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State of Minnesota

HOUSE OF REPRESENTATIVES

FOURTH SPECIAL SESSION

H. F. No. 16

09/11/2020 Authored by Freiberg
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to state government; permitting video conferencing to satisfy the
1.3 requirement to appear personally before a notarial officer for certain conveyances.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. REAL ESTATE DOCUMENT NOTARIZATION; APPEARANCE BY
1.6 VIDEO AUTHORIZED DURING PEACETIME PUBLIC HEALTH EMERGENCY.

1.7 (a) During and for 60 days after the expiration of a peacetime public health emergency,
1.8 with respect to documents recorded pursuant to Minnesota Statutes, sections 507.24 and
1.9 507.27, the requirement to appear personally under Minnesota Statutes, section 358.56, is
1.10 deemed met when the notarial officer and the individual making the statement or executing
1.11 the signature, whether acting on behalf of themselves or in a representative capacity, are
1.12 not in the same location but are physically located within the state of Minnesota and
1.13 communicate via video conference in real time. This act does not alter any other requirement
1.14 in Minnesota Statutes, chapter 358.

1.15 (b) The notarial officer shall create an audio and video record of the performance of the
1.16 notarial act. The recording must reflect the items required by Minnesota Statutes, section
1.17 358.645, subdivision 4, paragraph (a), clauses (1), (3), (4), (5), and (6), as well as a statement
1.18 by the notarial officer to the signer informing the signer of the temporary authority under
1.19 which this form of personal appearance is made, that the notarization is being recorded, that
1.20 the recording may be subject to inspection by the commissioner of commerce, and that the
1.21 recording will be maintained for a period of ten years.

1.22 (c) The notarial officer shall:

2.1 (1) take reasonable steps to ensure the integrity, security, and authenticity of the audio  
2.2 and video record of the performance of the notarial act;

2.3 (2) maintain a backup of the audio and video record required in paragraph (b); and

2.4 (3) protect the record and the backup from unauthorized access or use.

2.5 (d) The notarial officer shall maintain the recording for at least ten years after the date  
2.6 of the transaction or proceeding.

2.7 (e) The notification requirements of Minnesota Statutes, section 358.645, subdivision  
2.8 6, paragraph (c), apply to notarizations performed under this section. The notarial officer  
2.9 shall also make any recordings made under this act available for inspection by the  
2.10 commissioner of commerce upon reasonable notice.

2.11 (f) For purposes of this section, "peacetime public health emergency" means any  
2.12 peacetime emergency declared by the governor in an executive order that relates to the  
2.13 infectious disease known as COVID-19.

2.14 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
2.15 expires January 6, 2021.