

By: Representatives Hulum, Bell (65th),
Porter, Hines, Clark, Scott, Thompson,
Faulkner, Summers, Currie, Banks, Owen,
McCarty

To: Business and Commerce

HOUSE BILL NO. 492

1 AN ACT TO AMEND SECTION 25-34-15, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY AUTHORITY OF A NOTARIAL OFFICER TO PERFORM ACTS
3 ELECTRONICALLY; TO AMEND SECTION 25-34-39, MISSISSIPPI CODE OF
4 1972, TO CLARIFY THE AUTHORITY OF THE SECRETARY OF STATE TO CREATE
5 RULES WHICH ALLOW A NOTARIAL OFFICER AND A REMOTELY LOCATED
6 SIGNATORY TO ELECTRONICALLY COMPLETE A NOTARIAL ACT; TO BRING
7 FORWARD SECTION 25-34-57, MISSISSIPPI CODE OF 1972, WHICH
8 AUTHORIZES THE SECRETARY OF STATE TO ADOPT RULES AND REGULATIONS
9 REGARDING NOTARIAL ACTS; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** Section 25-34-15, Mississippi Code of 1972, is
12 amended as follows:

13 25-34-15. If a notarial act relates to a statement made in
14 or a signature executed on a record, the individual making the
15 statement or executing the signature * * * may appear physically
16 in person before the notarial officer at the time of the notarial
17 act or in a manner prescribed by the Secretary of State which
18 allows the notarial officer to complete the notarial act
19 electronically.

20 **SECTION 2.** Section 25-34-39, Mississippi Code of 1972, is
21 amended as follows:



22 25-34-39. (1) A notary public may perform a notarial act
23 with respect to electronic records pursuant to this chapter.

24 (2) The Secretary of State has the sole power to determine
25 the methods by which notarial acts with respect to electronic
26 records may be implemented in this state. Those methods must be
27 set forth in rules promulgated by the Secretary of State and shall
28 allow a notarial officer and a remotely located signatory to
29 electronically complete a notarial act.

30 (3) A notary public seeking to perform notarial acts with
31 respect to electronic records must file an additional registration
32 with the Secretary of State subsequent to being granted a notary
33 commission.

34 **SECTION 3.** Section 25-34-57, Mississippi Code of 1972, is
35 brought forward as follows:

36 25-34-57. This chapter modifies, limits and supersedes the
37 Electronic Signatures in Global and National Commerce Act, 15 USC
38 Section 7001 et seq., but does not modify, limit or supersede
39 Section 101(c) of that act, 15 USC Section 7001(c), or authorize
40 electronic delivery of any of the notices described in Section
41 103(b) of that act, 15 USC Section 7003(b).

42 **SECTION 4.** This act shall take effect and be in force from
43 and after July 1, 2024.

