

HOUSE BILL NO. 5289

November 13, 2025, Introduced by Rep. Posthumus and referred to Committee on Regulatory Reform.

A bill to amend 2003 PA 238, entitled
"Michigan law on notarial acts,"
by amending sections 26c and 26d (MCL 55.286c and 55.286d), as
amended by 2020 PA 336.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 26c. (1) Notwithstanding any other provision of this act,
- 2 a notary public may utilize a 2-way real-time audiovisual
- 3 technology to perform notarial acts electronically if all of the
- 4 following requirements are met:
- 5 (a) The 2-way real-time audiovisual technology allows direct

1 interaction between the individual seeking the notary's services,
 2 any witnesses, and the notary, so that each **individual** can
 3 communicate simultaneously by sight and sound through an electronic
 4 device or process at the time of the notarization.

5 (b) The 2-way real-time audiovisual technology ~~is capable of~~
 6 ~~creating~~ **can create** an audio and visual recording of the complete
 7 notarial act and the recording is made and retained as a notarial
 8 record in accordance with section 26b(7) to (9).

9 (c) The individual seeking the notary's services and any
 10 required witnesses, if not personally known to the notary, presents
 11 satisfactory evidence of identity to the notary **before the video**
 12 **conference that allows the notary to confirm the identity through**
 13 **credential analysis and identity proofing, and presents**
 14 **satisfactory evidence of identity to the notary again** during the
 15 video conference ~~, and does not merely transmit it before or after~~
 16 ~~the transaction,~~ **that allows the notary to reconfirm the identity,**
 17 to satisfy the requirements of this act and any other applicable
 18 law.

19 (d) Subject to subdivision (e), the individual seeking the
 20 notary's services affirmatively represents that the individual is
 21 physically situated in this state or is physically located outside
 22 the geographic boundaries of this state and ~~that~~ 1 of the following
 23 applies:

24 (i) The record is intended for filing with or relates to a
 25 matter before a court, governmental entity, public official, or
 26 other entity subject to the jurisdiction of this state.

27 (ii) The record involves property located in the territorial
 28 jurisdiction of this state or a transaction substantially connected
 29 to this state.

1 (e) If an individual is physically located outside of the
2 geographic boundaries of this state, the notary has no actual
3 knowledge that the individual's act of making the statement or
4 signing the record is prohibited by the laws of the jurisdiction in
5 which the individual is physically located.

6 (f) The individual seeking the notary's services, any required
7 witnesses, and the notary are able to affix ~~their~~ **each individual's**
8 signatures to the record in a manner that renders any subsequent
9 change or modification of the remote online notarial act to be
10 tamper evident.

11 (g) The individual seeking the notary's services or the
12 individual's designee transmits by facsimile, mail, or electronic
13 means a legible copy of the entire signed record directly to the
14 notary on the same date ~~it~~ **the record** was signed. This requirement
15 applies regardless of the manner in which the record is signed.

16 (h) Once the notary has received a legible copy of the record
17 with all necessary signatures, the notary notarizes the record in
18 accordance with section 27 and transmits the notarized record back
19 to the individual seeking the notary's services.

20 (2) The official date and time of the notarization performed
21 under this section is the date and time when the notary witnesses
22 the signature via 2-way real-time audiovisual technology as
23 required under this section.

24 (3) Notwithstanding any other law or regulation of this state,
25 beginning April 30, 2020, ~~and before July 1, 2021,~~ absent an
26 express prohibition in a record against signing the record in
27 counterparts, a record signed under this act may be signed in
28 counterparts.

29 (4) This section applies to a notarial act described in

1 subsection (1) performed on or after April 30, 2020. ~~and before~~
2 ~~July 1, 2021.~~

3 (5) If a record is notarized electronically under this
4 section, all of the following apply:

5 (a) The record does not need to be notarized under any other
6 provision of this act.

7 (b) The rights or interests of a person that relies in good
8 faith and without actual notice that the record was executed on or
9 after April 30, 2020 ~~and before July 1, 2021~~ but was not executed
10 or notarized in accordance with this section are not impaired,
11 challenged, or terminated on that basis alone.

12 (c) Compliance with this section is presumed. A person
13 challenging a record notarized under this section may overcome the
14 presumption by establishing, by clear and convincing evidence, that
15 the notary or the individual seeking the notary public's services
16 intentionally failed to comply with a requirement described in this
17 section.

18 Sec. 26d. (1) Beginning April 30, 2020, it is the intent of
19 the legislature that, governmental agencies and officials of this
20 state are encouraged to use or permit the use of electronic records
21 and electronic signatures to transact business, process
22 applications, and recognize the validity of legal instruments, and,
23 when a notarized signature is required by a law of this state, to
24 use a notary public who performs notarial acts electronically under
25 this act.

26 (2) Beginning April 30, 2020, it is the intent of the
27 legislature that, any requirement under the law of this state that
28 an in-person witness attests to or acknowledges an instrument,
29 record, or deed is satisfied by the use of 2-way real-time

1 audiovisual technology in accordance with section 26c.

2 (3) Beginning April 30, 2020, it is the intent of the
3 legislature that, any requirement that an individual appears
4 personally before or be in the presence of either a notary public
5 at the time of a notarization or a witness at the time of an
6 attestation or acknowledgment is satisfied if the individual, the
7 witnesses, or the notary public are not in the physical presence of
8 each other but can communicate simultaneously by 2-way real-time
9 audiovisual technology in accordance with section 26c at the time
10 of the notarization, attestation, or acknowledgment.

11 ~~(4) This section does not apply after June 30, 2021.~~