

1 Committee of Conference Report on SB 134-FN, adopting omnibus legislation relative to civil actions
2 and criminal liability.

3
4 Recommendation:

5
6 That the Senate recede from its position of nonconcurrence with the House amendment, and
7 concur with the House amendment, and

8 That the Senate and House adopt the following new amendment to the bill as amended by the
9 House, and pass the bill as so amended:

10
11 Amend RSA 631:3-a as inserted by Part I of the bill by deleting paragraph V.

12
13 Amend the bill by replacing Part II with the following:

14
15 **PART II**

16 **Relative to the revised uniform law on notarial acts and**
17 **the uniform real property electronic recording act.**

18 1 Notaries Public. Amend RSA 455:3 to read as follows:

19 455:3 Powers.

20 **I.** Every notary public, in addition to the usual powers of the office, shall have the same
21 powers as a justice of the peace in relation to depositions and the acknowledgment of deeds and
22 other instruments and the administering of oaths.

23 **II.** All ~~[acknowledgments made]~~ **notarial acts performed** by a notary public **with respect**
24 **to a record** shall be either under an **embossed** official seal or shall carry the legible imprint of an
25 **electronic or rubber** official ~~[rubber]~~ stamp stating the name of the notary, the words "notary
26 public, New Hampshire" and the expiration date of the notary public's commission.

27 **III. As used in this section:**

28 **(a) "Electronic" has the same meaning given in RSA 456-B:1, VI;**

29 **(b) "Notarial act" has the same meaning given in RSA 456-B:1, I;**

30 **(c) "Official stamp" has the same meaning given in RSA 456-B:1, IX; and**

31 **(d) "Record" has the same meaning given in RSA 456-B:1, XI.**

32 2 New Paragraph; Notarial Fees. Amend RSA 455:11 by inserting after paragraph II the
33 following new paragraph:

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1 III. For performing notarial acts for a remotely located individual under RSA 456-B:6-a, a
2 notary public shall be entitled to a fee of \$25 per act.

3 3 Uniform Law on Notarial Acts; Definitions. Amend RSA 456-B:1 to read as follows:
4 456-B:1 Definitions.

5 I. "Notarial act" means ~~[any act that a notary public]~~ ***an act, whether performed with***
6 ***respect to a tangible or electronic record, that a notarial officer*** is authorized to perform
7 ***under the law of this state***, and includes taking an acknowledgment, administering an oath or
8 affirmation, taking a verification upon oath or affirmation, witnessing or attesting a signature,
9 certifying or attesting a copy, and noting a protest of a negotiable instrument.

10 II. "Acknowledgment" means a declaration by ~~[a person]~~ ***an individual before a notarial***
11 ***officer*** that the ~~[person has executed an instrument]~~ ***individual has signed a record*** for the
12 purposes stated therein and, if ~~[the instrument is executed]~~ ***the record is signed*** in a
13 representative capacity, that the ~~[person]~~ ***individual*** signed the ~~[instrument]~~ ***record*** with proper
14 authority and ~~[executed]~~ ***signed*** it as the act of the ~~[person]~~ ***individual*** or entity ~~[represented and]~~
15 identified therein.

16 III. "Verification upon oath or affirmation" means a declaration that a statement is true
17 made by ~~[a person]~~ ***an individual*** upon oath or affirmation.

18 IV. "In a representative capacity" means ***acting as***:

19 (a) ~~[For and on behalf of a corporation, partnership, trust, or other entity, as]~~ An
20 authorized officer, agent, partner, trustee, or other representative ***for a person other than an***
21 ***individual***;

22 (b) ~~[As]~~ A public officer, personal representative, guardian, or other representative, in
23 the capacity recited in the instrument;

24 (c) ~~[As]~~ An ***agent or*** attorney in fact for a principal; or

25 (d) In any other capacity as an authorized representative of another.

26 V. "Notarial officer" means a notary public, justice of the peace, or other officer authorized to
27 perform notarial acts.

