



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Wendy Zhan, Director

Office of Research
and Drafting

Legislative Budget
Office

S.B. 46*
135th General Assembly

Occupational Regulation Report

[Click here for S.B. 46's Bill Analysis / Fiscal Note](#)

Primary Sponsor: Sen. Roegner

Impacted Profession: Notaries public

Jill Rowland, Attorney

LSC is required by law to issue a report for each introduced bill that substantially changes or enacts an occupational regulation. The report must: (1) explain the bill's regulatory framework in the context of Ohio's statutory policy of using the least restrictive regulation necessary to protect consumers, (2) compare the regulatory schemes governing the same occupation in other states, and (3) examine the bill's potential impact on employment, consumer choice, market competition, and cost to government.¹

LEAST RESTRICTIVE REGULATION COMPARISON

Ohio's general regulatory policy

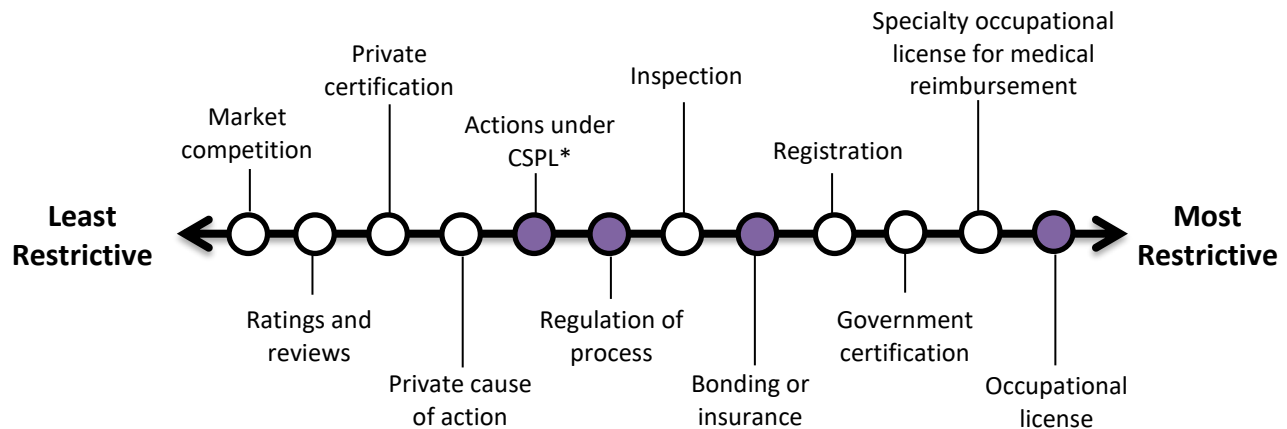
The general policy of the state is reliance on market competition and private remedies to protect the interests of consumers in commercial transactions involving the sale of goods or services. For circumstances in which the General Assembly determines that additional safeguards are necessary to protect consumers from "present, significant, and substantiated harms that threaten health, safety, or welfare," the state's expressed intent is to enact the "least restrictive regulation that will adequately protect consumers from such harms."²

The degree of "restrictiveness" of an occupational regulation is prescribed by statute. The following graphic identifies each type of occupational regulation expressly mentioned in the state's policy by least to most restrictive:

* This report addresses the "As Introduced" version of S.B. 46. It does not account for changes that may have been adopted after the bill's introduction.

¹ R.C. 103.26, not in the bill.

² R.C. 4798.01 and 4798.02, neither in the bill.



*CSPL – The Consumer Sales Practices Law

S.B. 46 provides for the electronic execution of wills and certain other legal documents. In doing so, the bill subjects a notary public who notarizes such an electronic document to new requirements and related disciplinary action as well as potential new liability. Specifically, the bill makes the following changes:

- **Bonding or insurance:** Prohibits a notary public from notarizing an electronic estate planning document unless the notary has obtained a bond plus an errors and omissions insurance policy (each in the amount of at least \$25,000) and has filed proof of doing so with the Secretary of State's office;³
- **Occupational licensure:** Allows suspension or revocation of a notary commission, which meets the state policy's definition of an "occupational license," for violating the bill's bonding or insurance provisions;⁴
- **Regulation of process:** Creates new process requirements for a notary public who is acknowledging an electronic will and requires a notary to follow continuing law governing electronic or online notarization when acknowledging an electronic power of attorney, durable power of attorney for health care, or living will;⁵ and
- **Actions under the Consumer Sales Practices Law (CSPL):** Expands the CSPL's definition of "consumer transaction" to include a notary public's services to a testator during the execution of an electronic will, thus potentially subjecting the notary to liability for damages and attorney fees in an action brought under the CSPL.⁶

³ R.C. 147.591(E) and (F).

