

HOUSE AMENDMENT NO. ____
TO
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Offered By

AMEND House Amendment No. ____ to House Committee Substitute for Senate Bill No. 544,
Page 35, Line 23, by deleting all of said line and inserting in lieu thereof the following:

"355.023, 356.233, 359.653, 400.9-528, and 417.018, as amended by this act.

Section 19. Notwithstanding any other law to the contrary immediately after the president or governor declares a state of emergency in response to a public health crisis in the state, the requirement of personal appearance before a notary public under the laws of this state shall be suspended to the extent that any notarial act is authorized to be performed utilizing audio-video technology, provided that the following conditions are met:

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

(2) That the document must contain a notarial certificate, a jurat or acknowledgement, which states the principal appeared remotely pursuant to Executive Order 20-08.

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

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

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

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

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

(8) For electronic documents:

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

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

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

(9) For paper documents:

(a) A tangible or electronic copy of the signed document must be mailed or otherwise

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1 transmitted to the notary within five business days; and

2 (b) To the extent that any Missouri state law requires the physical presence of any testator,
3 settlor, principal, witness, notary, or other person, for the effective execution of any estate planning
4 document, such as a Will, Trust or power of attorney, or a self-proving affidavit of the execution of
5 such document, such provisions are temporarily suspended or waived, and satisfied if the necessary
6 parties are present through a video conference as set forth in section 5.

7 (10) That if the document needs to be presented in a paper medium, it shall satisfy the
8 requirements of being an original document, and prima facie evidence, if the notary prints the
9 document and affixes an attestation stating that is a true and correct copy of the electronic
10 document, shall state it was performed pursuant to Executive Order 20-08 and the notary signs and
11 affixes their rubber stamp notary seal.

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

16 (12) That the Secretary of State shall retain the powers provided to him under the law to
17 investigate and adjudicate any notary complaint related to the methods of notarization under this
18 executive order."; and"; and

19
20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.
22

23 THIS AMENDMENT AMENDS NO. 4115H03.40H.