

The House Committee on Judiciary, Juvenile offers the following substitute to SB 8:

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 revise and provide for 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 Part 2 of Article
10 15 of Chapter 1 of Title 10, Part 1 of Article 1 of Chapter 2 of Title 44 and Article 4 of
11 Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to the "Fair
12 Business Practices Act of 1975," recording of deeds and other real property transactions and
13 inspection of public records, respectively, so as to provide for an unfair or deceptive practice
14 in consumer transactions in the recording of certain residential real estate documents; to
15 revise recordation standards for deeds and other real property transactions requiring an
16 official and an unofficial witness; to provide for the electronic execution of instruments,
17 documents, deeds, and real estate documents; to provide that certain records of remote online
18 notarization processes shall not be subject to public disclosure; to make certain acts of the

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19 unauthorized practice of law felonies and to provide for penalties therefore; to amend Article
20 3 of Chapter 19 of Title 15 of the Official Code of Georgia Annotated, relating to the
21 regulation of practice of law, so as to make certain acts of the unauthorized practice of law
22 felonies and to provide for penalties therefore; to provide for related matters; to provide
23 effective dates and applicability; to repeal conflicting laws; and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

25 **PART I**
26 **SECTION 1-1.**

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

31 "(8) To exercise any power granted by the laws of this state to public or private
32 corporations which is not in conflict with the public purpose of the authority; ~~and~~
33 (9) To issue technical standards for remote online notarization pursuant to Article 1 of
34 Chapter 17 of Title 45; and
35 ~~(9)~~(10) To do all things necessary or convenient to carry out the powers conferred by this
36 Code section and to carry out such duties and activities as are specifically imposed upon
37 the authority by law."

38 **SECTION 1-2.**

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

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42 "45-17-1.

43 As used in this article, the term:

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

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

48 (B) Interacting with another individual by means of communication technology that
49 complies with the provisions of this article.

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

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

60 (4) 'Credential analysis' means a process or service operating according to the standards
61 through which a third-party business entity affirms the validity of a government issued
62 identification credential through review of public or proprietary data sources.

63 (5) 'Digital signature' means an electronic signature that embeds registered personal key
64 infrastructure technology into the signing process and provides for the authentication of
65 the identity of a remote online notary public, confirmation of the signed document's
66 contents, and for the nonrepudiation of the notary's electronic signature. The digital
67 signature shall be made pursuant to and associated with a digital certificate issued by a
68 trusted service provider which is attached to or logically associated with an electronic

69 document and adopted by a notary public with the intent to sign an electronic document
70 in the official capacity as a notary. Such term means an electronic signature that is, and
71 shall be, made in compliance with the standards adopted pursuant to this article by the
72 Georgia Superior Court Clerks' Cooperative Authority based on the Digital Signature
73 Standard (DSS) of the National Institute of Standards and Technology (NIST).

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

76 (7) 'Electronic document' and 'electronic record' mean information created, generated,
77 sent, communicated, received, or stored by electronic means.

78 (8) 'Electronic in-person notarization' means the notarization of an electronic record
79 when the signer or signers of the record are in the physical presence of the notary public
80 and that include the notary's electronic notarial certificate, the notary's digital signature,
81 and electronic signatures of each signer.

82 (9) 'Electronic journal' means a record kept by the remote online notary public to track
83 and document each notarial act performed, as provided by subsection (a) of Code Section
84 45-17-8.5.

