

**SENATE BILL NO. 109**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-FIRST LEGISLATURE - FIRST SESSION

**BY SENATOR HUGHES**

**Introduced: 4/12/19**

**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the recording of documents; relating to electronic documents;**  
2 **relating to notaries and notarizations; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 40.17.020(a) is amended to read:

5 (a) A conveyance that is eligible for recording under AS 40.17.030 and  
6 40.17.110 may be offered for recording only in the recording district in which land  
7 affected by the conveyance is located. If land affected by the conveyance is located in  
8 more than one recording district, an original conveyance **or an electronic document**  
9 **of the conveyance** may be offered for recording in the recording district in which part  
10 of the land is located and an original, [OR] a certified copy, **or an electronic**  
11 **document of the conveyance** may be offered for recording in each other recording  
12 district in which part of the land is located. A certified copy **or an electronic**  
13 **document of the conveyance** recorded has the same effect from the time it is  
14 recorded as though it were the original conveyance.

1 \* **Sec. 2.** AS 40.17.030(a) is amended to read:

2 (a) Except as provided in (b), (c), and (e) of this section **and AS 40.17.200**, to  
3 be eligible for recording, a document must

4 (1) contain original signatures;

5 (2) be legible or capable of being converted into legible form by a  
6 machine or device used in the recording office;

7 (3) be capable of being copied by the method used in the recording  
8 office;

9 (4) contain a title reflecting the overall intent of the document;

10 (5) contain the information needed to index the document under  
11 regulations of the department;

12 (6) contain a book and page reference or serial number reference if the  
13 document amends, corrects, extends, modifies, assigns, or releases a document  
14 previously recorded in this state;

15 (7) contain the name and address of a person to whom the document  
16 may be returned after recording;

17 (8) if it is a deed, contain the mailing addresses of all persons named in  
18 the document who grant or acquire an interest under the document;

19 (9) contain the name of the recording district in which it is to be  
20 recorded; and

21 (10) be accompanied by the applicable recording fee set by regulation;  
22 if the document is to be recorded for multiple purposes, it must be accompanied by the  
23 applicable fee for each of the multiple purposes.

24 \* **Sec. 3.** AS 40.17 is amended by adding new sections to read:

25 **Article 2. Electronic Documents.**

26 **Sec. 40.17.200. Validity of documents.** (a) If a law requires, as a condition for  
27 recording, that a document be an original, be on paper or another tangible medium, or  
28 be in writing, the requirement is satisfied by an electronic document.

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

31 (c) A requirement that a document or a signature associated with a document

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

6 **Sec. 40.17.210. Recording of electronic documents.** (a) The recorder

7 (1) may receive, index, store, archive, and transmit electronic  
 8 documents;

9 (2) may provide for access to and search and retrieval of documents  
 10 and information by electronic means;

11 (3) who accepts electronic documents for recording shall continue to  
 12 accept paper documents as authorized by state law and shall place entries for both  
 13 types of documents in the same index under AS 40.17.040;

14 (4) may convert paper documents accepted for recording into  
 15 electronic form;

16 (5) may convert into electronic form information recorded before the  
 17 recorder began to record electronic documents;

18 (6) may accept electronically a recording fee that the recorder is  
 19 authorized to collect; and

20 (7) may agree with other officials of a state or a political subdivision of  
 21 a state or of the United States on procedures or processes to facilitate the electronic  
 22 satisfaction of prior approvals and conditions precedent to recording.

23 (b) In this section, "paper document" means a document that is received by the  
 24 recorder in a form that is not electronic.

25 **Sec. 40.17.220. Administration and standards.** (a) The department shall  
 26 adopt standards in regulation to implement AS 40.17.200 - 40.17.240 consistent with  
 27 AS 44.37.025 and AS 40.17.200 - 40.17.240.

28 (b) To keep the standards, practices, and technology of the state compatible  
 29 with the standards, practices, and technology of recording offices in other jurisdictions  
 30 that enact provisions that are substantially similar to AS 40.17.200 - 40.17.240, the  
 31 department, in adopting, amending, and repealing standards, may consider

- 1 (1) standards and practices of other jurisdictions;
- 2 (2) the most recent standards adopted by national standard-setting
- 3 bodies;
- 4 (3) the views of interested persons and governmental officials and
- 5 entities;
- 6 (4) the needs of recording districts of varying size, population, and
- 7 resources; and
- 8 (5) standards requiring adequate information security protection to
- 9 ensure that electronic documents are accurate, authentic, adequately preserved, and
- 10 resistant to tampering.