⁴ R.C. 147.591(E) and (F), and R.C. 147.032 and 4798.01, not in the bill.

⁵ R.C. 2107.03(C), R.C. 147.591, R.C. 1337.12(C), and 1337.25(B), and R.C. 2133.02(B), and R.C. 147.60 to 147.66, not in the bill.

⁶ R.C. 1345.01 and 1345.09, not in the bill.

Necessity of regulations

Senator Kristina Roegner, the bill's primary sponsor, testified that it is time to update the will-making process to better accommodate Ohio's aging and less mobile population. She indicated that S.B. 46 will do so by allowing the electronic execution of wills and of other planning documents such as living wills, durable powers of attorney for health care, and transfer on death designation affidavits.

Senator Roegner testified that society has seen a recent explosion in the use of internet and video communication to conduct business. She explained that Ohio responded by enacting widely supported e-notary legislation in the 132nd General Assembly to allow deeds and mortgages to be notarized electronically. However, she stated that Ohio continues to require estate-planning documents to be notarized in the same way that they have always been: in person. She emphasized that through S.B. 46, Ohio has the opportunity to implement technology that would enable those documents to be formalized and notarized electronically, thus following in the footsteps of ten other states that have enacted similar legislation (i.e., Arizona, Colorado, Florida, Illinois, Indiana, Maryland, Nevada, North Dakota, Utah, and Washington).

Senator Roegner mentioned witness requirements that currently apply to the execution of wills, and she explained that the bill would allow not only these witnesses but also notaries to attend the signing of a will via real-time, live, audio-video communication. She asserted that, because the bill requires the entire remote will execution to be recorded on video, this communication process is arguably more secure than the current in-person process. Further, she pointed out that the bill requires both the will *and* the video recording to be submitted to the probate court so that the video can be used later to validate the wishes of the person who made the will.

Senator Roegner testified that the passage of S.B. 46 could lower the cost of creating an estate plan for the average Ohioan. Further, she stated that the ability to execute a will electronically would remove accessibility hurdles for many individuals, such as the disabled, nursing home residents, the elderly, and military members serving abroad. She concluded that the lower cost and ease of access offered by electronic wills should increase the number of citizens who enjoy the comfort and security of having an estate plan.⁷

Restrictiveness of regulations

Licensure

Licensure is the most restrictive of all regulatory options identified within the state's continuum of regulations. Accordingly, the state's policy prescribes a narrow range of situations in which required licensure is appropriate, specifically, when all of the following circumstances are present:

⁷ See [Senator Kristina Roegner Sponsor Testimony](#), Senate Judiciary Committee, April 26, 2023, available on the General Assembly's website, legislature.ohio.gov, which may be accessed by conducting a keyword search for "SB 46" and looking under the "Committee Activity" tab.

- The occupation involves providing a service regulated by both state and federal law;
- The licensing framework allows individuals licensed in other states and territories to practice in Ohio; and
- The licensing requirement is based on uniform national laws, practices, and examinations that have been adopted by at least 50 U.S. states and territories.⁸

Continuing Ohio law requires a person who acts as a notary public to hold a commission. Because certain personal qualifications, such as completing an educational program, must be met to obtain a notary commission, it functions as an occupational license under the state's policy.⁹

Neither current law nor the bill satisfies the state policy's first criterion regarding concurrent state and federal regulation. Although notarization is regulated by state law, there is no federal regulatory framework governing notaries public, and notarization generally is not regulated by federal law. (However, certain federal laws do regulate aspects of notarization. For example, the federal E-Sign Law – which specifically exempts wills – authorizes notarization, when required by law, to be done electronically.)¹⁰