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

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

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

93 (11) 'Electronic seal' means information within a notarized electronic document that
94 confirms the remote online notary public's, or electronic in-person notary public's, name,

- 95 jurisdiction, commission expiration date, commission number, and otherwise generally
96 corresponds to information in notary public seals used on paper documents.
- 97 (12) 'Electronic signature' means an electronic sound, symbol, or process attached to or
98 logically associated with an electronic record and executed or adopted by an individual
99 with the intent to sign the electronic document or record.
- 100 (13) 'Identity proofing' means a process or service operating pursuant to the standards
101 through which credential analysis and authentication confirms the identity of an
102 individual.
- 103 ~~(2)~~(14) 'Notarial act' means any act that a notary public is authorized by law to perform
104 and includes, without limitation, attestation, the taking of an acknowledgment, the
105 administration of an oath or affirmation, the taking of a verification upon an oath or
106 affirmation, and the certification of a copy.
- 107 ~~(3)~~(15) 'Notarial certificate' means the notary's documentation of a notarial act.
- 108 (16) 'Notary' and 'notary public' mean a person who has been granted a commission by
109 a clerk of superior court pursuant to Code Section 45-17-2.3.
- 110 (17) 'Original appointment' means a notary public appointment other than a remote
111 online notary public appointment.
- 112 (18) 'Real estate document' means any instrument, document, or deed entitled to
113 recordation in the real property records or lien indices or recording records maintained
114 by the clerk of superior court, and any instrument or document executed in connection
115 with the conveyance of land whether recorded or not.
- 116 (19) 'Remote online notarial certificate' is the electronic form of an acknowledgment,
117 jurat, verification by oath or affirmation, or verification of witness or attestation that is
118 completed by a remote online notary public performing a remote online notarization and:
- 119 (A) Contains the remote online notary public's digital signature, electronic seal, title,
120 and commission expiration date;

- 121 (B) Contains the date and location address of the signer or signers and the location
122 address of the remote online notary public;
- 123 (C) Contains a statement that the signer or signers executing the electronic document
124 or making the acknowledgment, jurat, oath, affirmation, verification, or attestation
125 appeared remotely online;
- 126 (D) Otherwise conforms to the requirements for an acknowledgment, jurat, verification
127 by oath or affirmation, or verification of witness or attestation under the laws of this
128 state; and
- 129 (E) Contains a statement that the signer or signers affirmatively agreed to electronic
130 execution and remote online notarization.
- 131 (20) 'Remote online notarization' or 'remote online notarial act' means a notarial act
132 performed by a remote online notary public by means of communication technology
133 according to the provisions of this article.
- 134 (21) 'Remote online notary public' means a notary public who has been commissioned
135 as a remote online notary public to perform online notarizations under this article.
- 136 (22) 'Remote presentation' means transmission to the remote online notary public
137 through communication technology of an image of a government issued identification
138 credential that is of sufficient quality to enable the remote online notary public to:
- 139 (A) Identify the individual seeking the remote online notary public's services; and
140 (B) Perform credential analysis.
- 141 (23) 'Remotely located individual' means an individual who is not in the physical
142 presence of the remote online notary public.
- 143 (24) 'Repository' means a third-party business entity authorized to transact business in
144 this state that is in the business of retaining electronic journals and copies of audiovisual
145 recordings of remote online notarizations according to Code Section 45-17-8.5.
- 146 (25) 'Signer' means an individual whose electronic signature is notarized in an electronic
147 in-person notarization or a remote online notarization or is making an oath or affirmation

148 or an acknowledgment, other than in the capacity of a witness, for a document which is
149 to be notarized by an electronic in-person notarization or a remote online notarization.
150 (26) 'Standards' means the remote online notary standards as shall be adopted by the
151 Georgia Superior Court Clerks' Cooperative Authority."

152 **SECTION 1-3.**

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

155 "45-17-6.

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

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

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

178 **SECTION 1-4.**

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

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

186 **SECTION 1-5.**

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

188 "45-17-8.3.

189 (a) Prior to January 1, 2027, the Georgia Superior Court Clerks' Cooperative Authority
190 shall adopt standards for remote online notarization in accordance with this article.

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

194 (c) In the adoption of any standards it may adopt pursuant to this article, the Georgia
195 Superior Court Clerks' Cooperative Authority shall consider the most recent standards
196 established by relevant national bodies, including, but not limited to, the Mortgage Industry
197 Standards Maintenance Organization (MISMO) and the National Association of Secretaries
198 of State (NASS).