28 VI. ***"Electronic" means relating to technology having electrical, digital, magnetic,***
29 ***wireless, optical, electromagnetic, or similar capabilities.***

30 VII. ***"Electronic signature" means an electronic symbol, sound, or process attached***
31 ***to or logically associated with a record and executed or adopted by an individual with the***
32 ***intent to sign the record.***

33 VIII. ***"Notary public" means an individual appointed to perform a notarial act by***
34 ***the governor and executive council.***

35 IX. ***"Official stamp" means an official seal of office consisting of a physical image***
36 ***affixed to or embossed on a tangible record or an electronic image attached to or logically***
37 ***associated with an electronic record.***

1 X. *“Person” means an individual, corporation, business trust, statutory trust,*
2 *estate, trust, partnership, limited liability company, association, joint venture, public*
3 *corporation, government or governmental subdivision, agency, or instrumentality, or any*
4 *other legal or commercial entity.*

5 XI. *“Record” means information that is inscribed on a tangible medium or that is*
6 *stored in an electronic or other medium and is retrievable in perceivable form.*

7 XII. *“Sign” means, with present intent to authenticate or adopt a record:*
8 (a) *To execute or adopt a tangible symbol; or*
9 (b) *To attach to or logically associate with the record an electronic symbol,*
10 *sound, or process.*

11 XIII. *“Signature” means a tangible symbol or an electronic signature that evidences*
12 *the signing of a record.*

13 XIV. *“Stamping device” means:*
14 (a) *A physical device capable of affixing to or embossing on a tangible record an*
15 *official stamp; or*
16 (b) *An electronic device or process capable of attaching to or logically*
17 *associating with an electronic record an official stamp.*

18 XV. *“State” means a state of the United States, the District of Columbia, Puerto*
19 *Rico, the United States Virgin Islands, or any territory or insular possession subject to the*
20 *jurisdiction of the United States.*

21 4 Uniform Law on Notarial Acts; Notarial Acts. Amend RSA 456-B:2 to read as follows:
22 456-B:2 Notarial Acts.

23 I. In taking an acknowledgment, the notarial officer must determine, either from personal
24 knowledge or from satisfactory evidence, that the ~~[person]~~ **individual** appearing before the officer
25 and making the acknowledgment ~~[is the person whose true]~~ **has the identity claimed and that**
26 **the signature [is] on the instrument is the signature of the individual.**

27 II. In taking a verification upon oath or affirmation, the notarial officer must determine,
28 either from personal knowledge or from satisfactory evidence, that the ~~[person]~~ **individual**
29 appearing before the officer and making the verification ~~[is the person whose true]~~ **has the identity**
30 **claimed and that the signature [is] on the statement verified is the signature of the individual.**

31 III. In witnessing or attesting a signature the notarial officer must determine, either from
32 personal knowledge or from satisfactory evidence, that the ~~[signature is that of the person]~~
33 **individual** appearing before the officer and ~~[named therein]~~ **signing the record has the identity**
34 **claimed.**

35 IV. In certifying or attesting a copy of a ~~[document]~~ **record** or other item **that was copied,**
36 the notarial officer must determine that the proffered copy is a full, true, and accurate transcription
37 or reproduction of ~~[that which was copied]~~ **the record or item.**

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1 V. In making or noting a protest of a negotiable instrument the notarial officer must
2 determine the matters set forth in RSA 382-A:3-505.

3 VI. ~~[A notarial officer has satisfactory evidence that a person is the person whose true~~
4 ~~signature is on a document if that person is personally known to the notarial officer, is identified~~
5 ~~upon the oath or affirmation of a credible witness personally known to the notarial officer, or is~~
6 ~~identified on the basis of identification documents.] **A notarial officer may certify that a**~~
7 ~~**tangible copy of an electronic record is an accurate copy of the electronic record.**~~

8 VII.(a) For the purposes of this section, but only in the context of executing an estate
9 planning instrument such as a will~~[- trust, or power of attorney]~~ **or estate planning trust**, the
10 requirement that a person appear before a notarial officer at the time of the notarial act is satisfied
11 if the notarial officer is:

12 (1) The attorney, licensed to practice law in New Hampshire and in good standing,
13 who drafted the estate planning instrument;

14 (2) Another attorney licensed to practice law in New Hampshire and in good
15 standing, under the drafting attorney's supervision; or

16 (3) A paralegal under the supervision of either such attorney; and

17 (b) The person and the notarial officer can communicate simultaneously by sight and
18 sound through an electronic device or process at the time of the notarial act.

19 (c) This paragraph shall apply only to notarial acts performed on or after March 23, 2020
20 ~~[and ending on the last day of the state of emergency declared by executive order 2020-04]~~. In
21 addition, a notarial act performed in compliance with emergency order #11 pursuant to executive
22 order 2020-04 from its effective date through the date of its expiration is valid.

