

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

EMERGENCY RULE

15 CSR 30-110.060 Audio and Video Quality. 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. A reliable Remote Online Notarization (RON) operating model should consist of continuous, synchronous audio and video feeds with good clarity such that all participants can be clearly seen and understood at all times during the notarial act.**
- 2. Inherent in online audio/video technology is the presence of temporary surges or spikes in quantitative measures like bitrate and/or frequency of communications and no simple technical limits are practical or prudent. Rather, a sounder approach to ensuring reliable real-time communications is to rely on the judgment of the notary to determine the adequacy of the communications and provide direction to terminate the session if those conditions are not met.**
- 3. The audio/video recording must include the person-to-person interaction required as part of the Notarial Act as defined by the State, must be logically associated to the electronic Audit Trail, and must be capable of being viewed and heard using broadly available audio/video players.**
- 4. The video recording of the transaction documents executed in the RON process is not required as part of these standards.**

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.*