The state policy's second criterion regarding licensure of out-of-state individuals is satisfied by continuing law unchanged by the bill. Specifically, a reciprocity provision in the Ohio Notary Law requires the Secretary of State to do the following:

- Issue a commission to an applicant who is commissioned or licensed as a notary public in another state; and (if applicable)
- Issue a written authorization to perform online notarizations to an applicant who holds an authorization or license to perform online notarizations in another state.¹¹

Beginning December 29, 2023, the Secretary of State must issue the commission or authorization to the out-of-state applicant in accordance with the Occupational License Reciprocity Law.¹² Among its provisions, that law generally requires an applicant to have held the out-of-state commission, authorization, or license for at least one year immediately preceding the application date and to have been actively practicing for at least one of the preceding five years.¹³

In addition, all states recognize the validity of a notarial act performed before a notary public in another state as having the same legal effect as an act performed by a notary in that

⁸ R.C. 4798.02, not in the bill.

⁹ R.C. 147.01 and 4798.01(B), neither in the bill.

¹⁰ 15 United States Code 7001(g), 7002, and 7003(a).

¹¹ R.C. 147.01 and 147.63, neither in the bill.

¹² R.C. Chapter 4796.

¹³ R.C. 4796.03(B), not in the bill.

state.¹⁴ In Ohio, this is accomplished via the Uniform Recognition of Acknowledgements Act, which is included in the Ohio Notary Law. The Act specifies that it must be so interpreted as to make uniform the laws of all states that enact it.¹⁵

Neither current law nor the bill satisfies the state policy's third criterion because notary licensure laws are not consistent across the nation. According to the National Notary Association (NNA), all of the U.S. states and territories and the District of Columbia require a person to hold a commission to act as a notary public, but the licensure laws vary from state to state and lack uniformity.¹⁶ Additionally, while the NNA has drafted a Model Notary Act for legislators to use when considering changes to state notary laws, it does not appear that the Ohio Notary Law¹⁷ is based on the model act.¹⁸

License suspension or revocation for lack of bond or insurance

The bill increases restrictiveness by expanding the reasons for which the Secretary of State may suspend or revoke a notary commission. The bill adds that the commission may be suspended or revoked if a notary public notarizes specified electronic documents without obtaining the bond or the errors and omissions insurance policy required under the bill.¹⁹

Bond and insurance

Under the state's general policy on occupational regulations, a bonding or insurance requirement is appropriate when the intent of the regulation is to protect against potential damages to third parties and other types of externalities.²⁰

The bill appears to meet this criterion with respect to its requirement that a notary public file and maintain a surety bond with the Secretary of State before notarizing specified electronic estate planning documents.²¹ According to the NNA, a notary bond does not protect notaries. Rather, it protects the public from financial harm in the event the notary makes a mistake or

¹⁴ R.C. 147.51, not in the bill. See also [The Enduring Benefits of Interstate Recognition of Notarial Act Laws \(PDF\)](#), which may be accessed by conducting a keyword search "Interstate recognition" and clicking on "Special Reports and Articles" on the National Notary Association (NNA) website: nationalnotary.org.

¹⁵ R.C. 147.57 and 147.58, neither in the bill.

¹⁶ [How to Become a Notary Public](#), which may be accessed by clicking on "Notary Basics" under "Knowledge Center" on the NNA website: nationalnotary.org.

¹⁷ R.C. Chapter 147.

¹⁸ [Model Notary Act](#), which may be accessed by conducting a keyword search "Model notary act" on the NNA website: nationalnotary.org. See also [Law on Notarial Acts, Revised \(2021\)](#), which may be accessed by conducting a keyword search "Notarial acts" on the Uniform Law Commission website: uniformlaws.org.

¹⁹ R.C. 147.591(E) and (F) and 147.032, not in the bill.

²⁰ R.C. 4798.02(B)(3), not in the bill.

