

## OKLAHOMA STATUTES

### TITLE 6. BANKS AND TRUST COMPANIES CHAPTER 1. OKLAHOMA BANKING CODE ARTICLE IX. DEPOSITS AND COLLECTIONS - NOTARY PUBLIC - PROTESTS.

#### **§ 6-904. Stockholder, director, officer or employee of bank as notary public — Administration of oaths - Protests - Notary fee.**

It shall be lawful for any notary public who is a stockholder, director, officer or employee of a bank to take the acknowledgment of any party to any written instrument executed to or by such bank, or to administer an oath to any other stockholder, director, officer, employee or agent of such bank, or to protest for nonacceptance or nonpayment bills of exchange, drafts, checks, notes and other negotiable instruments which may be owned or held for collection by such bank. It shall be unlawful for any notary public to take the acknowledgment of an instrument executed by or to a bank of which the notary public is a stockholder, director, officer or employee, where such notary is a party to such instrument, either individually or as a representative of such bank, or to protest any negotiable instrument owned or held for collection by such bank where such notary is individually a party to such instrument. Nothing contained in this section shall be construed to prohibit or limit the charging of a notary fee by the notary public who is a stockholder, director, officer, or employee of a bank.

### TITLE 12A. COMMERCIAL CODE ARTICLE 15. UNIFORM ELECTRONIC TRANSACTIONS ACT

#### **§ 12A-15-111. Notarization and acknowledgment.**

If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

### TITLE 16. CONVEYANCES

#### **§ 16-2. Witness Not Necessary.**

No subscribing witness shall be necessary to the validity of any deed, mortgage, contract, lease, bond, or other instrument conveying, affecting or relating to real estate.

#### **§ 16-3. Attorney-in-Fact.**

Any instrument affecting real estate may be made by an attorney-in-fact, duly appointed and empowered as hereinafter provided.

#### **§ 16-4. Necessity of Writing and Signing - Veterans' Loans - Homestead - Joinder of Husband and Wife - Effect of Record for 10 Years.**

A. No deed, mortgage, or conveyance of real estate or any interest in real estate, other than a lease for a period not to exceed one (1) year, shall be valid unless in writing and subscribed by the grantors. No deed, mortgage, or contract affecting the homestead exempt by law, except a lease for a period not exceeding one (1) year, shall be valid

unless in writing and subscribed by both husband and wife, if both are living and not divorced, or legally separated, except as otherwise provided for by law.

B. Unless specifically restricted, an attorney-in-fact may execute a valid deed, mortgage or contract affecting the homestead exempt by law including the principal's personal homestead rights on behalf of:

1. A husband;
2. A wife; or
3. A husband and wife.

C. In order for the execution of an instrument affecting the exempt homestead by an attorney-in-fact to be valid, the power of attorney authorizing execution of a deed, mortgage, or contract affecting the homestead exempt by law shall be recorded with the county clerk of the counties in which the affected property is located.

D. Nonjoinder of the spouse shall not invalidate the purchase of a home with mortgage loan insurance furnished by the Veteran's Administration or written contracts and real estate mortgages executed by the spouse of a person who is certified by the United States Department of Defense to be a prisoner of war or missing in action. A deed affecting the homestead shall be valid without the signature of the spouse of the grantor, and the spouse shall be deemed to have consented thereto, when said deed has been recorded in the office of the county clerk of the county in which the real estate is located for a period of ten (10) years prior to a date six (6) months after May 25, 1953, and thereafter when the same shall have been so recorded for a period of ten (10) years, and no action shall have been instituted within said time in any court of record having jurisdiction seeking to cancel, avoid, or invalidate such deed by reason of the alleged homestead character of the real estate at the time of such conveyance.

**§ 16-5. Validation of conveyances.**

All deeds, mortgages and contracts relating to real estate or any interest therein executed since the taking effect of Chapter 8, of the Session Laws of Oklahoma, 1897, executed in accordance with the provisions of the preceding section are hereby declared to be legal and valid.

**§ 16-6. When husband or wife may convey homestead.**

Where the title to the homestead is in the husband, and the wife voluntarily abandons him for a period of one (1) year or from any cause takes up her residence out of the state, he may convey, mortgage or make any contract relating thereto without being joined therein by her; and where the title to the homestead is in the wife and the husband voluntarily abandons her, or from any cause takes up his residence out of the state for a period of one (1) year she may convey, mortgage or make any contract relating thereto without being joined therein by him.

**§ 16-7. Husband or Wife of Incapacitated Spouse May Sell, Convey, Lease or Mortgage Homestead Held in Joint Tenancy.**

In case of a homestead held in joint tenancy, if one spouse becomes incapacitated, upon application of the other spouse to the district court of the county in which the homestead is located, and upon due proof of said incapacity, the court may issue an order permitting said other spouse to sell, convey, lease, lease for oil and gas mining purposes, or mortgage the homestead. For purposes of this section and Sections 3 and 4 of this act "incapacitated" or "incapacity" means impairment due to mental illness, mental

deficiency, physical illness or disability, to the extent the individual lacks sufficient understanding or capacity to make or communicate responsible decisions.

**§ 16-8. Verified Petition to be Filed.**

The applicant shall present and file in the district court a verified petition setting forth the name and age of the incapacitated spouse, a description of the homestead, the county in which the homestead is located, and such other facts relating to the circumstances and needs of the applicant and his family that may support the petition.

**§ 16-15. Necessity of Acknowledgment and Recording - Condition for judgment lien to be binding against third persons.**

Except as hereinafter provided, no acknowledgment or recording shall be necessary to the validity of any deed, mortgage, or contract relating to real estate as between the parties thereto; but no deed, mortgage, contract, bond, lease, or other instrument relating to real estate other than a lease for a period not exceeding one (1) year and accompanied by actual possession, shall be valid as against third persons unless acknowledged and recorded as herein provided. No judgment lien shall be binding against third persons unless the judgment lienholder has filed his judgment in the office of the county clerk as provided by and in accordance with Section 706[12-706] of Title 12 of the Oklahoma Statutes.

**§ 16-20. Power of Attorney - Execution - Recording.**

A power of attorney in fact for the conveyance of real estate or any interest therein, or for the execution or release of any mortgage therefor, shall be executed, acknowledged and recorded in the manner required by this chapter<sup>[fn1]</sup> for the execution, acknowledgment and recording of deeds and mortgages, and shall be recorded in the county where the land is situated, and no deed, mortgage or release of a mortgage executed by an attorney in fact shall be received for record or recorded until the power under which the same is executed has been duly filed for record in the same office; and the recording of any deed, mortgage or release of mortgage shall be of no effect for any purpose until the power under which it is executed has been duly filed for record in the same office. Provided that any power of attorney promulgated by any agency of the Government of the United States shall be deemed sufficiently recorded for purposes of this section if the promulgation thereof shall have been published in the Federal Registry of the Government of the United States and any instrument executed pursuant to said power of attorney recites the specific reference to said publication.

**§ 16-21. Revocation of Power of Attorney.**

No instrument containing a power of attorney for the conveyance, mortgage, or lease of any estate or interest in real property which has been recorded, is to be deemed revoked as to third parties by any act of the person by whom it was executed, unless the instrument containing such revocation is also recorded in the same office in which the instrument containing the power of attorney was recorded.

**§ 16-26. Acknowledgment before Recording.**

No deed, mortgage or other instrument affecting the real estate shall be received for record or recorded unless executed and acknowledged in substantial compliance with this chapter; and the recording of any such instrument not so executed and acknowledged shall not be effective for any purpose.

**§ 16-27a. Instruments recorded for five (5) years valid notwithstanding defects - Evidence.**

A. When any instrument shall have been recorded in the office of the county clerk in the proper county for the period of five (5) years, and the instrument contains any of the following defects:

1. It has not been signed by the proper representative of a legal entity;
2. The representative is not authorized to execute the instrument on behalf of the legal entity;
3. A power of attorney has not been filed of record for an attorney in fact executing the instrument;
4. The seal of the legal entity has not been impressed on such instrument or the record does not show such seal;
5. The instrument is not acknowledged;
6. A deed or conveyance does not bear endorsement of approval by the appropriate governmental planning authority having jurisdiction; or
7. Any defect in the execution, acknowledgment, recording or certificate of recording the same, such instrument shall, from and after the expiration of five (5) years from the filing thereof for record, be valid as though such instrument had, in the first instance, been in all respects duly executed, acknowledged, approved by the appropriate planning authority having jurisdiction, and certified. Such instrument or the record thereof or a duly-authenticated copy thereof shall be competent evidence without requiring the original to be produced or accounted for to the same extent that written instruments, duly executed and acknowledged, or the record thereof, are competent. However, nothing herein contained shall be construed to affect any rights acquired by grantees, assignees or encumbrancers subsequent to the filing of such instrument for record and prior to the expiration of five (5) years from the filing of such instrument for record.

B. This section shall apply to instruments recorded before or after November 1, 1995. However, with respect to those recorded before such date, the five-year period specified above shall not expire until one (1) year after the effective date of this act.

**§ 16-28. Instruments to be Printed or Handwritten in English.**

No instrument affecting the title to real estate shall be filed for record or recorded unless plainly printed, typed, or handwritten or partly printed, partly typed, or partly handwritten and the instrument is an original or a certified copy of an original instrument, clearly legible in the English language.

**§ 16-33. Form of Acknowledgment.**

An acknowledgment by individuals of any instrument affecting real estate shall be in substantially a form as provided for in the Uniform Law on Notarial Acts or in substantially the following form:

State of Oklahoma,    )  
                                           ) ss  
 \_\_\_\_\_ County.)

Before me, \_\_\_ in and for this state, on this \_\_\_ day of \_\_\_\_\_, personally appeared \_\_\_ to me known to be the identical persons - who executed the within and foregoing instrument, and acknowledged to me that \_\_\_ executed the same as \_\_\_ free and

voluntary act and deed for the uses and purposes therein set forth.