199 45-17-8.4.

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

202 (b) Before each application for appointment as a remote online notary public, an individual
203 shall complete a course of instruction provided by the Georgia Superior Court Clerks'
204 Cooperative Authority and pass an examination based on such course. The content of the
205 course shall include notarial standards and procedures, the standards, and ethical
206 obligations pertaining to electronic in-person notarization and remote online notarization
207 in this article or in any other law. Such course may be taken in conjunction with any
208 course required by the clerk of superior court for an original appointment. The standards
209 for such course shall be developed and maintained and administered by the Georgia
210 Superior Court Clerks' Cooperative Authority.

211 (c) Except for a remote online notary public as commissioned under subsection (h) of this
212 Code section, effective January 1, 2027, an individual who meets the qualifications for
213 becoming a notary public of this state desiring to be appointed as a remote online notary
214 public shall submit an application to the clerk of superior court of the county of the
215 applicant's current residence. In the event that such applicant is the holder of an unexpired
216 notary commission issued from a county other than the county of the applicant's current
217 residence, such applicant shall officially resign the unexpired commission and make new
218 application to the clerk of superior court for the county of current residence for both a
219 notary commission and appointment as a remote online notary public. An application may
220 request both an original appointment or renewal and a remote online notary public
221 appointment. The application for a remote online notary public appointment shall set forth
222 the declaration that the notary meets the qualifications for remote online notarization as
223 provided by this article. Such application shall include, but shall not be limited to:

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

225 (2) Email address of the applicant;

- 226 (3) Telephone number of the applicant;
227 (4) Proof of successful completion by the applicant of the course and examination
228 required by subsection (b) of this Code section;
229 (5) A physical residential address of the applicant in this state if a resident of this state;
230 (6) The business address of the applicant in this state if the applicant is a resident of a
231 state bordering this state who maintains a business or profession in the State of Georgia
232 or who is regularly employed in this state.
233 (7) Evidence that the notary surety bond prescribed by this article for the performance
234 or remote online notarial acts has been issued;
235 (8) The identity of the technology provider the remote online notary public intends to use
236 for remote online notarization and the repository to be used by such notary for
237 maintenance of his or her electronic journal and audiovisual recordings. The technology
238 provider, communication technology, and repository selected by the remote online notary
239 public must conform to standards;
240 (9) A certification that the applicant will comply with this article and the standards;
241 (10) Disclosure of any and all license or commission revocations or other governmental
242 disciplinary actions against the applicant; and
243 (11) Any other information, evidence, or declaration requested by the clerk of superior
244 court.
245 (d) The fee for submitting an application for appointment as a remote online notary shall
246 be the same fee as for an application for an original appointment pursuant to Code Section
247 45-17-4. One fee shall be collected for each of the following:
248 (1) An application for an appointment as a remote online notary public;
249 (2) An application for a notary commission renewal and an appointment as a remote
250 online notary public; or
251 (3) An application for an original or new notary commission and appointment as a
252 remote online notary public.

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

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

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

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

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

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

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

274 (h)(1) Any person who is a resident of a state bordering this state and who carries on a
275 business or profession in the State of Georgia or who is regularly employed in this state
276 may be appointed as a remote online notary public by the clerk of the superior court of
277 the county in which the person carries on said profession, business, or employment.

278 (2) Such person wishing to be appointed as a remote online notary public shall meet all
279 the requirements of Code Section 45-17-2 as to an original appointment and this article
280 as to a remote online notary public appointment.

