

SECOND REGULAR SESSION

SENATE BILL NO. 1023

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DIXON.

Read 1st time February 22, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6369S.02I

AN ACT

To repeal sections 367.031, 486.200, 486.205, 486.210, 486.215, 486.220, 486.225, 486.230, 486.235, 486.240, 486.245, 486.250, 486.255, 486.260, 486.265, 486.270, 486.275, 486.280, 486.285, 486.290, 486.295, 486.300, 486.305, 486.310, 486.315, 486.320, 486.325, 486.330, 486.335, 486.340, 486.345, 486.350, 486.355, 486.360, 486.365, 486.370, 486.375, 486.380, 486.385, 486.390, 486.395, 486.396, and 486.405, RSMo, and to enact in lieu thereof seventy-four new sections relating to notaries public, with an existing penalty provision and a delayed effective date.

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

Section A. Sections 367.031, 486.200, 486.205, 486.210, 486.215, 486.220, 2 486.225, 486.230, 486.235, 486.240, 486.245, 486.250, 486.255, 486.260, 486.265, 3 486.270, 486.275, 486.280, 486.285, 486.290, 486.295, 486.300, 486.305, 486.310, 4 486.315, 486.320, 486.325, 486.330, 486.335, 486.340, 486.345, 486.350, 486.355, 5 486.360, 486.365, 486.370, 486.375, 486.380, 486.385, 486.390, 486.395, 486.396, 6 and 486.405, RSMo, are repealed and seventy-four new sections enacted in lieu 7 thereof, to be known as sections 367.031, 486.600, 486.605, 486.610, 486.615, 8 486.620, 486.625, 486.630, 486.635, 486.640, 486.645, 486.650, 486.655, 486.660, 9 486.665, 486.670, 486.675, 486.680, 486.685, 486.690, 486.695, 486.700, 486.705, 10 486.710, 486.715, 486.720, 486.725, 486.730, 486.735, 486.740, 486.745, 486.750, 11 486.755, 486.760, 486.765, 486.770, 486.775, 486.780, 486.785, 486.790, 486.795, 12 486.800, 486.805, 486.810, 486.815, 486.820, 486.825, 486.830, 486.900, 486.905, 13 486.910, 486.915, 486.920, 486.925, 486.930, 486.935, 486.940, 486.945, 486.950, 14 486.955, 486.960, 486.965, 486.970, 486.975, 486.980, 486.985, 486.990, 486.995, 15 486.1000, 486.1005, 486.1010, 486.1015, 486.1020, and 486.1025, to read as

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 follows:

367.031. 1. At the time of making any secured personal credit loan, the
2 lender shall execute and deliver to the borrower a receipt for and describing the
3 tangible personal property subjected to the security interest to secure the
4 payment of the loan. The receipt shall contain the following:

- 5 (1) The name and address of the pawnshop;
- 6 (2) The name and address of the pledgor, the pledgor's description, and
7 the driver's license number, military identification number, identification
8 certificate number, or other official number capable of identifying the pledgor;
- 9 (3) The date of the transaction;
- 10 (4) An identification and description of the pledged goods, including serial
11 numbers if reasonably available;
- 12 (5) The amount of cash advanced or credit extended to the pledgor;
- 13 (6) The amount of the pawn service charge;
- 14 (7) The total amount which must be paid to redeem the pledged goods on
15 the maturity date;
- 16 (8) The maturity date of the pawn transaction; and
- 17 (9) A statement to the effect that the pledgor is not obligated to redeem
18 the pledged goods, and that the pledged goods may be forfeited to the pawnbroker
19 sixty days after the specified maturity date.

20 2. The pawnbroker may be required, in accordance with local ordinances,
21 to furnish appropriate law enforcement authorities with copies of information
22 contained in subdivisions (1) to (4) of subsection 1 of this section and information
23 contained in subdivision (6) of subsection 4 of section 367.040. The pawnbroker
24 may satisfy such requirements by transmitting such information electronically to
25 a database in accordance with this section, except that paper copies shall be made
26 available for an on-site inspection upon request of any appropriate law
27 enforcement authority.