**§ 16-34. Execution by Mark.**

When real estate is conveyed or encumbered by an instrument in writing by a person who cannot write his or her name, the person shall execute the same by a mark, and the person's name shall be written near the mark by one of two persons who saw the mark made, who shall write their names on the instrument as witnesses. In case the instrument is acknowledged, then the officer taking the acknowledgment shall, in addition to the other necessary recitals in the acknowledgment, state that the grantor executed the instrument, by inserting in the form of acknowledgment provided in Section 33 of this title by individuals after the words "foregoing instrument" the words "by the person's mark, in my presence and in the presence of \_\_\_\_\_ and \_\_\_\_\_ as witnesses".

**§ 16-35. Acknowledgment to be under seal - Before whom taken.**

Every acknowledgment must be under seal of the officer taking the same; and when taken in this state, it may be taken before any notary public, county clerk, clerk of the district court, clerk of the county court, or county judge; and when taken elsewhere in the United States, or United States possessions, or Canada (including Newfoundland), it may be taken before any notary public, clerk of a court of record, or commissioner of deeds duly appointed by the Governor of the state for the county, state or territory where the same is taken; and when taken in any other foreign country, it may be taken before any court of record or clerk of such court, or before any Consul of the United States, provided, that acknowledgments relating to military business of the state may be taken before an officer in charge of any summary Court-Martial appointed under the provisions of Section 157, Title 44, Oklahoma Statutes, 1941, a certified copy of whose appointment is placed of record in the office of the Secretary of State by the Adjutant General.

**§ 16-36. Legalizing acknowledgments heretofore taken.**

In all cases where heretofore any county judge, register of deeds, United States commissioner, or United States court commissioner has taken acknowledgment of deeds or other conveyances of real estate in their respective counties, that the same be and are hereby legalized and made valid and binding; and such action shall have the same force and effect as if taken before some officer heretofore empowered by the statute to take acknowledgments.

**§ 16-37. Foreign Acknowledgments Legalized.**

All deeds, mortgages, oil and gas leases, powers of attorney and other instruments of writing for the conveyance or encumbrance of any lands, tenements, or hereditaments situated within this state, heretofore executed and acknowledged or proved in any state, territory, District of Columbia or country in conformity with the law of such state, territory, District of Columbia or country, shall be as valid as if executed within this state in conformity with the provisions of the laws of this state. Provided this act shall not validate any acknowledgements fraudulently obtained.

**§ 16-37a. Foreign acknowledgments validated.**

All deeds, mortgages, releases, oil and gas leases, powers of attorney and other instruments of writing for the conveyance or encumbrance of any lands, tenements, or

hereditaments situated within this state, heretofore executed and acknowledged or proved in any state, territory, District of Columbia or foreign country in conformity with the law of such state, territory, District of Columbia or foreign country, shall be as valid as to execution and acknowledgment thereof, only, as if executed and acknowledged within this state in conformity with the provisions of the laws of this state. Provided this act shall not validate any execution or acknowledgment fraudulently obtained.

**§ 16-37b. Foreign Execution and Acknowledgments Validated —Exceptions.**

All deeds, mortgages, releases, oil and gas leases, powers of attorney and other instruments of writing for the conveyance or encumbrance of any lands, tenements or hereditaments situated within this state, now of record or hereafter recorded which are executed and acknowledged or proved in any state, territory, District of Columbia or foreign country, in conformity with the law of such state, territory, District of Columbia or foreign country, or in conformity with the Federal Statutes, shall be as valid as to execution and acknowledgment thereof, only, as if executed and acknowledged within this state in conformity with the provisions of the laws of this state. Provided this act shall not validate any deed, mortgage, releases, oil and gas leases, powers of attorney, and other instruments of writing for the conveyance of any lands, tenements, or hereditaments, the validity of which is in litigation upon the effective date of this act. Provided this act shall not validate any execution or acknowledgment fraudulently obtained.

**§ 16-38. Acknowledgments before Deputy Clerk of District Court validated.**

In all cases where heretofore any deputy clerk of the district court has taken acknowledgments of deeds, or other conveyances of real estate, in their respective counties, the same are hereby legalized and made binding, and such action shall have the same force and effect as if taken before some officer heretofore empowered by the statute to take acknowledgments.

**§ 16-39a. Record of deeds, mortgages, etc., where acknowledgment defective - Validation.**

All deeds, mortgages, conveyances, or other instruments affecting the title to real property in the state, the acknowledgment of which was taken and certificate of acknowledgment executed by a Justice of the Peace of the county wherein such real property is situated, and/or where any notarial acknowledgment was taken before a notary public of any county in this state or of any other state where the certificate of acknowledgment is defective in form, and where any such instrument has actually been filed and recorded or copied into the permanent volumes of public title records in the office of the county clerk of the county in which said property is situated for a period of five or more years and has not been canceled of record, the recording of any such instrument is and shall be and become a valid public record in all respects and for all purposes as fully as if the same had been originally acknowledged before and certificate executed by an authorized officer and in the manner and form required by law at the time of the execution thereof.

**§ 16-86.2. DEFINITIONS.**

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(4) “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the

intent to sign the document. “Electronic signature” includes a digital image or electronic copy of an original signature affixed to an original or certified copy of an original paper document or instrument, provided that the person submitting the digital image or electronic copy of the document or instrument complies with all other requirements, rules or regulations concerning electronic recordings under the Uniform Real Property Electronic Recording Act.

**§ 16-86.3. VALIDITY OF ELECTRONIC DOCUMENTS.**

(a) If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium, or be in writing, the requirement is satisfied by an electronic document satisfying the Uniform Real Property Electronic Recording Act.

(b) If a law requires, as a condition for recording, that a document be signed, the requirement is satisfied by an electronic signature.

(c) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature.

**§ 87. Recordation of electronic documents in tangible form.**

A. As used in this section:

1. “Document” means information that is:

a. inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, and

b. eligible to be recorded in the office of the county clerk;

2. “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities;

3. “Electronic document” means a document created, generated, sent, communicated, received or stored by electronic means; and

4. “Electronic signature” means an electronic sound, symbol or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the electronic document.

B. A paper or tangible copy of an electronic document that a notary public has certified to be a true and correct copy under subsection C of this section satisfies any requirement of law that, as a condition for recording, the document:

1. Be an original or be in writing;

2. Be signed or contain an original signature, if the document contains an electronic signature of the person required to sign the document; and

3. Be notarized, acknowledged, verified, witnessed or made under oath, if the document contains an electronic signature of the person authorized to perform that act, and all other information required to be included.

C. A notary public commissioned under Section 1 of Title 49 of the Oklahoma Statutes may certify that a paper or tangible copy of an electronic document is a true and correct copy of the electronic document if the notary public has:

1. Reasonably confirmed that the electronic document is in a tamper-evident format;

2. Detected no changes or errors in any electronic signature or other information in the electronic document;

3. Personally printed or supervised the printing of the electronic document onto paper or other tangible medium; and

4. Not made any changes or modifications to the electronic document or to the paper or tangible copy thereof other than the certification described in this subsection.

D. A county clerk shall record a paper or tangible copy of a document that is otherwise entitled to be recorded under the laws of this state, provided that the paper or tangible copy has been certified by a notary public to be a true and correct copy of an electronic document under subsection C of this section as evidenced by a certificate. The certificate shall be completed in the manner required in subsection A of Section 118 of Title 49 of the Oklahoma Statutes.

E. The following form of certificate is sufficient for the purposes of this section if completed in the manner required by subsection D of this section:

State of  
County of

I certify that the preceding or attached document (entitled (document title)), (dated (document date)), containing (number) pages is a true and correct copy of an electronic document printed by me or under my supervision, and that, at the time of printing, no security features present on the electronic document indicated any changes or errors in an electronic signature or other information in the electronic document since its creation or execution.

Dated  
(Signature of notary public)  
(Notary seal)  
Notary Public  
(My commission expires:)

F. If a certificate is completed in the manner required by subsection D of this section and is attached to or made a part of a paper or tangible document, the certificate is prima facie evidence that the requirements of subsection C of this section have been satisfied with respect to the document.

G. When any paper or tangible copy of an electronic document shall have been recorded in the office of the county clerk in the proper county, and the document was not certified in accordance with this section, such document shall, from and after the time of the filing thereof for record, be valid as though such document had, in the first instance, been in all respects duly certified in accordance with this section. Such document or the record thereof or a duly authenticated copy thereof shall be competent evidence without requiring the original to be produced or accounted for to the same extent that written documents, duly executed and acknowledged, or the record thereof are competent. This subsection shall apply to documents recorded before or after January 1, 2020.

H. This section does not apply to a plat, plan, map or survey of real property if under another law of this state or a rule, regulation or ordinance applicable to a county clerk:

1. There are requirements of format or medium for the execution, creation or recordation of such plat, plan, map or survey beyond the requirements applicable to a deed to real property; or
2. Such plat, plan, map or survey shall be recorded in a different location than a deed to real property.

**TITLE 21. CRIMES AND PUNISHMENTS**  
**PART VII. CRIMES AGAINST PROPERTY**



**CHAPTER 61. FALSE PRETENSES, FALSE PERSONATIONS,  
CHEATS AND FRAUDS  
FRAUDS IN GENERAL**

**§ 21-1524. Falsely holding out as notary or performing notarial act - Penalty.**

A. No person in this state shall hold himself out as a notary public, attach his signature as a notary public, use a notary public seal, or perform any notarial act unless he is authorized pursuant to the provisions of Section 114 of Title 49 of the Oklahoma Statutes to perform such acts.

B. Any person convicted of knowingly and willfully violating any of the provisions of this section shall be guilty of a misdemeanor.

