

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 552, Page 74, Section 1, Line 17, by
2 inserting after all of said line the following:

3
4 "Section 2. 1. Notwithstanding any other law to the contrary immediately after the World
5 Health Organization declares a pandemic or the governor declares a state of emergency in response
6 to a public health crisis in the state, the requirement of personal appearance before a notary public
7 under the laws of this state shall be suspended to the extent that any notarial act is authorized to be
8 performed utilizing audio-video technology, provided that the following conditions are met:

9 (1) Any notarial act performed through video conference in compliance with this order shall
10 have the same force, effect, and validity as any other notarial act performed in compliance with
11 Missouri law, and may be relied upon to the same extent as any other notarial act under Missouri
12 law.

13 (2) That the document must contain a notarial certificate, a jurat or acknowledgement,
14 which states the principal appeared remotely pursuant to this section.

15 (3) Any person whose signature is to be notarized must display a valid photo ID to the
16 notary during the video conference if the person is not personally or otherwise known to the notary.

17 (4) That the person must affirmatively represent that he or she is physically situated in the
18 State of Missouri.

19 (5) The video conference is a live, interactive audio-visual communication between the
20 principal, notary, and other necessary persons, which allows for observation, direct interaction, and
21 communication at the time of signing.

22 (6) That the notary shall record in their journal the exact time and software used to perform
23 the notarial act along with all other required information, absent the signature of the principal.

24 (7) That the notary must be physically located in the State of Missouri and state which
25 county they are physically in for the jurisdiction on the notarial certificate.

26 (8) For electronic documents:

27 (a) That the Notary Public is registered as an electronic notary public;

28 (b) That the document must be signed electronically with software approved by the
29 secretary of state as an acceptable medium to conduct the transaction; which may include software
30 requiring third party multifactor authentication; and

31 (c) That the notary shall affix their electronic notary seal to the electronic document.

32 (9) For paper documents:

33 (a) A tangible or electronic copy of the signed document must be mailed or otherwise
34 transmitted to the notary within five business days; and

35 (b) To the extent that any Missouri state law requires the physical presence of any testator,
36 settlor, principal, witness, notary, or other person, for the effective execution of any estate planning

Action Taken _____ Date _____

1 document, such as a Will, Trust or power of attorney, or a self-proving affidavit of the execution of
2 such document, such provisions are temporarily suspended or waived, and satisfied if the necessary
3 parties are present through a video conference as set forth in section 5.

4 (10) That if the document needs to be presented in a paper medium, it shall satisfy the
5 requirements of being an original document, and prima facie evidence, if the notary prints the
6 document and affixes an attestation stating that is a true and correct copy of the electronic
7 document, shall state it was performed under this section, and the notary signs and affixes their
8 rubber stamp notary seal.

9 (11) That the fees allowed for notarization under this section shall be the same as those
10 allowed for other notarial acts, except a fee charged for the use of a Remote Online Notary platform
11 or service shall not be considered a fee for a notarial act pursuant to section 486.350, RSMo.

12 (12) That the Secretary of State shall retain the powers provided to him under the law to
13 investigate and adjudicate any notary complaint related to the methods of notarization under this
14 section.

15 2. Any person that holds a current and valid notary license shall be able to sign documents
16 using an electronic notary signature as outlined in this section without filling out additional forms or
17 paying additional fees "; and

18
19 Further amend said bill by amending the title, enacting clause, and intersectional references
20 accordingly.