²¹ R.C. 147.591(E).

omission or performs a wrongful act in notarizing a document. For this purpose, 31 states require a notary bond ranging in minimum amounts from \$500 to \$25,000. If a notary fails to perform notarial duties in accordance with the law, the company that issues the bond pays the financially injured person any damages up to the amount of the bond.²²

The bill's requirement that a notary public obtain errors and omissions (E&O) insurance before notarizing specified electronic documents does not appear to meet the state policy's criterion regarding protection of third parties.²³ The NNA specifies that E&O insurance generally protects the notary (not third parties) for unintentional mistakes or omissions made while notarizing, for forgery of the notary's signature or seal, or for false claims made against the notary. If a claim is made against a notary's surety bond for such reasons, the E&O insurance protects the notary for losses in the surety bond that the notary otherwise would be required to pay.²⁴

Prohibition regarding notarization of certain electronic documents

The bill appears to increase restrictiveness by prohibiting a notary public from notarizing an electronic document that is a will, trust, power of attorney, or other estate planning document identified in rule by the Secretary of State unless the notary has filed with the Secretary of State's office satisfactory evidence of having obtained both a bond and E&O insurance.

The bond and E&O insurance both must be:

- In effect at the time of the notarization;
- In the amount of at least \$25,000; and
- On terms specified in rule by the Secretary as reasonably necessary to protect the public.

In addition, the bond must be:

- Payable to any individual harmed by a notary's breach of duty acting in the official capacity as a notary public; and
- Conditioned on the notary's faithful discharge of the duties of the notary public office.²⁵

These bonding and E&O insurance requirements appear to increase restrictiveness for notaries because the current Ohio Notary Law contains no such requirements for notarization of any type of document. However, from a different angle, the bill potentially could be viewed as

²² [Notary Surety Bonds: FAQs](#), which may be accessed by conducting a keyword search "surety bond" on the NNA website: nationalnotary.org.

²³ R.C. 147.591(F).

²⁴ [Surety Bonds and E&O Insurance: Know the Difference](#), which may be accessed by conducting a keyword search "Surety Bonds and E&O Insurance" then clicking on the "Blog" box on the NNA website: nationalnotary.org.

²⁵ R.C. 147.591(E) and (F).

decreasing restrictiveness somewhat because it expands a notary's scope of practice by requiring notarization of a new form of will that is executed, signed, and witnessed electronically.

Process regulation

The state's policy does not provide specific guidance as to when a regulation of process is the best means of protecting the health, safety, and welfare of consumers. However, the policy as a whole suggests that regulations of process are the most preferred method of regulation when market competition, ratings and reviews, private certifications, private causes of action, and actions under the state's Consumer Sales Practices Law do not provide sufficient protection.²⁶

Whether these mechanisms are a sufficient means of protecting consumers is a policy decision. However, continuing Ohio law establishes several process regulations that govern notary services. For example, it establishes requirements for the performance of electronic notarizations. This entails the notary public's physical presence at the signing of an electronic document, and for online notarizations, which (rather than requiring the notary's physical presence at the signing) are done via two-way video and audio technology.²⁷

Electronic wills

An Ohio court has recognized the validity of a will that is executed and signed electronically rather than via paper and pen.²⁸ However, current law requires a will to be signed by the testator (or by another person in the testator's conscious presence and at the testator's express direction). The will also must be attested and subscribed by two or more competent witnesses in the testator's conscious presence. Under current law, the meaning of "conscious presence" specifically excludes presence via telephonic, electronic, or other distant communication.²⁹ Therefore, a will currently may be executed and signed electronically, but the witnesses (and, if applicable, the person signing the will on the testator's behalf) must be physically present with the testator when the signing occurs. (Current law does not require a will to be notarized.)

With regard to a will that is executed electronically, the bill generally maintains the signing and witnessing requirements, except that it allows those acts to be performed in the physical *or electronic* presence of the testator. The bill defines "electronic presence" to include individuals in different locations communicating in real time (such as via video conferencing).³⁰

²⁶ R.C. 4798.01, not in the bill.

²⁷ R.C. 147.591 and 147.60 to 147.66, not in the bill.

²⁸ [Technology--Probate: Ready or Not, Here They Come: Electronic Wills are Coming to a Probate Court Near You](#) (citing *In re Estate of Castro*, No. 2013ES00140 (Ohio Ct. Common Pleas, Probate Division, Lorain County, June 19, 2013)), which may be accessed by conducting a keyword search "Technology—Probate: Ready" on the American Bar Association website: americanbar.org.

²⁹ R.C. 2107.03.