**TITLE 26. ELECTIONS  
CHAPTER A1. ELECTION CODE  
ARTICLE XIV. ABSENTEE VOTING**

**§ 26-14-108.1. Notary public - Absentee ballots and affidavits.**

A. Neither a notary public nor an agent working on behalf of a notary public shall be authorized to:

1. Request absentee ballots on behalf of a voter other than himself or herself;
2. Assist a voter in requesting absentee ballots, other than for himself or herself or a member of his or her household;
3. Receive by mail an absentee ballot on behalf of a voter, other than for himself or herself or a member of his or her household; or
4. Submit a completed absentee ballot on behalf of a voter other than for himself or herself.

B. A notary public shall maintain a log of all absentee ballot affidavits that he or she notarizes for a period of at least two (2) years after the date of the election.

C. 1. A notary public shall be authorized to notarize a maximum of twenty absentee ballot affidavits for a single election, except as provided in paragraphs 2 and 3 of this subsection.

2. A notary public may be authorized to notarize more than twenty absentee ballot affidavits at a single election with the written approval of the secretary of the county election board. Such approval shall apply for affidavits notarized within the county served by the county election board secretary.

3. The limitation required by this subsection shall not apply to the notarizing of absentee ballot affidavits at the place of business of a notary public that is open to the general public.

D. 1. If more than ten absentee ballots for a single election are requested to be mailed to a single mailing address, the secretary of the county election board shall immediately notify the district attorney for that county and the Secretary of the State Election Board.

2. Upon receipt of such notification, the district attorney, or a member of law enforcement designated by the district attorney, shall investigate any possible criminal violation of the law related to the absentee ballot requests.

3. Provided, this notification requirement shall not apply to requests for absentee ballots to be sent to the addresses of nursing homes, veterans centers, medical facilities, multi-unit housing, installations of the Armed Forces of the United States where

uniformed or overseas voters as defined by the Uniformed and Overseas Citizens Absentee Voting Act, are stationed or other locations authorized in writing by the Secretary of the State Election Board.

E. The provisions of this section shall only apply to an election conducted by a county election board, the State Election Board, or a political subdivision of this state.

## **TITLE 49. NOTARIES PUBLIC**

### **§ 49-1. Appointment - Removal.**

The Secretary of State shall appoint and commission in this state notaries public, who shall hold their office for four (4) years. An applicant for a notary commission shall be eighteen (18) years of age or older, a citizen of the United States, and employed within this state or a legal resident of this state. A felony conviction shall be grounds for removal of a person from the office of notary public. All notary commissions shall run in the name and by the authority of the State of Oklahoma, be signed by the Secretary of State, and sealed with the Great Seal of the State of Oklahoma. Commissions shall not be attested. Any person filing an application for a new notary commission shall pay Twenty-five Dollars (\$25.00) to the Secretary of State with the application. Any person filing an application for a renewal of a notary commission shall pay Twenty Dollars (\$20.00) to the Secretary of State with the application. Any person requiring "same day filing service" shall pay Twenty-five Dollars (\$25.00) to the Secretary of State in addition to the applicable filing fee. These funds shall be deposited in the Revolving Fund created for the Secretary of State pursuant to the provisions of Section 276.1 of Title 62 of the Oklahoma Statutes.

### **§ 49-1.1. Notary commission application.**

The application for a notary commission shall set forth:

1. The name of the applicant, printed exactly as the applicant will sign documents as a notary public;
2. Former names of the applicant, if any;
3. If a resident of this state, the county of residence and street address of the applicant;
4. If a resident of another state, the county and street address of the applicant's place of employment in Oklahoma and the applicant's residence address;
5. Daytime phone number of the applicant;
6. Electronic mail address of the applicant;
7. A statement that the applicant is at least eighteen (18) years of age;
8. A designation of new, renewal or expired commission including an expiration date if applicable;
9. A statement that the applicant is a citizen of the United States;
10. A statement that the applicant has never been convicted of a felony;
11. A statement that the applicant is able to read and write in English; and
12. Signature of the applicant, exactly as the applicant will sign documents as a notary public.

### **§ 49-2. Oath, signature, bond and seal.**

A. Before entering upon the duties of his or her office and not more than sixty (60) days after issuance of a notary commission, every notary public so appointed and

commissioned shall file in the office of the Secretary of State, the notary's oath of office, the notary's loyalty oath, the notary's official signature, an impression of the notary's official seal, and a good and sufficient bond to the State of Oklahoma, in the sum of One Thousand Dollars (\$1,000.00), to be approved by the Secretary of State, conditioned for the faithful performance of the duties of the notary's office.

B. The bond required by subsection A of this section shall be signed by:

1. An insurance agent licensed by the State of Oklahoma;

2. An attorney-in-fact on behalf of an insurance company with a power of attorney attached; or

3. One or more individual sureties who are property owners in the county of residence of the notary, or if a nonresident, the county of employment of the notary.

C. The bond required by subsection A of this section shall be issued for a term that commences on the bond's effective date and terminates on the commission's expiration date. Upon the filing of his or her bond with the Secretary of State, every notary public shall pay to the Secretary of State the sum of Ten Dollars (\$10.00) to be deposited to the credit of the Revolving Fund for the Office of the Secretary of State.

D. A notary public shall not perform any notarial act until his or her bond, official seal, oath of office and loyalty oath, as required by subsection A of this section, has been received and approved by the Secretary of State.

**§ 49-2.1. Repealed by Laws 1978, c. 212, § 17, emerg. eff. April 19, 1978.**

**§ 49-3. Blanks for bond and oath.**

Blanks for bonds and oath of office shall be made available on the website of the Secretary of State.

**§ 49-4. Repealed by Laws 1943, p. 123, § 2.**

**§ 49-5. Notarial Seal - Authentication of documents - Penalties - Fees - Exception.**

A. Every notary shall obtain a notarial seal containing the words "State of Oklahoma" and "Notary Public" and the notary's name. This seal may be either a metal seal which leaves an embossed impression or a rubber stamp used in conjunction with a stamp pad and ink. Each notary shall authenticate all official acts, attestations, and instruments with this seal; and shall add to the notary's official signature, the commission number of the notary and the date of expiration of the commission of the notary. Failure to add the commission number or the date of expiration of the commission shall not affect the recordability of the instrument or the notice given by such recording. This date and commission number may be a part of the stamp or seal. If any notary public shall neglect or refuse to attach to the notary's official signature the date of expiration of the notary's commission, the notary shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding Fifty Dollars (\$50.00). The maximum fee a notary may charge and collect for each notarial act is Five Dollars (\$5.00), except no fee shall be charged for the notarization of an official absentee ballot affidavit.

B. As authorized by Section 15-111 of Title 12A of the Oklahoma Statutes, regarding electronic transactions, a notary public's use of an electronic signature and electronic seal satisfies the requirement in this section to authenticate an official act with an official signature and seal of office. The electronic seal must legibly reproduce the required elements of the notarial seal.

**§ 49-6. Authority - Provision of legal advice.**

A. Notaries public shall have authority within any county in this state to make the proof and acknowledgement of deeds and other instruments of writing required to be proved or acknowledged; to administer oaths; to demand acceptance or payment of foreign or inland bills of exchange and promissory notes, and protest the same for nonacceptance or nonpayment, as the same may require, and to exercise such other powers and duties as by law of nations and commercial usage may be performed by notaries public. A notary may not notarize his or her own signature.

B. No notary public, except those who are licensed attorneys or otherwise authorized by law to represent persons on immigration or citizenship matters, shall hold himself or herself out as having expertise in providing legal advice on any proceeding, filing or action affecting the immigration or citizenship status of another person. For purposes of this section, "legal advice" means any direct or indirect advice or counsel related to provisions of the Immigration and Nationality Act including, but not limited to, assistance in the selection of immigration forms required by the Immigration and Nationality Act, advice or council related to responses to information required on forms by the Immigration and Nationality Act, or acting in a representative capacity in an attempt to redress wrongs or secure benefits provided by the Immigration and Nationality Act. Any notary public who provides nonlegal assistance on any proceeding, filing or action affecting the immigration or citizenship status of another person shall give the following notice to that person verbally and in writing: "I am not a licensed attorney or representative of any government agency with authority over immigration or citizenship and, therefore, cannot offer legal advice about immigration or any other legal matters." If the notary public operates a business or advertises in any language other than English, such notice shall be given in both English and in the other language or languages. Literal translation of the phrase "notary public" into Spanish, hereby defined as "notario publico" or "notario", is prohibited. For purposes of this section, "literal translation" of a word or phrase from one language to another means the translation of a word or phrase without regard to the true meaning of the word or phrase in the language which is being translated.

**§ 49-6.1. Violation of Section 6 - Penalties.**

Any individual convicted of violating subsection B of Section 6 of Title 49 of the Oklahoma Statutes shall be guilty of a misdemeanor and shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00). Upon receipt of a final judgment against a notary public for a violation of subsection B of Section 6 of Title 49 of the Oklahoma Statutes from a district court of this state or its equivalent from a foreign jurisdiction, the Secretary of State shall revoke the appointment of the notary for a period of eight (8) years.

**§ 49-7. Record of protests.**

In cases of protests for banks, notaries shall keep a register thereof in a book provided for that purpose by the bank, and the notary shall not be required to deliver such register to the county clerk, but shall leave the same in the possession of such bank.

R.L. 1910, § 4246.

**§ 49-8. Repealed by Laws 2001, c. 406, § 26, emerg. eff. June 4, 2001.**

**§ 49-9. Repealed by Laws 2001, c. 406, § 26, emerg. eff. June 4, 2001.**

**§ 49-10. Statute of limitations.**

No suit shall be instituted against any such notary or his securities more than three (3) years after the cause of action accrues.

**§ 49-11. Name and address changes - Fees, bond and seal.**

A. If a notary's resident address changes, the notary must inform the Secretary of State in writing within thirty (30) days of such change. The notary is not required to file a new bond or obtain another seal if the notary moves from one county to another.