28 3. As used in this section, the following terms mean:

- 29 (1) "Database", a computer database established and maintained by a
30 third party engaged in the business of establishing and maintaining one or more
31 databases;
- 32 (2) "Permitted user", persons authorized by law enforcement personnel to
33 access the database;
- 34 (3) "Reportable data", the information required to be recorded by
35 pawnbrokers for pawn transactions pursuant to subdivisions (1) to (4) of

36 subsection 1 of this section and the information required to be recorded by
37 pawnbrokers for purchase transactions pursuant to subdivision (6) of subsection
38 4 of section 367.040;

39 (4) "Reporting pawnbroker", a pawnbroker who chooses to transmit
40 reportable data electronically to the database;

41 (5) "Search", the accessing of a single database record.

42 4. The database shall provide appropriate law enforcement officials with
43 the information contained in subdivisions (1) to (4) of subsection 1 of this section
44 and other useful information to facilitate the investigation of alleged property
45 crimes while protecting the privacy rights of pawnbrokers and pawnshop
46 customers with regard to their transactions.

47 5. The database shall contain the pawn and purchase transaction
48 information recorded by reporting pawnbrokers pursuant to this section and
49 section 367.040 and shall be updated as requested. The database shall also
50 contain such security features and protections as may be necessary to ensure that
51 the reportable data maintained in the database can only be accessed by permitted
52 users in accordance with the provisions of this section.

53 6. The third party's charge for the database shall be based on the number
54 of permitted users. Law enforcement agencies shall be charged directly for access
55 to the database, and the charge shall be reasonable in relation to the costs of the
56 third party in establishing and maintaining the database. No reporting
57 pawnbroker or customer of a reporting pawnbroker shall be charged any costs for
58 the creation or utilization of the database.

59 7. (1) The information in the database shall only be accessible through
60 the internet to permitted users who have provided a secure identification or
61 access code to the database but shall allow such permitted users to access
62 database information from any jurisdiction transmitting such information to that
63 database. Such permitted users shall provide the database with an identifier
64 number of a criminal action for which the identity of the pawn or purchase
65 transaction customer is needed and a representation that the information is
66 connected to an inquiry or to the investigation of a complaint or alleged crime
67 involving goods delivered by that customer in that transaction. The database
68 shall record, for each search, the identity of the permitted user, the pawn or
69 purchase transaction involved in the search, and the identity of any customer
70 accessed through the search. Each search record shall be made available to other
71 permitted users regardless of their jurisdiction. The database shall enable

72 reporting pawnbrokers to transmit to the database through the internet
73 reportable data for each pawn and purchase transaction.

74 (2) Any person who gains access to information in the database through
75 fraud or false pretenses shall be guilty of a class D felony.

76 8. Any pawnbroker licensed under section 367.043 shall meet the
77 following requirements:

78 (1) Provide all reportable data to appropriate users by transmitting it
79 through the internet to the database;

80 (2) Transmit all reportable data for one business day to the database prior
81 to the end of the following business day;

82 (3) Make available for on-site inspection to any appropriate law
83 enforcement official, upon request, paper copies of any pawn or purchase
84 transaction documents.

85 9. If a reporting pawnbroker or permitted user discovers any error in the
86 reportable data, notice of such error shall be given to the database, which shall
87 have a period of thirty days in which to correct the error. Any reporting
88 pawnbroker experiencing a computer malfunction preventing the transmission of
89 reportable data or receipt of search requests shall be allowed a period of at least
90 thirty but no more than sixty days to repair such malfunction, and during such
91 period such pawnbroker shall not be deemed to be in violation of this section if
92 good faith efforts are made to correct the malfunction. During the periods
93 specified in this subsection, the reporting pawnbroker and permitted user shall
94 arrange an alternative method or methods by which the reportable data shall be
95 made available.

96 10. No reporting pawnbroker shall be obligated to incur any cost, other
97 than internet service costs, in preparing, converting, or delivering its reportable
98 data to the database.

99 11. If the pawn ticket is lost, destroyed, or stolen, the pledgor may so
100 notify the pawnbroker in writing, and receipt of such notice shall invalidate such
101 pawn ticket, if the pledged goods have not previously been redeemed. Before
102 delivering the pledged goods or issuing a new pawn ticket, the pawnbroker shall
103 require the pledgor to make a written affidavit of the loss, destruction or theft of
104 the ticket. The pawnbroker shall record on the written statement the identifying
105 information required, the date the statement is given, and the number of the
106 pawn ticket lost, destroyed, or stolen. The affidavit shall be signed by a notary
107 public appointed by the secretary of state pursuant to [section 486.205] **chapter**

108 486 to perform notarial acts in this state.

