

ONLINE NOTARY SOLUTION PROVIDER APPLICATION

Applicant: _____

Demo: _____

Notes:

General Requirements

Application Completion

- All questions are answered on the Application
- The Application has the following – 009.02:
 - Hardware and Software specifications for their Solution
 - Description of the technology used in the Solution
 - The person signing the Application must complete the Online Notary course and pass the exam
- Application is signed

Signup Process

- Present Certificate – 010.01(E)
 - Prior to authorization, the Notary must present their Certificate of Registration to the Solution Provider
- Verification of Registration – 010.01(F)
 - Prior to authorization, the Solution Provider must check with our office to confirm the Notary is registered as an Online Notary Public.
- Fees – 010.01(G)
 - The Solution Provider must offer prorated fees to align the costs with the remaining commission expiration of the Notary. That is, if the Solution Provider charges a subscription fee, it must be prorated if the subscription length is longer than the remaining time on the Notary's commission.
- Exemplar of Seal and Signature – 010.01(I)
 - The Applicant must provide an exemplary of every online notary's seal and signature that uses the Solution.

Free Reader – 010.01(A)

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- The Solution must provide a free and available reader/viewer to the documents can be read by all parties with no cost.
- Interrupted Transaction – 010.05
 - If one party leaves the transaction before it is completed, a new transaction must be completed.
- Suspension of Notaries – 010.01(H)
 - The solution must allow for the suspension of any Notary whose registration has been cancelled. Does this solution?
 - How does this solution accomplish the suspension?
 - Do they require an update from our office?
 - What is the timeline on a suspension once notified?
- Solution Provider Changes – 011
 - Will the Solution Provider notify our office within 45 days of any changes, modifications, or updates to the information submitted in this Application?
 - Will the Solution Provider notify our office within 45 days before making any updates or subsequent versions of their solution available to Nebraska notaries?

□ **Signature, Seal and Certificate**

□ Sole Control – 006.02, 006.03, 007.02, & 007.03

- The online notaries signature and seal must be under their sole control.
- During the online notarial process, the signature and seal are to be accessible and attributable solely to the notary

□ Electronic Signature – 006.05

- An image of the Notary's handwritten signature is to appear on the certificate and on all subsequent copies (digital or physical) generated of the documents.

□ Attachment of Electronic Seal – 007.05

- The Seal must be added on or attached to the documents being notarized.
- Does the seal appear on all digital and hard copies after the notarization is complete?

□ Contents of Seal – 007.06 & 007.07

- The Seal must have the following:
 - A border around it similar to the border of a physical stamp
 - Notary's name, exactly as commissioned
 - Notary's Identifying Number
 - Notary's Commission Expiration Date
 - "Online Notary Public"
 - "Nebraska"

□ Separate Attestations – 012

- Does the solution allow for a notarization of each individual signature when there are more than one signer?

□ Notarial Certificate – Neb. Rev. Stat. § 64-402(8)

- The certificate generated by the Solution must have the following information on it:
 - The online notary public's electronic signature, online notary seal, title, and commission expiration date;
 - Other required information concerning the date and place of the online notarial act; and
 - The completed wording of one of the following notarial certificates: (i) Acknowledgment, (ii) jurat, (iii) verification of proof, or (iv) oath or affirmation.

- **Communication Technology – 010.02**
 - The Communication Technology used by the Solution Provider must meet the following:
 - Have continuous, synchronous audio-visual feeds
 - Sufficient video resolution and audio clarity to enable the Notary and the Principal to see and speak to each other simultaneously through live, real time transmission
 - Sufficient resolution for Credential Analysis to be performed
 - Authentication to allow only the Notary and Principals access to the feed
 - Securely create, store, or transmit a recording of the transaction
 - Keeps the Identity Proofing quiz answers confidential
 - Keeps the credential analysis methods and means confidential

- **Credential Analysis – 010.03**
 - Credential Analysis used by the Solution Provider must meet the following:
 - Be an automated system to verify an identification card that:
 - Confirms the visual, physical, or cryptographic features of the ID
 - Confirms the ID is not fraudulent or inappropriately modified
 - Confirms the personal details on the ID and the ID credentials
 - Provides the result -- and not the methods or means -- to the Notary
 - Notary must be able to visually inspect the ID and compare it to the Principal.

- **Identity Proofing – 010.04**
 - The Identity Proofing used by the Solution must meet the following:
 - Quiz has a minimum of 5 questions
 - Questions must be related to the Principal's personal history or identity
 - Each question must have a minimum of 5 answer choices
 - Principal must answer at least 80% of questions correctly to pass
 - Two-minute time limit on quiz
 - If failed, Principal can only retake once more within 24 hours
 - During the retake, at least 60% of the questions must be different from the first quiz
 - If failed a second time, the Principal cannot retry with the same Notary for at least 24 hours

Record of Transaction

Contents of Records – Neb. Rev. Stat. § 64-409

- The solution must allow for the creation and retention of a record of the transaction. The record must include:
 - The date and time of the online notarial act;
 - The type of online notarial act;
 - The type, title, or description of the electronic document or proceeding;
 - The printed name and address of each principal involved in the transaction or proceeding;
 - Evidence of identity of each principal involved in the transaction or proceeding in the form of:
 - A statement that the principal is personally known to the online notary public;
 - A notation of the type of identification document provided to the online notary public;
 - A record of the identity verification made under section 64-411; or
 - The following:
 - The printed name and address of each credible witness swearing to or affirming the principal's identity; and
 - For each credible witness not personally known to the Notary, a description of the type of identification documents provided to the Notary;
 - A recording of any video and audio conference of the performance of the online notarial act, which shall not contain images of the documents that were notarized; and
 - The fee, if any, charged for the online notarial act.

Backup Copy – Neb. Rev. Stat. § 64-409(2)(b)

- The notary is required to keep a backup of these records. Is the notary able to download and store these records independently?

Retention Period – Neb. Rev. Stat. § 64-409(3)

- What is the retention period for the records in the Solution?
- The Notary must keep the records for 10 years. The Solution is not required to but it must allow the Notary access to the records to store themselves if necessary.

Retaining Access – 015.01

- Will the Notary maintain access to the records if they no longer use the Solution?
 - Not necessary but Notary must have the chance to download all records from the solution so they may keep them as required.