

STATE OF NEW YORK

9232

2025-2026 Regular Sessions

IN ASSEMBLY

November 3, 2025

Introduced by M. of A. KAY -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state technology law, in relation to permitting the electronic notarization of certain documents

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 307 of the state technology law,
2 as separately amended by chapter 543 of the laws of 2023 and chapter 33
3 of the laws of 2024, is amended to read as follows:

4 1. To any [~~document providing for the disposition of an individual's~~
5 ~~person or property upon death or incompetence, or appointing a fiduciary~~
6 ~~of an individual's person or property, including, without limitation,~~
7 ~~wills, trusts, decisions consenting to orders not to resuscitate, and~~
8 ~~powers of attorney, with the exception of]~~ record which, if it were in
9 writing and made as prescribed by section 3-2.1 of the estates, powers
10 and trusts law, would be a will under such law, including records effec-
11 tive on the signer's death providing for the disposition of property,
12 vesting of property in trust, or exercise of any power, effective on
13 death, unless such record is an electronic will recognized under article
14 three of the estates, powers and trusts law, but, for the avoidance of
15 doubt, excepting: (a) contractual beneficiary designations; (b) the
16 registration of making, amending, or revoking an anatomical gift under
17 section forty-three hundred ten of the public health law; (c) documents
18 and forms authorizing or accepting funeral, cemetery and cremation
19 services, including a designation of a person to control the disposition
20 of a decedent's remains under section forty-two hundred one of the
21 public health law; and (d) the execution of a valid power of attorney
22 for the purpose of transferring a salvage certificate of title and the
23 execution of an odometer and damage disclosure statement in connection
24 with such title whenever a loss in connection with a private automobile
25 is determined by an insurer to be a total loss or constructive total

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 loss under section three thousand four hundred twelve of the insurance
2 law.

3 § 2. The state technology law is amended by adding a new section 310
4 to read as follows:

5 § 310. Electronic notarial acts and witnessing. 1. Notwithstanding
6 any provision of law, rule or regulation to the contrary, any require-
7 ment that a signature or record to be acknowledged, verified under oath
8 or affirmation, or otherwise notarized for any purpose may be satisfied
9 with respect to an electronic signature on an electronic record if a
10 notary public, or other officer, who is authorized under the laws of the
11 state in which such officer is located to perform the applicable nota-
12 rial act for a person not in the physical presence of such officer with
13 respect to an electronic record, affixes or logically associates such
14 officer's electronic signature, together with any other information
15 required to be included, to or with the signed electronic record. If a
16 certificate or certificates required under the real property law to
17 entitle a deed acknowledged without the state to be recorded within this
18 state is affixed or logically associated with such an acknowledgment,
19 verification, or other notarization taken or performed by any officer
20 without the state, then such notarial act shall be treated as if taken
21 or performed within this state.

22 2. Notwithstanding any provision of law, rule or regulation to the
23 contrary, a law that requires witnessing or attestation of a signature
24 or record for any purpose may be satisfied by a person, who is competent
25 and qualified under applicable law of this state to witness the signing
26 of such instrument, who performs the required act of witnessing or
27 attestation in compliance with applicable law of this state during an
28 electronic notarial act conducted by an authorized officer under subdi-
29 vision one of this section, provided that such person uses communication
30 technology during the notarial session in compliance with the laws of
31 such officer's location (a) to identify the signer of the record, (b) to
32 enable the witness, the signer, and such officer to communicate live and
33 in real time, (c) to record the interaction between the signer, witness,
34 and officer, and (d) to enable the witness to electronically sign the
35 witness' signature line on the electronic record prior to the record's
36 being signed by such officer so as to render evidence of any subsequent
37 alteration of the record. If requested by the document signer, such
38 officer may notarize an electronic affidavit or affirmation of such
39 witness stating matters pertaining to the witnessing or attestation of
40 the electronic record, and affix or logically associate such statement
41 to or with the signed record. Such officer has no responsibility to
42 determine the competency or qualifications of such witness.

43 3. If a law requires more than one witness for the validity of a
44 record, the acknowledgement or verification taken by the officer under
45 subdivision two of this section with respect to the signing of an elec-
46 tronic record may satisfy both any applicable requirement for notariza-
47 tion of such record and the requirement for an attestation by a second
48 witness.

49 4. A witness's electronic signature affixed to or logically associated
50 with (a) the signed electronic record or (b) an affidavit or verifica-
51 tion of witnessing or attestation, in accordance with subdivision two of
52 this section, constitutes a signature of the witness on the record.

53 5. Compliance with subdivisions two, three and four of this section
54 satisfies any requirement that the signer and witness be present with
55 each other, or that the signer or witness sign the record in the pres-

1 ence of each other, for the validity, recordation, or other legal recog-
2 inition of an electronic record.

3 6. A certificate of authenticity prepared and signed by a notary
4 public or other officer in compliance with applicable law, certifying a
5 tangible record as a true and accurate copy of an electronic record
6 completed under this section, shall be accepted as prima facie evidence
7 of both the authenticity of the original electronic record and, to the
8 extent so stated in such certificate, satisfaction of any requirements
9 of this section. Any other law of this state notwithstanding, such
10 certificate, and the electronic record to which it relates, may not be
11 denied legal effect, including recordation or other legal recognition,
12 on the ground that the certificate of authenticity (a) is not itself an
13 electronic record, or that the electronic record to which it relates
14 lacks manual or wet-ink signatures, (b) is not a certified public record
15 or (c) would not satisfy section twenty-one hundred five, rule forty-
16 five hundred eighteen or rule forty-five hundred twenty of the civil
17 practice law and rules.

18 7. The secretary of state may promulgate rules and regulations
19 concerning electronic notaries necessary or useful to implement the
20 provisions of this section.

21 8. This section shall not impair the validity of any record that was
22 valid under other applicable law immediately prior to the effective date
23 of this section.

24 § 3. This act shall take effect on the thirtieth day after it shall
25 have become a law.