

Testimony in Support of House Bill 2713
Presented to the Senate Judiciary Committee
By Randy Barbour
on behalf of the Kansas Land Title Association
March 11, 2020

Chairman Wilborn, members of the Committee. My name is Randy Barbour. I'm the Legislative Co-Chairman of the Kansas Land Title Association. KLTA has represented abstractors and title insurance agents in the great state of Kansas since 1907.

KLTA supports House Bill 2713, a version of the 2018 version of the Revised Uniform Law on Notary Acts (RULONA) tailored for Kansas. KLTA patiently monitored legislation across the United States over the past 4 years (attached is a chart showing the status of legislation across the United States) as other states attempted to adopt and implement technology driven notarizations. The ULC had the benefit of learning from some of the challenges faced by early adopters in crafting their 2018 revision to include provisions for what is becoming a new industry norm.

KLTA's goal in supporting this bill is to work in partnership with interested parties in the industry, especially the Kansas Secretary of State's office who must administer this law, to bring notarizations via 2-way audio/video technology (Remote Online Notaries or 'RON') to Kansas in a safe and responsible way. Crossover of membership between the KLTA Legislative Committee and the Title Standards Committee of Kansas Bar Association made the KBA an important partner as well.

Title insurers insure, among other things, the validity of an acknowledgment on recorded documents. That is why our industry has such a huge interest in good legislation on this matter. KLTA believes the provisions of HB 2713 for notarizations via 2-way audio/video technology are robust, they are safe and secure, platform neutral and they provide the Secretary of State with realistic mandate to promulgate the necessary rules and regulations to incorporate as necessary many of the national data and security standards that have been produced by the national standards groups.

Attached is a simplified flow chart of how a remote online notary might work.

We appreciate the cooperation and leadership the Secretary of State's office has provided as well as the advice and assistance provided by Prof. Concannon and the Kansas Bar Association in crafting this bill. Following passage of HB 2713 by the Kansas House we continued to work with parties who are interested in RULONA. During those discussions we discovered several minor items that needed to be clarified, and further came to the realization that Kansas would be better served by amending Section 11 of this bill to reflect the original language contained in

the model act. We have provided the Revisor with those suggested changes and believe those amendments will address the questions brought to us during the turnaround break.

For these reasons, the Kansas Land Title Association supports House Bill 2713 with the amendment suggested above.

Thank you for this opportunity to testify today. I would stand for questions.

Randy Barbour, Legislative Co-Chairman
Kansas Land Title Association

How Does Remote Online Notarization Work?

Remote Online Notarization ("RON") is a new, technology-driven notarial process that allows the signer to appear before the notary over a live audio-video feed when executing digital documents.

STEP 1

Identity Verification

RON uses the latest identity verification technologies to make notarizations more secure.

- A. Signer submits ID for review
- B. Notary performs forensic test on ID
- C. Signer passes a knowledge-based identity quiz



STEP 2

Audio-Video Conference

The notary and signer talk to each other over a webcam in real time and observe the necessary signatures and seals being added to the digital documents.

STEP 3

"Tamper-Sealed" Documents

The notary adds a "tamper-seal" to date/time-stamp the notarized documents. The seal will indicate whether any of the documents are altered in the future. The signer gets a PDF of the completely signed and notarized document.



STEP 4

Audit Trail and Notary Records

Like with traditional notarizations, the notary keeps a journal logging the basic details of the notarization. The journal can be kept in a secure digital format that includes a video of the notarial act, which can be used to prove who actually signed the document.



First American Title™

