

Title 15 ELECTED OFFICIALS
Division 30 Secretary of State
Chapter 110 [Notary Use of] Electronic Notarization [Signatures and Seals]

EMERGENCY RULE

15 CSR 30-110.040 Remote Online Notarization (RON) Criteria. The secretary is adding a section for electronic notary rules to update electronic notarization as authorized by the Missouri legislatures.

PURPOSE: This amendment updates the Chapter title to more accurately reflect its purpose and to create rules related to online notarization authorized by the legislatures.

EMERGENCY STATEMENT: The Secretary of State determined that this emergency rule is necessary to preserve a compelling government interest. This emergency rule is necessary to address changes made by the legislatures, which takes effect on August 28, 2020, to electronic notarization. The Secretary of State needs this emergency rule since the Executive Order issued by the Governor expired on August 28, 2020. The Secretary of State finds there is a compelling government interest, which requires this emergency action since due to the pandemic of COVID-19 in person notarization is unable to be performed for wills, powers of attorney and durable power of attorney in health care decisions.

A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Secretary of State believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 31, 2020, becomes effective September 10, 2020, and expires March 10, 2021.

1. Remote online notary (RON) must meet the following RON Credential Analysis and Authentication to be approved for use in Missouri:

(A) The software must allow for at least two types of the following authentications as described in Section 110.050, RSMo.

- (i) Credential Analysis of Government Issued Identification;**
- (ii) Dynamic Knowledge-Based Authentication;**
- (iii) Biometrics**

(B) The software must provide for a live session using audio-video communication integrated with electronic document processing as described in Section 110.060, RSMo.

(C) The software must be able to capture the necessary details for the notary to keep an accurate record of the transaction as described in Section 110.070, RSMo.

(D) The software must provide an audit trail for each session as described in Section 110.080, RSMo.

AUTHORITY: section 486.1110, RSMo 2020.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Secretary of State, P.O. Box 1767, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*