281 (3) In addition to the submission requirements for an original appointment under Code
282 Section 45-17-2.1, such individual shall submit the application for a remote online notary
283 public as required in this article to the clerk of superior court in the county in which such
284 individual carries on such profession, business, or employment. The clerk of superior
285 court shall approve or deny such application based on the provisions of this article and
286 Code Section 45-17-2.3. Upon approval and payment of the usual fees to the clerk, the
287 applicant shall be issued a unique remote online notary public commission number and
288 shall be authorized to perform all duties and exercise all of the powers and authorities
289 relating to remote online notary publics who are residents of this state.

290 45-17-8.5.

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

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

295 (2) Type of remote online notarial act;

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

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

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

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

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

- 304 (6) Physical location of the signer or signers of the document at the time of notarization;
305 (7) Physical location of the remote online notary public at the time of remote online
306 notarization; and
307 (8) The fee, if any, charged for the remote online notarization.
- 308 (b) The electronic journal shall be retained and maintained for at least ten years after the
309 date of the last remote online notarial transaction performed.
- 310 (c) Each remote online notary public shall cause an electronic copy of each electronic
311 journal entry to be promptly transmitted to and retained by a repository for retention. Each
312 repository receiving any journal or journal entry shall securely retain and maintain such
313 electronic journal for a minimum of ten years following the last submission of an electronic
314 journal entry by a remote online notary public.
- 315 (d) Each remote online notary public shall create an audiovisual recording of the
316 performance of the remote online notarial act as evidence of participant identity, type of
317 participant identification presented, and the validity of the notarial act.
- 318 (e) Each remote online notary public shall cause an electronic copy of each audiovisual
319 recording to be immediately transmitted to and retained by a repository. Each repository
320 receiving any audiovisual recording shall securely retain and maintain such audiovisual
321 recording for a minimum of ten years following submission of the last audiovisual
322 recording submitted by a remote online notary public.
- 323 (f)(1) In the adoption of any standards regarding remote online notarization, the Georgia
324 Superior Court Clerks' Cooperative Authority shall consider the most recent guidance or
325 model standards proposed by relevant organizations recognized in such field of practice,
326 including, but not limited to, the Mortgage Industry Standards Maintenance Organization
327 (MISMO) and the National Association of Secretaries of State (NASS).
- 328 (2) In the adoption of any standards regarding digital signatures, the Georgia Superior
329 Court Clerks' Cooperative Authority shall consider the most recent guidance or model
330 standards proposed by relevant organizations recognized in such field of practice,

331 including, but not limited to, the Digital Signature Standard (DSS) of the National
332 Institute of Standards and Technology (NIST).

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

- 334 (1) Ensure the integrity, security, and authenticity of each remote online notarization;
335 (2) Maintain a backup of each electronic journal required by subsection (a) of this Code
336 section and the recording required by subsection (d) of this Code section; and
337 (3) Protect the backup record from unauthorized use.

338 45-17-8.6.

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

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

345 (1) In this state;

346 (2) Outside this state but within the United States; or

347 (3) Outside the United States if:

348 (A) The remote online notary public has no actual knowledge that the act of making
349 the statement or signing the electronic record is prohibited in the jurisdiction in which
350 the person is located; and

351 (B) The signer placing his or her electronic signature on the electronic record confirms
352 to the remote online notary public that the requested remote online notarial act and the
353 electronic record:

354 (i) Are part of or pertain to a matter that is to be filed with or is currently before a
355 court, governmental entity, or other entity in the United States;

356 (ii) Relate to property located in the United States; or

357 (iii) Relate to a transaction that is substantively connected to the United States.

358 45-17-8.7.

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

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

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

367 (2) Not allow another person to use his or her electronic record, digital signature, or
368 electronic seal. A remote online notary public may use such remote online notary
369 public's digital signature only for performing electronic in-person notarization or remote
370 online notarization and a notary public may use such notary public's digital signature only
371 for performing electronic in-person notarization;

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

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

382 45-17-8.8.