23 5 New Sections; Personal Appearance Required; Identification of Individual. Amend RSA 456-B
24 by inserting after section 2 the following new sections:

25 456-B:2-a Personal Appearance Required. If a notarial act relates to a statement made in or a
26 signature executed on a record, the individual making the statement or executing the signature shall
27 appear personally before the notarial officer.

28 456-B:2-b Identification of Individual.

29 I. A notarial officer has personal knowledge of the identity of an individual appearing before
30 the officer if the individual is personally known to the officer through dealings sufficient to provide
31 reasonable certainty that the individual has the identity claimed.

32 II. A notarial officer has satisfactory evidence of the identity of an individual appearing
33 before the officer if the officer can identify the individual:

34 (a) By means of:

35 (1) A passport, driver's license, or government issued nondriver identification card,
36 which is current and unexpired; or

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1 (2) Another form of government identification issued to an individual, which is
2 current and unexpired, contains the signature or a photograph of the individual, and is satisfactory
3 to the officer; or

4 (b) By a verification upon oath or affirmation of a credible witness personally appearing
5 before the officer and known to the officer or whom the officer can identify on the basis of a passport,
6 driver's license, or government issued nondriver identification card, which is current and unexpired.

7 III. A notarial officer may require an individual to provide additional information or
8 identification credentials necessary to assure the officer of the identity of the individual.

9 6 Notarial Acts. Amend RSA 456-B:3, III to read as follows:

10 III. The signature, *embossed* official seal or the legible imprint of an *electronic or rubber*
11 official [~~rubber~~] stamp stating the name of the notary, and the words "notary public, New
12 Hampshire" and the expiration date of the notary public's commission of a person performing a
13 notarial act or for a justice of the peace the name of the justice and the expiration date of his or her
14 commission typed, printed, or stamped on the document are prima facie evidence that the signature
15 is genuine and that the person holds the designated title.

16 7 New Section; Notarial Act Performed for Remotely Located Individual. Amend RSA 456-B by
17 inserting after section 6 the following new section:

18 456-B:6-a Notarial Act Performed for Remotely Located Individual.

19 I. In this section:

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

21 (1) Allows a notary public and a remotely located individual to communicate with
22 each other simultaneously by sight and sound; and

23 (2) When necessary and consistent with other applicable law, facilitates
24 communication with a remotely located individual who has a vision, hearing, or speech impairment.

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

27 (c) "Identity proofing" means a process or service by which a third person provides a
28 notary public with a means to verify the identity of a remotely located individual by a review of
29 personal information from public or private data sources.

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

33 (e) "Remotely located individual" means an individual who is not in the physical
34 presence of the notary public who performs a notarial act under paragraph III.

35 II. A remotely located individual may comply with RSA 456-B:2-a, and any other
36 requirement under the law of this state to appear before or be in the presence of a notary public at
37 the time of a notarial act, by using communication technology to appear before a notary public.

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1 III. A notary public located in this state may perform a notarial act using communication
2 technology for a remotely located individual if:

3 (a) The notary public:

4 (1) Has personal knowledge under RSA 456-B:2-b, I, of the identity of the individual;

5 (2) Has satisfactory evidence of the identity of the remotely located individual by
6 oath or affirmation from a credible witness appearing before the notary public under RSA 456-B:2-b,
7 II, or this section; or

8 (3) Has obtained satisfactory evidence of the identity of the remotely located
9 individual by using at least 2 different types of identity proofing;

10 (b) The notary public is able reasonably to confirm that a record before the notary public
11 is the same record in which the remotely located individual made a statement or on which the
12 individual executed a signature;

13 (c) The notary public, or a person acting on behalf of the notary public, creates an audio-
14 visual recording of the performance of the notarial act; and

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

16 (1) The record:

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

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

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

23 IV. If a notarial act is performed under this section, the certificate of notarial act required by
24 RSA 456-B:7 and the short-form certificate provided in RSA 456-B:8 must indicate that the notarial
25 act was performed using communication technology.

26 V. A short-form certificate provided in RSA 456-B:8 for a notarial act subject to this section
27 is sufficient if it:

28 (a) Complies with rules adopted under subparagraph VIII(a); or

29 (b) Is in the form provided in RSA 456-B:8 and contains a statement substantially as
30 follows: "This notarial act involved the use of communication technology."