B. If a name change occurs in the middle of a term, the notary has two options:

1. The notary may continue to use the former name as issued on the existing commission until it expires; or
2. The notary may use the notary's new name by completing and filing an application with the Secretary of State with a fee of Twenty-five Dollars (\$25.00). A new commission expiration date will be established. It will be necessary for the notary to purchase a new seal and obtain a new bond for filing with the court clerk.

**§ 49-12. Grounds to deny, refuse to renew, or revoke a commission.**

A. The Secretary of State may deny, refuse to renew, or revoke a commission as a notary public for a:

1. Conviction of any felony;
2. Failure to meet the qualifications and application requirements set forth in Sections 1 and 1.1 of Title 49 of the Oklahoma Statutes; or
3. Failure to comply with the requirements set forth in Section 2 of Title 49 of the Oklahoma Statutes.

B. Upon receipt of a final judgment from a district court in this state or its equivalent in a foreign jurisdiction against a notary public in this state for performing a false or fraudulent notarial act, the Secretary of State shall revoke the appointment of the notary public.

**UNIFORM RECOGNITION OF ACKNOWLEDGMENTS ACT**

**§ § 101 to 109. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985**

**UNIFORM LAW ON NOTARIAL ACTS**

**§ 49-111. Short title.**

Sections 1 through 11 of this act shall be known and may be cited as the Uniform Law on Notarial Acts.

**§ 49-112. Definitions.**

As used in the Uniform Law on Notarial Acts:

1. "Notarial acts" means any act that a notary public of this state is authorized to perform, and includes taking an acknowledgment, administering an oath or affirmation, taking a verification upon oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

2. "Acknowledgment" means a declaration by a person that the person has executed an instrument for the purposes stated therein and, if the instrument is executed in a representative capacity, that the person signed the instrument with proper authority and

executed it as the act of the person or entity represented and identified therein.

3. “Verification upon oath or affirmation” means a declaration that a statement is true made by a person upon oath or affirmation.

4. “In a representative capacity” means:

a. for and on behalf of a corporation, partnership, trust, or other entity, as an authorized officer, agent, partner, trustee, or other representative;

b. as a public officer, personal representative, guardian, or other representative, in the capacity recited in the instrument;

c. as an attorney-in-fact for a principal; or

d. in any other capacity as an authorized representative of another.

5. “Notarial officer” means a notary public or any other person authorized to perform notarial acts in the place in which the act is performed.

**§ 49-113. Taking acknowledgment or verification - Witnessing or attesting signature - Certifying or attesting copies - Making or noting protest - Evidence of true signature.**

A. In taking an acknowledgment, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the acknowledgment is the person whose true signature is on the instrument.

B. In taking a verification upon oath or affirmation, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the verification is the person whose true signature is on the statement verified.

C. In witnessing or attesting a signature the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the officer and named therein.

D. In certifying or attesting a copy of a document or other item, the notarial officer must determine that the proffered copy is a full, true, and accurate transcription or reproduction of that which was copied. In the case of official records, only the custodian of the official records may issue an official certified copy.

E. In making or noting a protest of a negotiable instrument the notarial officer must determine the matters set forth in Section 3-509 of the Uniform Commercial Code.

F. A notarial officer has satisfactory evidence that a person is the person whose true signature is on a document if that person is personally known to the notarial officer, is identified upon the oath or affirmation of a credible witness personally known to the notarial officer or is identified on the basis of identification documents.

**§ 49-114. Person who may perform notarial acts - Federal acts - Genuineness of signature.**

A. A notarial act may be performed within this state by the following persons:

1. a notary public of this state;

2. a judge, secretary-bailiff of a judge, clerk, or deputy clerk of any court of this state;

3. all judge advocates, staff judge advocates, assistant judge advocates and all legal officers of the state military forces in performance of their official duties for military personnel and their dependents; or

4. any other person authorized to perform the specific act by the law of this state.

B. Notarial acts performed within this state under federal authority have the same effect as if performed by a notarial officer of this state.

C. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

**§ 49-115. Notarial acts performed in another state, commonwealth, territory, district, or possession of the United States.**

A. A notarial act has the same effect pursuant to the laws of this state as if performed by a notarial officer of this state, if performed in another state, commonwealth, territory, district, or possession of the United States by any of the following persons:

1. a notary public of that jurisdiction;
2. a judge, clerk, or deputy clerk of a court of that jurisdiction;
3. all judge advocates, staff judge advocates, assistant judge advocates and all legal officers of the state military forces; or
4. any other person authorized by the law of that jurisdiction to perform notarial acts.

B. Notarial acts performed in other jurisdictions of the United States under federal authority have the same effect as if performed by a notarial officer of this state.

C. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

D. The signature and indicated title of an officer listed in this section conclusively establish the authority of a holder of that title to perform a notarial act.

**§ 49-116. Notarial acts performed by certain federal officers.**

A. A notarial act has the same effect pursuant to the laws of this state as if performed by a notarial officer of this state if performed anywhere by any of the following persons under authority granted by the law of the United States:

1. a judge, clerk, or deputy clerk of a court;
2. a commissioned officer on active duty in the military service of the United States;
3. an officer of the foreign service or consular officer of the United States; or
4. any other person authorized by federal law to perform notarial acts.

B. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

C. The signature and indicated title of an officer listed in this section conclusively establish the authority of a holder of that title to perform a notarial act.

**§ 49-117. Notarial acts performed by officer of foreign nation or multinational or international organization.**

A. A notarial act has the same effect pursuant to the laws of this state as if performed by a notarial officer of this state if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multinational or international organization by any of the following persons:

1. a notary public or notary;
2. a judge, clerk, or deputy clerk of a court of record; or
3. any other person authorized by the law of that jurisdiction to perform notarial acts.

B. An “Apostille” in the form prescribed by the Hague Convention of October 5, 1961, conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

C. A certificate by a foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by a foreign service or consular officer of that nation stationed in the United

States, conclusively establishes any matter relating to the authenticity or validity of the notarial act set forth in the certificate.

D. An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

E. An official stamp or seal of an officer listed in this section is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

F. If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

**§ 49-118. Certification of notarial act.**

A. A notarial act must be evidenced by a certificate signed and dated by a notarial officer. The certificate shall include identification of the jurisdiction in which the notarial act is performed and the title of the office of the notarial officer and may include the official stamp or seal of office. If the officer is a notary public, the certificate must also indicate the date of expiration, if any, of the commission of office, but omission of that information may subsequently be corrected. If the officer is a commissioned officer on active duty in the military service of the United States, it must also include the rank of the officer.

B. A certificate of a notarial act is sufficient if it meets the requirements of subsection A of this section and it:

- 1. is in the short form set forth in Section 9 of this act;
- 2. is in a form otherwise prescribed by the law of this state;
- 3. is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or
- 4. sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

C. By executing a certificate of a notarial act, the notarial officer certifies that the officer has made the determinations required by Section 3 of this act.

**§ 49-119. Short form certificates of notarial acts.**

A. The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by subsection A of Section 8 of this act:

- 1. For an acknowledgment in an individual capacity;  
 State of .....  
 County of .....  
 This instrument was acknowledged before me on .....(date) by ..... (name(s))  
 of person(s).

(Seal, if any)

.....  
(Signature of notarial officer)

.....  
Title (and Rank)  
My commission expires:  
.....

- 2. For an acknowledgment in a representative capacity:



State of .....

County of .....

This instrument was acknowledged before me on ..... (date) by ..... (name(s) of person(s)) as ..... (type of authority, e.g., officer, trustee, etc.) of ..... (name of party on behalf of whom the instrument was executed).

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
Title (and Rank)  
My commission expires:  
.....

3. For a verification upon oath or affirmation:

State of .....

County of .....

Signed and sworn to (or affirmed) before me on..... (date) by ..... (name(s) of person(s) making statement).

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
Title (and Rank)  
My commission expires:  
.....

4. For witnessing or attesting a signature:

State of .....

County of .....

Signed or attested before me on .....(date) by .....(name(s) of person(s)).

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
Title (and Rank)  
My commission expires:  
.....

5. For attestation of a copy of a document:

State of .....

County of .....

I certify that this is a true and correct copy of a document in the possession of

.....

Dated: .....

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
Title (and Rank)  
My commission expires:  
.....

**§ 49-120. Construction and application of act.**

A notarial act performed prior to November 1, 1985, is not affected by the provisions of the Uniform Law on Notarial Acts. The Uniform Law on Notarial Acts provides an additional method of proving notarial acts. Nothing in the Uniform Law on Notarial Acts diminishes or invalidates the recognition accorded to notarial acts by other laws or regulations of this state.

**§ 49-121. Interpretation of act.**

The Uniform Law on Notarial Acts shall be so interpreted as to make uniform the laws of those states which enact it.

**REMOTE ONLINE NOTARY ACT**

**§ 201. Short title.**

A. Sections 2 through 15 of this act shall be known and may be cited as the “Remote Online Notary Act”.

B. Nothing in this act shall permit a notary to take testimony, certify transcripts, or otherwise exercise any authority of a certified or licensed shorthand reporter, as provided in Sections 1501 through 1513 of Title 20 of the Oklahoma Statutes.

