

**STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
BOARD OF COURT REPORTERS**

**DECLARATORY RULING
ON WHETHER RSA 310-A:181 GIVES COURT REPORTERS
AUTHORITY TO REMOTELY ADMINISTER OATHS**

A request for Declaratory Ruling was submitted to the New Hampshire Board of Court Reporters (“Board”) by Sharon Saalfield, RDR, CRR (“Ms. Saalfield”), the President of the New Hampshire Court Reporters Association (“NHCRA”) on behalf of NHCRA to issue a ruling on whether RSA 310-A:181 allows New Hampshire licensed court reporters to administer an oath remotely. According to Ms. Saalfield, New Hampshire Emergency Order #11, which was in place during the COVID-19 pandemic and which recently ended, allowed court reporters to swear in witnesses remotely. Now that this emergency order has been lifted, Ms. Saalfield asserts that it is unclear whether court reporters can administer oaths remotely in situations involving remote court proceedings, depositions and arbitrations.

Emergency Order #11 provided authority to notarial officers to perform secure online notarization of legal documents and created an exception to the requirement that the signatory personally appear before the notarial officer.

RSA 310-A:181, entitled Limited Notarial Function, provides:

Any licensee under this subdivision may be permitted, in the performance of his or her court reporting duties, to place any person under oath without the separate requirement of being designated a notary public, justice of the peace, or commissioner of deeds, as specified in RSA 455.

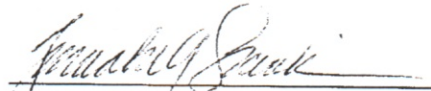
This provision grants licensees a limited notarial function ‘to place any person under oath’ rather than conveying all the rights and duties of a notarial officer, so long as the licensee is acting ‘in the performance of his or her court reporting duties.’ It specifically does not confer all the rights and duties of a notarial officer under RSA 455.

RSA 310-A:181 does not expressly preclude court reporters from administering oaths remotely. Thus, the Board concludes that RSA 310-A:181 grants licensees the

authority to perform the limited notarial function of administering an oath remotely so long as it is administered in the performance of his or her court reporting duties and provided the licensee is in compliance with all applicable New Hampshire statutes and administrative rules as well as the National Court Reporters Association Code of Ethics.

BY ORDER OF THE BOARD

Dated: 10/26/21


Theresa McGuire Harkins, Vice Chair
NH Board of Court Reporters