486.600. As used in sections 486.600 to 486.1025 the following

2 terms and phrases shall mean:

3 (1) "Acknowledgment", a notarial act in which an individual at a
4 single time and place:

5 (a) Appears in person before the notary and presents a
6 document;

7 (b) Is personally known to the notary or identified by the notary
8 through satisfactory evidence; and

9 (c) Indicates to the notary that the signature on the document
10 was voluntarily affixed by the individual for the purposes stated within
11 the document and, if applicable, that the individual had due authority
12 to sign in a particular representative capacity;

13 (2) "Affirmation", a notarial act, or part thereof, that is legally
14 equivalent to an oath and in which an individual at a single time and
15 place:

16 (a) Appears in person before the notary;

17 (b) Is personally known to the notary or identified by the notary
18 through satisfactory evidence; and

19 (c) Makes a vow of truthfulness or fidelity on penalty of perjury,
20 based on personal honor and without invoking a deity or using any
21 form of the word "swear";

22 (3) "Commission", both the granting of authority to perform
23 notarial acts and the written evidence of the granting of authority to
24 perform such acts;

25 (4) "Copy certification", a notarial act in which a notary:

26 (a) Locates or is presented with a paper that is neither a vital
27 record, a public record, nor a recorded document;

28 (b) Compares the document with a second paper that either is:

29 a. Presented to the notary;

30 b. Located by the notary; or

31 c. Copied from the first document by the notary; and

32 (c) Confirms through a visual comparison that the second
33 document is an identical, exact, and complete copy of the image or text
34 and, if applicable, metadata of the first document;

35 (5) "County", any of the several counties of this state or the city
36 of St. Louis;

37 **(6) "County clerk", any of the several county clerks of this state**
38 **or the clerk of the circuit court in the city of St. Louis;**

39 **(7) "Credible witness", an honest, reliable, and impartial person**
40 **who personally knows an individual appearing before a notary and**
41 **takes an oath or affirmation from the notary to vouch for that**
42 **individual's identity;**

43 **(8) "Electronic", relating to technology having electrical, digital,**
44 **magnetic, wireless, optical, electromagnetic, or similar capabilities;**

45 **(9) "Electronic journal of notarial acts" and "electronic journal",**
46 **a chronological electronic record of notarizations that is maintained by**
47 **the notary public who performed the same notarizations;**

48 **(10) "Electronic notarial act" and "electronic notarization", an**
49 **official act involving an electronic document that is performed in**
50 **compliance with sections 486.900 to 486.1025 by an electronic notary**
51 **public as a security procedure as defined in the Uniform Electronic**
52 **Transactions Act, sections 432.200 to 432.295;**

53 **(11) "Electronic notary public" and "electronic notary", a notary**
54 **public who has registered with the secretary the capability to perform**
55 **electronic notarial acts;**

56 **(12) "Journal of notarial acts" and "journal", a permanently bound**
57 **book to create and preserve a chronological record of notarizations**
58 **that is maintained by the notary public who performed the same**
59 **notarizations;**

60 **(13) "Jurat", a notarial act in which an individual at a single time**
61 **and place:**

62 **(a) Appears in person before the notary and presents a**
63 **document;**

64 **(b) Is personally known to the notary or identified by the notary**
65 **through satisfactory evidence;**

66 **(c) Signs the document in the presence of the notary; and**

67 **(d) Takes an oath or affirmation from the notary vouching for**
68 **the truthfulness or accuracy of the signed document;**

69 **(14) "Notarial act" and "notarization", any official act of**
70 **certification, attestation, or administration that a notary public is**
71 **empowered to perform under this chapter;**

72 **(15) "Notarial certificate" and "certificate", the part of, or**
73 **attachment to, a notarized document that, in the performance of the**

74 notarization, is completed by the notary, bears the notary's official
75 signature and seal, and states the date, venue, and facts attested by the
76 notary in the particular notarial act;