**§ 202. Definitions.** As used in the Remote Online Notary Act:

1. “Communication technology” means an electronic device or process that allows a notary public and a remotely located individual to communicate with each other by sight and sound;

2. “Credential analysis” means a process or service that meets the standards under Section 4 of this act through which a third person affirms the validity of an identification credential through review of public or private data sources;

3. “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities;

4. “Electronic record” means information that is created, generated, sent, communicated, received or stored by electronic means;

5. “Electronic seal” means an electronic image containing information attached to or logically associated with an electronic record that contains the notary public’s name exactly as indicated on the notary’s commission, the words “State of Oklahoma” and “Notary Public”, and the notary public’s commission number and the date of expiration of the notary public’s commission;

6. “Electronic signature” means an electronic sound, symbol or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record;

7. “Foreign state” means a jurisdiction other than the United States, a state or a federally recognized Indian tribe;

8. “Identity proofing” means a process or service that meets the standards under Section 4 of this act through which a third person provides a notary public with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources;

9. “Notarial act” or “notarization” means an act that a notary public is authorized to perform under subsection A of Section 6 of Title 49 of the Oklahoma Statutes or under any other law of this state;

10. “Outside the United States” means a location outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands and any territory, insular possession or other location subject to the jurisdiction of the United States;

11. “Person” means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity;

12. “Personal knowledge” means knowledge through dealings sufficient to provide reasonable certainty that the individual has the identity claimed, and “personally known” and “personally knows” have corresponding meanings;

13. “Principal” means a remotely located individual whose signature is notarized in a remote online notarization, whether in an individual or representative capacity, or who makes an oath, affirmation or acknowledgment in a remote online notarization, other than in the capacity of a witness;

14. “Remote online notarization” or “remote online notarial act” means a notarial act performed by means of communication technology under this act;

15. “Remote presentation” means transmission to a notary public through communication technology of an image of a remotely located individual’s identification credential that is of sufficient quality to enable the notary public to reasonably identify the remotely located individual and to perform credential analysis;

16. “Remotely located individual” means an individual who is not in the physical presence of the notary public who performs a remote online notarization; and

17. “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

**§ 203. Rulemaking; administration of standards.** A. The Secretary of State shall promulgate rules to implement and ensure the effective administration of the provisions of Sections 1 through 15 of this act and Sections 1 through 12 of Title 49 of the Oklahoma Statutes. The rules shall provide standards for:

1. Ensuring integrity in the creation, transmittal, storage and authentication of electronic signatures, electronic seals and electronic records;
2. The means of performing remote online notarial acts;
3. Communication technology, credential analysis and identity proofing;
4. The retention of journals and audio and visual recordings under Section 7 of this act;

5. Sufficient forms of notarial certificates for remote online notarizations; and

6. Other matters as deemed necessary by the Secretary of State to implement and administer the provisions of Sections 1 through 15 of this act and Sections 1 through 12 of Title 49 of the Oklahoma Statutes.

B. In promulgating, amending, supplementing and repealing rules under this section, the Secretary of State may consider standards adopted by national standard-setting bodies such as the National Association of Secretaries of State and the Mortgage Industry Standards and Maintenance Organization, the standards and practices of other jurisdictions that have laws substantially similar to the provisions of Title 49 of the Oklahoma Statutes, and the views of government officials and other interested persons.

C. The rules promulgated under this section may be amended, supplemented and repealed.

**§ 204. Registration required.**

A. A notary public appointed and commissioned under Section 1 of Title 49 of the Oklahoma Statutes may perform remote online notarizations under Title 49 of the Oklahoma Statutes if authorized by the Secretary of State. Before a notary public performs the notary public's initial remote online notarization, the notary public shall register with the Secretary of State under subsection C of this section and receive written authorization from the Secretary of State under subsection D of this section. An individual may apply for a commission under Section 1 of Title 49 of the Oklahoma Statutes and apply for registration under this section at the same time.

B. A notary public applying to register to perform remote online notarizations shall pay a fee of Twenty-five Dollars (\$25.00) to the Secretary of State with the application. These funds shall be deposited in the revolving fund created for the Secretary of State under Section 276.1 of Title 62 of the Oklahoma Statutes.

C. A notary public registering to perform remote online notarizations under this section shall submit a completed application using the forms or format required by the Secretary of State that shall include:

1. The full legal name of the applicant and the applicant's official name as it appears on the applicant's notarial commission under Section 1 of Title 49 of the Oklahoma Statutes;

2. A description of the technology the applicant intends to use in performing remote online notarizations;

3. A statement that the applicant will comply with the standards under Section 4 of this act; and

4. Any other information the Secretary of State may by rule require.

D. If the technology identified by the applicant conforms to the standards under Section 4 of this act and the applicant has satisfied the requirements of this section, the Secretary of State shall approve the use of the technology and issue to the applicant written authorization to perform remote online notarizations during the term of the applicant's notarial commission under Section 1 of Title 49 of the Oklahoma Statutes.

E. The Secretary of State may deny a notary public's application for registration under this section:

1. For a reason for which the Secretary of State may deny, refuse to renew or revoke a commission under subsection A of Section 12 of Title 49 of the Oklahoma Statutes;

2. For a violation of the rules under Section 4 of this act;

3. If the technology identified by the notary public does not conform to the standards under Section 4 of this act; or

4. If any information on the application is missing, inaccurate or incomplete.

F. The term of a notary public's authorization to perform remote online notarizations begins on the authorization date set by the Secretary of State and terminates on the commission's expiration date. The renewal of a notary public's commission pursuant to Section 1 of Title 49 of the Oklahoma Statutes shall not constitute the renewal of the notary public's authorization to perform remote online notarizations under this section.

G. A notary public's authorization to perform remote online notarizations terminates if:

1. The notary public's name changes during the term of the notary public's commission; and

2. The notary public elects to use the notary public's new name under a new commission pursuant to paragraph 2 of subsection B of Section 11 of Title 49 of the Oklahoma Statutes.

H. Nothing in this section shall be construed as prohibiting a notary public from receiving, installing or utilizing a hardware or software update to the technology that the notary public identified under this section if the hardware or software update does not result in a technology that is materially different from the technology that the notary public identified under this section.

**§ 205. Authority to perform remote online notarial acts.** A notary public physically located in this state and authorized to perform remote online notarizations under Section 5 of this act may perform a notarial act by means of communication technology for a remotely located individual who is physically located:

1. In this state;
2. Outside this state but not outside the United States; or
3. Outside the United States if:
  - a. the electronic record:

(1) is to be filed with or relates to a matter before a court, governmental entity, public official or other entity subject to the jurisdiction of the United States, or

(2) involves property located in the territorial jurisdiction of the United States or a transaction substantially connected to the United States, and

b. the notary public has no actual knowledge that the act of making the statement or signing the electronic record is prohibited by the foreign state in which the remotely located individual is located.

**§ 206. Electronic record of remote online notarial acts.**

A. A notary public shall maintain a journal in a permanent, tamper-evident electronic format complying with standards promulgated by the Secretary of State in which the notary public chronicles all remote online notarial acts that the notary public performs. An entry in a journal shall be made contemporaneously with the performance of the remote online notarial act and contain the following information:

1. The date and time of the remote online notarial act;
2. A description of the document, if any, and type of notarial act;
3. The full name and address of each principal for whom the notarial act is performed;
4. If the identity of the principal is based on personal knowledge, a statement to that effect;

5. If identity of the principal is based on credential analysis and identity proofing, a brief description of the results of the identity verification process and the identification credential remotely presented, including the date of issuance and expiration of the identification credential;

6. If identity of the principal is based on oath or affirmation of a credible witness, the information identified in paragraph 4 or 5 of this subsection, as applicable, that provided a basis for the notary public's identification of the credible witness, a statement of the basis by which the credible witness claims personal knowledge of the principal, the location of the credible witness, and the full name and address of the credible witness; and

7. The fee, if any, charged by the notary public.

B. A notary public, or a person acting on behalf of the notary public, shall create an audio and visual recording of the performance of each remote online notarial act.

C. A notary public shall take reasonable steps to:

1. Ensure the integrity, security and authenticity of remote online notarial acts;
2. Maintain a backup of the journal and the audio and visual recording; and

3. Protect the backup from unauthorized use.

D. A notary public, a guardian, conservator or agent of the notary public, or a personal representative of a deceased notary public shall retain the journal and the audio and visual recording or cause the journal and the recording to be retained by a depository designated by or on behalf of the person required to retain the journal and the recording. The recording shall be retained for at least ten (10) years from the date of the remote online notarial act. The journal shall be retained for at least ten (10) years after the performance of the last remote online notarial act chronicled in the journal.

**§ 207. Use of electronic signature and seal.**

A. In performing a remote online notarial act, a notary public shall attach or logically associate the notary public's electronic signature and electronic seal to the certificate of notarial act in a tamper-evident format. The electronic seal shall be capable of being copied together with the electronic record to which it is attached or with which it is logically associated. The certificate shall be attached to or logically associated with the electronic record that is the subject of the remote online notarial act. If the Secretary of State has approved standards under Section 4 of this act for attaching or logically associating the electronic signature, electronic seal or certificate, the process shall conform to the standards.

B. A notary public's use of an electronic signature and electronic seal under this section satisfies the requirement of Section 5 of Title 49 of the Oklahoma Statutes that a notary public authenticate an official act with an official signature and seal of office.

C. A notary public shall take reasonable steps to protect the notary public's electronic seal from unauthorized use. A notary public may not allow another person to use the notary public's electronic seal.

D. A notary public shall immediately notify an appropriate law enforcement agency and the Secretary of State upon actual knowledge of the theft or vandalism of the notary public's journal or electronic seal. A notary public shall immediately notify the Secretary of State upon actual knowledge of the loss or use by another person of the notary public's journal or electronic seal.

E. Unless required as part of the application under subsection C of Section 5 of this act, a notary public is not required to submit an image of the notary public's electronic seal to the Secretary of State. A notary public's electronic seal is not subject to the requirement that an impression be filed with and approved by the Secretary of State under Section 2 of Title 49 of the Oklahoma Statutes.

**§ 208. Remote online notarization procedures.**

A. Before performing a remote online notarial act, a notary public shall:

1. Reasonably identify the electronic record before the notary public as the same electronic record in which the principal made a statement or on which the principal executed or adopted an electronic signature; and

2. Take reasonable steps to ensure that the communication technology used in the remote online notarial act is secure from unauthorized interception.

