WSR 26-19-133
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed September 23, 2026, 8:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 26-09-147.

Title of Rule and Other Identifying Information: Chapter 308-30 WAC, Notaries public.

Hearing Location(s): On November 4, 2026, at 10:00 a.m., via Zoom at https://us06web.zoom.us/j/85778532287?pwd=a0noTH9GnDSvGO2BUuzcKbYU9Evyo5.1, chat link https://us06web.zoom.us/launch/jc/85778532287, Meeting ID 857 7853 2287, Passcode 741813; or One-tap mobile +12532158782,,85778532287#,,,,*741813# US (Tacoma), +12532050468,,85778532287#,,,,*741813# US; or join by SIP 85778532287@zoomcrc.com. Join instructions at https://us06web.zoom.us/meetings/85778532287/invitations?signature=BPtzwpD84xMrq9qcWOrv5CMLRWcH476ZbEj7wjfUBE0. If you are having trouble accessing the virtual meeting, please call 360-902-3486 at the time of the hearing to request assistance. Please email rulescoordinator@dol.wa.gov if you would like to request an interpreter, or other accommodations, at least one week in advance of the public hearing.

PLEASE NOTE: Hearing participants are encouraged to attend in person or be prepared to use the telephonic option (call in) if they experience technical difficulties. In-person attendance will take place at the Highways and Licensing Building, 1125 Washington Street S.E., Olympia, WA 98504.

Date of Intended Adoption: November 5, 2026.

Submit Written Comments to: Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98501, email rulescoordinator@dol.wa.gov, beginning September 24, 2026, by November 4, 2026.

Assistance for Persons with Disabilities: Contact Ellis Starrett, email rulescoordinator@dol.wa.gov, by October 25, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To implement HB [SHB] 2158 by adopting rule changes to allow for new electronic records notary public provisions, as well as prescribing methods for confirming tangible record identities, and clarifying the creation of duplicative originals.

Reasons Supporting Proposal: HB [SHB] 2158, passed during the 2026 legislative session, requires the department of licensing (DOL) to adopt rules related to new public provisions for electronic records notaries public.

Statutory Authority for Adoption: RCW 42.45.250 Rules; and HB [SHB] 2158 passed during the 2026 legislative session.

Statute Being Implemented: RCW 42.45.280 Electronic records notary public.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DOL, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Sydney Muhle, 405 Black Lake Boulevard S.W., Olympia, WA 98502, 360-634-5124; Enforcement: Sarah Gretza, 405 Black Lake Boulevard S.W., Olympia, WA 98502, 564-233-4313.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98501, phone 360-902-3846, email rulescoordinator@dol.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: This rule making provides clarification on the requirements for electronic records notaries public wishing to provide services for notarizing tangible records, which is authorized by statute. This new service provision is optional for existing electronic records notaries public, and DOL has not received any community feedback that indicates the new language would impose costs on small businesses.

Scope of exemption for rule proposal:

Is fully exempt.

September 23, 2026
Ellis Starrett
Rules and Policy Advisor

RDS-7410.2

AMENDATORY SECTION (Amending WSR 21-05-039, filed 2/11/21, effective 3/14/21)

WAC 308-30-020 Definitions. Words and terms used in these rules have the same meaning as in the Revised Uniform Law on Notarial Acts, RCW 42.45.010.

"Appear personally" means:

(a) Being in the same physical location as another individual and close enough to see, hear, communicate with, and exchange tangible identification credentials with that individual; or

(b) For remote notarial acts, being in a different physical location from another individual but able to see, hear, and communicate with that individual by means of communication technology.

"Commission" is equivalent to the term "license" as defined in RCW 18.235.010(6).

"Department" means the Washington state department of licensing.

"Director" means the director of the department of licensing or the director's designee.

"Electronic journal" means a chronological record of notarizations maintained by a notary public in an electronic format in compliance with these rules.

"Electronic notarial acts" means notarizations or notarial acts with respect to electronic records.

"Electronic notarial certificate" means the part of, or attachment to, an electronic record that is completed by the notary public, contains the information required under RCW 42.45.130 and the notary's official stamp, bears that notary's electronic signature, and states

the facts attested to by the notary in a notarization performed on an electronic record.

"Enroll" and "enrollment" mean a process for registering a notary public with a technology provider to access and use a tamper-evident technology in order to perform electronic notarial acts.

"Principal" means:

(a) An individual whose electronic signature is notarized; or

(b) An individual, other than a witness required for an electronic notarial act, taking an oath or affirmation from the notary public.

"Remote notarial act" means a notarization that is performed using audio-video technology that meets the requirements in WAC 308-30-310 that allows for direct interaction between the notary and the individuals that are remotely located.

"Sole control" means at all times being in the direct physical custody of the notary public or safeguarded by the notary with a password or other secure means of authentication.

"Tamper-evident technology" means a set of applications, programs, hardware, software, or other technologies designed to enable a notary public to perform electronic notarial acts and to display evidence of any changes made to an electronic record.

"Tangible record" means a physical or paper document.

"Technology provider" means an individual or entity that offers the services of a tamper-evident technology for electronic notarial acts.

"Venue" means the state and county where the notary public is physically located while performing a notarial act.

NEW SECTION

WAC 308-30-340 Responsibilities for electronic notarization of tangible records. (1) Remotely located individuals must send a tangible record to the electronic records notary public who witnessed their signature no later than three days after the notarial act was performed, under RCW 42.45.280 (5)(a)(ii).

(2) The electronic records notary public may dictate the delivery method for a tangible record to be sent to the notary by a remotely located individual.

(3) Failure to send a tangible record to the electronic records notary public within the three days allowed under subsection (1) of this section may result in the notarization being invalidated at the discretion of the electronic records notary public.