

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Bill No. 544, Page 85, Section 17, Line 41, by  
2 inserting the following after all of said section and line:

3  
4 "Section 18. 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.