11 **Sec. 40.17.230. Uniformity of application and construction.** In applying and

12 construing AS 40.17.200 - 40.17.240, consideration must be given to the need to

13 promote uniformity of the law among states that enact those provisions.

14 **Sec. 40.17.240. Relation to Electronic Signatures in Global and National**

15 **Commerce Act.** This chapter modifies, limits, and supersedes 15 U.S.C. 7001 - 7031

16 (Electronic Signatures in Global and National Commerce Act) but does not modify,

17 limit, or supersede 15 U.S.C. 7001(c) or authorize electronic delivery of any of the

18 notices described in 15 U.S.C. 7003(b).

19 \* **Sec. 4.** AS 40.17.900(5) is amended to read:

20 (5) "document" means a writing, plat, plan, or map, and includes

21 information in a form, such as electronic, mechanical, or magnetic storage; microfilm;

22 or electronic data transmission signals, that can be converted into a legible **and**

23 **perceivable** writing, plat, plan, or map form by a machine or device;

24 \* **Sec. 5.** AS 40.17.900 is amended by adding new paragraphs to read:

25 (11) "electronic" means relating to technology having electrical,

26 digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

27 (12) "electronic document" means a document that is received by the

28 recorder in an electronic form;

29 (13) "electronic signature" means an electronic sound, symbol, or

30 process attached to or logically associated with a document and executed or adopted

31 by a person with the intent to sign the document.

1 \* **Sec. 6.** AS 40.17 is amended by adding a new section to read:

2           **Sec. 40.17.995. Short title.** AS 40.17.200 - 40.17.240 may be cited as the  
3 Uniform Real Property Electronic Recording Act.

4 \* **Sec. 7.** AS 44.50.035 is amended to read:

5           **Sec. 44.50.035. Oath.** The application required by the lieutenant governor  
6 under AS 44.50.032 **and 44.50.220** must contain an oath or affirmation, in the form  
7 set out in AS 39.05.045, to be signed by the applicant. A signed oath or affirmation  
8 submitted in an application under AS 44.50.032 takes effect on the date of the  
9 applicant's commission as a notary public under this chapter. **A signed oath or**  
10 **affirmation on an application submitted under AS 44.50.220 takes effect on the**  
11 **date of the applicant's authorization to perform remote online notarizations**  
12 **under this chapter.**

13 \* **Sec. 8.** AS 44.50.062 is amended to read:

14           **Sec. 44.50.062. Prohibited acts.** A notary public may not

15                   (1) violate state or federal law in the performance of acts authorized by  
16 this chapter;

17                   (2) influence a person to enter into or avoid a transaction involving a  
18 notarial act by the notary public;

19                   (3) affix the notary public's signature or seal on a notarial certificate  
20 that is incomplete;

21                   (4) charge a fee for a notarial act unless a fee schedule has been  
22 provided to the signer before the performance of the notarial act;

23                   (5) affix the notary public's official seal to a document unless the  
24 person who is to sign the document

25                           (A) **except as provided by AS 44.50.250,** appears and signs  
26 the document before the notary public or, for an acknowledgment, appears and  
27 indicates to the notary public that the person voluntarily affixed the person's  
28 signature on the document for the purposes stated within the document;

29                           (B) gives an oath or affirmation if required under law or if the  
30 notarial certificate states that the document was signed under oath or  
31 affirmation; [AND]

1 (C) **in the case of a notarial act performed in the physical**  
 2 **presence of the notary public,** is personally known to the notary public,  
 3 produces government-issued identification containing the photograph and  
 4 signature of the person signing, or produces

5 (i) government-issued identification containing the  
 6 signature of the person signing, but without a photograph; and

7 (ii) another valid identification containing the  
 8 photograph and signature of the person signing; **and**

9 **(D) in the case of a notarial act performed for a remotely**  
 10 **located individual, satisfies the requirements of AS 44.50.250;**

11 (6) perform a notarial act if the notary public

12 (A) is a signer of or named in the document that is to be  
 13 notarized; or

14 (B) will receive directly from a transaction connected with the  
 15 notarial act a commission, fee, advantage, right, title, interest, cash, property,  
 16 or other consideration exceeding in value the normal fee charged by the notary  
 17 for the notarial act.

