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DATE Disclaimer: *This is a proposed-for-adoption draft.*

There are still known deficiencies in format which PRIA's Style Committee will clean up following final approval.)

PROPERTY RECORDS INDUSTRY ASSOCIATION

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Executive Summary

Interstate recognition is rooted in a robust statutory, common law, and constitutional framework and has been in practice for over a century. It is essential to the efficient functioning of domestic commerce as it allows documents to be carried across multiple states while maintaining confidence in their trustworthiness. Without it, critical documents would have to be re-executed for use in multiple states and cross-border transactions would be nearly impossible.

Notarial laws are set at the state level, with each state setting the rules governing its own notaries. With interstate recognition, notaries can perform notarizations in accordance with the laws of their state, and recorders can trust those notarizations are valid regardless of whether they are performed in accordance with the laws of the recorders state.

PRIA's Supports Interstate Recognition in the Property Records Industry

Interstate recognition is central to PRIA's mission to promote efficient and secure processes for the recordability and acceptance of notarized documents. Interstate recognition is essential to ensuring that property transactions are fast, safe and convenient. PRIA encourages its members to familiarize themselves with interstate recognition to ensure timely acceptance of out-of-state notarizations.

What is Interstate Recognition?

Interstate recognition allows for the legal acceptance of notarizations performed by notarial officers of other states. There are three core elements of interstate recognition, each of which is determined by its own set of laws.

1. The laws governing the document's execution dictate whether a notarial act is required and which type of notarial act is needed. These laws do not dictate who must perform the notarial act or how the notarial act must be performed.
2. The notarial laws of the notary's commissioning state dictate how the notary must perform the notarization and validate the notarization when performed in accordance with the laws of the notary's state.
3. In addition to authorizing their own notaries to perform notarizations, every state recognizes and accepts notarial acts performed by notaries of other states. Notaries regularly perform notarizations for documents intended to be used in other states. With Interstate Recognition, signers can be confident that these documents will be freely accepted across the country when notarized in compliance with the laws of the notary's state.

What Is RON?

Remote Online Notarization (RON) is a modern form of notarization in which the signer appears before the notary by means of real-time, two-way audio-visual communication. Notaries may perform RON if authorized by their commissioning state. A remotely notarized document is as legally valid as one notarized via traditional paper-based notarization.

Interstate Recognition & RON

RON does not affect the application of interstate recognition. It is just another method of performing notarizations. If the notary's commissioning state authorizes the notary to perform RON, then the notarization is valid. The statutes recognizing and accepting out-of-state notarizations apply equally to both RON and traditional paper-based notarizations.

The Recorder's Role

Recorders are not expected to know the notarial laws of all 50 states. They can trust that a notarization is valid because the notary is required to perform notarizations in accordance with the laws of the notary's commissioning state. When a completed notarial certificate is included with the document, the recorder can proceed with the recording process speeding the notice and helping to maintain priority. The notarial laws of the recorder's state, however, do not affect the validity of the notarization.

Conclusion

While out-of-state notarizations may appear to be different from what recorders are accustomed to, interstate recognition ensures the validity and acceptance of these notarizations.

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