

Uniform Law on Notarial Acts
As amended by Chapter 206; Laws of 2021

456-B:1 Definitions. –

I. "Notarial act" means an act, whether performed with respect to a tangible or electronic record, that a notarial officer is authorized to perform under the laws of this state, and includes taking an acknowledgment, administering an oath or affirmation, taking a verification upon oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

II. "Acknowledgment" means a declaration by an individual before a notarial officer that the individual has signed a record for the purposes stated therein and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified therein.

III. "Verification upon oath or affirmation" means a declaration that a statement is true made by an individual upon oath or affirmation.

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

(a) An authorized officer, agent, partner, trustee, or other representative for a person other than an individual;

(b) A public officer, personal representative, guardian, or other representative, in the capacity recited in the instrument;

(c) An agent or attorney in fact for a principal; or

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

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

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

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

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

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

X. "Person" means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

XI. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

XII. "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

XIII. "Signature" means a tangible symbol or an electronic signature that evidences the signing of a record.

XIV. "Stamping device" means:

(a) A physical device capable of affixing to or embossing on a tangible record an official stamp; or

(b) An electronic device or process capable of attaching to or logically associating with an electronic record an official stamp.

XV. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

456-B:2 Notarial Acts. –

I. In taking an acknowledgment, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the instrument is the signature of the individual.

II. In taking a verification upon oath or affirmation, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the individual appearing before the officer and making the verification has the identity claimed and that the signature on the statement verified is the signature of the individual.

III. In witnessing or attesting a signature the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the individual appearing before the officer and signing the record has the identity claimed.

IV. In certifying or attesting a copy of a record or other item that was copied, the notarial officer must determine that the proffered copy is a full, true, and accurate transcription or reproduction of the record or item.

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

VI. A notarial officer may certify that a tangible copy of an electronic record is an accurate copy of the electronic record.

VII. (a) For the purposes of this section, but only in the context of executing an estate planning instrument such as a will or estate planning trust, the requirement that a person appear before a notarial officer at the time of the notarial act is satisfied if the notarial officer is:

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

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

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

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

(c) This paragraph shall apply only to notarial acts performed on or after March 23, 2020. In addition, a notarial act performed in compliance with emergency order #11 pursuant to executive order 2020-04 from its effective date through the date of its expiration is valid.

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

456-B:2-b Identification of Individual. I. A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

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

(a) By means of:

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

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

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

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

456-B:3 Notarial Acts in This State. –

I. A notarial act may be performed within this state by the following persons:

(a) A notary public of this state;

(b) A judge, marital master, clerk, deputy clerk, register of probate, or deputy register of probate of any court of this state; or

(c) A justice of the peace of this state.

II. Notarial acts performed within this state under federal authority as provided in RSA 456-B:5 have the same effect as if performed by a notarial officer of this state.

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

IV. Any person admitted to the practice of law in this state may administer an oath or affirmation for the purpose of taking oral testimony.

456-B:4 Notarial Acts in Other Jurisdictions of the United States. –

I. A notarial act has the same effect under the law of this state as if performed by a notarial officer of this state, if performed in another state, commonwealth, territory, district, or possession of the United States by any of the following persons:

(a) A notary public of that jurisdiction;

(b) A judge, clerk, or deputy clerk of a court of that jurisdiction; or

(c) Any other person authorized by the law of that jurisdiction to perform notarial acts.

II. Notarial acts performed in other jurisdictions of the United States under federal authority as provided in RSA 456-B:5 have the same effect as if performed by a notarial officer of this state.

III. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

IV. The signature and indicated title of an officer listed in subparagraphs I(a) or (b) conclusively establishes the authority of a holder of that title to perform a notarial act.

456-B:5 Notarial Acts Under Federal Authority. –

I. A notarial act has the same effect under the law of this state as if performed by a notarial officer of this state if performed anywhere by any of the following persons under authority granted by the law of the United States:

(a) A judge, clerk, or deputy clerk of a court;

(b) A commissioned officer on active duty in the military service of the United States;

(c) An officer of the foreign service or consular officer of the United States; or

(d) Any other person authorized by federal law to perform notarial acts.

II. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

III. The signature and indicated title of an officer listed in subparagraphs I(a), (b), or (c) conclusively establishes the authority of a holder of that title to perform a notarial act.

456-B:6 Foreign Notarial Acts. –

I. A notarial act has the same effect under the law of this state as if performed by a notarial officer of this state if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multi-national or international organization by any of the following persons:

(a) A notary public or notary;

(b) A judge, clerk, or deputy clerk of a court of record; or

(c) Any other person authorized by the law of that jurisdiction to perform notarial acts.

II. An "Apostille" in the form prescribed by the Hague Convention of October 5, 1961, conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

III. A certificate by a foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by a foreign service or consular officer of that nation stationed in the United States, conclusively establishes any matter relating to the authenticity or validity of the notarial act set forth in the certificate.

