

On page 1, line 17, of the Introduced bill, after "document;" delete "(2) "

On page 1, line 19, of the Introduced bill, after "sound" insert "

(2) "Document" or "record," information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form"

On page 1, line 19, of the Introduced bill, remove the overstrikes from the semicolon

On page 1, line 19, of the Introduced bill, after "sound;" insert "

(3) "Electronic," any technology using electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;"

On page 1, line 20, of the Introduced bill, after "sound;" insert "(4) "Electronic document" or "electronic record," a document created, generated, sent, communicated, received, or stored by electronic means;

(5) "Identity proofing," a process or service by which a third party provides a notarial officer with a reasonable means to verify the identity of an individual by a review of personal information from public or proprietary data sources;

"

On page 1, line 20, of the Introduced bill, delete "(3)" and insert "(6)"

On page 1, line 20, of the Introduced bill, after "act" insert " performed with respect to a tangible or electronic record"

On page 1, line 24, of the Introduced bill, delete "(3)" and insert "(7)"

On page 1, line 25, of the Introduced bill, after "act" insert ";

(8) "Official stamp," a seal or physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record;

(9) "Person," an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity"

On page 2, line 1, of the Introduced bill, delete "(4)" and insert "(10)"

On page 2, line 1, of the Introduced bill, delete "identify " and insert "identity "

On page 2, line 7, of the Introduced bill, after "definition;" delete " or"

On page 2, line 10, of the Introduced bill, after "thereof" insert " ; or

(c) The notarial officer can reasonably identify the individual via identity proofing;

(11) "Remotely located individual," a person who is not in the physical presence of the notary;

(12) "Stamping device," a physical device capable of affixing to or embossing on a tangible record an official stamp or an electronic device or process capable of attaching to or logically associating with an electronic record or an official stamp"

On page 2, line 10, of the Introduced bill, delete "(5)" and insert "(13)"

On page 2, line 13, of the Introduced bill, delete "(6)" and insert "(14)"

On page 2, after line 17, of the Introduced bill, insert "

**Section 2.** That § 18-1-3 be AMENDED.

**~~18-1-3. Seal, Official stamp, oath, and bond filed with secretary of state.~~**

Every notary public before entering upon the duties of his office, shall provide an official ~~seal~~stamp and file an impression of the same, together with ~~his~~the notary public's oath and bond, in the Office of the Secretary of State.

"

On page 2, after line 17, of the Introduced bill, insert "

**Section 3.** That § 18-1-3.1 be AMENDED.

**~~18-1-3.1. Requirements of seal--Commission expiration date required below seal.~~**

A notarial officer shall have ~~a seal~~an official stamp that shall be used for the purpose of acknowledging a document. The ~~seal~~official stamp shall be of a type approved by the secretary of state and shall contain at least:

- (1) The notarial officer's name;
- (2) The words, South Dakota;
- (3) The words, notary public; and
- (4) A border surrounding the imprint.

~~A seal may be a rubber stamp or a physical device capable of affixing to or embossing on a tangible document. A rubber stamp seal shall contain the word, seal.~~

A notarial officer shall indicate the date on which the notarial officer's commission expires below the ~~seal~~official stamp under this section.

"

On page 2, line 21, of the Introduced bill, after "a " delete "tangible "

On page 2, line 27, of the Introduced bill, after "the " insert "electronic or "

On page 3, line 3, of the Introduced bill, after "signature" insert "; and

(6) The notarial officer, or a person acting on behalf of the notarial officer, creates an audio-visual recording of the performance of the notarial act"

On page 3, after line 3, of the Introduced bill, insert "

**Section 5.** That a NEW SECTION be added:

**18-1-11.2. Notarial act--Video communication technology--Retention of notarial act recording.**

The notarial officer shall retain an electronic audio-visual recording of the performance of each notarial act involving the use of communication technology for ten years from the date of performance. Upon suspension or revocation of a notarial officer's commission or upon death or incapacity, the notarial officer or guardian, conservator, or personal representative of an incapacitated or deceased notarial officer shall retain a copy of the notarial act for ten years. In lieu of retaining copies as required by this section, the copies may be held by a repository designated by or on behalf of the notarial officer.

"

On page 3, after line 3, of the Introduced bill, insert "

**Section 6.** That a NEW SECTION be added:

**18-1-11.3. Video communication technology--Tamper-evident technologies.**

A notarial officer may select one or more tamper-evident technologies to perform notarial acts. A person may not require a notarial officer to perform a notarial act with respect to an electronic document with a technology that the notarial officer has not selected.

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