383 (a) In performing a remote online notarization, a remote online notary public shall verify
384 the identity of a signer creating an electronic signature at the time that the signature is taken
385 by using secure communication technology that meets the requirements of this article and
386 any standards adopted under this article; provided, however, that a failure to provide an
387 accommodation shall not invalidate an otherwise valid notarial act. Identity shall be
388 verified by each of the following:

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

392 (2) Credential analysis; and

393 (3) Successful verified identity proofing.

394 (b) The remote online notary public's communication technology provider and repository
395 shall take reasonable steps to ensure that the communication technology used for a remote
396 online notarization is secure from unauthorized interception. Each provider of
397 communication technology products or services for remote online notarization in this state
398 shall cause such products or services to comply with all provisions of this article and the
399 standards relating to remote online notarization. Prior to providing remote online notary
400 public products or services, a communication technology provider shall present a certificate
401 of compliance to the remote online notary public affirming that such products and services
402 comply with the provisions of this article and the standards pursuant to this article.

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

405 (d) A remote online notarial act meeting the provisions of this Code section shall satisfy
406 the requirement of any law of this state relating to a notarial act that requires a signer to
407 appear or personally appear before a notary or that the notarial act be performed in the

408 presence of a notary, except for a notarial act pursuant to a law governing the creation and
409 execution of wills, codicils, or testamentary trusts.

410 (e) An electronic document executed by a signer and notarized under this article by a
411 remote online notary public shall be deemed to be executed in this state.

412 45-17-8.9.

413 (a) A remote online notary public or the remote online notary public's employer may
414 charge a fee for performance of remote online notarization in an amount not to exceed
415 \$25.00 per remote online notarization.

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

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

425 45-17-8.10.

426 (a) Nothing in this article shall be construed to alter or supersede any provision of law as
427 set forth under Article 3 of Chapter 19 of Title 15 or any opinion or ruling by the Supreme
428 Court of Georgia pertaining to the unauthorized practice of law in this state, including, but
429 not limited to, the requirement that a licensed Georgia attorney shall supervise a real estate
430 closing for real property located in this state.

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

434 45-17-8.11.

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

439 (b) Any requirement that an instrument, document, deed, or real estate document be
440 attested or acknowledged by a notary public and the requirement of confirmation of
441 identity of the document signer, oath taker, or affirmant contained in 45-17-8 is satisfied
442 by a remote online notarial act or an electronic in-person notarial act meeting the
443 requirements of this article.

444 (c) A remote online notarial act performed by a remote online notary public commissioned
445 or registered in another state shall have the same effect under the laws of this state as if
446 performed by a notary public appointed in this state.

447 (d) A notary public or a remote online notary public shall not perform any notarial act by
448 electronic in-person notarization or remote online notarial act by remote online notarization
449 if the notarial act or remote online notarial act is pursuant to a law governing the creation
450 and execution of any will, codicil or testamentary trust."

451 **SECTION 1-6.**

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

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454 "45-17-9.

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

457 **SECTION 1-7.**

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

460 "45-17-17.

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

466 **SECTION 1-8.**

467 Said article is further amended by revising Code Section 45-17-18, relating to destruction of
468 seal upon expiration or denial of renewal of commission, as follows:

469 "45-17-18.

470 A notary public or remote online notary public whose commission or appointment expires
471 and who does not apply for renewal of such commission or appointment or whose
472 application for renewal of a commission or appointment is denied shall destroy or delete
473 the official notary seal."

474

PART II

475

SECTION 2-1.

476 Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
 477 relating to the "Fair Business Practices Act of 1975," is amended by revising paragraphs (33),
 478 (34), and 35 of and by adding a new paragraph to subsection (b) of Code Section 10-1-393,
 479 relating to unfair or deceptive practices in consumer transactions unlawful and examples, to
 480 read as follows:

481 "(33)(A) For any person, firm, partnership, association, or corporation to issue a gift
 482 certificate, store gift card, or general use gift card without:

483 (i) Including the terms of the gift certificate, store gift card, or general use gift card
 484 in the packaging which accompanies the certificate or card at the time of purchase,
 485 as well as making such terms available upon request; and

486 (ii) Conspicuously printing the expiration date, if applicable, on the certificate or card
 487 and conspicuously printing the amount of any dormancy or nonuse fees on:

488 (I) The certificate or card; or

489 (II) A sticker affixed to the certificate or card.

