

SECOND REGULAR SESSION

HOUSE BILL NO. 2725

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCCANN BEATTY.

4075H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 486.220, 486.225, 486.285, 486.305, and 486.310, RSMo, and to enact in lieu thereof five new sections relating to notaries public, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 486.220, 486.225, 486.285, 486.305, and 486.310, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 486.220, 486.225, 486.285, 486.305, and 486.310, to read as follows:

486.220. 1. Each person appointed and commissioned as a notary public shall, except as provided for in subsection 2 of this section:

(1) Be at least eighteen years of age;

(2) Be a registered voter of the county within and for which he **or she** is commissioned; or a resident alien of the United States;

(3) Have a residence address in the county within and for which he is commissioned;

(4) Be able to read and write the English language; and

(5) Not have had his **or her** commission revoked during the past ten years; [or]

(6) **Not have been convicted of, found guilty of, pled guilty to, or pled nolo contendere to a crime involving fraud, deceit, or coercion, or to a felony or official misconduct under this chapter; or**

(7) In lieu of the requirements contained in subdivisions (1) to (5) of this subsection, a person who is appointed and commissioned a notary public pursuant to subsection 2 of this section may be appointed and commissioned pursuant to this subsection upon becoming a resident of Missouri.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 2. Any person who does not qualify under subsection 1 of this section may nonetheless
17 be appointed and commissioned as a notary public provided that person:

18 (1) Is at least eighteen years of age;

19 (2) Works in Missouri and will use the notary seal in the course of his **or her**
20 employment in Missouri;

21 (3) Has a work address in the county within and for which he is commissioned;

22 (4) Is able to read and write the English language;

23 (5) Has not had a notary commission revoked in any state during the past ten years; [and]

24 (6) **Has not been convicted of, found guilty of, pled guilty to, or pled nolo**
25 **contendere to a crime involving fraud, deceit, or coercion, or to a felony or official**
26 **misconduct under this chapter; and**

27 (7) Authorizes the secretary of state as the agent and representative of such person to
28 accept service of any process or service of any notice or demand required or permitted by law
29 to be served upon such person.

30 3. A notary public is not a public officer within the meaning of article VII of the
31 Missouri Constitution.

486.225. 1. Upon a form prepared by the secretary of state, each applicant for
2 appointment and commission as a notary public shall swear, under penalty of perjury, that the
3 answers to all questions on the application are true and complete to the best of the applicant's
4 knowledge and that the applicant is qualified to be appointed and commissioned as a notary
5 public. The completed application form shall be filed with the secretary of state.

6 2. With the person's application, each applicant for appointment and commission as a
7 notary public shall submit to the secretary of state a commission fee of fifteen dollars.

8 3. Each applicant for appointment and commission as a notary public shall state in the
9 application whether or not the applicant has ever been convicted of or pled guilty or nolo
10 contendere to any felony, or to any misdemeanor incompatible with the duties of a notary public
11 and if so, shall attach a list of such convictions or pleas of guilt or nolo contendere.

12 4. **An applicant who knowingly provides false or fraudulent information on his or**
13 **her application or fails to disclose a conviction, plea, or finding of guilt, or plea of nolo**
14 **contendere to any crime involving fraud, deceit, or coercion, or to a felony or official**
15 **misconduct under this chapter, is guilty of a class B misdemeanor as classified in section**
16 **557.016 and will have his or her application rejected.**

17 5. Each applicant for a renewal appointment and commission as a notary public may
18 apply for such renewal appointment in a manner prescribed by the secretary of state.

19 [5.] 6. The secretary of state may prohibit, for a period not less than thirty days and not
20 more than one year, a new applicant or renewal from reapplying for an appointment and

21 commission as a notary public following the rejection of such applicant's application by the
22 secretary of state.

