

## HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 397 (Formerly HSB 3)	House Committee:	<b>PASSED</b> on February 21 (17-3)
Committee:	Judiciary	House Floor:	<b>PASSED</b> on March 14 (97-0)
Floor Manager:	Rep. Gustoff	Senate Floor:	<b>PASSED</b> on April 25 (49-0)
Date:	May 8, 2023	Governor:	
Staff:	Amanda Wille (1-5230)		

### Remote Signing

- HF 397 allows a remote notary to use identity proofing standards set by the Secretary of State, but does not require it.
- Ensures wills signed remotely during COVID are considered valid.

### Section by Section Analysis

#### Section 1 – Notarial Acts- Notarial Act Performed for Remotely Located Individual (9B.14A)

If a notary uses remote technology to notarize a document and the notary wants to use identity proofing to perform the notarial act, the identity proofing must conform to the standards set by the secretary of state.

#### Section 2 –Probate Code- Signed ant Witnessed (633.279)

Allows people signing a remote will or codicil to be located in multiple different locations.

Any will or codicil signed remotely between April 2, 2020 and February 15, 2022 have been deemed to satisfy the presence requirements under the Governor’s disaster proclamation.

#### Section 3- Retroactive Applicability

This protects individuals who signed remotely, as permitted by the Governor, during the COVID emergency proclamations

### Amendment Analysis