B. In performing a remote online notarial act, a notary shall reasonably verify the identity of the principal by:

1. The notary public's personal knowledge of the principal;

2. Each of the following:

a. remote presentation by the principal of a current government-issued identification

credential containing the photograph and signature of the principal,  
b. credential analysis of the identification credential, and  
c. identity proofing of the principal; or  
3. Oath or affirmation of a credible witness who personally knows the principal if:  
a. the credible witness is personally known to the notary public, or  
b. the notary public has reasonably verified the identity of the credible witness under paragraph 2 of this subsection.

C. A notary public may:

1. Require a principal or credible witness to provide additional information necessary to assure the notary public of the identity of the principal or credible witness; and  
2. Refuse to perform a remote online notarial act if the remote online notary public is not satisfied as to the identity of a principal.

D. A credible witness under subsection B of this section who is:

1. Physically present with a principal at the time of a remote online notarial act may be a remotely located individual if the credible witness and notary public communicate by means of communication technology; or

2. Physically present with a notary public at the time of a remote online notarial act may be outside the physical presence of a principal if the credible witness and principal communicate by means of communication technology.

E. The certificate of notarial act for a remote online notarization shall indicate that the notarial act was a remote online notarial act performed by means of communication technology. A certificate is sufficient to satisfy the requirement of this subsection if it:

1. Complies with standards under Section 4 of this act; or

2. Is in a form otherwise sufficient under the laws of this state and contains a statement substantially as follows: “This remote online notarization involved the use of communication technology.”

**§ 209. Fees.** A notary public, or a person acting for or on behalf of a notary public, may charge and collect a fee not to exceed Twenty-five Dollars (\$25.00) for a remote online notarial act.

**§ 210. Termination of notary public’s commission.**

A. Except as provided by subsection B of this section, a notary public authorized to perform remote online notarial acts whose commission is terminated or revoked shall destroy the coding, disk, certificate, card, software or password that enables the notary public to attach or logically associate the notary public’s electronic signature and electronic seal to an electronic record. A notary public subject to the provisions of this subsection shall certify compliance with this subsection to the Secretary of State. On the death or adjudication of incompetency of a notary public, the notary public’s personal representative or guardian shall comply with the provisions of this subsection.

B. A former notary public whose commission is terminated for a reason other than revocation is not required to destroy the items described by subsection A of this section if the former notary public receives a new commission as a notary public within three (3) months of the termination of the notary public’s former commission.

C. A notary public’s electronic signature and electronic seal shall be destroyed under subsection A of this section if:

1. The notary public’s name changes during the term of the notary public’s commission; and

2. The notary public elects to use the notary public's new name under a new commission pursuant to paragraph 2 of subsection B of Section 11 of Title 49 of the Oklahoma Statutes.

D. The termination of a notary public's commission shall not affect the retention requirements of subsection D of Section 7 of this act.

**§ 211. Legal recognition of remote online notarial acts.**

A. A remote online notarization under this act satisfies any requirement of law of this state that a principal appear before, appear personally before, or be in the physical presence of a notary public at the time of the performance of the notarial act.

B. A notary public's verification of a principal's identity under subsection B of Section 9 of this act constitutes satisfactory evidence of identity of the principal and satisfies any requirement of law of this state that the notary public obtain satisfactory evidence of identity of the principal.

**§ 212. Validity of remote online notarial acts.** The failure of a notary public to perform a duty or meet a requirement specified in this act does not invalidate a remote online notarial act performed by the notary public. The validity of a remote online notarial act under this act does not prevent an aggrieved person from seeking to invalidate the electronic record or transaction that is the subject of the remote online notarial act or from seeking other remedies based on law of this state other than this chapter or based on law of the United States. This section does not validate a purported remote online notarial act performed by an individual who does not have the authority to perform remote online notarial acts.

**§ 213. Applicable law; conflict of laws.**

A. The validity of a remote online notarization performed under the Remote Online Notary Act is determined by applying the laws of this state, regardless of the physical location of the principal at the time of the remote online notarization.

B. In the event of a conflict between a provision of the Remote Online Notary Act and another provision of Title 49 of the Oklahoma Statutes or any other law of this state, the provision of the Remote Online Notary Act controls.

**§ 214. Relation to electronic signatures in global and national commerce act.** The Remote Online Notary Act modifies, limits and supersedes the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. Section 7001, et seq.) but does not modify, limit or supersede Section 101(c) of that act (15 U.S.C. Section 7001(c)) or authorize electronic delivery of any of the notices described in Section 103(b) of that act (15 U.S.C. Section 7003(b)).

**OKLAHOMA ADMINISTRATIVE CODE**

**TITLE 655 CHAPTER 25**

**SUBCHAPTER 1: GENERAL PROVISIONS**

**655:25-1-1. Purpose**

This Chapter establishes procedures and guidelines relating to notaries public.

[Source: Amended at 11 Ok Reg 4245, eff 7-25-94; Amended at 16 Ok Reg 2626, eff 7-1-99; Amended at 18 Ok Reg 2793, eff 7-1-01]



### **655:25-1-1.1. Availability of forms and instructions**

The following forms and instructions related to this Chapter are available for public use and may be obtained by contacting the Notary Department or from the Secretary of State website:

- (1) Application for Notary Public Commission
- (2) Notarial Bond, with Oath of Office and Loyalty Oath; and
- (3) Application for Remote Online Notarization Authorization

### **655:25-1-2. Application for commission as a notary public; renewal**

(a) **Application contents.** Every application for a notarial commission must include:

- (1) the printed name of the applicant exactly as he/she will sign documents as a notary;
- (2) former names, if applicant has been previously commissioned as an Oklahoma notary under a different name;
- (3) if a resident of this state, the county of residence and street address (see also (d) of this Section);
- (4) if a resident of another state, the county and street address of employment in Oklahoma and applicant's residence address (see also (d) of this Section);
- (5) statements that the applicant:
  - (A) is at least 18 years of age;
  - (B) has never been convicted of a felony; and
  - (C) is able to read and write in English;
- (6) a designation of new, renewal or expired commission including an expiration date if applicable;
- (7) a daytime telephone number;
- (8) a valid email address for the applicant;
- (9) the signature of the applicant, which must match the printed name required in paragraph (1) of this subsection; and
- (10) an application fee of \$25.00 for a new or expired application and \$20.00 for a renewal application [49 O.S., §1.1].

(b) **Renewal period.** Renewal applications must be filed and accepted prior to the expiration of the commission being renewed. However, applications will not be accepted earlier than six (6) weeks prior to the expiration date of the commission.

(c) **New commission required.** The applicant must apply for a new commission if:

- (1) The applicant has never been an Oklahoma notary public;
- (2) The applicant has been an Oklahoma notary public but has let the commission expire; or
- (3) The applicant is a current Oklahoma notary public and wishes to make changes on the current commission [see also 655.25-7-2].

(d) **Post office boxes not allowed; ACP exception.** A post office box number cannot be accepted in lieu of a residence or employment address on the application. If no street address exists, a route number or directions to the Oklahoma residence or place of employment of the applicant must be provided. An exception to this requirement will be granted for individuals participation in the Address Confidentiality Program [22 O.S. § 60.14 and OAC 75:20].

### **655:25-1-3. Suspension of notary commissions [REVOKED]**

#### **655:25-1-4. Record search [REVOKED]**

#### **655:25-1-5. Bond, oath, signature, and seal; failure to file**

(a) **Filing.** Prior to performing the duties as a notary public and not more than sixty (60) days after issuance of a notary commission, the following must be filed with the Secretary of State:

- (1) the notary's oath of office and loyalty oath;
- (2) the notary's official signature;
- (3) an impression of the notary's official seal;
- (4) a bond in the sum of One Thousand Dollars (\$1,000.00), to be approved by the Secretary of State; and
- (5) a filing fee of \$10.00 [49 O.S., §2].

(b) **Term of bond.** The notarial bond must be valid from the bond's effective date until the expiration date of the notary's current commission.

(c) **Failure to file.** Failure to file the notarial bond, as set forth in this Section, will result in revocation of the notary's commission.

#### **655:25-1-5.1. Term of notary commission**

Each person appointed and commissioned as a notary public shall hold office for a term of four (4) years from the effective date of the notary's commission, unless a commission is resigned or revoked prior to the end of the four year term.

#### **655:25-1-6. Notary public list subscriptions [REVOKED]**

#### **655:25-1-8. Electronic notarization and seal**

As authorized by 12A O.S., §15-111, Oklahoma Uniform Electronic Transactions Act, an Oklahoma notary may perform an electronic notarization. An electronic notarization must meet all of the requirements of a traditional notarization, including the requirement that the principal appear in person before the notary. The notary's electronic seal must reproduce the required elements of the notary seal, as set forth in 49 O.S., §5.

### **SUBCHAPTER 3: REVOCATION, RESIGNATION AND DEATH**

#### **655:25-3-1. Revocation**

(a) A notary commission may be revoked by the Secretary of State upon:

- (1) conviction of any felony; or
- (2) failure to comply with Section 2 of Title 49 of the Oklahoma Statutes, requiring the notary to file a notarial bond within sixty (60) days after issuance of the notary's commission [49 O.S., § 12(A)].

(b) A notary commission shall be revoked by the Secretary of State:

(1) upon receipt of a final judgment from a district court in this state or its equivalent in a foreign jurisdiction against a notary public in this state for performing a false or fraudulent notarial act [49 O.S., § 12(B)]; or

(2) for a period of eight (8), years upon receipt of a final judgment against a notary public for a violation of 49 O.S., § 6(B) from a district court of this state or its equivalent from a foreign jurisdiction [49 O.S., § 6.1].

(c) Upon revocation of a notary's commission, notice of such action will be sent to the address currently on file for the notary.

### **655:25-3-2. Resignation**

(a) A notary who resigns a notarial commission shall submit to the Secretary of State a written notice of resignation and the effective date of such resignation.

