

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2158

Chapter 21, Laws of 2026

69th Legislature
2026 Regular Session

ELECTRONIC NOTARIAL ACTS

EFFECTIVE DATE: January 1, 2027

Passed by the House January 29, 2026
Yeas 96 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate February 28,
2026
Yeas 47 Nays 0

DENNY HECK

President of the Senate

Approved March 11, 2026 10:17 AM

BOB FERGUSON

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2158** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 12, 2026

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2158

Passed Legislature - 2026 Regular Session

State of Washington 69th Legislature 2026 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Abell, Simmons, Reed, Zahn, and Reeves; by request of Uniform Law Commission)

READ FIRST TIME 01/20/26.

1 AN ACT Relating to electronic notarial acts; amending RCW
2 42.45.280; and providing an effective date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 42.45.280 and 2019 c 154 s 1 are each amended to
5 read as follows:

6 (1) The definitions in this subsection apply throughout this
7 section unless the context clearly requires otherwise.

8 (a) "Communication technology" means an electronic device or
9 process that:

10 (i) Allows an electronic records notary public and a remotely
11 located individual to communicate with each other simultaneously by
12 sight and sound; and

13 (ii) When necessary under and consistent with other applicable
14 law, facilitates communication with a remotely located individual
15 with a vision, hearing, or speech impairment.

16 (b) "Foreign state" means a jurisdiction other than the United
17 States, a state, or a federally recognized Indian tribe.

18 (c) "Identity proofing" means a process or service by which a
19 third person provides an electronic records notary public with a
20 means to verify the identity of a remotely located individual by a
21 review of personal information from public or private data sources.

1 (d) "Outside the United States" means a location outside the
2 geographic boundaries of the United States, Puerto Rico, the United
3 States Virgin Islands, and any territory, insular possession, or
4 other location subject to the jurisdiction of the United States.

5 (e) "Remotely located individual" means an individual who is not
6 in the physical presence of the electronic records notary public who
7 performs a notarial act under subsection (3) of this section.

8 (2) A remotely located individual complies with RCW 42.45.040 by
9 using communication technology to appear before an electronic records
10 notary public.

11 (3) An electronic records notary public located in this state may
12 perform a notarial act using communication technology for a remotely
13 located individual if:

14 (a) The electronic records notary public:

15 (i) Has personal knowledge under RCW 42.45.050(1) of the identity
16 of the remotely located individual;

17 (ii) Has satisfactory evidence of the identity of the remotely
18 located individual by a verification on oath or affirmation of a
19 credible witness appearing before and identified by the electronic
20 records notary public under RCW 42.45.050(2); or

21 (iii) Has obtained satisfactory evidence of the identity of the
22 remotely located individual by using at least two different types of
23 identity proofing;

24 (b) The electronic records notary public is reasonably able to
25 confirm that a record before the electronic records notary public is
26 the same record in which the remotely located individual made a
27 statement or on which the individual executed a signature;

28 (c) The electronic records notary public, or a person acting on
29 behalf of the electronic records notary public, creates an
30 audiovisual recording of the performance of the notarial act; and

31 (d) For a remotely located individual located outside the United
32 States:

33 (i) The record:

34 (A) Is to be filed with or relates to a matter before a public
35 official or court, governmental entity, or other entity subject to
36 the jurisdiction of the United States; or

37 (B) Involves property located in the territorial jurisdiction of
38 the United States or involves a transaction substantially connected
39 with the United States; and

1 (ii) The act of making the statement or signing the record is not
2 prohibited by the foreign state in which the remotely located
3 individual is located.

4 (4) An electronic records notary public located in this state may
5 use communication technology under subsection (3) of this section to
6 take an acknowledgment of a signature on a tangible record physically
7 present before the electronic records notary public if the tangible
8 record is displayed to and identified by the remotely located
9 individual during the audiovisual recording under subsection (3)(c)
10 of this section.

11 (5) The requirement under subsection (3)(b) of this section for
12 the performance of a notarial act with respect to a tangible record
13 not physically present before the electronic records notary public is
14 satisfied if:

15 (a) The remotely located individual:

16 (i) During the audiovisual recording under subsection (3)(c) of
17 this section, signs:

18 (A) The tangible record; and

19 (B) A declaration, in substantially the following form, that is
20 part of or securely attached to the tangible record:

21 I declare under penalty of perjury that the tangible record
22 of which this declaration is a part or to which it is
23 attached is the same tangible record on which (name of
24 electronic records notary public), an electronic records
25 notary public, performed a notarial act and before whom I
26 appeared by means of communication technology on (date).

