

§ 10B-134.19. Platform licensure by Secretary.

(a) An electronic notary shall use only a communication technology through a platform licensed by the Secretary.

(b) The Secretary shall review and issue platform licenses to qualified applicants. The applicant shall complete and submit an application on a form prescribed by the Secretary and pay a licensing fee of five thousand dollars (\$5,000).

(c) The application shall set forth at least all of the following:

- (1) The name and address of the applicant and its registered agent.
- (2) The names of all officers or directors directly involved in the operation, management, or control of the platform and all employees who exercise substantial influence or control over the platform.
- (3) The proposed technology to address identity verification and geolocation requirements and explanations regarding security governance and the designation of a chief security officer or its equivalent.
- (4) Any other information the Secretary may deem necessary.

(d) The Secretary shall conduct a background investigation on the applicant and persons described in subdivision (2) of subsection (c) of this section as deemed necessary by the Secretary. The background investigation shall include a criminal history record check, to which the applicant and person described in subdivision (2) of subsection (c) of this section must consent.

(e) The Secretary shall award a license only to applicants who are of good moral character and who provide a communication technology capable of all of the following:

- (1) A manner of ensuring that the electronic record presented for remote electronic notarization is the same record electronically signed by the remotely located principal.
- (2) Securely creating and storing, or transmitting securely to be securely stored, the communication technology recording, keeping confidential the questions asked as part of any identity proofing and the means and methods used to generate the credential analysis.
- (3) A manner of ensuring that real-time communications are secure from unauthorized interception, access, or viewing.
- (4) Reasonable security measures to prevent unauthorized access to all of the following:
 - a. The live transmission of the remote electronic notarial act.
 - b. Any communication technology recording of the remote electronic notarial act.
 - c. The verification methods and credentials used to verify the identity of the remotely located principal.
 - d. The electronic documents presented for remote electronic notarization.
- (5) Geolocation of the remotely located principal.

(f) No platform license is assignable or transferable without the approval of the Secretary and shall be renewed annually in a manner set by the Secretary and upon payment of a fee of five thousand dollars (\$5,000).

(g) Each platform licensee shall collect a five dollar (\$5.00) per remote notarial act fee and remit fees collected at least monthly to the Secretary in a manner determined by the Secretary. All fees so remitted to the Secretary shall be placed in a nonreverting agency reserve account to be used by the Secretary in the implementation and enforcement of this Part. (2022-54, s. 1; 2023-57, ss. 2, 9(j).)