31 VI. A notary public, a guardian, conservator, or agent of a notary public, or a personal
32 representative of a deceased notary public shall retain the audio-visual recording created under
33 subparagraph III(c) or cause the recording to be retained by a repository designated by or on behalf
34 of the person required to retain the recording. Unless a different period is required by rule adopted
35 under subparagraph VIII(d), the recording must be retained for a period of at least 10 years after the
36 recording is made.

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1 VII. Before a notary public performs the notary public's initial notarial act under this
2 section, the notary public must notify the secretary of state that the notary public will be performing
3 notarial acts with respect to remotely located individuals and identify the technologies the notary
4 public intends to use. If the secretary of state has established standards under paragraph VIII and
5 RSA 456-B:8-b, IV, for approval of communication technology or identity proofing, the
6 communication technology and identity proofing must conform to the standards.

7 VIII. In addition to adopting rules under RSA 456-B:8-b, IV, the secretary of state may
8 adopt rules under RSA 541-A regarding performance of a notarial act under this section. The rules
9 may:

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

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

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

15 (d) Establish standards and a period for the retention of an audio-visual recording
16 created under subparagraph III(c).

17 IX. Before adopting, amending, or repealing a rule governing performance of a notarial act
18 with respect to a remotely located individual, the secretary of state must consider:

19 (a) The most recent standards regarding the performance of a notarial act with respect
20 to a remotely located individual promulgated by national standard-setting organizations and the
21 recommendations of the National Association of Secretaries of State;

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

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

25 X. Unless the secretary of state has adopted a rule establishing standards for identity
26 proofing under subparagraph VIII(b), a notary public shall comply with the credential analysis and
27 authentication provisions of the Standards for Remote Online Notarization (Version 1) adopted by
28 The Mortgage Industry Standards Maintenance Organization on August 28, 2019. Compliance with
29 this paragraph satisfies the requirement of using at least 2 different types of identity proofing when
30 performing a notarial act for a remotely located individual under this section.

31 8 New Sections; Official Stamp; Stamping Device; Notification Regarding Performance of
32 Notarial Act on Electronic Record; Selection of Technology; Rules; Journal; Validity of Notarial Acts;
33 Relation to Electronic Signatures in Global and National Commerce Act. Amend RSA 456-B by
34 inserting after section 8 the following new sections:

35 456-B:8-a Official Stamp; Stamping Device.

36 I. The electronic or rubber official stamp of a notary public shall:

37 (a) Include the information required by RSA 455:3; and

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1 (b) Be capable of being copied together with the record to which it is affixed or attached
2 or with which it is logically associated.

3 II. A notary public is responsible for the security of the notary public's stamping device and
4 may not allow another individual to use the device to perform a notarial act. On resignation from, or
5 the revocation or expiration of, the notary public's commission, or on the expiration of the date set
6 forth in the stamping device, if any, the notary public shall disable the stamping device by
7 destroying, defacing, damaging, erasing, or securing it against use in a manner that renders it
8 unusable. On the death or adjudication of incompetency of a notary public, the notary public's
9 personal representative or guardian or any other person knowingly in possession of the stamping
10 device shall render it unusable by destroying, defacing, damaging, erasing, or securing it against use
11 in a manner that renders it unusable.

12 III. If a notary public's stamping device is lost or stolen, the notary public or the notary
13 public's personal representative or guardian shall notify promptly the secretary of state on
14 discovering that the device is lost or stolen.

15 456-B:8-b Notification Regarding Performance of Notarial Act on Electronic Record; Selection of
16 Technology; Rules.

17 I. A notary public may select one or more tamper-evident technologies to perform notarial
18 acts with respect to electronic records. A person may not require a notary public to perform a
19 notarial act with respect to an electronic record with a technology that the notary public has not
20 selected.

21 II. Before a notary public performs the notary public's initial notarial act with respect to an
22 electronic record, a notary public shall notify the secretary of state that the notary public will be
23 performing notarial acts with respect to electronic records and identify the technology the notary
24 public intends to use. If the secretary of state has established standards for approval of technology,
25 the technology shall conform to the standards. If the technology conforms to the standards, the
26 secretary of state shall approve the use of the technology.

