



SPONSOR: Sen. Hansen & Rep. Matthews

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 247

AN ACT TO AMEND TITLE 20 OF THE DELAWARE CODE RELATING TO PUBLIC PROTECTIONS DURING THE COVID-19 STATE OF EMERGENCY AND NOTARIZATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Subchapter I, Chapter 31, Title 20 of the Code by making deletions as shown by strike through
2 and insertions as shown by underline as follows:

3 § 3102. Definitions.

4 As used in this chapter:

5 () “COVID-19 order” means any modification to the State of Emergency Declaration, or other order issued
6 by the Governor pursuant to the authority granted by Chapter 31 of Title 20 of the Delaware Code, relating to the
7 COVID-19 state of emergency.

8 () “COVID-19 State of Emergency” means the State of Emergency declared effective as of Friday, March
9 13, 2020 at 8:00 a.m. Eastern Standard Time by the Governor, pursuant to the State of Emergency Declaration, and any
10 subsequent State of Emergency for the State of Delaware, or any portion thereof, relating to coronavirus disease 2019,
11 also known as COVID-19.

12 () “State of Emergency Declaration” means the Declaration of a State of Emergency for the State of
13 Delaware Due to a Public Health Threat issued by the Governor on March 12, 2020.

14 Section 2. Amend Chapter 31, Title 20 of the Code by making deletions as shown by strike through and insertions
15 as shown by underline as follows:

16 Subchapter VI. Continuation of Certain Orders Issued During the COVID-19 State of Emergency.

17 § 3155. Notarization.

18 The provisions of Paragraph B of the Eleventh Modification of the State of Emergency Declaration, dated April
19 15, 2020, shall continue in full force and effect until June 30, 2021.

20 Section 3. If any provision of this Act or the application of this Act to any person or circumstance is held invalid,
21 the provisions of this Act are severable if the invalidity does not affect the other provisions of this Act that can be given
22 effect without the invalid provision or the application of this Act that can be given effect without the invalid application.

SYNOPSIS

This Act ensures that the protections put in place during the COVID-19 pandemic related to notarizations do not cease immediately upon the lifting of the COVID-19 State of Emergency, but instead continue until June 30, 2021.

The Act authorizes remote notarization and witnessing by Delaware attorneys via audio-visual technology and sets forth conditions under which they can be performed. The Delaware Governmental Offices' requirement for a wet signature is waived. The Recorder of Deeds is required to accept documents notarized and witnessed under specified procedures in the Eleventh Modification.

This Act ensures that the General Assembly will have another opportunity to express its will on continuing this protection by including an internal sunset date.

Author: Senator Hansen