IV. An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

V. An official stamp or seal of an officer listed in subparagraph I(a) or (b) is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

VI. If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

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

I. In this section:

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

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

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

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

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

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

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

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

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

(a) The notary public:

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

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

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

(b) 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;

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

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

(1) The record:

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

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

(2) 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.

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

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

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

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

VI. A notary public, a guardian, conservator, or agent of a notary public, or a personal representative of a deceased notary public shall retain the audio-visual recording created under subparagraph III(c) 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 rule adopted under subparagraph VIII(d), the recording must be retained for a period of at least 10 years after the recording is made.

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

VIII. In addition to adopting rules under RSA 456-B:8-b, IV, the secretary may adopt rules under RSA 651-A regarding performance of a notarial act under this section. The rules may:

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

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

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

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

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

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

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

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

X. Unless the secretary of state has adopted a rule establishing standards for identity proofing under subparagraph VIII(b), a notary public shall comply with the credential analysis and authentication provisions of the Standards for Remote Online Notarization (Version 1) adopted by The Mortgage Industry Standards Maintenance Organization on August 28, 2019.

Compliance with this paragraph satisfies the requirement of using at least 2 different types of identity proofing when performing a notarial act for a remotely located individual under this section.

456-B:7 Certificate of Notarial Acts. –

I. A notarial act must be evidenced by a certificate signed and dated by a notarial officer. The certificate must include identification of the jurisdiction in which the notarial act is performed and the title of the office of the notarial officer and may include the official stamp or seal of office. If the officer is a notary public, the certificate must also indicate the date of expiration, if any, of the commission of office, but omission of that information may subsequently be corrected. If the officer is a commissioned officer on active duty in the military service of the United States, it must also include the officer's rank.

II. A certificate of a notarial act is sufficient if it meets the requirements of paragraph I and it:

(a) Is in the short form set forth in RSA 456-B:8;

(b) Is in a form otherwise prescribed by the law of this state;

(c) Is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or

(d) Sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

III. By executing a certificate of a notarial act, the notarial officer certifies that the officer has made the determinations required by RSA 456-B:2.

456-B:8 Short Forms. –

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by RSA 456-B:7, I:

I. For an acknowledgment in an individual capacity:

State of _____

(County) of _____

This instrument was acknowledged before me on (date) by (name(s) of person(s))

(Signature of notarial officer)

(Seal, if any)

Title (and Rank)

[My commission expires: _____]

II. For an acknowledgment in a representative capacity:

State of _____

(County) of _____

This instrument was acknowledged before me on (date) by (name(s) of person(s)) as (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom instrument was executed).

(Signature of notarial officer)

(Seal, if any)

Title (and Rank)

[My commission expires: _____]

III. For a verification upon oath or affirmation:

State of _____

(County) of _____

Signed and sworn to (or affirmed) before me on (date) by (name(s) of person(s) making statement).

(Signature of notarial officer)

(Seal, if any)

Title (and Rank)

[My commission expires: _____]

IV. For witnessing or attesting a signature:

State of _____

(County) of _____

Signed or attested before me on (date) by (name(s) of person(s)).

(Signature of notarial officer)

(Seal, if any)

Title (and Rank)

[My commission expires: _____]

V. For attestation of a copy of a document:

State of _____

(County) of _____

I certify that this is a true and correct copy of a document in the possession of

Dated _____

(Signature of notarial officer)

(Seal, if any)

Title (and Rank)

[My commission expires: _____]

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

State of _____

(County) of _____

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

Dated _____

Signature of Notarial Officer _____ (Seal, if any)

Title (and Rank) _____

[My commission expires: _____]

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

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

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

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

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

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

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

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

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

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

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

456-B:8-c Journal.

I. A notary public shall maintain a journal in which the notary public chronicles all notarial acts the notary public performs with respect to a remotely located individual under RSA 456-B:6-a. The notary public shall retain the journal for 10 years after the performance of the last notarial act chronicled in the journal.

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

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

- (a) The date and time of the notarial act.
- (b) A description of the record, if any, and type of notarial act.
- (c) The full name and address of each individual for whom the notarial act is performed.
- (d) If identity of the individual is based on personal knowledge, a statement to that effect.

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

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

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

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

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

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

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

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

456-B:9 Notarial Acts Affected by This Act. – This chapter applies to notarial acts performed on or after its effective date.

456-B:10 Uniformity of Application and Construction. – This chapter shall be so interpreted to make uniform the law among those states enacting it.

456-B:11 Short Title. – This chapter may be cited as the Uniform Law on Notarial Acts.

RSA 551:2, III(b) Nothing in this paragraph shall be deemed to allow an electronic will or codicil. This paragraph shall apply only to wills executed on or after March 23, 2020.