

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 110—Notary Use of Electronic Signatures  
and Seals**

**EMERGENCY RULE**

**15 CSR 30-110.010 Electronic Notary Definitions**

*PURPOSE: This rule provides definitions pertaining to the use of electronic signatures and seals by notaries.*

*EMERGENCY STATEMENT: This emergency rule is necessary to address statutory sections enacted in SB 932 (2016), specifically section 486.275.2, which became law on August 28, 2016. This legislation provides that electronic signatures may now be used to satisfy certain acts currently performed by notaries in Missouri using original signatures. Section 486.275.2, RSMo states that “if a signature or record is required to be notarized, acknowledged, verified, or made under oath, notwithstanding the provisions of section 486.285 to the contrary, the requirement is satisfied if the electronic signature of the person authorized to perform such acts, together with all other information required to be included, is attached to or logically associated with the signature or record.” Unfortunately, this section provides no further guidance or direction to any Missouri notary public who may wish to utilize electronic signatures or electronic seals in the performance of notarial acts. To provide such direction to*

*Missouri notaries, extensive research into e-notarization was completed in developing this rule. From August 2016 to October of 2016, all current Missouri notary regulations were reviewed as well as other e-notarization laws and administrative rules throughout the United States. State administrators of e-notary systems in three (3) different states, the National Notary Association, and American Society of Notaries were consulted. After these consultations, conference calls with stakeholders active in the passage of SB 932 took place. These stakeholders were then provided with draft rules to be reviewed. Throughout October through December of 2016, the feedback from stakeholders regarding the draft rules was collected and was taken into account in producing updated language. Without this emergency rule in place, notaries wanting to use an electronic signature will be forced to proceed without any direction from the State of Missouri. Providing guidance will be beneficial to notaries who wish to complete important transactions in Missouri with electronic signatures. As such, the Office of the Secretary of State finds a compelling governmental interest to provide notaries public with guidance in the form of minimum standards and procedures as soon as possible utilizing an emergency rule. 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*. After reviewing laws and regulations pertaining to this subject matter in other states and after communicating with numerous stakeholders within Missouri, the Office of the Secretary of State believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed December 21, 2016, becomes effective December 31, 2016, and expires February 23, 2017.*

(1) The following definitions, except where inconsistent with Chapter 486, RSMo, shall mean:

(A) “Capable of independent verification” means that any interested person may confirm the validity of a notary public’s identity and authority through a publicly accessible system;

(B) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(C) “Electronic signature” means a symbol that is executed with technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities and is attached to or logically associated with an electronic record and is executed or adopted by a person with the intent to sign the record;

(D) “Electronic seal” means an electronic representation of a notary’s seal;

(E) “Electronic notarial certificate” means the portion of a notarized electronic document that is completed by the notary public, bears the notary public’s electronic signature and electronic seal, and meets all other statutory requirements of this state regarding notarial certificates;

(F) “Principal” means an individual whose signature is notarized, or an individual, other than a witness required for the electronic notarization, taking an oath or affirmation from the notary public;

(G) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

(H) “Sole control” means at all times being in the direct physical custody of the notary public or safeguarded by the notary with a password or other secure means of authentication.

*AUTHORITY: section 486.275, RSMo 2016. Emergency rule filed Dec. 21, 2016, effective Dec. 31, 2016, expires Feb. 23, 2017. A proposed rule covering this same material is published in this issue of the *Missouri Register*.*

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 110—Notary Use of Electronic Signatures**  
**and Seals**

**EMERGENCY RULE**

**15 CSR 30-110.020 Electronic Signatures and Seals**

*PURPOSE: This rule describes the process for notary use of electronic signatures and seals.*

