Governor Wolf Approves Temporary and Limited Suspension of Rule Requiring Physical Presence of Notaries for Real Estate Transactions

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On March 25, 2020, in response to the coronavirus (COVID-19) pandemic, Pennsylvania Governor Wolf approved a temporary and limited suspension of 57 Pa.C.S. § 306, which requires the physical presence of notaries, for both personal and commercial real estate transactions.

Coronavirus Effects on Real Estate Transactions

The suspension of the in-person notary requirement for personal real estate transactions applies only for transactions that are already in process, such as when an agreement of sale for residential property is already complete and only mortgage closing needs to take place.

For all commercial real estate transactions, suspension of the in-person notary
requirement applies to transactions that were already in process as well as new transactions during the emergency period.

**Coronavirus Impact on Notaries**

The suspension of the in-person notary requirement for both personal and commercial real estate transactions are subject to the following safeguards:

- Notaries must execute all notarial acts (including acknowledgments) in accordance with all other requirements of the Revised Uniform Law on Notarial Acts.

- Safeguards, such as identity verification, use of tamper-evident technology, and an audio-video recording of the notarial act, contemplated by the Uniform Law Commission and the recent Remote Online Notarization legislation must still be required.

- Notaries using audio-visual technology in lieu of personal appearance are required to:
  - become an approved Pennsylvania electronic notary by completing a free application online;
  - use an e-notary solution already approved by the Pennsylvania Department of State that offers remote notarization technology (Doc-Verify, Safe-Docs, Pavaso); and
  - include in the notary certificate that the notarial act was performed by means of communications technology, which can be satisfied by the following statement: “This notarial act involved the use of communication technology.”

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