instrument or document executed in connection  
105 with the conveyance of land whether recorded or not.

106 (19) 'Remote online notarial certificate' is the electronic form of an acknowledgment,  
107 jurat, verification by oath or affirmation, or verification of witness or attestation that is  
108 completed by a remote online notary public performing a remote online notarization and:

109 (A) Contains the remote online notary public's digital signature, electronic seal, title,  
110 and commission expiration date;

111 (B) Contains the date and location address of the signer or signers and the location of  
112 the remote online notary public;

113 (C) Contains a statement that the signer or signers executing the electronic document  
114 or making the acknowledgment, oath, affirmation, verification, or attestation appeared  
115 remotely online;

116 (D) Otherwise conforms to the requirements for an acknowledgment, jurat, verification  
117 by oath or affirmation, verification of witness or attestation under the laws of this state;  
118 and

119 (E) Contains a statement that the signer or signers affirmatively agreed to electronic  
120 execution and remote online notarization.

121 (20) 'Remote online notarization' or 'remote online notarial act' means a notarial act  
122 performed by a remote online notary public by means of communication technology  
123 according to the provisions of this article.

124 (21) 'Remote online notary public' means a notary public who has been commissioned  
125 as a remote online notary public to perform online notarizations under this article.

126 (22) 'Remote presentation' means transmission to the remote online notary public  
127 through communication technology of an image of a government issued identification  
128 credential that is of sufficient quality to enable the remote online notary public to:

129 (A) Identify the individual seeking the remote online notary public's services; and

130 (B) Perform credential analysis.

131 (23) 'Remotely located individual' means an individual who is not in the physical  
132 presence of the remote online notary public.

133 (24) 'Repository' means a third-party business entity authorized to transact business in  
134 this state that is in the business of retaining electronic journals and audiovisual copies of  
135 remote online notarizations according to Code Section 45-17-8.5.

136 (25) 'Signer' means an individual whose electronic signature is notarized in an electronic  
137 in-person notarization or a remote online notarization or is making an oath or affirmation  
138 or an acknowledgment, other than in the capacity of a witness, for a document which is  
139 to be notarized by an electronic in-person notarization or a remote online notarization.

140 (26) 'Standards' means the remote online notary standards as shall be adopted by the  
141 Georgia Superior Court Clerks' Cooperative Authority."

142 **SECTION 1-3.**

143 Said article is further amended by revising Code Section 45-17-6, relating to seal of office,  
144 as follows:

145 "45-17-6.

146 (a)(1) For the authentication of his or her notarial acts, each notary public must provide  
147 a seal of office, which seal shall have for its impression ~~his~~ the notary's name, the words  
148 'Notary Public,' the name of the state, and the county of ~~his residence~~ the notary's  
149 appointment; or it shall have for its impression ~~his~~ the notary's name and the words  
150 'Notary Public, Georgia, State at Large.' Notaries commissioned or renewing their  
151 commission after July 1, 1985, shall provide a seal of office which shall have for its  
152 impression the notary's name, the words 'Notary Public,' the name of the state, and the  
153 county of ~~his~~ the notary's appointment. The embossment of notarial certificates by the  
154 notary's seal shall be authorized but not necessary; and the use of a rubber or other type  
155 stamp shall be sufficient for imprinting the notary's seal on paper notarial certificates. A  
156 scrawl shall not be a sufficient notary seal. An official notarial act must be documented  
157 by the notary's seal. An electronic seal shall be used for purposes of any electronic  
158 in-person notarization or remote online notarization.

159 (2) No document executed prior to July 1, 1986, which would otherwise be eligible for  
160 recording in the real property records maintained by any clerk of superior court or  
161 constitute record notice or actual notice of any matter to any person shall be ineligible for  
162 recording or fail to constitute such notice because of noncompliance with the requirement  
163 that the document contain a notary seal.

164 (b) It shall be unlawful for any person, firm, or corporation to supply a notary public seal  
165 to any person unless the person has presented the duplicate original of the certificate  
166 commissioning the person as a notary public. It shall be unlawful for any person to order  
167 or obtain a notary public seal unless such person is commissioned as a notary public."