18 \* **Sec. 9.** AS 44.50.064 is amended by adding a new subsection to read:

19 (f) If a notary public's seal is in an electronic form, to comply with (e) of this  
 20 section, the notary public shall destroy the coding, disk, certificate, card, software, or  
 21 password that enables the notary public to attach or logically associate the notary  
 22 public's electronic seal to an electronic document. A notary public subject to the  
 23 provisions of this subsection shall certify compliance with this subsection to the  
 24 lieutenant governor. On the death or adjudication of incompetency of a notary public,  
 25 the notary public's personal representative or guardian shall comply with the  
 26 provisions of this subsection.

27 \* **Sec. 10.** AS 44.50.072 is amended to read:

28 **Sec. 44.50.072. Regulations.** The lieutenant governor **shall** [MAY] adopt  
 29 regulations under AS 44.62 (Administrative Procedure Act) to carry out the purposes  
 30 of this chapter.

31 \* **Sec. 11.** AS 44.50.072 is amended by adding new subsections to read:

1 (b) The regulations adopted by the lieutenant governor under (a) of this  
2 section must provide standards for

3 (1) a notary public's use of an electronic signature and a seal in  
4 electronic form on electronic documents notarized by the notary public;

5 (2) communication technology, credential analysis, and identity  
6 proofing; and

7 (3) forms of notarial certificates sufficient for remote online  
8 notarizations.

9 (c) In adopting regulations under this section, the lieutenant governor may  
10 consider standards adopted by national standard-setting bodies, the standards and  
11 practices of other jurisdictions that have laws substantially similar to this chapter, and  
12 the views of government officials and other interested persons.

13 \* **Sec. 12.** AS 44.50 is amended by adding new sections to read:

14 **Sec. 44.50.210. Validity of notarial acts.** (a) Except as otherwise provided in  
15 (c) of this section, the failure of a notary public to perform a duty or meet a  
16 requirement specified in this chapter does not invalidate a notarial act, including a  
17 remote online notarial act, performed by the notary public. The validity of a notarial  
18 act, including a remote online notarial act, under this chapter does not prevent an  
19 aggrieved person from seeking to invalidate the document or transaction that is the  
20 subject of the notarial act or remote online notarial act or from seeking other remedies  
21 based on a law of this state other than this chapter, or a law of the United States.

22 (b) This section does not validate a purported notarial act performed by an  
23 individual who does not have the authority to perform notarial acts. This section does  
24 not validate a purported remote online notarial act performed by an individual who  
25 does not have the authority to perform remote online notarial acts.

26 (c) A notarial act or a remote online notarial act performed in violation of  
27 AS 44.50.062(6) is voidable.

28 **Sec. 44.50.220. Registration to perform remote online notarizations.** (a) A  
29 notary public commissioned under AS 44.50.010(a) may perform remote online  
30 notarizations under this chapter if the lieutenant governor authorizes the notary public  
31 to perform remote online notarizations. Before a notary public performs the notary

1 public's initial remote online notarization, the notary public shall register with the  
 2 lieutenant governor under (c) of this section and receive written authorization from the  
 3 lieutenant governor under (d) of this section.

4 (b) Unless the applicant is a commissioned limited governmental notary public  
 5 under AS 44.50.010(a)(2) and employed by the state, a notary public applying to  
 6 register to perform remote online notarizations shall pay a nonrefundable application  
 7 fee of \$40. However, the lieutenant governor may not require an applicant who is a  
 8 commissioned limited governmental notary public under AS 44.50.010(a)(2)  
 9 employed by the state to pay an application fee to register to perform remote online  
 10 notarizations while acting in the capacity of a limited governmental notary public.

11 (c) A notary public registering to perform remote online notarizations under  
 12 this section shall submit a completed application using the forms or format required by  
 13 the lieutenant governor. The application must include

14 (1) the applicant's full name as it appears on the applicant's notarial  
 15 commission under AS 44.50.010(a);

16 (2) a description of the communication technology the applicant  
 17 intends to use in performing remote online notarizations;

18 (3) an affirmation that the applicant will comply with the standards  
 19 established by the lieutenant governor in regulation under AS 44.50.072;

20 (4) information concerning a denial, suspension, revocation, or  
 21 restriction of the applicant's commission as a notary public in this state or another  
 22 jurisdiction, which must include

23 (A) the identification of the jurisdiction where the denial,  
 24 suspension, revocation, or restriction was incurred;

25 (B) the date the jurisdiction issued the denial, suspension,  
 26 revocation, or restriction;

27 (C) the reasons for the denial, suspension, revocation, or  
 28 restriction; and

29 (D) information concerning the final resolution of the denial,  
 30 suspension, revocation, or restriction;

31 (5) an oath or affirmation signed by the applicant;

1 (6) the fee required under (b) of this section; and

2 (7) any other information the lieutenant governor may require.

