

Sec. 44.50.075. Notarial act performed for remotely located individual. (a) A remotely located individual may comply with AS 44.50.062(5)(A) by using communication technology to appear before a notary public.

(b) A notary public located in this state may perform a notarial act using communication technology for a remotely located individual if

(1) the notary public has

(A) personal knowledge of the identity of the individual;

(B) obtained satisfactory evidence of the identity of the remotely located individual by oath or affirmation from a credible witness appearing before the notary public under AS 44.50.062(5)(A);
or

(C) obtained satisfactory evidence of the identity of the remotely located individual by using

(i) a government-issued identification card;

(ii) a credential analysis of the identification card described in (i) of this subparagraph; in this subparagraph, "credential analysis" means a form of identity proofing by which a third person affirms the accuracy of a government-issued identification card; and

(iii) at least one type of identity proofing;

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

(3) the notary public, or a person acting on behalf of the notary public, creates an audiovisual recording of the performance of the notarial act; and

(4) for a remotely located individual located outside the United States,

(A) the record

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

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

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

(c) If a notarial act is performed under this section, the notarial certificate required under AS 44.50.060 must state that the notarial act was performed using communication technology. A statement is sufficient if it states substantially as follows: "This notarial act involved the use of communication technology."

(d) A notary public, guardian, conservator, or agent of a notary public, or a personal representative of a deceased notary public shall retain the audiovisual recording created under (b)(3) of this section or cause the recording to be retained by a repository designated by or on behalf of the person required to retain the recording. Unless a different period is required by regulation adopted under (f)(4) of this section, the recording must be retained for a period of at least 10 years after the recording is made.

(e) Before a notary public performs the notary public's initial notarial act under this section, the notary public shall notify the lieutenant governor that the notary public will be performing notarial acts with respect to remotely located individuals and identify the communication technologies the notary public intends to use. If the lieutenant governor has established standards under (f)(3) of this section or AS 44.50.072 for approval of communication technology or identity proofing, the communication technologies and identity proofing must conform to the standards.

(f) In addition to adopting regulations under AS 44.50.072, the lieutenant governor may adopt regulations regarding performance of a notarial act under this section. The regulations may

(1) prescribe the means of performing a notarial act involving a remotely located individual using communication technology;

(2) establish standards for communication technology and identity proofing;

(3) establish requirements or procedures to approve providers of communication technology and the process of identity proofing; and

(4) establish standards and a period for the retention of an audiovisual recording created under (b)(3) of this section.

(g) Before adopting, amending, or repealing a regulation governing performance of a notarial act with respect to a remotely located individual, the lieutenant governor shall consider

(1) the most recent standards regarding the performance of a notarial act with respect to a remotely located individual adopted by national standard-setting organizations;

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

(3) the views of other governmental officials and entities and other interested persons.

(h) By allowing its communication technology or identity proofing to facilitate a notarial act for a remotely located individual or by providing storage of the audiovisual recording created under (b)(3) of this section, the provider of the communication technology, identity proofing, or storage appoints the lieutenant governor as the provider's agent for service of process in any civil action in this state related to the notarial act.

(i) In this section,

(1) "foreign state" means a jurisdiction other than the United States, a state, or a federally recognized tribe;

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