168

#### **SECTION 1-4.**

169 Said article is further amended by revising subsection (a) of Code Section 45-17-8.1, relating  
170 to signature and date of notarial act, as follows:

171 "(a) Except as otherwise provided in this Code section, in documenting a notarial act, a  
172 notary public shall sign on the notarial certification, digitally in the case of electronic  
173 in-person notarization or remote online notarization or by hand in ink in all other cases,  
174 only and exactly the name indicated on the notary's commission and shall record on the  
175 notarial certification the exact date of the notarial act."

176 **SECTION 1-5.**

177 Said article is further amended by adding new Code sections to read as follows:

178 "45-17-8.3.

179 (a) Prior to January 1, 2022, the Georgia Superior Court Clerks' Cooperative Authority  
180 shall adopt standards for remote online notarization in accordance with this article.

181 (b) The Georgia Superior Court Clerks' Cooperative Authority may confer with any  
182 appropriate state agency on matters relating to equipment, security, and technological  
183 aspects of the remote online notarization standards.

184 (c) In the adoption of any standards it may adopt pursuant to this article, the Georgia  
185 Superior Court Clerks' Cooperative Authority shall consider the most recent standards  
186 established by relevant national bodies, such as the National Association of Secretaries of  
187 State (NASS).

188 45-17-8.4

189 (a) Appointment as a notary public in this state shall be a requirement and condition  
190 precedent for appointment as a remote online notary public.

191 (b) Before each application for appointment as a remote online notary public, an individual  
192 shall complete a course of instruction provided by the Georgia Superior Court Clerks'  
193 Cooperative Authority and pass an examination based on such course. The content of the  
194 course shall include notarial standards and procedures, the standards, and ethical  
195 obligations pertaining to electronic in-person notarization and remote online notarization

196 in this article or in any other law. Such course may be taken in conjunction with any  
197 course required by the clerk of superior court for an original appointment. The standards  
198 for such course shall be developed, maintained, and administered by the Georgia Superior  
199 Court Clerks' Cooperative Authority and neither the Georgia Superior Court Clerks'  
200 Cooperative Authority nor any clerk of superior court shall charge a fee for such course.

201 (c) Effective January 1, 2022, an individual who meets the qualifications for becoming a  
202 notary public of this state desiring to be appointed as a remote online notary public shall  
203 submit an application to the clerk of superior court of the county of the applicant's current  
204 residence. In the event that such applicant is the holder of an unexpired notary commission  
205 issued from a county other than the county of the applicant's current residence, such  
206 applicant shall officially resign the unexpired commission and make new application to the  
207 clerk of superior court for the county of current residence for both a notary commission and  
208 commission as a remote online notary public. An application may request both an original  
209 appointment or renewal and a remote online notary public appointment. The application  
210 for a remote online notary public appointment shall set forth the declaration that the notary  
211 meets the qualifications for remote online notarization as provided by this article. Such  
212 application shall include, but shall not be limited to:

213 (1) The applicant's legal name to be used in acting as a notary public;

214 (2) Email address of the applicant;

215 (3) Telephone number of the applicant;

216 (4) Proof of successful completion by the applicant of the course and examination  
217 required by subsection (b) of this Code section;

218 (5) A physical residential address of the applicant in this state if a resident of this state;

219 (6) Evidence that the notary surety bond prescribed by this article for the performance  
220 or remote online notarial acts has been issued;

221 (7) The identity of the technology provider the remote online notary public intends to use  
222 for remote online notarization and the repository to be used by such notary for

223 maintenance of his or her electronic journal and audiovisual recordings. The technology  
224 provider, communication technology, and repository selected by the remote online notary  
225 public must conform to standards;

226 (8) A certification that the applicant will comply with this article and the standards;

227 (9) Disclosure of any and all license or commission revocations or other governmental  
228 disciplinary actions against the applicant; and

229 (10) Any other information, evidence, or declaration requested by the clerk of superior  
230 court.

231 (d)(1) The fee for submitting an application for appointment as a remote online notary  
232 shall be paid to the county general fund and shall be the same fee as for an application for  
233 an original appointment pursuant to Code Section 45-17-4. One fee shall be collected  
234 for:

235 (A) An application for a commission as a remote online notary public;

236 (B) An application for a notary commission renewal and a commission as a remote  
237 online notary public; or

238 (C) An application for an original or new notary commission and commission as a  
239 remote online notary public.