3 (d) Unless the lieutenant governor denies an application under (e) of this  
4 section, if the communication technology identified by the notary public conforms to  
5 the standards established under AS 44.50.072 and the notary public has satisfied the  
6 requirements of this section, the lieutenant governor shall approve the use of the  
7 communication technology and issue to the notary public written authorization to  
8 perform remote online notarizations during the term of the notary public's  
9 commission.

10 (e) The lieutenant governor shall deny a notary public's application for  
11 registration under this section

12 (1) for a reason listed under AS 44.50.036 for denying an application  
13 for a notary public commission;

14 (2) for a violation of the standards established under AS 44.50.072;

15 (3) if the communication technology identified by the notary public  
16 does not conform to the standards established under AS 44.50.072; or

17 (4) if the application is not complete or contains a material  
18 misstatement or omission of fact related to the requirements for registration under this  
19 section.

20 (f) The term of a notary public's authorization to perform remote online  
21 notarizations begins on the authorization date set by the lieutenant governor and  
22 continues as long as the notary public's commission remains valid.

23 (g) This section does not prohibit a notary public from receiving, installing, or  
24 utilizing a hardware or software update to the communication technology that the  
25 notary public identified under this section if the hardware or software update does not  
26 result in a technology that is materially different than the technology the notary public  
27 identified under this section.

28 **Sec. 44.50.230. Authority to perform remote online notarizations.** A notary  
29 public physically located in this state and authorized to perform remote online  
30 notarizations under AS 44.50.220 may perform a notarial act by means of  
31 communication technology for a remotely located individual who is physically located

1 (1) in this state;

2 (2) outside this state but not outside the United States; or

3 (3) outside the United States, if

4 (A) the electronic document

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

8 (ii) involves property located in the territorial  
9 jurisdiction of the United States or involves a transaction substantially  
10 connected with the United States; and

11 (B) the notary public has no actual knowledge that the act of  
12 making the statement or signing the electronic document is prohibited by the  
13 foreign state in which the remotely located individual is located; in this  
14 subparagraph, "foreign state" means a jurisdiction other than the United States,  
15 a state, or a federally recognized Indian tribe.

16 **Sec. 44.50.240. Electronic record of remote online notarizations.** (a) A  
17 notary public shall maintain a journal in a permanent, tamper-evident electronic  
18 format complying with regulations adopted by the lieutenant governor under  
19 AS 44.50.072 in which the notary public chronicles all remote online notarial acts that  
20 the notary public performs. A notary public shall make an entry in a journal  
21 contemporaneously with the performance of the remote online notarial act, and the  
22 entry shall contain the following information:

23 (1) the date and time of the remote online notarial act;

24 (2) a description of the document, if any, and type of notarial act;

25 (3) the full name and address of each principal for whom the notarial  
26 act is performed;

27 (4) if the identity of the principal is based on personal knowledge, a  
28 statement to that effect;

29 (5) if the identity of the principal is based on credential analysis and  
30 identity proofing, a brief description of the results of the identity verification process  
31 and the identification credential remotely presented, including the date of issuance and

1 expiration of the identification credential;

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

8 (7) the fee, if any, charged by the notary public.

9 (b) A notary public, or a person acting on behalf of the notary public, shall  
10 create an audio and visual recording of the performance of each remote online notarial  
11 act.

12 (c) A notary public shall take reasonable steps to

13 (1) ensure the integrity, security, and authenticity of remote online  
14 notarizations;

15 (2) maintain a backup of the journal and the audio and visual  
16 recording; and

17 (3) protect the backup from unauthorized use.

18 (d) A notary public, a guardian, conservator, or agent of the notary public, or  
19 an executor of a deceased notary public shall retain the journal and the audio and  
20 visual recording required by this section or cause the journal and the recording  
21 required by this section to be retained by a depository designated by or on behalf of  
22 the person required to retain the journal and the recording. The audio and visual  
23 recording shall be retained for at least 10 years from the date of the remote online  
24 notarial act. The journal shall be retained for at least 10 years after the performance of  
25 the last remote online notarial act chronicled in the journal.

