

**Hall of the House of Representatives**  
93rd General Assembly - Regular Session, 2021  
**Amendment Form**

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**Subtitle of Senate Bill No. 340**

TO REGULATE THE WITNESSING OF CERTAIN DOCUMENTS BY A NOTARY PUBLIC; TO ALLOW FOR  
REMOTE WITNESSING OF CERTAIN DOCUMENTS BY A NOTARY PUBLIC; AND TO DECLARE AN  
EMERGENCY.

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**Amendment No. 1 to Senate Bill 340**

Amend Senate Bill No. 340 as engrossed S4/13/21 (version: 04/13/2021 01:29:44 PM):

Page 1, delete line 25, and substitute the following:

"SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Notary public – Public emergency exceptions – Definitions.

(a) As used in this section:

(1) "Notary public" means a person:

(A) Appointed and commissioned as a notary public under § 21-14-101 et seq.; and

(B) Who is:

(i) An attorney licensed by the State of Arkansas;

(ii) A title agent licensed by the State of

Arkansas;

(iii) Supervised by an attorney or a title agent licensed by the State of Arkansas; or

(iv) Employed by a:

(a) Nonbank financial institution licensed or registered by the State Securities Department; or

(b) Bank, savings and loan association, or state or federal credit union with federal depository insurance;

(2)(A) "Real-time audio and visual means" means technology by which all parties can see and hear the other parties simultaneously.

(B) "Real-time audio and visual means" includes without limitation videoconference technology; and

(3) "Videoconference technology" means Skype, Zoom, FaceTime, and other similar technologies.

(b)(1) A notary public may perform remote witnessing of certain documents.

(2)(A) A notarial certificate is complete if an official signature or seal on the notarial certificate is executed at a time when the principal or signer is not present in person but is otherwise present remotely through real-time audio and visual means.



(B) A signed or sealed notarial certificate may be executed with the understanding that the notarial certificate will be completed or attached to a document outside of the physical presence of the notary public if the notary public is present through real-time audio and visual means.

(3)(A) A notary public may notarize signatures, including acknowledgments and jurats, virtually through real-time audio and visual means, provided that the notary public is physically located in the State of Arkansas at the time of signing and the signing of documents is visually seen by the person who confirms it.

(B)(i) An individual who:

(a) Witnesses a document through real-time audio and visual means may be considered an in-person witness if the presence and identity of the witnesses are validated at the time of signing by a notary public; or

(b) Signs a document through real-time audio and visual means may be considered in the presence of an in-person witness if the presence and identity of the witnesses are validated at the time of signing by a notary public.

(ii) The identity and physical presence of witnesses and signers in this state shall be validated at the time of execution of the documents to be witnessed.

(4)(A) If two (2) or more individuals sign a document simultaneously in different locations, the individuals shall necessarily sign separate signature pages, and all documents executed under this section shall be executed in counterparts.

(B) Absent an express prohibition in a document against signing in counterparts, all legal documents, including without limitation deeds, last wills and testaments, durable powers of attorney, and healthcare proxies, may be signed in counterparts.

(5) A notary public does not have to file with the Secretary of State his or her signatures, general descriptions of potential commercial documents to be notarized by facsimile signature, the names of persons signing documents by facsimile signature, or the written consent of those persons if the notary public determines that the commercial documents would be best notarized by facsimile signature.

SECTION 2. Arkansas Code § 21-14-302(6), concerning the definition of"

AND

Page 8, delete line 14, and substitute the following:

"subchapter.

SECTION 8. DO NOT CODIFY. RETROACTIVITY. Section 1 of this act is retroactive to March 30, 2020.

SECTION 9. DO NOT CODIFY. CONTINGENT EFFECTIVENESS. Section 1 of this act is effective until Executive Order No. 21-07 expires or the Governor finds that the threat or danger to the public declared under Executive Order

No. 21-07 has passed and terminates the declared state of emergency by executive order or proclamation unless the declared state of emergency under Executive Order No. 21-07 is renewed by the Governor by executive order or proclamation under the Arkansas Emergency Services Act of 1973, § 12-75-101 et seq."

AND

Appropriately renumber the sections of the bill

The Amendment was read \_\_\_\_\_  
By: Representative Penzo  
ANS/ANS - 04-26-2021 08:27:58  
ANS475

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Chief Clerk