240 (2) The Georgia Superior Court Clerks' Cooperative Authority or the clerk of superior  
241 court shall not charge, add, or require any additional fees for submitting an application  
242 for appointment as a remote online notary under this article.

243 (e) Upon the applicant's fulfillment of the requirements for appointment under this chapter,  
244 the clerk of superior court may approve or deny the appointment based on the provisions  
245 of this article and Code Section 45-17-2.3, and upon approval shall issue to the applicant  
246 a commission as a remote online notary public and a unique remote online notary public  
247 commission number.

248 (f) Unless terminated pursuant to this article, the term of commission to perform remote  
249 online notarization shall coincide with the term of the original appointment or any renewal  
250 thereof.

251 (g) Upon approval of the application to be appointed a remote online notary public by the  
252 clerk of superior court, such notary shall:

253 (1) Be authorized to perform remote online notarization pursuant to this article;

254 (2) Maintain a notary surety bond in the amount of \$2,000.00;

255 (3) Except for a remote online notary public as appointed under subsection (h) of this  
256 Code section, maintain a residential domicile and physical presence in this state; and

257 (4) Promptly notify the appointing clerk of superior court, with a copy to the Georgia  
258 Superior Court Clerks' Cooperative Authority, of any change in the information provided  
259 in the remote online notary public application, including, but not limited to, legal name,  
260 email address, telephone number, physical residential address, any change in the  
261 technology or repository provider used by such online notary public, and the name and  
262 address of the repository used by such remote online notary public for maintenance of his  
263 or her electronic journal.

264 (h)(1) Any person wishing to be commissioned as a remote online notary public must  
265 meet all the requirements of Code Section 45-17-2 as to an original appointment and this  
266 article as to a remote online notary public appointment.

267 (2) In addition to the submission requirements for an original appointment under Code  
268 Section 45-17-2.1, such individual shall submit the application for a remote online notary  
269 public as required in this article to the clerk of superior court in the county in which such  
270 individual carries on such profession, business, or employment. The clerk of superior  
271 court shall approve or deny such application based on the provisions of this article and  
272 Code Section 45-17-2.3. Upon approval and payment of the usual fees to the clerk, the  
273 applicant shall be issued a unique remote online notary public commission number and

274 shall be authorized to perform all duties and exercise all of the powers and authorities  
275 relating to remote online notary publics who are residents of this state.

276 45-17-8.5

277 (a) Each remote online notary public shall keep a secure, permanent, tamper-evident  
278 electronic journal in accordance with this article and the standards with entries for each  
279 remote online notarization. A journal entry shall at a minimum include the:

280 (1) Date and time of the remote online notarization;

281 (2) Type of remote online notarial act;

282 (3) Type, title, or description of the electronic document or proceeding;

283 (4) Name and address of each signer involved in the transaction or proceeding, notarized  
284 by such notary;

285 (5) Confirmation of identify based on evidence of identity presented for each signer  
286 involved in the transaction or proceeding in the form of:

287 (A) Notation of the type of identification document provided to the remote online  
288 notary public pursuant to the credential analysis; and

289 (B) A description and results of each identity proofing performed;

290 (6) Physical location of the signer or signers of the document at the time of notarization;

291 (7) Physical location of the remote online notary public at the time of remote online  
292 notarization; and

293 (8) The fee, if any, charged for the remote online notarization.

294 (b) The electronic journal shall be retained and maintained for at least ten years after the  
295 date of the last remote online notarial transaction performed.

296 (c) Each remote online notary public shall cause an electronic copy of each electronic  
297 journal entry to be promptly transmitted to and retained by a repository for retention. Each  
298 repository receiving any journal or journal entry shall securely retain and maintain such

299 electronic journal for a minimum of ten years following the last submission of an electronic  
300 journal entry by a remote online notary public.

301 (d) Each remote online notary public shall create an audiovisual recording of the  
302 performance of the remote online notarial act as evidence of participant identity, type of  
303 participant identification presented, and the validity of the notarial act.

304 (e) Each remote online notary public shall cause an electronic copy of each audiovisual  
305 recording to be immediately transmitted to and retained by a repository. Each repository  
306 receiving any audiovisual recording shall securely retain and maintain such audiovisual  
307 recording for a minimum of ten years following submission of the last audiovisual  
308 recording submitted by a remote online notary public.