26 **Sec. 44.50.250. Remote online notarization procedures.** (a) Before  
27 performing a remote online notarization, a notary public shall

28 (1) reasonably identify the electronic document before the notary  
29 public as the same electronic document in which the principal made a statement or on  
30 which the principal executed or adopted an electronic signature; and

31 (2) take reasonable steps to ensure that the communication technology

1 used in the remote online notarization is secure from unauthorized interception.

2 (b) In performing a remote online notarization, a notary shall reasonably  
3 verify the identity of the principal by

4 (1) the notary public's personal knowledge of the principal;

5 (2) satisfying each of the following:

6 (A) receiving a remote presentation by the principal of a  
7 current government-issued identification credential containing the photograph  
8 and signature of the principal; in this subparagraph, "remote presentation"  
9 means transmission to a notary public through communication technology of  
10 an image of a remotely located individual's identification card or document  
11 that is of sufficient quality to enable the notary public to reasonably identify  
12 the remotely located individual and to perform credential analysis;

13 (B) performing or obtaining a credential analysis of the  
14 identification credential; and

15 (C) obtaining an identity proofing of the principal; or

16 (3) oath or affirmation of a credible witness who personally knows the  
17 principal if

18 (A) the credible witness is personally known to the notary  
19 public; or

20 (B) the notary public has reasonably verified the identity of the  
21 credible witness under (2) of this subsection.

22 (c) A notary public may

23 (1) require a principal or credible witness to provide additional  
24 information necessary to assure the notary public of the identity of the principal or  
25 credible witness; and

26 (2) refuse to perform a remote online notarization if the remote online  
27 notary public is not satisfied as to the identity of a principal.

28 (d) A credible witness under (b) of this section who is physically present with  
29 a principal at the time of a remote online notarization may be a remotely located  
30 individual if the credible witness and notary public communicate by means of  
31 communication technology.

1 (e) A credible witness under (b) of this section who is physically present with  
 2 a notary public at the time of a remote online notarization may be outside the physical  
 3 presence of a principal if the credible witness and principal communicate by means of  
 4 communication technology.

5 (f) The notarial certificate for a remote online notarization must indicate that  
 6 the notarial act occurred through a remote online notarization performed by means of  
 7 communication technology. A notarial certificate is sufficient to satisfy the  
 8 requirement of this subsection if it

9 (1) complies with standards under AS 44.50.072; or

10 (2) is in a form otherwise sufficient under the laws of this state and  
 11 contains a statement that reads substantially as follows: "This remote online  
 12 notarization involved the use of communication technology."

13 **Sec. 44.50.260. Legal recognition of remote online notarizations.** (a) A  
 14 remote online notarization performed under this chapter satisfies a requirement of law  
 15 of this state that a principal appear before, appear personally before, or be in the  
 16 physical presence of a notary public at the time of the performance of the notarial act.

17 (b) A notary public's verification of a principal's identity under  
 18 AS 44.50.250(b) constitutes satisfactory evidence of identity of the principal and  
 19 satisfies a requirement of law of this state that the notary public obtain satisfactory  
 20 evidence of identity of the principal.

21 **Sec. 44.50.270. Applicable law; conflict of laws.** (a) The validity of a remote  
 22 online notarization performed under this chapter is determined by applying the laws of  
 23 this state, regardless of the physical location of the principal at the time of the remote  
 24 online notarization.

25 (b) In the event of a conflict between a provision of AS 44.50.210 - 44.50.280  
 26 and another provision of this chapter or another law of this state, the provisions of  
 27 AS 44.50.210 - 44.50.280 control.

28 **Sec. 44.50.280. Relation to Electronic Signatures in Global and National**  
 29 **Commerce Act.** This chapter modifies, limits, and supersedes 15 U.S.C. 7001 - 7031  
 30 (Electronic Signatures in Global and National Commerce Act) but does not modify,  
 31 limit, or supersede 15 U.S.C. 7001(c) or authorize electronic delivery of any of the

1 notices described in 15 U.S.C. 7003(b).

