House _____ **Amendment NO.** _____

Offered By

_____   _____

1   AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 725,
2   Page 80, Section 14, Line 141, by inserting the following after all of said section and line:
3
4   "Section 15. Notwithstanding any other law to the contrary, the requirement of personal
5   appearance before a notary public under the laws of this state shall be waived to the extent that any
6   notarial act is authorized to be performed utilizing audio-video technology, provided that the
7   following conditions are met:
8   (1) Any notarial act performed through video conference in compliance with this section
9   shall have the same force, effect, and validity as any other notarial act performed in compliance with
10   Missouri law, and may be relied upon to the same extent as any other notarial act under Missouri
11   law.
12   (2) The document must contain a notarial certificate, a jurat or acknowledgement, which
13   states the principal appeared remotely pursuant to this section.
14   (3) Any person whose signature is to be notarized shall display a valid photo identification
15   to the notary during the video conference if the person is not personally or otherwise known to the
16   notary.
17   (4) The person shall affirmatively represent that he or she is physically situated in the State
18   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) The notary shall record in his or her 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) The notary shall be physically located in the State of Missouri and shall state which
25   county he or she is physically in for the jurisdiction on the notarial certificate.
26   (8) For electronic documents:
27   (a) The notary public shall be registered as an electronic notary public;
28   (b) The document must be signed electronically with software approved by the secretary of
29   state as an acceptable medium to conduct the transaction; which may include software requiring
30   third party multifactor authentication; and
31   (c) The notary shall affix his or her 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 suspended or waived, and satisfied if the necessary parties are
3 present through a video conference as set forth in subsection 5.
4   (10) 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, that it was performed pursuant to this section and the notary signs and affixes his or her
8 rubber stamp notary seal.
9   (11) The fees allowed for notarization under this section shall be the same as those allowed
10 for other notarial acts, except a fee charged for the use of a Remote Online Notary platform or
11 service shall not be considered a fee for a notarial act pursuant to section 486.350, RSMo.
12   (12) The secretary of state shall retain the powers provided to him or her under the law to
13 investigate and adjudicate any notary complaint related to the methods of notarization under this
14 section."; and
15
16 Further amend said bill by amending the title, enacting clause, and intersectional references
17 accordingly.