77 (16) "Notary public" and "notary", any person commissioned to
78 perform notarial acts under this chapter;

79 (17) "Oath", a notarial act, or part thereof, that is legally
80 equivalent to an affirmation and in which an individual at a single time
81 and place:

82 (a) Appears in person before the notary;

83 (b) Is personally known to the notary or identified by the notary
84 through satisfactory evidence; and

85 (c) Makes a vow of truthfulness or fidelity on penalty of perjury
86 while invoking a deity or using any form of the word "swear";

87 (18) "Official misconduct":

88 (a) A notary's performance of any act prohibited, or failure to
89 perform any act or duty mandated, by this chapter or by any other law
90 in connection with a notarial act; or

91 (b) A notary's performance of an official act or duty in a manner
92 that is negligent, contrary to established norms of sound notarial
93 practice, or against the public interest;

94 (19) "Official seal":

95 (a) A device authorized by the secretary for affixing on a paper
96 notarial certificate an image containing a notary's name, title,
97 jurisdiction, commission expiration date, and other information related
98 to the notary's commission; or

99 (b) The affixed image itself;

100 (20) "Official signature", a handwritten signature made by a
101 notary that uses the exact name appearing in the notary's commission
102 and is signed with the intent to perform a notarial act;

103 (21) "Personal appearance before the notary" and "appears in
104 person before the notary", that the notary is physically close enough to
105 see, hear, communicate with, and receive identification documents from
106 a principal and any required witness;

107 (22) "Personal knowledge of identity" and "personally knows",
108 familiarity with an individual resulting from interactions with that
109 individual over a period of time sufficient to dispel any reasonable
110 uncertainty that the individual has the identity claimed;

111 **(23) "Principal":**

112 **(a) A person whose signature is notarized; or**

113 **(b) A person, other than a credible witness, taking an oath or**
114 **affirmation from the notary;**

115 **(24) "Regular place of work or business", a stationary office or**
116 **workspace where one spends all or some of one's working or business**
117 **hours;**

118 **(25) "Requester of fact", a person who asks the notary public to**
119 **perform a copy certification;**

120 **(26) "Satisfactory evidence of identity", identification of an**
121 **individual based on:**

122 **(a) At least one current document issued by a federal, state, or**
123 **tribal government in a language understood by the notary and bearing**
124 **the photographic image of the individual's face and signature and a**
125 **physical description of the individual, or a properly stamped passport**
126 **without a physical description; or**

127 **(b) The oath or affirmation of one credible witness disinterested**
128 **in the document or transaction who is personally known to the notary**
129 **and who personally knows the individual, or of two credible witnesses**
130 **disinterested in the document or transaction who each personally**
131 **knows the individual and shows to the notary documentary**
132 **identification as described in paragraph (a) of this subdivision;**

133 **(27) "Secretary", the secretary of state for the state of Missouri;**

134 **(28) "Signature witnessing", a notarial act in which an individual**
135 **at a single time and place:**

136 **(a) Appears in person before the notary and presents a**
137 **document;**

138 **(b) Is personally known to the notary or identified by the notary**
139 **through satisfactory evidence; and**

140 **(c) Signs the document in the presence of the notary.**

486.605. 1. Except as otherwise provided in subsection 3 of this
2 **section, the secretary shall issue a notary commission to any person**
3 **who is qualified under subsection 2 of this section and who submits an**
4 **application in accordance with this chapter.**

5 **2. In order to be qualified for a notary commission a person**
6 **shall:**

7 **(1) Be at least eighteen years of age;**

8 **(2) Reside or have a regular place of work or business in the**
9 **state of Missouri;**

10 **(3) Reside legally in the United States;**

11 **(4) Read and write English; and**

12 **(5) Pass the examination required under section 486.630.**

13 **3. (1) Applicants who are not a resident of the state may qualify**
14 **to be a notary if they work in Missouri and will use the notary seal in**
15 **the course of their employment in Missouri.**

16 **(2) Applicants qualifying as a nonresident notary shall authorize**
17 **the secretary as the agent and representative of such person to accept**
18 **service of any process or service of any notice or demand required or**
19 **permitted by law to be served upon such person.**

20 **4. The secretary may deny an application based on:**

21 **(1) Submission of an application containing a material**
22 **misstatement or omission of fact;**