(b) Notaries who cease to reside or work in this state shall resign their commission.

(c) When a notarial commission is resigned, the notary shall destroy the official seal(s).

### **655:25-3-3. Death**

If a notary dies during the term of commission, the notary's heirs or personal representative, as soon as reasonably practicable after death, shall:

(1) destroy the official seal(s); and

(2) deliver a signed notice of the date of death to the Secretary of State signed by an heir or personal representative of the deceased notary.

[Source: Added at 18 Ok Reg 2793, eff 7-1-01; Amended at 20 Ok Reg 2578, eff 7-11-03]

## **SUBCHAPTER 5: SEAL**

### **655:25-5-1. Journal [REVOKED]**

[Source: Added at 18 Ok Reg 2793, eff 7-1-01; Revoked at 20 Ok Reg 2578, eff 7-11-03]

### **655:25-5-2. Official seal**

(a) A notary shall keep an official notarial seal that is the exclusive property of the notary and that may not be used by any other person. At the end of a notary's employment, an employer may not require the notary to surrender the seal.

(b) The seal may be either a metal seal which leaves an embossed impression, a rubber stamp, or an electronic seal, as defined in 49 O.S., § 5 and OAC 655:25-1-8.

(c) A notary shall authenticate all official acts with this seal. The seal impression shall appear near the notary's official signature on a notarial certificate.

[Source: Added at 18 Ok Reg 2793, eff 7-1-01; Amended at 20 Ok Reg 2578, eff 7-11-03]

### **655:25-5-3. Lost or stolen seal**

(a) **Notification.** Upon the loss or theft of a seal, the notary shall submit to the Secretary of State a written notice of the loss or theft and the date the seal was first discovered missing, and inform the appropriate law enforcement agency in the case of theft.

(b) **Replacement.** When purchasing a replacement seal, it is advisable to have a character or symbol added to the seal to distinguish it from the missing one. After purchasing a new seal, the notary shall submit to the Secretary of State a written notice advising that a replacement seal has been purchased, the date of purchase, and, if applicable, the distinguishing character or symbol added.

## **SUBCHAPTER 7: CHANGE OF NAME AND ADDRESS**

### **655:25-7-1. Change of address**

Within 30 days after the change of a notary's Oklahoma residence address or Oklahoma employment address if a non-resident, the notary shall submit to the Secretary of State written notification of the new address [49 O.S., §11].

### **655:25-7-2. Change of Name**

If a notary's name changes in the middle of the commission term, the notary may:

- (1) continue to use the former name until the current commission expires; or
- (2) apply for a new commission, obtain and file a new bond and seal, along with official signature and oaths, and pay applicable fees [49 O.S., §11 and this Chapter].

## **SUBCHAPTER 9: AVAILABILITY OF INFORMATION**

### **655:25-9-1. Availability of information [REVOKED]**

## **SUBCHAPTER 11: REMOTE ONLINE NOTARIZATION**

### **625:25-11-1. Purpose**

The purpose of this Subchapter is to establish the procedures necessary to implement the Oklahoma Remote Online Notary Act, 49 O.S., §§201 through 214.

### **655:25-11-2. Definitions**

The following words or terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

**“Communication technology”** means an electronic device or process that allows a notary public and a remotely located individual to communicate with each other by sight and sound [49 O.S., § 202(1)].

**“Credential analysis”** means a process or service that meets the standards under Section 655:25-11-5(a)(1), through which a third person affirms the validity of an identification credential through review of public or private data sources [49 O.S., § 202(2)].

**“Dynamic knowledge-based authentication assessment”** means an identity assessment of a remotely located individual that is based on a set of questions formulated from public or private data sources for which the individual has not provided a prior answer.

**“Electronic”** means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities [49 O.S., § 202(3)].

**“Electronic record”** means information that is created, generated, sent, communicated, received or stored by electronic means [49 O.S., § 202(4)].

**“Electronic seal”** means an electronic image attached to or logically associated with an electronic record that conforms to the requirements of Section 655:25-11-4(b).

**“Electronic signature”** means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record [49 O.S., § 202(6)].

**“Identification credential”** means a non-expired passport, driver's license, or form of government-issued identification document that contains the signature and photograph of the individual.

**“Identity proofing”** means a process or service that meets the standards under Section 655:25-11-5(a)(2) by which a third person provides a notary public with the means to verify the identity of a remotely located individual through review of personal information from public or private data sources.

**“Notary public”** means an individual commissioned to perform notarial acts by the Secretary of State.

**“Person”** means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity [49 O.S., § 202(11)].

**“Personal knowledge”** means through dealings sufficient to provide reasonable certainty that the individual has the identity claimed, and “personally known” and “personally knows” have corresponding meanings [49 O.S., § 202(12)].

**“Principal”** means a remotely located individual whose electronic signature is notarized in a remote online notarization, whether in an individual or representative capacity, or who makes an oath, affirmation or acknowledgment in a remote online notarization, other than in the capacity of a witness [49 O.S., § 202(13)].

**“Remote online notarization”** or **“remote online notarial act”** means a notarial act performed for a remotely located individual facilitated by communication technology under this Subchapter.

**“Remote presentation”** means transmission to a notary public through communication technology of an image of a remotely located individual’s identification credential that is of sufficient quality to enable the notary public to identify the individual and to perform credential analysis [49 O.S., § 202(15)].

**“Remotely located individual”** means an individual who is not in the physical presence of the notary public who performs a remote online notarization [49 O.S., § 202(16)].

### **655:25-11-3. Registration to perform remote online notarizations**

(a) A notary public is authorized to perform remote online notarizations during the term of the notary public’s commission if the notary public has registered under subsection (b) of this Section and received written authorization from the Secretary of State under subsection (f) of this Section.

(b) Registration under this section shall be by written application to the Secretary of State that includes the following information:

- (1) the applicant’s full legal name;
- (2) the exact name under which the applicant is commissioned as a notary public, if different from the legal name;
- (3) the applicant’s commission number as a notary public;
- (4) a description of the technologies or devices that the applicant intends to use to perform remote online notarizations;
- (5) the name, address, and website URL of any vendors or other persons that will directly supply to the notary public the technologies that the notary public intends to use; and

(6) a statement that the technologies identified in the application are compliant with 49 O.S., § 201 through 214 and with this subchapter.

(c) The application must be submitted electronically to the Secretary of State as provided by information posted on the Secretary of State’s website.

(d) If, during the term of a notary public’s commission, the notary public intends to use the technologies of another vendor or person than those identified in subsection (b)(3) of this Section, then an additional application identifying such other vendors or other persons must be submitted to the Secretary of State as provided in this section.

(e) Each application submitted under this section must be accompanied by a fee of Twenty-Five Dollars (\$25.00) [49 O.S., § 209].

(f) If the technology identified by the notary public in the notification required under subsection (b) of this Section conforms to the standards adopted under this subchapter and the notary public satisfies the requirements of this Section, the Secretary of State shall approve the use of the technology and issue to the notary public written authorization to perform remote online notarizations during the term of the notary public's commission.

(g) The Secretary of State may disapprove the application and reject the notary public's request for authorization for the following reasons:

(1) the applicant is not currently commissioned as a notary public in the State of Oklahoma;

(2) any reason for which the Secretary of State may deny, refuse to renew or revoke a commission under 49 O.S., § 12(A);

(3) the notary public's failure to comply with Title 49 of the Oklahoma Statutes or this Subchapter;

(4) any information required under subsection (b) of this Section is missing, inaccurate or incomplete; or

(5) the technology identified by the notary public does not conform to the standards adopted under this Subchapter.

(h) The Secretary of State shall notify the applicant of approval or disapproval of the application within thirty (30) days after receipt. If the application is disapproved, the Secretary of State shall state the reasons for the disapproval.

(i) The renewal of the commission of a notary public who has previously received authorization to perform remote online notarizations under this Section does not constitute renewal of such authorization. A notary public who wishes to perform remote online notarizations after renewal of a prior commission must submit another application for registration under this Section.

(j) A notary public's authorization to perform remote online notarizations terminates if:

(1) the notary public's name changes during the term of the notary public's commission [49 O.S., § 204(G)(1)]; and

(2) the notary public elects to use the notary public's new name under a new commission [49 O.S., § 204(G)(2)].

(k) Nothing herein shall be construed to prohibit a notary public from receiving, installing, or using a hardware or software update to the technologies that the notary public identified [49 O.S., § 204(H)] under subsection (b) of this Section if the hardware or software update does not result in technologies that are materially different from the technologies that the notary public identified [49 O.S., § 204(H)].

#### **655:25-11-4. Electronic signatures and electronic seals**

(a) **Tamper-evident technology.** A notary public must select one or more tamper-evident technologies to perform remote online notarizations. A person may not require a notary public to use a technology that the notary public has not selected. The tamper-evident technology must consist of a digital certificate complying with the X.509 standard adopted by the International Telecommunication Union on October 14, 2016, or a similar industry-standard technology. A notary public must attach or logically associate the notary public's electronic signature and electronic seal to an electronic record that is the subject of a notarial act by use of the digital certificate. A notary public may not perform a remote online notarization if the digital certificate:

- (1) has expired;
- (2) has been revoked or terminated by the issuing or registering authority;
- (3) is invalid; or
- (4) is incapable of authentication.

(b) **Electronic seal.** A notary public must use the same unique electronic seal for all remote online notarizations. When affixed to an electronic record, an electronic seal must be clear, legible and photographically reproducible. An electronic seal is not required to be within a minimum or maximum size when photographically reproduced on an electronic record. An electronic seal used for remote online notarizations must substantially conform to the following design: a rectangular or circular seal with the notary public's name exactly as indicated on the notary's commission, the words "State of Oklahoma" and "Notary Public", the notary public's commission number, and the date of expiration of the notary public's commission [49 O.S., § 202(5)].