³⁰ R.C. 2107.01(E) and 2107.03(C).

Current law does not require a will to be notarized (but they sometimes are). Thus, the bill appears to increase restrictiveness by establishing new requirements with which a notary public must comply when notarizing an electronic will. Specifically, the notary must do all of the following:

- Attest that the testator appears to be of sound mind and not subject to duress, fraud, or undue influence (or terminate the notarization proceedings if there is reasonable cause to believe otherwise);
- Before the notarization, require the testator and witnesses to present government-issued identification credentials and perform related analysis and identity proofing; and
- Perform the notarization through an electronic or online notarization.³¹

Certain other electronically executed legal documents

The bill requires a notary public to comply with existing requirements in the Ohio Notary Law that govern electronic or online notarization when notarizing an electronic power of attorney, durable power of attorney for health care, or living will.³² Rather than increasing restrictiveness by subjecting a notary to new or additional requirements, this provision appears merely to clarify that these portions of the current Ohio Notary Law apply to notarization of the specified documents when they are electronically executed.

Actions under the Consumer Sales Practices Law

The Consumer Sales Practices Law (CSPL) aims to protect consumers from unfair, deceptive, or unconscionable acts or practices in connection with the transfer of goods or services intended for the home or for personal use. For a violation of that Law, a consumer may sue and is entitled to pursue a variety of remedies, including recovery of actual economic damages, noneconomic damages and, if the violation was committed knowingly, reasonable attorney's fees.³³ In addition, if specified criteria are met, the Ohio Attorney General may bring certain actions for a violation.³⁴

The state's policy does not provide specific guidance as to when actions under the CSPL are the best means of protecting the health, safety, and welfare of consumers. However, the policy as a whole suggests that those actions are the most preferred method of regulation when market competition, ratings and reviews, private certifications, and specific private causes of

³¹ R.C. 2107.03(C).

³² R.C. 2107.03(C), R.C. 147.591, R.C. 1337.12(C), and 1337.25(B), and R.C. 2133.02(B), and R.C. 147.60 to 147.66, not in the bill.

³³ R.C. 1345.09, not in the bill.

³⁴ R.C. 1345.07, not in the bill.

action do not provide sufficient protection.³⁵ Whether these mechanisms are a sufficient means of protecting consumers is a policy decision.

Thus, it is somewhat unclear whether the state's CPSL-related policy is satisfied by the bill, which applies the CSPL to electronic will notarization.³⁶ However, it may be argued that this application of the CSPL is an appropriate means of protecting testators and their heirs, given that they could experience considerable harm if a will is executed in an unfair, deceptive, or unconscionable manner.

With respect to notarization of electronic wills, some could argue that this application of the CSPL is particularly appropriate because, under the bill, the execution of an electronic will does not involve the safeguard of requiring witnesses to be in the *physical* presence of the testator at the will's signing. The bill replaces this physical presence safeguard with the safeguard of notarization, a service that deters fraud and provides assurance that a will is authentic and trustworthy. Under the bill, notarization of an electronic will demonstrates that the testator (or the individual signing the will in the testator's name) appeared before the notary public, that the testator is of sound mind and not subject to duress, fraud, or undue influence, and that the notary obtained the required proof of the testator's and witnesses' identities. Applying the CSPL to electronic will notarization therefore could be viewed as an appropriate means of ensuring that the notary public provides that important service in a lawful and ethical manner so as to best protect the testator and heirs.³⁷

Liability concerning notarization of electronic wills

The bill increases restrictiveness by, as noted above, expanding the definition of "consumer transaction" for purposes of the CSPL to include services provided by a notary public to a testator in the notarization of an electronic will.³⁸ By doing so, the bill subjects a notary public to potential liability for damages and attorney's fees in a court action brought for a related violation of the CSPL (as well as to equitable remedies such as injunctive relief).³⁹

IMPACT STATEMENT

Opportunities for employment

The bill's provisions for electronic filing of wills, powers of attorney, and transfer on death designations may give rise to opportunities for employment of persons with skills related to rendering electronic filing services. Persons with backgrounds in electronic document filing and retrieval may benefit from increased demand for such skills and expertise. The extent of these resulting additional opportunities is uncertain.

