

US Remote Deposition and Oath Status

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Remote depositions are becoming more prevalent in the midst of the COVID-19 pandemic. This list tracks the various state and federal authorities that govern remote depositions and the administration of oaths or affirmations when the court reporter or notary is not in the same room as the witness. The list contains a link to each state’s law or rule related to remote depositions and a link to any statute, executive or supreme court order authorizing remote oaths. The list is updated periodically and subject to change to reflect each state’s attempts to adapt to conditions related to the COVID-19 pandemic.

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| Alabama | Maine | Pennsylvania |
| Alaska | Maryland | Rhode Island |
| Arizona | Massachusetts | South Carolina |
| Arkansas | Michigan | South Dakota |
| California | Minnesota | Tennessee |
| Colorado | Mississippi | Texas |
| Connecticut | Missouri | Utah |
| Delaware | Montana | Vermont |
| District of Columbia | Nebraska | Virginia |
| Florida | Nevada | Washington |
| Georgia | New Hampshire | West Virginia |
| Hawaii | New Jersey | Wisconsin |
| Idaho | New Mexico | Wyoming |
| Illinois | New York | |
| Indiana | North Carolina | |
| Iowa | North Dakota | |
| Kansas | Ohio | |
| Kentucky | Oklahoma | |
| Louisiana | Oregon | |

State	Remote Deposition	Remote Oath	Additional information
Alabama	By stipulation, via telephone or other audio-visual communication. 30(b)(7)	A witness may be may be sworn in remotely if the deposition was conducted remotely and allows the witness and court reporter to view and communicate with one another. 30(b)(8)	The order allowing remote oaths at depositions was not renewed. Rule 30 has been updated to allow for remote oaths at deposition.
Alaska	By stipulation, via telephone or other remote electronic means 30(b)(7). See also 30.1 for Audio/Audio-Visual deposition rules.	HB 124 , as recently enacted, allows for oaths to be administered remotely.	
Arizona	By agreement of the parties, via telephone or other remote means. 30(b)(4)	Arizona allows remote online notarization. See A.R.S. section 41-371 - 41-380 for RON law.	
Arkansas	By stipulation, via telephone or other remote electronic means. 30(b)(7)	SB340 was enacted allowing for remote notarization	

California	Via telephone video conference or other remote electronic means. 3.1010(a)	SB1146 was signed into law which allows a deposition officer to swear in a deponent via telephone or remote electronic means.	See also Section 2025.310(a)
Colorado	By stipulation, via telephone or other remote electronic means. 30(b)(7)	Yes, executive order. This suspends the requirement that an individual making a statement appear personally before a notarial officer.	Colorado passed SB20-096 which allows for remote notarization.
Connecticut	Upon motion of any party, and at the discretion of the judicial authority, any party, counsel, witness, or other participant in any proceeding may appear by means of an interactive audiovisual device at any proceeding scheduled to be heard in-person in any civil matter, including all proceedings within the jurisdiction of the small claims section, or any family matter, including all proceedings within the jurisdiction of the family support magistrate division. Practice Book 23-68(a)	An officer, as identified in General Statutes § 1-24, may administer an oath by means of an interactive audiovisual device to any party, witness or other participant in a proceeding who appears pursuant to this section, provided such officer can see, hear and clearly identify the participant to whom the oath is to be administered via the audiovisual device Practice Book 23-68(g)	
Delaware	By stipulation, via telephone or other remote electronic means. 30(b)(7)	HB126 was signed into law which allows remot notarization and witnessing by Delaware attorneys via audio-visual technology through June 30, 2022.	
Florida	By order of court, via telephone. 1.131(b)(7)	Yes, per Supreme Court order AOSC20-16, allowing for oaths to be administered via audio-visual means.	Extended by amendment to AOSC20-23 (10.02.2020) for as long as AOSC20-32 remains in effect.
Georgia	By stipulation, via telephone or other remote electronic means. 9-11-30(b)(4)	Per executive order on April 09, 2020, which suspends the physical presence requirement and allowing for the use of audio-video technology to administer notarial acts.	In effect through September 28, 2021 per EO 08.19.21.01 & 08.19.21.02.
Hawaii	By stipulation, via telephone or other remote electronic means. 30(b)(7)	Hawaii has enacted SB 2275 which updates Chapter 456 of the Hawaii Revised Statutes to include remote online notarization.	