309 (f)(1) When adopting standards regarding remote online notarization, the Georgia  
310 Superior Court Clerks' Cooperative Authority shall consider the most recent guidance or  
311 model standards proposed by relevant organizations recognized in such field of practice,  
312 including, but not limited to, the National Association of Secretaries of State (NASS).

313 (2) When adopting standards regarding digital signatures, the Georgia Superior Court  
314 Clerks' Cooperative Authority shall consider the most recent guidance or model standards  
315 proposed by relevant organizations recognized in such field of practice, including, but not  
316 limited to, the Digital Signature Standard (DSS) of the National Institute of Standards and  
317 Technology (NIST).

318 (g) A remote online notary public shall take reasonable steps to:

319 (1) Ensure the integrity, security, and authenticity of each remote online notarization;

320 (2) Maintain a backup of each electronic journal required by subsection (a) of this Code  
321 section and the recording required by subsection (d) of this Code section; and

322 (3) Protect the backup record from unauthorized use.

323 45-17-8.6

324 (a) A notary public physically located in this state may perform electronic in-person  
325 notarization in accordance with this article and the standards for an individual who is in the  
326 physical presence of the notary public.

327 (b) A remote online notary public physically located in this state may perform remote  
328 online notarization using communication technology in accordance with this article and the  
329 standards for a remotely located individual who is physically located:

330 (1) In this state; or

331 (2) Outside this state but within the United States.

332 45-17-8.7.

333 (a) A notary public and a remote online notary public shall take reasonable steps to ensure  
334 that any registered device or digital certificate used to create an electronic signature or the  
335 notary's or remote online notary public's digital signature is current, valid, and has not been  
336 revoked or terminated by the device's or certificate's issuing or registering authority.

337 (b) The duties of the notary public and the remote online notary public, in addition to the  
338 duties provided for in Code Section 45-17-8, are to:

339 (1) Keep his or her electronic record, electronic signature, and electronic seal secure and  
340 under his or her exclusive control;

341 (2) Not allow another person to use his or her electronic record, digital signature, or  
342 electronic seal. A remote online notary public may use such remote online notary  
343 public's digital signature only for performing electronic in-person notarization or remote  
344 online notarization and a notary public may use such notary public's digital signature only  
345 for performing electronic in-person notarization;

346 (3) Attach his or her digital signature and seal to the remote online notarial certificate of  
347 an electronic document in a manner that is conducive to independent verification and  
348 renders evident any subsequent change or modification to the electronic document; and

349 (4) Immediately notify an appropriate law enforcement agency and appointing clerk of  
350 superior court, with a copy to the Georgia Superior Court Clerks' Cooperative Authority,  
351 of the theft or vandalism of such notary's or remote online notary public's electronic  
352 record, digital signature, or electronic seal. A notary public or a remote online notary  
353 public shall immediately notify the appointing clerk of superior court, with a copy to the  
354 Georgia Superior Court Clerks' Cooperative Authority, if his or her electronic record,  
355 digital signature, or electronic seal has been lost or used by another person.

356 45-17-8.8

357 (a) In performing a remote online notarization, a remote online notary public shall verify  
358 the identity of a signer creating an electronic signature at the time that the signature is taken  
359 by using secure communication technology that meets the requirements of this article and  
360 any standards adopted under this article. Identity shall be verified by each of the following:

361 (1) Remote presentation by the person creating the electronic signature of a valid  
362 government issued identification credential, including a passport or driver's license, that  
363 contains the signature and a photograph of the person;

364 (2) Credential analysis; and

365 (3) Successful verified identity proofing.

366 (b) The remote online notary public's communication technology provider and repository  
367 shall take reasonable steps to ensure that the communication technology used for a remote  
368 online notarization is secure from unauthorized interception. Each provider of  
369 communication technology products or services for remote online notarization in this state  
370 shall cause such products or services to comply with all provisions of this article and the  
371 standards relating to remote online notarization. Prior to providing remote online notary  
372 public products or services, a communication technology provider shall present a certificate  
373 of compliance to the remote online notary public affirming that such products and services  
374 comply with the provisions of this article and the standards pursuant to this article.