³⁵ R.C. 4798.01, not in the bill.

³⁶ R.C. 1345.01(A).

³⁷ R.C. 2107.03(C).

³⁸ R.C. 1345.01(A).

³⁹ R.C. 1345.09, not in the bill.

Consumer choice

The bill would give persons an additional way to accomplish the objectives met by the documents that it would allow to be filed electronically. To this extent it would expand consumer choice.

Market competition

As noted above, the bill may enhance demand for persons with skillsets related to electronic filing of documents. In addition, demand for related hardware for electronically filing of documents may increase.

Cost to government

For the costs of the bill to government, please see the [LBO fiscal note](#).

SUMMARY OF PROPOSED REGULATIONS

Secretary of State's rules

The bill requires the Secretary of State to adopt rules specifying both of the following:

- The types of electronic estate-related documents that require a bond and errors and omissions insurance;
- Other terms and conditions the Secretary considers reasonably necessary to protect the public.⁴⁰

Database of notaries public

Continuing law requires the Secretary of State to maintain a database of notaries public on a publicly accessible website. The bill adds that the database must include information regarding whether a notary has filed evidence satisfactory to the Secretary of State that the notary has obtained the bond and the errors and omissions insurance that are required under the bill to notarize specified electronic estate planning documents.⁴¹

Other provisions

For a complete explanation of the bill, please see the [LSC bill analysis](#).

⁴⁰ R.C. 147.591(G).

⁴¹ R.C. 147.051(D).



OHIO LEGISLATIVE SERVICE COMMISSION

Wendy Zhan, Director

Office of Research
and Drafting

Legislative Budget
Office

COMPARISON TO OTHER STATES

The bill requires a notary to obtain a surety bond plus an errors and omissions insurance policy. All of the states surrounding Ohio except West Virginia likewise require a notary to submit a surety bond, but none of those states have enacted an insurance requirement.

Ohio and the surrounding states authorize a notary to be disciplined for prohibited conduct. Under the bill, this includes failure to obtain the required bond and insurance. Indiana, Kentucky, and Pennsylvania also specifically include failure to maintain the required surety bond as grounds for discipline.

The bill allows electronic execution of wills, powers of attorney, living wills, and durable powers of attorney for health care. The surrounding states vary regarding whether these documents may be executed electronically and whether they must be notarized. However, it appears that Ohio and all of the surrounding states, except Kentucky, generally allow notaries to perform notarial acts electronically.

The table below explains these provisions in more detail.

Notaries Public			
State	Bonding or Insurance Requirements	Requirements for Notarizing Electronic Wills, Powers of Attorney (for Health Care and Otherwise), and Living Wills	Disciplinary Actions
Ohio (under the bill)	Prohibits a notary from notarizing an electronic estate planning document unless the notary has obtained a \$25,000 bond plus a \$25,000 errors and omissions insurance policy and has filed	Authorizes and establishes requirements for electronic execution of wills, powers of attorney, living wills, and durable powers of attorney for health care.	Allows suspension or revocation of a notary commission for violating the bill's bonding or insurance provisions.

Notaries Public			
State	Bonding or Insurance Requirements	Requirements for Notarizing Electronic Wills, Powers of Attorney (for Health Care and Otherwise), and Living Wills	Disciplinary Actions
	<p>corresponding proof with the Secretary of State.</p> <p><i>(R.C. 147.591(E) and (F))</i></p>	<p>Requires a notary to follow continuing law governing electronic or online notarization when acknowledging those documents.</p> <p>Regarding an electronic will, requires the testator and witnesses to present satisfactory identification to the notary and attest that the testator appears to be of sound mind and not subject to duress, fraud, or undue influence.</p> <p><i>(R.C. 1337.12, 1337.25, 2107.03, and 2133.02)</i></p>	<p>Applies the CSPL to electronic will notarization, thus potentially subjecting the notary to liability for damages and attorney fees in an action brought under that law.</p> <p><i>(R.C. 147.591(E) and (F) and 1345.01 and R.C. 147.032, 1345.09, and 4798.01, not in the bill)</i></p>
Indiana	<p>Requires an applicant for a notary commission to submit a \$25,000 surety bond and prohibits a notary from performing notarial acts during a period not covered by the surety bond.</p> <p><i>(Ind. Code 33-42-0.5-4 and 33-42-12-1(c) and (d))</i></p>	<p>Does not require electronic wills, powers of attorney, or advance directives (living wills, health care powers of attorney, and anatomical gifts) to be notarized if they are signed in the presence of witnesses.</p> <p><i>(Ind. Code 16-36-7-28(b), 16-36-7-2, 29-1-21-4, and 30-5-11-4)</i></p> <p>Generally requires a notary who performs a notarial act on an electronic record to include the same information and seal as is required for notarization of non-electronic records.</p> <p><i>(Ind. Code 33-42-9-12)</i></p>	<p>Any act or omission that demonstrates a deficiency of incompetence, honesty, integrity, or reliability, including failure to maintain a surety bond.</p> <p><i>(Ind. Code 33-42-13-1(c))</i></p>
Kentucky	<p>Requires an applicant for a notary commission to submit a \$1,000 surety bond to the county clerk and prohibits a notary</p>	<p>Does not authorize the electronic execution of wills, powers of attorney, living wills (including</p>	<p>Any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a</p>

