



Rep. Stephanie A. Kifowit

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10200SB2664ham001

LRB102 15608 RJF 26004 a

1 AMENDMENT TO SENATE BILL 2664

2 AMENDMENT NO. _____. Amend Senate Bill 2664 as follows:

3 on page 8, by replacing lines 9 through 17 with the following:

4 "(5 ILCS 312/1-106 new)

5 Sec. 1-106. Electronic Notarization Fund. The Electronic
6 Notarization Fund is created as a special fund in the State
7 treasury. Moneys in the Electronic Notarization Fund during
8 the preceding calendar year, shall be distributed, subject to
9 appropriation, to the Secretary of State to fund the
10 Department of Index's implementation and maintenance of the
11 electronic notarization commissions. This Section is effective
12 on and after July 1, 2022."; and

13 on page 13, by replacing lines 20 through 26 with the
14 following:

15 "(d) Electronic notarial acts. Before an electronic notary

1 public performs an electronic notarial act using audio-video
2 communication, he or she must be granted an electronic notary
3 public commission by the Secretary of State under this
4 Section, and identify the technology that the electronic
5 notary public intends to use, which must be approved by the
6 Secretary of State."; and

7 on page 22, by deleting lines 2 through 9; and

8 by replacing line 22 on page 26 through line 1 on page 27 with
9 the following:

10 "(e) Certificate of electronic notarial act. An electronic
11 notary public shall attach his or her electronic signature and
12 electronic seal with the electronic notarial certificate of an
13 electronic document in a manner that is capable of independent
14 verification and renders any subsequent change or modification
15 to the electronic document evident."; and

16 on page 35, by replacing lines 10 through 16 with the
17 following:

18 "(b) Except as provided under subsection (c), an
19 electronic notary public who is physically located in this
20 State may perform an electronic notarial act using
21 communication technology in accordance with this Article and
22 any rules adopted by the Secretary of State for a remotely
23 located individual who is physically located: (i) in this

1 State; or (ii) outside of this State, but not outside the
2 United States.

3 (c) Notwithstanding subsection (b), an electronic notary
4 public may perform an electronic notarial act for a remotely
5 located individual outside of the United States if the record
6 is to be filed with or relates to a matter before a public
7 official or court, governmental entity, or other entity
8 subject to the jurisdiction of the United States or involves
9 property located in the territorial jurisdiction of the United
10 States or involves a transaction substantially connected with
11 the United States."; and

12 on page 42, by replacing lines 15 through 19 with the
13 following:

14 "(5) Each page of the document being witnessed must be
15 shown to the witness on the two-way audio-video
16 communication technology in a means clearly legible to the
17 witness."; and

18 by replacing line 24 on page 42 through line 1 on page 43 with
19 the following:

20 "(1) The signatory must transmit by overnight mail,
21 fax, or electronic means a legible copy of the entire
22 signed document directly to the notary no later than the
23 day after the document is signed."; and

1 on page 43, by replacing lines 2 through 5 with the following:

2 "(2) The notary must sign the transmitted copy of the
3 document as a witness and transmit the signed copy of the
4 document back to the signatory via overnight mail, fax, or
5 electronic means within 24 hours after receipt."; and

6 by replacing line 26 on page 45 through line 5 on page 46 with
7 the following:

8 "(o) A notary public shall not sell, rent, transfer, or
9 otherwise make available to a third party, other than the
10 electronic notarization platform, the contents of the notarial
11 journal, audio video recordings, or any other record
12 associated with any notarial act, including personally
13 identifiable information, except when required by law, law
14 enforcement, the Secretary of State, or a court order. Upon
15 written request of a third party, which request must include
16 the name of the parties, the type of document, and the month
17 and year in which a record was notarized, a notary public may
18 supply a copy of the line item representing the requested
19 transaction after personally identifying information has been
20 redacted."; and

21 by replacing line 24 on page 54 through line 5 on page 55 with
22 the following:

23 "(c) At the time of an electronic notarial act, an
24 electronic notary public shall electronically sign every

1 electronic notarial certificate and electronically affix the
2 electronic seal clearly and legibly, so that it is capable of
3 photographic reproduction. The illegibility of any of the
4 information required under this Section does not affect the
5 validity of a transaction."; and

6 on page 70, by replacing lines 11 through 20 with the
7 following:

8 "Section 99. Effective date. This Act takes effect on the
9 later of: (1) January 1, 2022; or (2) the date on which the
10 Office of the Secretary of State files with the Index
11 Department of the Office of the Secretary of State a notice
12 that the Office of the Secretary of State has adopted the rules
13 necessary to implement this Act, and upon the filing of the
14 notice, the Index Department shall provide a copy of the
15 notice to the Legislative Reference Bureau; except that, the
16 changes to Sections 1-106, 2-103, and 2-106 of the Illinois
17 Notary Public Act take effect July 1, 2022."