27 III. The secretary of state may adopt rules under RSA 541-A to implement this chapter.
28 Rules adopted regarding the performance of notarial acts with respect to electronic records may not
29 require, or accord greater legal status or effect to, the implementation or application of a specific
30 technology or technical specification.

31 IV. Unless the secretary of state has adopted a rule establishing standards for tamper-
32 evident technology, a notary public shall attach or logically associate the notary public's official
33 stamp to an electronic record by use of a digital certificate complying with the X.509 standard
34 adopted by the International Telecommunication Union or a similar industry-standard technology.

35 456-B:8-c Journal.

36 I. A notary public shall maintain a journal in which the notary public chronicles all notarial
37 acts the notary public performs with respect to a remotely located individual under RSA 456-B:6-a.

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1 The notary public shall retain the journal for 10 years after the performance of the last notarial act
2 chronicled in the journal.

3 II. A journal may be created on a tangible medium or in an electronic format. A notary
4 public shall maintain only one journal at a time to chronicle all notarial acts performed regarding
5 tangible records and one or more journals to chronicle all notarial acts performed regarding
6 electronic records. If a journal is maintained on a tangible medium, it shall be a permanent, bound
7 register with numbered pages. If the journal is maintained in an electronic format, it shall be in a
8 permanent, tamper-evident electronic format complying with the rules of the secretary of state.

9 III. An entry in a journal shall be made contemporaneously with performance of the notarial
10 act and contain the following information:

11 (a) The date and time of the notarial act;

12 (b) A description of the record, if any, and type of notarial act;

13 (c) The full name and address of each individual for whom the notarial act is performed;

14 (d) If identity of the individual is based on personal knowledge, a statement to that
15 effect;

16 (e) If identity of the individual is based on satisfactory evidence, a brief description of
17 the method of identification and the identification credential presented, if any, including the date of
18 issuance and expiration of the identification credential; and

19 (f) The fee, if any, charged by the notary public.

20 IV. If the journal of a notary public is lost, the notary public loses access to the journal, or
21 the journal is stolen, the notary public promptly shall notify the secretary of state upon discovering
22 the journal is lost, access is lost, or the journal is stolen.

23 V. On resignation from, or the revocation or suspension of, the commission of a notary
24 public, the notary public shall retain the journal in accordance with paragraph I and inform the
25 secretary of state where the journal is located.

26 VI. Instead of retaining a journal as provided in paragraphs I and V, a current or former
27 notary public may transmit the journal to a repository approved by the secretary of state.

28 VII. Upon the death or adjudication of incompetency of a current or former notary public,
29 the personal representative or guardian of the notary public shall retain the journal as provided in
30 paragraphs I or V or transmit the journal to a repository approved by the secretary of state.

31 456-B:8-d Validity of Notarial Acts. The failure of a notarial officer to perform a duty or meet a
32 requirement specified in this chapter or RSA 455 does not invalidate a notarial act performed by the
33 notarial officer. The validity of a notarial act under this chapter or RSA 455 does not prevent an
34 aggrieved person from seeking to invalidate the record or transaction that is the subject of the
35 notarial act or from seeking other remedies based on law of this state other than this chapter or law
36 of the United States. This section does not validate a purported notarial act performed by an
37 individual who does not have the authority to perform notarial acts.

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1 456-B:8-e Relation to Electronic Signatures in Global and National Commerce Act. This chapter
2 modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15
3 U.S.C. section 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15
4 U.S.C. section 7001(c), or authorize electronic delivery of any of the notices described in section
5 103(b) of that act, 15 U.S.C. section 7003(b).

6 9 New Paragraph; Short Forms. Amend RSA 456-B:8 by inserting after paragraph V the
7 following new paragraph:

8 VI. For certifying a tangible copy of an electronic record:

9 State of _____

10 (County) of _____

11 I certify that this record is a true and correct copy of an electronic record printed by me or under my
12 supervision.

13 Dated _____

14 _____

15 (Signature of notarial officer)

16 (Seal, if any)

17 Title (and Rank)

18 [My commission expires: _____]

19 10 New Chapter; Uniform Real Property Electronic Recording Act. Amend RSA by inserting
20 after chapter 478 the following new chapter:

21 CHAPTER 478-A

22 UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT

23 478-A:1 Short Title. This chapter may be cited as the Uniform Real Property Electronic
24 Recording Act.