490 A gift certificate, store gift card, or general use gift card shall be valid in accordance
 491 with its terms in exchange for merchandise or services.

492 (B) As used in this paragraph, the term:

493 (i) 'General use gift card' means a plastic card or other electronic payment device
 494 which is usable at multiple, unaffiliated merchants or service providers; is issued in
 495 an amount which amount may or may not be, at the option of the issuer, increased in
 496 value or reloaded if requested by the holder; is purchased or loaded on a prepaid basis
 497 by a consumer; and is honored upon presentation by merchants for goods or services.

498 (ii) 'Gift certificate' means a written promise that is usable at a single merchant or an
 499 affiliated group of merchants that share the same name, mark, or logo; is issued in a

500 specified amount and cannot be increased in value on the face thereof; is purchased
 501 on a prepaid basis by a consumer in exchange for payment; and is honored upon
 502 presentation for goods or services by such single merchant or affiliated group of
 503 merchants that share the same name, mark, or logo.

504 (iii) 'Store gift card' means a plastic card or other electronic payment device which
 505 is usable at a single merchant or an affiliated group of merchants that share the same
 506 name, mark, or logo; is issued in a specified amount and may or may not be increased
 507 in value or reloaded; is purchased on a prepaid basis by a consumer in exchange for
 508 payment; and is honored upon presentation for goods or services by such single
 509 merchant or affiliated group of merchants that share the same name, mark, or logo;

510 (34) For any person, firm, partnership, business, association, or corporation to willfully
 511 and knowingly accept or use an individual taxpayer identification number issued by the
 512 Internal Revenue Service for fraudulent purposes and in violation of federal law; and

513 (35) Knowingly presenting for recording a one-to-four family residential real estate
 514 document to the clerk of superior court that the presenter knew at the time of presentation
 515 resulted from actions that constitute the unauthorized practice of law in violation of
 516 paragraph (2) or (4) of Code Section 15-19-50 or any advisory opinions issued by the
 517 Supreme Court of Georgia related to either such paragraph; and

518 ~~(35)~~ (36) Failure to comply with the provisions of Code Section 10-6A-9 or 10-6A-10
 519 regarding brokerage engagements and options to enter into brokerage engagements."

520 **SECTION 2-2.**

521 Part 1 of Article 1 of Chapter 2 of Title 44 of the Official Code of Georgia Annotated,
 522 relating to recording of deeds and other real property transactions, is amended by adding a
 523 new subsection to Code Section 44-2-14, relating to requirements for recordation, to read as
 524 follows:

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525 "(e) Any instrument presented to the clerk of superior court for recordation that requires
526 an official and an unofficial witness may be admitted to record if the authorized signatures
527 of both witnesses and any required seals are present on or in such document. The clerk
528 shall have no further duty to examine the circumstances of the witnessing, or witnesses,
529 method or location of same."

530 **SECTION 2-3.**

531 Said part is further amended by adding a new Code section to read as follows:

532 "44-2-31.

533 (a) Any requirement that a real estate document be witnessed, attested, or acknowledged
534 by an unofficial witness is satisfied if:

535 (1) The witness is physically present with the signer, personally sees the signer execute
536 such real estate document by hand in ink; or

537 (2) The witness is physically present with the signer, personally sees the signer
538 electronically execute the real estate document, or is physically present in this state and
539 sees the signer electronically execute such real estate document by the use of
540 communication technology in accordance with Chapter 17 of Title 45, and electronically
541 executes the real estate document by the use of communication technology in accordance
542 with Chapter 17 of Title 45.