Idaho	<u>By stipulation, via telephone or other remote means. 30(b)(4)</u>	<u>Per RON law 51-114A, which authorizes remote oaths.</u>	
Illinois	<u>Via telephone, video conference or other remote electronic means, subject to objection. 206(h)</u>	<u>If the parties agree, the officer administering the oath does not need to be in the physical presence of the deponent. 206(h)</u>	
Indiana	<u>Rule 30 does not state the precise manner in which a deposition may be taken (in person or remotely).</u>	<u>Yes, per Supreme Court Order. "All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, that can be read to limit or prohibit the use of audio-video communications equipment to administer oaths remotely, are hereby suspended, and will remain suspended until removed by further order of this Court."</u>	<u>In effect until further ordered.</u>
Iowa	<u>Via telephone. 1.701(7)</u>	<u>Yes, Iowa recently updated their RON law to allow for remote oaths.</u>	
Kansas	<u>By stipulation, via telephone or other remote means. 60-230(B)(4)</u>	<u>Kansas enacted SB 106 which allows for remote notarizations. However, the provisions do not go into effect until January 1, 2022.</u>	
Kentucky	<u>CR 29 states, by stipulation, depositions may be taken "in any manner and when so taken may be used like other depositions."</u>	<u>Kentucky's remote notary act lists oaths as notarial acts that may be done remotely.</u>	
Louisiana	<u>If the parties agree, via telephone or other remote electronic means. 1436.1</u>	<u>Yes, per proclamation, section 5. This suspends the physical presence requirement and allows for notarization via electronic devices.</u>	<u>Louisiana passed HB 274 allowing for remote notarizations.</u>
Maine	<u>By stipulation, via telephone. 30(b)(7)</u>	<u>Yes, by Supreme Court order, in effect until further ordered. Allows oaths to be administered without being in the presence of the deponent. Updated 12/14/2020.</u>	
Maryland	<u>By stipulation, via telephone. 2-418</u>	<u>Yes, per executive order, which removes the physical presence requirement of a notarial act if an appropriate "communication technology" is used. In effect until the state of emergency expires.</u>	
Massachusetts	<u>By stipulation, via telephone. 30(b)(7)</u>	<u>Yes, by Supreme Court order. "[A]n officer or other person before whom the deposition is to be taken is hereby authorized by the court to administer oaths and take testimony without being in the presence of the deponent, so long as the officer or other person before whom the deposition is to be taken can both see and hear the deponent via audio-video communication equipment or technology for purposes of positively identifying the deponent."</u>	

Michigan	<p>Michigan bar guidance says that depositions should be done remotely.</p> <p>See also here and here for more information.</p>	Michigan has enacted HB6297 which enables remote notarization.	Remote Notarization was extended through July 1, 2021 by SB 1187 .
Minnesota	By stipulation, via telephone or other remote electronic means. 30.02(g)	Minnesota has a remote notary law allowing for remote notarial acts so long as they are physically located in the state.	
Mississippi	Via telephone. 30(b)(1)	Yes, per executive order.	Valid for the duration of the State of Emergency.
Missouri	Effective September 1, 2021, the parties may stipulate, or the court may upon motion order, that the deposition be taken by telephone or other remote means such as videoconferencing or teleconferencing.	Effective September 1, 2021, an officer authorized to administer any oath or affirmation required can so administer the oath or affirmation through such means without being in the physical presence of the witness.	Per Supreme Court order, the rules regarding depositions have been changed effective September 1, 2021.
Montana	By stipulation, via telephone or other remote means. 30(B)(4)	Montana has a remote notary act which defines a notarial act as including taking an oath or affirmation.	
Nebraska	By stipulation, via telephone or other remote means. 6-330(b)(7)	Per executive order, the effective date of the RON law has been waived which allows for remote oaths.	See link for RON law.
Nevada	By stipulation, via telephone or other remote means. 30(b)(4)	30(b)(5) states that, upon stipulation, the parties do not need a court-appointed officer. Further, Nevada has a remote notary act authorizing remote oaths.	
New Hampshire	Rule 26 regarding depositions does not state whether depositions may be performed remotely.	No, the executive order was not renewed.	There are pending RON bills but none have been passed.
New Jersey	Per Supreme court order, remote depositions and oaths are allowed via video technology.	Yes, per Supreme Court order, remote depositions and oaths are allowed via video technology.	The latest order still permits remote depositions and oaths until further ordered.
New Mexico	Via telephone or other remote electronic means. 1-030(B)(7)	Yes, until otherwise ordered, this suspends the physical presence requirement assuming certain criteria are met.	See link for additional rules from the Secretary of State.