23 **(2) The fact that the applicant has been finally adjudicated and**
24 **found guilty, or entered a plea of guilty or nolo contendere, in a**
25 **criminal prosecution under the laws of any state or of the United**
26 **States, of any felony or any offense involving dishonesty or moral**
27 **turpitude, provided that a commission shall not be issued to the**
28 **applicant within five years after such conviction or plea;**

29 **(3) A finding or admission of liability against the applicant in a**
30 **civil lawsuit based on the applicant's deceit;**

31 **(4) Revocation, suspension, restriction, or denial of a notarial**
32 **commission or professional license by this or any other state or nation,**
33 **provided that a commission shall not be issued to the applicant within**
34 **five years after such disciplinary action; or**

35 **(5) An official finding that the applicant has previously engaged**
36 **in official misconduct, whether or not disciplinary action resulted.**

37 **5. An applicant may appeal the denial of an application by filing**
38 **the form required by the secretary pursuant to subsection 6 of this**
39 **section with the secretary within thirty days after denial, provided that**
40 **an applicant may not appeal if the secretary, within five years prior to**
41 **the application, has:**

42 **(1) Denied or revoked for disciplinary reasons any previous**
43 **application, commission, or license of the applicant; or**

44 **(2) Made a finding under section 486.810 that grounds for**

45 revocation of the applicant's commission existed.

46 **6. The secretary shall promulgate rules providing for appeals**
47 **from denials of applications, subject to the limitations in section**
48 **486.1025.**

486.610. 1. A person commissioned as a notary may perform
2 **notarial acts in any part of this state for a term of four years, unless**
3 **the commission is earlier revoked under section 486.810 or resigned**
4 **under section 486.790.**

5 **2. The existing bond, seal, length of commission term, and**
6 **liability of current notaries commissioned before January 1, 2019, shall**
7 **not be invalidated, modified, or terminated by this chapter, but**
8 **notaries shall comply with this chapter beginning January 1, 2019, in**
9 **performing notarizations and in applying for new commissions.**

486.615. 1. A notary commission shall not become effective until
2 **an oath of office and a ten thousand dollar bond have been presented**
3 **to the county clerk of the county in which a person has been**
4 **commissioned. The bond shall be executed by a licensed Missouri**
5 **surety, for a term of four years commencing on the commission's issue**
6 **date and terminating on its expiration date, with payment of bond**
7 **funds to any person conditioned upon the notary's official misconduct.**

8 **2. The surety for a notary bond shall report all claims against the**
9 **bond to the secretary.**

10 **3. If a notary bond has been exhausted by claims paid out by the**
11 **surety, the secretary shall suspend the notary's commission until:**

12 **(1) A new bond is obtained by the notary; and**

13 **(2) The notary's fitness to serve the remainder of the commission**
14 **term is determined by the secretary.**

486.620. 1. The secretary shall prepare a notary commission and
2 **forward the commission to the county clerk in the county of the**
3 **applicant's residence or regular place of work or business.**

4 **2. Upon issuing a notary commission, the secretary shall:**

5 **(1) Notify the notary that he or she shall present the required**
6 **bond to the county clerk;**

7 **(2) Provide an oath with the commission to be taken by the**
8 **notary in the presence of the county clerk or their designee, within**
9 **sixty days of the commission issue date;**

10 **(3) Require the oath and bond to be mailed by the notary to the**

11 secretary's office with a postmarked date not exceeding seven days
12 from the date of the oath; and

13 (4) Once the oath and bond have been received, examined, and
14 approved, update the notary's commissioned status.

15 3. Any commission issued that fails to qualify within sixty days
16 shall be marked by the county clerk as not qualified and shall be
17 returned to the secretary within fifteen days.

18 4. Any notary who fails to qualify within the sixty days may be
19 required to reapply for a notary commission.

20 5. The county clerk shall keep a register of each person to whom
21 they award a notary commission, as prescribed by the secretary.

486.625. 1. Every application for a notary commission shall be
2 made in a paper or electronic format established by the secretary and
3 shall include all information required by section 486.630 and any other
4 information as the secretary may deem appropriate.