543 (b) Terms used in this Code Section shall have the same meanings set forth in Code
544 Section 45-17-1."

545 **SECTION 2-4.**

546 Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to
547 inspection of public records, is amended by revising paragraphs (51) and (52) of and by
548 adding a new paragraph to subsection (a) of Code Section 50-18-72, relating to when public
549 disclosure not required, to read as follows:

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550 "(51) Reports submitted to the Department of Revenue, the Atlanta-region Transit Link
 551 'ATL' Authority, or the Department of Transportation by a for-hire ground transport
 552 service provider as required pursuant to Code Section 48-13-143; or
 553 (52) Any information, including, but not limited to, data and records, prohibited from
 554 disclosure pursuant to Code Section 50-18-160; or
 555 (53) Records consisting of any audiovisual recording of the performance of a remote
 556 online notarization process as provided for by Code Section 45-17-8.5."

557 **PART III**
 558 **SECTION 3-1.**

559 Article 3 of Chapter 19 of Title 15 of the Official Code of Georgia Annotated, relating to the
 560 regulation of practice of law, is amended by revising Code Section 15-19-56, relating to
 561 penalty for prohibited conduct, as follows:

562 "15-19-56.

563 (a) Any person, corporation, or voluntary association violating Code Section ~~15-19-51,~~
 564 ~~15-19-53,~~ 15-19-54; or 15-19-55 shall be guilty of a misdemeanor.

565 (b) Every officer, trustee, director, agent, or employee of a corporation or voluntary
 566 association who directly or indirectly engages in any of the acts prohibited in Code Section
 567 ~~15-19-51, 15-19-53,~~ 15-19-54; or 15-19-55 or assists a corporation or voluntary association
 568 in performing the prohibited acts shall be guilty of a misdemeanor. The fact that the person
 569 is a duly and regularly admitted attorney at law shall not be held to permit or allow the
 570 corporation or voluntary association to do the acts prohibited in such Code sections, nor
 571 shall ~~the~~ such fact be a defense upon the trial of any person mentioned therein for a
 572 violation of those Code sections. Nothing in this subsection shall prevent any court having
 573 jurisdiction from punishing the corporation or its officers for contempt.

574 (c) Any person, corporation, or voluntary association violating Code Section 15-19-51 or
575 15-19-53 shall be guilty of a felony and, upon the first conviction thereof, shall be punished
576 by imprisonment for not less than one year nor more than three years, a fine of not less than
577 \$50,000.00 nor more than \$250,000.00, or both. For a second or subsequent conviction,
578 the punishment shall be imprisonment for not less than two years nor more than ten years,
579 a fine of not less than \$250,000.00 nor more than \$1 million, or both.

580 (d) Every officer, trustee, director, agent, or employee of a corporation or voluntary
581 association who directly or indirectly engages in any of the acts prohibited in Code Section
582 15-19-51 or 15-19-53, assists a corporation or voluntary association in performing the
583 prohibited acts, or knew or should have known of the corporation or voluntary association's
584 performance of the prohibited acts shall be guilty of a misdemeanor of a high and
585 aggravated nature and punished as provided by Code Section 17-10-4. The fact that the
586 person is a duly and regularly admitted attorney at law shall not be held to permit or allow
587 the corporation or voluntary association to do the acts prohibited in such Code sections, nor
588 shall such fact be a defense upon the trial of any person mentioned therein for a violation
589 of those Code sections. Nothing in this subsection shall prevent any court having
590 jurisdiction from punishing the corporation or voluntary association or its officers for
591 contempt."

592 **PART IV**

593 **SECTION 4-1.**

594 (a) Except as provided in subsection (b) of this section, this Act shall become effective upon
595 its approval by the Governor or upon its becoming law without such approval.

596 (b) Part III of this Act shall become effective on July 1, 2026, and shall apply to all offenses
597 committed on or after such date.

598

SECTION 4-2.

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