Notaries Public			
State	Bonding or Insurance Requirements	Requirements for Notarizing Electronic Wills, Powers of Attorney (for Health Care and Otherwise), and Living Wills	Disciplinary Actions
	from performing notarial acts during a period when a valid bond is not on file. <i>(Ky. Rev. Stat. 423.390(4) and (5))</i>	anatomical gifts), or designations of health care surrogates. <i>(Ky. Rev. Stat. 394.040, 457.050, 311.623, and 311.629)</i>	notary public, including failure to maintain a surety bond. <i>(Ky. Rev. Stat. 423.395)</i>
Michigan	Requires an applicant for a notary appointment to file a \$10,000 surety bond with the county clerk. <i>(Mich. Comp. Laws 55.273)</i>	Does not statutorily authorize electronic execution of wills, powers of attorney, or designations of patient advocates (including authority to make anatomical gifts), and does not recognize living wills <i>(Mich. Comp. Laws 700.2504, 700.2519, 700.5501, and 700.5507)</i>	Engaging in prohibited conduct, which includes committing an act of fraud or deceit, false advertising, and charging a fee in excess of that allowed by the law governing notaries public. <i>(Mich. Comp. Laws 55.300a)</i>
Pennsylvania	Requires an applicant for a notary commission to file a \$10,000 surety bond with the Department of the State of the Commonwealth and prohibits a notary from performing notarial acts during a period when a valid bond is not on file. <i>(57 Pa. Cons. Stat. 321)</i>	Does not authorize electronic execution of wills. <i>(73 Pa. Stat. 2260.104(b); 20 Pa. Cons. Stat. 2502)</i> Authorizes electronic execution of power of attorney, which must be witnessed by two adults and notarized. <i>(20 Pa. Cons. Stat. 5601(b) and 5602(c))</i> Authorizes a living will or health care power of attorney to be “in any written form” and requires it to be witnessed by two adults (but does not require notarization). <i>(20 Pa. Cons. Stat. 5442(b), 5447, 5452(b), and 5465)</i>	Any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public, including failure to maintain the required surety bond. <i>(57 Pa. Cons. Stat. 323)</i>

Notaries Public			
State	Bonding or Insurance Requirements	Requirements for Notarizing Electronic Wills, Powers of Attorney (for Health Care and Otherwise), and Living Wills	Disciplinary Actions
		<p>Allows notaries to perform notarial acts electronically.</p> <p><i>(57 Pa. Cons. Stat. 302 et seq.)</i></p>	
West Virginia	<p>No bonding or insurance requirement.</p> <p><i>(W. Va. Code 39-4-20)</i></p>	<p>Does not authorize electronic execution of wills, but appears to allow electronic execution of powers of attorney, living wills, and health care powers of attorney.</p> <p><i>(W. Va. Code 39A-1-3(b), 41-1-3, 16-30-4, and 39B-1-105)</i></p> <p>Allows notaries to perform notarial acts electronically.</p> <p><i>(W. Va. Code 39-4-15(f))</i></p>	<p>Any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public.</p> <p><i>(W. Va. Code 39-4-21)</i></p>