375 (c) A remote online notary public shall require his or her communication technology  
376 provider used to comply with the provisions of this article and the standards.

377 (d) A remote online notarial act meeting the provisions of this Code section satisfies the  
378 requirement of any law of this state relating to a notarial act that requires a signer to appear  
379 or personally appear before a notary or that the notarial act be performed in the presence  
380 of a notary, except for a notarial act pursuant to a law governing the creation and execution  
381 of wills, codicils, or testamentary trusts or is for the purpose of recording a real estate  
382 document as defined in paragraph (18) of Code Section 45-17-1.

383 45-17-8.9.

384 (a) A remote online notary public or the remote online notary public's employer may  
385 charge a fee for performance of remote online notarization in an amount not to exceed  
386 \$25.00 per remote online notarization.

387 (b) A notary public or a remote online notary public whose commission terminates shall  
388 destroy or delete the coding, disk, certificate, card, software, hardware, or password that  
389 enables the electronic affixation of the notary public's or remote online notary public's  
390 official digital signature and electronic seal.

391 (c) Any person that, without authorization, knowingly obtains, conceals, damages,  
392 destroys, or deletes the coding, disk, certificate, card, software, hardware, or password  
393 enabling a notary public or a remote online notary public to affix a digital signature or  
394 electronic seal shall, upon conviction thereof, be guilty of a misdemeanor and punished  
395 pursuant to Code Section 45-17-20.

396 45-17-8.10.

397 (a) Nothing in this article shall be construed to alter or supersede the law as set forth under  
398 Article 3 of Chapter 19 of Title 15 or any opinion or ruling by the Supreme Court of  
399 Georgia pertaining to the unauthorized practice of law in this state.

400 (b) A remote online notary public who is not a licensed Georgia attorney shall be  
401 prohibited from rendering services or advice that constitutes the practice of law in this  
402 state.

403 45-17-8.11.

404 (a) Any public official in this state, including all public officials of county and municipal  
405 government entities, shall be authorized to accept as an original a reproduction of any  
406 document executed using electronic signatures or electronic signatures and remote online  
407 notarization.

408 (b) A notary public or a remote online notary public shall not perform any notarial act by  
409 electronic in-person notarization or remote online notarial act by remote online notarization  
410 if the notarial act or remote online notarial act is pursuant to a law governing the creation  
411 and execution of any will, codicil or testamentary trust or is a real estate document as  
412 defined in paragraph (18) of Code Section 45-17-1.

413 **SECTION 1-6.**

414 Said article is further amended by revising Code Section 45-17-9, relating to where notarial  
415 acts may be exercised, as follows:

416 "45-17-9.

417 Notarial acts or remote online notarial acts may be exercised in or from any county in ~~the~~  
418 this state."

419 **SECTION 1-7.**

420 Said article is further amended by revising Code Section 45-17-17, relating to resignation of  
421 commission, return of papers, and destruction of seal, as follows:

422 "45-17-17.

423 A person who wishes to resign a notarial commission or remote online notarial commission  
424 shall send a signed letter of resignation to the appointing clerk of superior court, with a  
425 copy to the Georgia Superior Court Clerks' Cooperative Authority, and all papers of  
426 appointment. The resigning notary public or remote online notary public shall destroy or  
427 delete the official notarial seal."

428 **SECTION 1-8.**

429 Said article is further amended by revising Code Section 45-17-18, relating to the resignation  
430 of commission, return of papers, and destruction of seal, as follows:

431 "45-17-18.

432 A notary public or remote online notary public whose commission expires and who does  
433 not apply for renewal of such commission or whose application for renewal of a  
434 commission is denied shall destroy or delete the official notary seal."

435 **PART II**

436 **SECTION 2-1.**

437 Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to  
438 inspection of public records, is amended by revising paragraph (12) of subsection (a) of Code  
439 Section 50-18-72, relating to when public disclosure not required, as follows:

440 "(12) Records consisting of any audiovisual recording of the performance of a remote  
441 online notarization process as provided for by Code Section 45-17-8.5 Reserved;"

442

**PART III**

443

**SECTION 3-1.**

444 This Act shall become effective upon its approval by the Governor or upon its becoming law

445 without such approval.

446

**SECTION 3-2.**

447 All laws and parts of laws in conflict with this Act are repealed.