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:

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

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

LBD13618-02-5

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

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

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

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

3. If a law requires more than one witness for the validity of a record, the acknowledgement or verification taken by the officer under subdivision two of this section with respect to the signing of an electronic record may satisfy both any applicable requirement for notarization of such record and the requirement for an attestation by a second witness.

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

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

ence of each other, for the validity, recordation, or other legal recognition of an electronic record.

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

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

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

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