27

28 Signature of remotely located individual

29

30 Printed name of remotely located individual; and

31 (ii) Sends the tangible record and declaration to the electronic
32 records notary public not later than three days after the notarial
33 act was performed; and

34 (b) The electronic records notary public:

35 (i) In the audiovisual recording under subsection (3)(c) of this
36 section, records the individual signing the tangible record and
37 declaration; and

1 (ii) After receipt of the tangible record and declaration from
2 the individual, executes a certificate of notarial act under RCW
3 42.45.130, which must include a statement in substantially the
4 following form:

5 I (name of electronic records notary public) witnessed, by
6 means of communication technology, (name of remotely located
7 individual) sign the attached tangible record and declaration
8 on (date).

9 (6) A notarial act performed in compliance with subsection (5) of
10 this section complies with RCW 42.45.130(1)(a) and is effective on
11 the date the remotely located individual signed the declaration under
12 subsection (5)(a)(i)(B) of this section.

13 (7) An electronic records notary public located in this state may
14 use communication technology under subsection (3) of this section to
15 administer an oath or affirmation to a remotely located individual
16 if, except as otherwise provided by other law of this state, the
17 electronic records notary public:

18 (a) Identifies the individual under subsection (3)(a) of this
19 section;

20 (b) Creates or causes the creation under subsection (3)(c) of
21 this section of an audiovisual recording of the individual taking the
22 oath or affirmation; and

23 (c) Retains or causes the retention under subsection (10) of this
24 section of the recording.

25 (8) If a notarial act is performed under this section, the
26 certificate of notarial act required by RCW 42.45.130 and the short
27 form certificate provided in RCW 42.45.140 must indicate that the
28 notarial act was performed using communication technology.

29 ~~((+5))~~ (9) A short form certificate provided in RCW 42.45.140
30 for a notarial act subject to this section is sufficient if it:

31 (a) Complies with rules adopted under subsection ~~((+8))~~ (12)(a)
32 of this section; or

33 (b) Is in the form provided by RCW 42.45.140 and contains a
34 statement substantially as follows: "This notarial act involved the
35 use of communication technology."

36 ~~((+6))~~ (10) An electronic records notary public, a guardian,
37 conservator, or agent of an electronic records notary public, or a
38 personal representative of a deceased electronic records notary
39 public shall retain the audiovisual recording created under

1 subsection (3)(c) of this section or cause the recording to be
2 retained by a repository designated by or on behalf of the person
3 required to retain the recording. Unless a different period is
4 required by rule adopted under subsection ~~((+8+))~~ (12)(d) of this
5 section, the recording must be retained for a period of at least ten
6 years after the recording is made.

7 ~~((+7+))~~ (11) Before an electronic records notary public performs
8 the electronic records notary public's initial notarial act under
9 this section, the electronic records notary public must notify the
10 director that the electronic records notary public will be performing
11 notarial acts and identify the technologies the electronic records
12 notary public intends to use. If the director has established
13 standards under subsection ~~((+8+))~~ (12) of this section and RCW
14 42.45.250 for approval of communication technology or identity
15 proofing, the communication technology and identity proofing must
16 conform to the standards.

17 ~~((+8+))~~ (12) In addition to adopting rules under RCW 42.45.250,
18 the director may adopt rules under this section regarding performance
19 of a notarial act. The rules may:

20 (a) Prescribe the means of performing a notarial act involving a
21 remotely located individual using communication technology;

22 (b) Establish standards for communication technology and identity
23 proofing;

24 (c) Establish requirements or procedures to approve providers of
25 communication technology and the process of identity proofing;

26 ~~((and))~~

27 (d) Establish standards and a period for the retention of an
28 audiovisual recording created under subsection (3)(c) of this
29 section; and

30 (e) Prescribe methods for an electronic records notary public to
31 confirm under subsections (4) and (5) of this section the identity of
32 a tangible record.

33 ~~((+9+))~~ (13) Before adopting, amending, or repealing a rule
34 governing performance of a notarial act with respect to a remotely
35 located individual, the director must consider:

36 (a) The most recent standards regarding the performance of a
37 notarial act with respect to a remotely located individual adopted by
38 national standard-setting organizations and the recommendations of
39 the national association of secretaries of state;

1 (b) Standards, practices, and customs of other jurisdictions that
2 have laws substantially similar to this section; and

3 (c) The views of governmental officials and entities and other
4 interested persons.

5 (14) By allowing its communication technology or identity
6 proofing to facilitate a notarial act for a remotely located
7 individual or by providing storage of the audiovisual recording under
8 subsection (3)(c) of this section, the provider of the communication
9 technology, identity proofing, or storage appoints the director as
10 the provider's agent for service of process in any civil action in
11 this state related to the notarial act.

12 NEW SECTION. Sec. 2. This act takes effect January 1, 2027.

Passed by the House January 29, 2026.

Passed by the Senate February 28, 2026.

Approved by the Governor March 11, 2026.

Filed in Office of Secretary of State March 12, 2026.

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