2 \* **Sec. 13.** AS 44.50 is amended by adding a new section to read:

3 **Sec. 44.50.900. Definitions.** In this chapter, unless the context otherwise  
4 requires,

5 (1) "communication technology" means an electronic device or process  
6 that allows a notary public and a remotely located individual to communicate with  
7 each other by sight and sound;

8 (2) "convicted" or "conviction" means that the person has entered a  
9 plea of guilty, guilty but mentally ill, or nolo contendere, or has been found guilty or  
10 guilty but mentally ill by a court or jury;

11 (3) "credential analysis" means a process or service that meets the  
12 standards adopted under AS 44.50.072 through which a third person affirms the  
13 validity of an identification credential through review of public or private data  
14 sources;

15 (4) "document" means information that is inscribed on a tangible  
16 medium or that is stored in an electronic or other medium and is retrievable in  
17 perceivable form;

18 (5) "electronic" means relating to technology having electrical, digital,  
19 magnetic, wireless, optical, electromagnetic, or similar capabilities;

20 (6) "electronic document" means a document created, generated, sent,  
21 communicated, received, or stored by electronic means;

22 (7) "electronic signature" means an electronic sound, symbol, or  
23 process attached to or logically associated with an electronic document and executed  
24 or adopted by an individual with the intent to sign the electronic document;

25 (8) "identity proofing" means a process or service that meets the  
26 standards adopted under AS 44.50.072 through which a third person provides a notary  
27 public with a means to verify the identity of a remotely located individual by a review  
28 of personal information from public or private data sources;

29 (9) "notarial act" means an act that is identified as a notarial act under  
30 AS 09.63.120 and an act that a notary public is directed to perform under  
31 AS 44.50.060;

1 (10) "notary public" means a person commissioned to perform notarial  
2 acts under this chapter;

3 (11) "outside the United States" means a location outside the  
4 geographic boundaries of the United States, Puerto Rico, the United States Virgin  
5 Islands, and any territory, insular possession, or other location subject to the  
6 jurisdiction of the United States;

7 (12) "personal knowledge" or "personally known" means known to the  
8 notary public through dealings sufficient to provide reasonable certainty that the  
9 individual has the identity claimed;

10 (13) "principal" means a remotely located individual whose electronic  
11 signature is notarized in a remote online notarization, whether in an individual or  
12 representative capacity, or who makes an oath, affirmation, or acknowledgment in a  
13 remote online notarization, other than in the capacity of a witness;

14 (14) "remote online notarization" or "remote online notarial act" means  
15 a notarial act performed by means of communication technology under this chapter;

16 (15) "remotely located individual" means an individual who is not in  
17 the physical presence of the notary public who performs a remote online notarization;

18 (16) "state" means a state of the United States, the District of  
19 Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular  
20 possession subject to the jurisdiction of the United States.

21 \* **Sec. 14.** AS 44.50.200 is repealed.

22 \* **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to  
23 read:

24 **APPLICABILITY.** (a) Sections 1 - 6 of this Act apply to a document offered for  
25 recording or recorded on or after the effective date of secs. 1 - 6 of this Act.

26 (b) Sections 7 - 14 of this Act apply to a notarial act performed on or after the  
27 effective date of secs. 7 - 14 of this Act.

28 (c) In this section,

29 (1) "document" has the meaning given in AS 40.17.900, as amended by sec. 4  
30 of this Act;

31 (2) "notarial act" has the meaning given in AS 44.50.900, added by sec. 13 of

1 this Act.

2 \* **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to  
3 read:

4 TRANSITION: REGULATIONS. The Department of Natural Resources may adopt  
5 regulations necessary to implement the changes made by secs. 1 - 6 of this Act. The lieutenant  
6 governor may adopt regulations necessary to implement the changes made by secs. 7 - 14 of  
7 this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not  
8 before the effective date of secs. 1 - 14 of this Act.

9 \* **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to  
10 read:

11 SAVING CLAUSE. (a) Sections 1 - 6 of this Act do not affect the validity or effect of  
12 a document recorded before the effective date of secs. 1 - 6 of this Act.

13 (b) Sections 7 - 14 of this Act do not affect the validity or effect of a notarial act  
14 performed before the effective date of secs. 7 - 14 of this Act.

15 (c) In this section,

16 (1) "document" has the meaning given in AS 40.17.200, as amended by sec. 4  
17 of this Act;

18 (2) "notarial act" has the meaning given in AS 44.50.900, added by sec. 13 of  
19 this Act.

20 \* **Sec. 18.** Section 16 of this Act takes effect immediately under AS 01.10.070(c).

21 \* **Sec. 19.** Except as provided in sec. 18 of this Act, this Act takes effect January 1, 2020.