

**STATEMENT TO**  
**ASSEMBLY, No. 3903**

with Senate Floor Amendments  
(Proposed by Senator GOPAL)

ADOPTED: APRIL 13, 2020

As introduced, this bill allows, for the duration of the public health emergency and state of emergency declared by the Governor in Executive Order 103 of 2020, a notary public appointed pursuant to the provisions of the "Notaries Public Act of 1979," P.L.1979, c. 460 (C.52:7-10 et seq.), or otherwise qualified and commissioned as a notary public in this State to perform notarial acts using communication technology for a remotely located individual.

These floor amendments provide that, in addition to being performed by notaries public, notarial acts using communication technology for a remotely located individual could be performed by an officer authorized to take oaths, affirmations, and affidavits under R.S.41:2-1 or to take acknowledgements under R.S.46:14-6.1.

The bill as amended would not apply to a record to the extent it is governed by:

(1) the "Uniform Commercial Code," N.J.S.12A:1-101 et seq, other than N.J.S.12A:1-107, N.J.S.12A:1-206, the provisions of the "Uniform Commercial Code – Sales," chapter 2 of Title 12A of the New Jersey Statutes, and the provisions of the "Uniform Commercial Code – Leases," chapter 2A of Title 12A of the New Jersey Statutes; or;

(2) a statute, regulation, or other rule of law governing adoption, divorce or other matters of family law.

The officers authorized to take oaths, affirmations and affidavits under R.S.41:2-1 are:

- the Chief Justice of the Supreme Court, any of the justices of the Supreme Court, or judges of Superior Court or other courts of record of this State;
- municipal court judges;
- clerks of all courts;
- members of county boards of chosen freeholders, and their clerks;
- county surrogates, registers of deeds and mortgages, county clerks and their deputies;
- county sheriffs;
- mayors or aldermen of cities, towns or boroughs or commissioners of commission-governed municipalities;
- municipal clerks;
- members of the State Legislature;
- attorneys-at-law and counsellors-at-law of this State; and

- certified court reporters, as defined in section 10 of P.L.1940, c.175 (C.45:15B-10).

The officers authorized to take acknowledgements under R.S.46:14-6.1 are:

- attorneys-at-law;
- notaries public;
- county clerks and deputy county clerks;
- registers of deeds and mortgages and deputy registers;
- surrogates and deputy surrogates;
- officers of the United States, of a state, territory or district of the United States, or of a foreign nation authorized at the time and place of the acknowledgment or proof by the laws of that jurisdiction to take acknowledgments or proofs;
- foreign commissioners of deeds for New Jersey within the jurisdiction of the commission; and
- foreign service or consular officers or other representatives of the United States to any foreign nation, within the territory of that nation.