23 [6.] 7. Prior to submitting an application to the secretary of state, each new applicant or
24 renewal for appointment and commission as a notary public shall read the Missouri notary public
25 handbook and complete a computer-based notary training or other notary training in a manner
26 prescribed by the secretary of state. Each new applicant or renewal applicant shall attest to
27 reading such handbook and receiving such training pursuant to this subsection at the time of
28 submitting the application for appointment and commission as a notary public.

486.285. 1. Each notary public shall provide, keep, and use a seal which is either an
2 engraved embosser seal or a black inked rubber stamp seal to be used on the document being
3 notarized. The seal shall contain the notary's name exactly as indicated on the commission and
4 the words "Notary Seal", "Notary Public", and "State of Missouri" and, after August 28, 2004,
5 the commission number assigned by the secretary of state, provided that the notary public has
6 been issued a commission number by the secretary of state, all of which shall be in print not
7 smaller than eight-point type.

8 2. The indentations made by the seal embosser or printed by the black inked rubber
9 stamp seal shall not be applied on the notarial certificate or document to be notarized in a manner
10 that will render illegible or incapable of photographic reproduction any of the printed marks or
11 writing on the certificate or document.

12 3. Every notary shall keep an official notarial seal that is the exclusive property of the
13 notary and the seal may not be used by any other person or surrendered to an employer upon
14 termination of employment.

15 **4. No person, business, or governmental entity shall make, manufacture, or**
16 **otherwise produce a notary's seal unless the notary public presents his or her original or**
17 **amended certificate of appointment, a certified copy of his or her original or amended**
18 **certificate of appointment, or a letter of commission issued by the secretary of state's office**
19 **to that person, business, or governmental entity. A current or former notary public whose**
20 **seal is produced in violation of this subsection or a person who is defrauded through the**
21 **use of a seal produced in violation of this subsection may file an action against the person**
22 **who improperly obtained the seal or the maker, manufacturer, or producer of that seal**
23 **seeking appropriate equitable relief or damages including, but not limited to, an order**
24 **declaring the seal ineffective and reasonable attorney fees.**

486.305. 1. Any notary public who loses or misplaces his or her journal of notarial acts
2 or official seal shall [forthwith mail or deliver] **immediately provide written** notice of the fact
3 to the secretary of state. **For a lost or misplaced official seal, upon receipt of the written**
4 **notice, the secretary of state shall issue the notary a new commission number for the notary**

5 to order a new seal. The secretary of state may post notice on the secretary of state's
6 website notifying the general public that the lost or misplaced notary seal and commission
7 number of such notary is invalid and is not an acceptable notary commission number.

8 **2. If a notary public's official seal is destroyed, broken, damaged, or otherwise**
9 **rendered inoperable, the notary shall immediately provide written notice of that fact to the**
10 **secretary of state. Upon receipt of the written notice, the secretary of state shall issue the**
11 **notary a new commission number for the notary to order a new seal. The secretary of state**
12 **may post notice on the secretary of state's website notifying the general public that the**
13 **destroyed, broken, damaged, or otherwise inoperable notary seal and commission number**
14 **of such notary is invalid and is not an acceptable notary commission number.**

486.310. 1. If any notary public no longer desires to be a notary public, he or she shall
2 forthwith mail or deliver to the secretary of state a letter of resignation **and his or her notary**
3 **seal**, and his or her commission shall thereupon cease to be in effect. **The secretary of state**
4 **may post notice on the secretary of state's website notifying the general public that the**
5 **notary is no longer a commissioned notary public in the state of Missouri.** If a notary public
6 resigns following the receipt of a complaint by the secretary of state regarding the notary public's
7 conduct, the secretary of state may deny any future applications by such person for appointment
8 and commission as a notary public.

9 **2. If any notary public seeks to amend his or her commission, he or she shall**
10 **forthwith mail or deliver to the secretary of state his or her notary seal unless a person,**
11 **business, or manufacturer alters the existing seal in compliance with subsection 4 of section**
12 **486.285.**

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