New York	By stipulation, by telephone or other remote electronic means. 3113(d)	The officer administering the oath shall be physically present at the place of the deposition, but the parties may stipulate otherwise. 3113(d)	
North Carolina	By stipulation, via telephone. 30(b)(7)	The governor signed the COVID-19 Recovery Act SB704 which, in part, temporarily allows oaths to be administered remotely. N.C. Gen. Stat. §10B-25	Extended via HB 196 to December 31, 2021.
North Dakota	By stipulation, via telephone or other remote means. 30(b)(4)	Yes, see 44-06.1-13.1, allowing for notarial acts to be performed remotely.	
Ohio	By stipulation, via telephone or other remote means. 30(B)(6)	Yes, per Supreme Court order, until the state of emergency is ceased. An oath may be administered remotely by use of audio or video technology.	
Oklahoma	By stipulation, via telephone or other remote electronic means. 12-3230(B)(6)	Yes, an oath may be administered even if not physically present. Note that this rule "authorizes the use of videoconferencing in all stages of civil or criminal proceedings."	See also Oklahoma Bar Association guidance interpreting Rule 34. Videoconferencing in the District Courts to apply generally.
Oregon	By stipulation, via telephone. 39(C)(7)	An oath may be given over the phone or in-person, at the election of the party taking the deposition. 39(C)(7)	
Pennsylvania	No explicit rule. But the Governor granted the Secretary of State's request regarding use of remote devices during COVID-19 emergency.	Remote notarization is authorized pursuant to Act 15 of SB 841. The authorization allowing for remote notarization will expires 60 days after the COVID-19 disaster emergency issued by the Governor.	
Rhode Island	By stipulation, via telephone or other remote electronic means. 30(b)(7)	Per Secretary of State website, Remote Online Notarization is effective through the termination of the state of emergency.	
South Carolina	By stipulation, via telephone. 30(b)(7)	Yes, per Supreme Court order. Audio and visual preferred, but audio only is permitted.	As extended through August 31, 2021.
South Dakota	By stipulation, via telephone or other remote means. 15-6-30(b)(7)	Yes, per Supreme Court order, oaths may be administered remotely provided the witness can be identified.	
Tennessee	By stipulation, via telephone. 30.02(7)	The court has guidance pertaining to electronic signatures and points to the executive order regarding remote notarizations, but see commentary in the next column.	The governor issued an executive order, through April 28, 2021, regarding remote online notarization but it only applies to documents.
Texas	By telephone or other remote electronic means with reasonable prior written notice. 199.1(b)	Yes, through June 1, 2020. This allows for "depositions...including but not limited to a party, attorney, witness, or court reporter...to participate remotely, such as by teleconferencing, video conferencing, or other means."	As extended through October 1, 2021.

Utah	Via remote electronic means. 30(b)(5)	There is no co-location requirement in the Utah code. Further, Utah passed into law a remote notary bill allowing for the use of remote notary services.	See Supreme Court guidance on April 13, 2020, clarifying that 30(b)(5) does not have a physical presence requirement and permits that oaths be administered remotely.
Vermont	By stipulation, via telephone or other remote electronic means. 30(b)(7)	Yes, per Supreme Court order, through April 15, 2020. "[A]n officer or other person authorized to administer an oath may administer the oath remotely, without being in the physical presence of the deponent as long as the administering person can both see and hear the deponent using audio-video communication for the purpose of positively identifying the deponent."	Extended through September 7, 2021.
Virginia	Via telephone, video conferencing or teleconferencing. 4:5(b)(7)	Virginia has a remote notary law (see handbook) which extends notary powers (including oaths) to be performed remotely.	
Washington	By stipulation, via telephone or other electronic means. 30(b)(7)	Yes, per Supreme Court order. This allows for the use of video/teleconferencing technology to administer oaths and suspends any law requiring in-person oaths.	
Washington, D.C.	By stipulation, via telephone or other electronic means.	30(b)(5) allows, by stipulation, that parties not conduct a deposition before a Rule 28 officer.	
West Virginia	By stipulation, via telephone or other remote electronic means. 30(b)(8)	The amended RON law now authorizes the administering of remote oaths.	
Wisconsin	Via telephone. 804.05(8)	Yes, via audio-visual communications technology, an oath may be administered by a person qualified to do so in the State of Wisconsin.	In effect until December 1, 2021.
Wyoming	By stipulation, via telephone or other remote means. 30(b)(4)	30(b)(5) states that, upon stipulation, the parties do not need a court-appointed officer. See also the emergency orders clarifying the process. See also the emergency orders clarifying the process.	COVID-19 Order R30 - as extended through October 1, 2021 by this order.

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