25 478-A:2 Definitions. In this chapter:

26 I. "Document" means information that is:

27 (a) Inscribed on a tangible medium or that is stored in an electronic or other medium
28 and is retrievable in perceivable form; and

29 (b) Eligible to be recorded in the land records maintained by the register of deeds.

30 II. "Electronic" means relating to technology having electrical, digital, magnetic, wireless,
31 optical, electromagnetic, or similar capabilities.

32 III. "Electronic document" means a document that is received by the register of deeds in an
33 electronic form.

34 IV. "Electronic signature" means an electronic sound, symbol, or process attached to or
35 logically associated with a document and executed or adopted by a person with the intent to sign the
36 document.

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1 V. “Person” means an individual, corporation, business trust, estate, trust, partnership,
2 limited liability company, association, joint venture, public corporation, government, or
3 governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

4 VI. “State” means a state of the United States, the District of Columbia, Puerto Rico, the
5 United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the
6 United States.

7 478-A:3 Validity of Electronic Documents; Recordation of Electronic Documents in Tangible
8 Form.

9 I. If a law requires, as a condition for recording, that a document be an original, be on paper
10 or another tangible medium, or be in writing, the requirement is satisfied by an electronic document
11 satisfying this section.

12 II. If a law requires, as a condition for recording, that a document be signed, the
13 requirement is satisfied by an electronic signature.

14 III. A requirement that a document or a signature associated with a document be notarized,
15 acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the
16 person authorized to perform that act, and all other information required to be included, is attached
17 to or logically associated with the document or signature. A physical or electronic image of a stamp,
18 impression, or seal need not accompany an electronic signature.

19 IV. A register of deeds shall accept for recording a tangible copy of an electronic document,
20 other than a plat, map, survey, or plat of land as provided in RSA 478:1-a, containing a notarial
21 certificate as satisfying any requirement that a document accepted for recording be an original, if the
22 notarial officer executing the notarial certificate certifies that the tangible copy is an accurate copy of
23 the electronic document. A notarial certificate in the form provided in RSA 456-B:8, VI, satisfies the
24 requirement of this paragraph.

25 478-A:4 Recording of Documents.

26 I. In this section, “paper document” means a document that is received by the register of
27 deeds in a form that is not electronic.

28 II. A register of deeds:

29 (a) May receive, index, store, archive, and transmit electronic documents;

30 (b) May provide for access to, and for search and retrieval of, documents and information
31 by electronic means;

32 (c) Shall, if accepting electronic documents for recording, continue to accept paper
33 documents as authorized by state law and shall place entries for both types of documents in the
34 same index;

35 (d) May convert paper documents accepted for recording into electronic form;

36 (e) May convert into electronic form information recorded before the register of deeds
37 began to record electronic documents;

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1 (f) May accept electronically any fee or tax that the register of deeds is authorized to
2 collect; and

3 (g) May agree with other officials of a state or a political subdivision thereof, or of the
4 United States, on procedures or processes to facilitate the electronic satisfaction of prior approvals
5 and conditions precedent to recording and the electronic payment of fees and taxes.

6 478-A:5 Uniformity of Application and Construction. In applying and construing this uniform
7 act, consideration shall be given to the need to promote uniformity of the law with respect to its
8 subject matter among states that enact it.

9 478-A:6 Relation to Electronic Signatures in Global and National Commerce Act. This chapter
10 modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15
11 U.S.C. section 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15
12 U.S.C. section 7001(c), or authorize electronic delivery of any of the notices described in section
13 103(b) of that act, 15 U.S.C. section 7003(b).

14 11 Wills; Requirements. Amend RSA 551:2, III(b) to read as follows:

15 (b) Nothing in this paragraph shall be deemed to allow an electronic will or codicil. This
16 paragraph shall apply only to wills executed on or after March 23, 2020~~[-and ending on the last day~~
17 ~~of the state of emergency declared by executive order 2020-04].~~

18 12 Effective Date.

19 I. RSA 456-B:2, VII as inserted by section 4 of Part II of this act and section 11 of Part II of
20 this act shall take effect upon its passage.

21 II. The remainder of Part II of this act shall take effect 180 days after its passage.

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The signatures below attest to the authenticity of this Report on SB 134-FN, adopting omnibus legislation relative to civil actions and criminal liability.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Carson, Dist. 14

Rep. Gordon, Graf. 9

Sen. French, Dist. 7

Rep. Rice, Hills. 37

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