(c) **Security of electronic signature and electronic seal.** A notary public's electronic seal must remain within the exclusive control of the notary public, including control by means of use of a password or other secure method of authentication. A notary public may not allow any other individual to use his or her electronic seal to perform a notarial act. A notary public shall not disclose any access information used to affix the notary public's electronic signature or electronic seal to electronic records, except:

- (1) when requested by the Secretary of State or a law enforcement officer;
- (2) when required by court order or subpoena; or
- (3) pursuant to an agreement to facilitate notarial acts with a vendor or other technology provider identified in Section 655:25-11-3.

(d) **Termination of commission.** Upon resignation, revocation or expiration of the notary's commission, the notary public's electronic seal (including any coding, disk, digital certificate, card, software, or password that enables the notary public to attach or logically associate the electronic seal to an electronic record) must be destroyed or disabled to prohibit its use by any other person.

(e) **Notifications upon theft, vandalism or misuse.** A notary public shall immediately notify an appropriate law enforcement agency and the Secretary of State on actual knowledge of the theft or vandalism of the notary public's electronic signature, electronic seal or digital certificate. A notary public shall immediately notify the an appropriate law enforcement agency and Secretary of State on actual knowledge of the unauthorized use by another person of the notary public's electronic signature, electronic seal or digital certificate provider identified in Section 655:25-11-3.

#### **655:25-11-5. Standards for identity verification**

(a) **Multi-factor authentication.** If a notary public does not have satisfactory evidence of the identity of a principal under subsection (b) of this Section, the notary public must reasonably verify the principal's identity through a multi-factor authentication procedure as provided in this subsection. The procedure shall analyze the principal's identification credential that is the subject of remote presentation against trusted third-person data sources, bind the principal's identity to the individual following successful dynamic knowledge-based authentication assessment, and permit the notary public visually to compare the identification credential and the principal. The analysis of the identification credential and the dynamic knowledge-based authentication assessment shall conform to the following requirements:

- (1) **Credential analysis.** The analysis of the identification credential that is the

subject of remote presentation must use public or private data sources to confirm its validity and shall, at a minimum:

(A) use automated software processes to aid the notary public in verifying the identity of each principal;

(B) require that the identification credential passes an authenticity test, consistent with sound commercial practices that use appropriate technologies to confirm the integrity of visual, physical or cryptographic security features and to confirm that the identification credential is not fraudulent or inappropriately modified;

(C) use information held or published by the issuing source or an authoritative source, as available and consistent with sound commercial practices, to confirm the validity of personal details and identification credential details; and

(D) enable the notary public visually to compare for consistency the information and photograph on the identification credential and the principal as viewed by the notary public in real time through communication technology.

(2) **Identity proofing.** The notary public must perform an identity proofing procedure that consists of a dynamic knowledge-based authentication assessment. The assessment is successful if it meets the following requirements:

(A) The principal must answer a quiz consisting of a minimum of five questions related to the individual's personal history or identity formulated from public or private data sources;

(B) Each question must have a minimum of five possible answer choices;

(C) At least 80% of the questions must be answered correctly;

(D) All questions must be answered within two minutes;

(E) If the principal fails the first attempt, the principal may retake the quiz one time within 24 hours;

(F) During a retake of the quiz, a minimum of 40% of the prior questions must be replaced;

(G) If the principal fails the second attempt, the principal is not allowed to retry with the same online notary public within twenty-four (24) hours of the second failed attempt; and

(H) The notary public must not be able to see or record the questions or answers.

(b) **Other methods of identity verification.** A notary public has satisfactory evidence of the identity of a principal if the notary public has personal knowledge of the identity of the principal or if the principal is identified by oath or affirmation of a credible witness in accordance with the following requirements:

(1) To be a credible witness, an individual must have personal knowledge of the principal.

(2) The notary public must have personal knowledge of the credible witness or verify the identity of the credible witness by multi-factor authentication in accordance with subsection (a).

(3) A credible witness may be a remotely located individual if the notary public, credible witness, and principal can communicate by using communication technology.

### **655:25-11-6. Standards for communication technology**

The communication technology used by a notary public in the performance of remote online notarizations must conform to the following requirements:

(1) **Audio-video feeds.** Communication technology must provide for synchronous audio-video feeds of sufficient video resolution and audio clarity to enable the notary



public and all remotely located individuals to see and speak with each other. The process must provide a means for the notary public reasonably to confirm that an electronic record before the notary public is the same electronic record in which the principal made a statement or on which the principal executed an electronic signature.

(2) **Security measures.** Communication technology must provide reasonable security measures to prevent unauthorized access to:

(A) the live transmission of the audio-visual feeds;

(B) the methods used to perform the identify verification process under Section 655:25-11-5; and

(C) any electronic record in which the principal made a statement or on which the principal executed an electronic signature.

(3) **Work flow.** If any remotely located individual must exit the workflow, the individual must restart the identify verification process under Section 655:25-11-5 from the beginning.

#### **655:25-11-7. Certificate of notarial act for remote online notarizations**

(a) The certificate of notarial act for a remote online notarization must indicate that the notarial act was a remote online notarial act performed by means of communication technology.

(b) A form of certificate for a remote online notarization satisfies the requirement of subsection (a) of this Section if it is in the form provided by applicable law and contains a statement substantially as follows: “This remote online notarization involved the use of communication technology.”

(c) A short form certificate provided in 49 O.S., § 119, or an acknowledgment form prescribed in 60 O.S., § 178.11, satisfies the requirement of subsection (a) of this Section if it is in substantially one of the forms provided in Appendix A of this Chapter.

#### **655:25-11-8. Record retention and depositories**

(a) A notary public must retain an electronic journal and an audio-visual recording created under 49 O.S., § 206 in a computer or other electronic storage device that protects the journal and recording against unauthorized access by password or cryptographic process. The recording must be created in an industry-standard audio-visual file format and must not include images of any electronic record on which the remotely located individual executed an electronic signature.

(b) An electronic journal must be retained for at least ten (10) years after the last notarial act chronicled in the journal. An audio-visual recording must be retained for at least ten (10) years after the recording is made [49 O.S., § 206].

(c) A notary public must take reasonable steps to ensure that a backup of the electronic journal and audio-visual recording exists and is secure from unauthorized use.

(d) On the death or adjudication of incompetency of a current or former notary public, the notary public’s personal representative or guardian or any other person knowingly in possession of an electronic journal or audio-visual recording must:

(1) comply with the retention requirements of this Section;

(2) transmit the journal and recording to one or more depositories under subsection (e); or

(3) transmit the journal and recording in an industry-standard readable data storage device to the Secretary of State.

(e) A notary public, a guardian, conservator, or agent of a notary public, or a personal

representative of a deceased notary public may, by written contract, engage a third person to act as a depository to provide the storage required by subsection (a) of this Section.

The contract shall:

(1) enable the notary public, the guardian, conservator, or agent of the notary public, or the personal representative of the deceased notary public to comply with the retention requirements of this Section even if the contract is terminated; or

(2) provide that the information will be transferred to the notary public, the guardian, conservator, or agent of the notary public, or the personal representative of the deceased notary public if the contract is terminated.

## **APPENDIX A. CONTENTS AND SUFFICIENCY OF CERTIFICATES OF REMOTE ONLINE NOTARIAL ACTS**

(a) For an acknowledgment in an individual capacity:

State of Oklahoma

County of \_\_\_\_\_

This record was acknowledged before me by means of communication technology on (date) by (name(s) of person(s)).

(Signature of notary public)

Notary Public

(Electronic seal)

(My commission expires: \_\_\_\_\_)

(b) For an acknowledgment in a representative capacity:

State of Oklahoma

County of \_\_\_\_\_

This record was acknowledged before me by means of communication technology on (date) by (name(s) of person(s)) as (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom the electronic record was executed).

(Signature of notary public)

Notary Public

(Electronic seal)

(My commission expires: \_\_\_\_\_)

(c) For a verification upon oath or affirmation:

State of Oklahoma

County of \_\_\_\_\_

Signed and sworn to (or affirmed) before me by means of communication technology on (date) by (name(s) of person(s) making statement).

(Signature of notary public)

Notary Public

(Electronic seal)

(My commission expires: \_\_\_\_\_)

(d) For witnessing or attesting a signature:

State of Oklahoma

County of \_\_\_\_\_

Signed (or attested) before me by means of communication technology on (date) by (name(s) of person(s)).

(Signature of notary public)  
Notary Public  
(Electronic seal)  
(My commission expires: \_\_\_\_\_)

(e) Certificate of acknowledgement executed for a corporation:  
State of Oklahoma  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of communication technology this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging), a (state or place of incorporation) corporation, on behalf of the corporation.

(Signature of notary public)  
Notary Public  
(Electronic seal)  
(My commission expires: \_\_\_\_\_)

(f) Certificate of acknowledgement executed for a partnership:  
State of Oklahoma  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of communication technology this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership.

(Signature of notary public)  
Notary Public  
(Electronic seal)  
(My commission expires: \_\_\_\_\_)

(g) Certificate of acknowledgement executed for an individual acting as principal by an attorney-in-fact:  
State of Oklahoma  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of communication technology this (date) by (name of attorney-in-fact) as attorney-in-fact on behalf of (name of principal).

(Signature of notary public)  
Notary Public  
(Electronic seal)  
(My commission expires: \_\_\_\_\_)

(h) Certificate of acknowledgement executed by any public officer, trustee, or personal representative:  
State of Oklahoma  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of communication technology this (date) by (name and title of position).

(Signature of notary public)  
Notary Public

(Electronic seal)  
(My commission expires: \_\_\_\_\_)

(i) Certificate of acknowledgement executed by a public trust:  
State of Oklahoma  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of communication technology this (date) by (name), President or Chair of (name of trust), a public trust, on behalf of the trust.

(Signature of notary public)  
Notary Public  
(Electronic seal)  
(My commission expires: \_\_\_\_\_)