*EMERGENCY STATEMENT: This emergency rule is necessary to address statutory sections enacted in SB 932 (2016), specifically section 486.275.2, which became law on August 28, 2016. This legislation provides that electronic signatures may now be used to satisfy certain acts currently performed by notaries in Missouri using original signatures. Section 486.275.2, RSMo states that “if a signature or record is required to be notarized, acknowledged, verified, or made under oath, notwithstanding the provisions of section 486.285 to the contrary, the requirement is satisfied if the electronic signature of the person authorized to perform such acts, together with all other information required to be included, is attached to or logically associated with the signature or record.” Unfortunately, this section provides no further guidance or direction to any Missouri notary public who may wish to utilize electronic signatures or electronic seals in the performance of notarial acts. To provide such direction to Missouri notaries, extensive research into e-notarization was completed in developing this rule. From August 2016 to October of 2016, all current Missouri notary regulations were reviewed as well as other e-notarization laws and administrative rules throughout the United States. State administrators of e-notary systems in three (3) different states, the National Notary Association, and American Society of Notaries were consulted. After these consultations, conference calls with stakeholders active in the passage of SB 932 took place. These stakeholders were then provided with draft rules to be reviewed. Throughout October through December of 2016, the feedback from stakeholders regarding the draft rules was collected and was taken into account in producing updated language. Without this emergency rule in place, notaries wanting to use an electronic signature will be forced to proceed without any direction from the State of Missouri. Providing guidance will be beneficial to notaries who wish to complete important transactions in Missouri with electronic signatures. As such, the Office of the Secretary of State finds a compelling governmental interest to provide notaries public with guidance in the form of minimum standards and procedures as soon as possible utilizing an emergency rule. 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. After reviewing laws and regulations pertaining to this subject matter in other states and after communicating with numerous stakeholders within Missouri, the Office of the Secretary of State believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed December 21, 2016, becomes effective December 31, 2016, and expires February 23, 2017.*

(1) A notary may use an electronic seal in the performance of a notarial act.

(2) Any notary who wishes to use an electronic signature and seal in the performance of a notarial act must provide written notice to the Commissions Division of the Missouri Secretary of State’s Office prior to that notary’s first such use.

(3) In using an electronic signature and seal in the performance of a notarial act, the notary public must adhere to all applicable laws of this state that apply to notaries public.

(4) If a notarial act requires an electronic record to be signed, the principal must appear in person before the notary public.

(5) A notary public must keep in the sole control of the notary any system used to produce the notary’s electronic signature and seal.

(6) The electronic signature and seal of a notary public shall contain the notary’s name exactly as indicated on the notary’s commission, and the electronic seal must contain all elements of a notary seal required by law and meet all other statutory requirements of this state regarding notary seals.

(7) A notary’s electronic signature must be identical to the signatures on file with the secretary of state.

(8) If an electronic signature or seal is used in the performance of a notarial act, a notary public shall complete an electronic notarial certificate that is attached or logically associated with the notary’s electronic signature and seal.

(9) An electronic signature shall be capable of independent verification.

*AUTHORITY: section 486.275, RSMo 2016. Emergency rule filed Dec. 21, 2016, effective Dec. 31, 2016, expires Feb. 23, 2017. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 20—DEPARTMENT OF INSURANCE,**  
**FINANCIAL INSTITUTIONS AND PROFESSIONAL**  
**REGISTRATION**  
**Division 2015—Acupuncturist Advisory Committee**  
**Chapter 1—General Rules**

**EMERGENCY AMENDMENT**

**20 CSR 2015-1.030 Fees.** The advisory committee is proposing to amend subsection (3)(B).

*PURPOSE: The advisory committee is statutorily obligated to enforce and administer the provisions of sections 324.475–324.499, RSMo. Pursuant to section 324.481, RSMo, the Missouri State Board of Chiropractic Examiners, upon recommendation of the Acupuncturist Advisory Committee, shall set fees necessary to administer the provisions of sections 324.475–324.499, RSMo. The advisory committee is proposing to decrease the practitioner renewal fee.*

*EMERGENCY STATEMENT: The Missouri State Board of Chiropractic Examiners, upon the recommendation of the Acupuncturist Advisory Committee, is statutorily obligated to set all fees, by regulation, necessary to administer the provisions of sections 324.475–324.499, RSMo. Pursuant to section 324.481, RSMo, the advisory committee shall, by regulation, set the amount of fees authorized by sections 324.475–324.499, RSMo, to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 324.475–324.499, RSMo. Therefore, the board, upon recommendation by the advisory committee, is proposing to decrease the biennial renewal fee from one hundred twenty-five dollars (\$125) to fifty dollars (\$50) for the 2017 renewal period.*

*The acupuncturist license expires on June 30, 2017. The renewal notices for acupuncturists will be mailed April 1, 2017, and any acupuncturist wishing to reinstate or renew their license beginning April 1, 2017 will be assessed the decreased renewal fee. Without this emergency amendment the decreased fee requirement will not be effective in time for the renewal notice, and the advisory committee will collect more revenue than it is statutorily authorized to collect.*