

Michigan Remote Electronic Notarization Law

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A new Michigan law may streamline real estate transactions by allowing remote electronic notarization. The law, Act 330 of 2018, was signed by Gov. Rick Snyder on June 28, 2018. It amends the Michigan Notary Public Act and allows for electronic notarization in the State. The new law will go into effect on Sept. 30, 2018, and the provisions relating to the remote electronic notarization platforms will go into effect March 30, 2019.

A notary public will be able to witness the signing of legal and recordable documents through an electronic platform after the identity of the person signing the document has been confirmed. All electronic platforms must be approved by the Michigan Secretary of State and the Department of Technology, Management and Budget. Michigan will take into consideration the standards, practices and customs of other jurisdictions that allow remote electronic notarization in evaluating proposed electronic platforms. Currently, in states like Virginia, notaries could use audio-visual conference technology such as webcams and Skype to verify the identity the signer, and affix an electronic signature and notary seal using a secure key to the electronic document. The electronically notarized document must be secure, adequately authenticated, and tamper evident.

The use of electronic notarization will not alter the course of a real estate transaction, but transactions could benefit from the convenience of remote electronic notarization. Remote electronic notarization allows documents to be notarized on demand anytime and anywhere, and may help to prevent forgeries by allowing the notary to archive the audio-video recording of the notarial act with the person's informed consent.

We will watch to see how title companies incorporate remote electronic notarization capability and leverage this platform to improve the closing experience of clients.

Miller Canfield's real estate lawyers represent and assist corporations, lenders, borrowers, special loan servicers, government entities, developers, landlords, tenants, buyers and sellers in transactions of all sizes. In all real estate matters, from high-rise office buildings, hotels and complex mixed-use projects to major professional sports stadiums to single family residential subdivisions, our attorneys are capable of tackling the toughest projects.

If you would like more information about Michigan's electronic notarization law, or any other real estate matter, please contact us.