5 2. A current or former notary applying for a new notary
6 commission shall submit a new completed application and comply anew
7 with all of the provisions of this section and sections 486.605 and
8 486.615.

486.630. 1. The application for a notary commission shall state
2 or include, at least:

3 (1) The applicant's date of birth;

4 (2) The applicant's residence address and telephone number;

5 (3) The applicant's regular place of work or business address and
6 telephone number, the mailing address of the regular place of work or
7 business, if different, and the name of the applicant's employer, if any;

8 (4) The applicant's county of residence or regular place of work
9 or business;

10 (5) A declaration that the applicant is a citizen of the United
11 States or proof of the applicant's legal residency in the country;

12 (6) A declaration that the applicant can read and write English;

13 (7) All issuances, denials, revocations, suspensions, restrictions,
14 and resignations of a notarial commission, professional license, or
15 public office involving the applicant in this or any other state or
16 nation;

17 (8) All criminal convictions of the applicant, including any pleas
18 of guilt or nolo contendere, in this or any other state or nation; and

19 (9) All claims pending or disposed against a notary bond held by
20 the applicant, and all civil findings or admissions of fault or liability
21 regarding the applicant's activities as a notary, in this or any other
22 state or nation.

23 2. Every applicant for a notary commission shall sign the
24 following declaration:

25 Declaration of Applicant

26 I, (name of applicant), do solemnly swear or affirm under
27 penalty of perjury that the personal information in this application is
28 true, complete, and correct; that I understand the official duties and
29 responsibilities of a Notary Public in Missouri, as explained in the
30 notary public handbook; and that I will perform, to the best of my
31 ability, all notarial acts in accordance with the law.

32 (signature of applicant)

33 3. Every applicant for a notary commission shall:

34 (1) Attest to having read the Missouri notary public handbook or
35 having received training in a manner prescribed by the secretary; and

36 (2) Receive a score of eighty percent or better on an examination
37 administered by the secretary prior to being issued a commission.

38 4. The content of the training and the basis for the written
39 examination required under subsection 3 of this section shall be based
40 on notarial laws, procedures, and ethics.

41 5. Every applicant for a notary commission shall pay to the state
42 of Missouri a nonrefundable application fee as stated in section 28.160.

486.635. 1. Records containing the information required by
2 subdivision (7) of subsection 1 of section 486.630 shall be used by the
3 secretary and his or her designated employees only for the purpose of
4 performing official duties under this chapter and shall not be disclosed
5 to any person other than:

6 (1) A government agent acting in an official capacity and duly
7 authorized to obtain such information;

8 (2) A person authorized by court order; or

9 (3) The applicant or the applicant's duly authorized agent.

10 2. Records containing the information required by subdivision
11 (7) of subsection 1 of section 486.630 shall be a closed record under
12 chapter 610 and subject to redaction as required in chapter 610.

486.640. A notary may perform the following notarial acts:

- 2 (1) Acknowledgments;
- 3 (2) Oaths and affirmation;
- 4 (3) Jurats;
- 5 (4) Signature witnessings;
- 6 (5) Copy certifications; and
- 7 (6) Any other act authorized by the laws of Missouri.

486.645. 1. A notary shall perform a notarial act only if the
2 principal:

- 3 (1) Is in the presence of the notary at the time of notarization;
- 4 (2) Is personally known to the notary or identified by the notary
5 through satisfactory evidence;
- 6 (3) Appears to understand the nature of the transaction
7 requiring a notarial act;
- 8 (4) Appears to be acting of his or her own free will;
- 9 (5) Signs using letters or characters of a language that is
10 understood by the notary; and
- 11 (6) Communicates directly with the notary in a language both
12 understand.

13 2. A notary may certify the affixation of a signature by mark by
14 a principal on a document presented for notarization if:

- 15 (1) The mark is affixed in the presence of the notary and two
16 witnesses disinterested in the document;
- 17 (2) Both witnesses sign their own names beside the mark;
- 18 (3) The notary writes below the mark: "Mark affixed by (name of
19 signer by mark) in the presence of (names and addresses of two
20 witnesses) and the undersigned notary pursuant to section 486.645,
21 RSMo"; and
- 22 (4) The notary notarizes the signature by mark through an
23 acknowledgment, jurat, or signature witnessing.

24 3. A notary shall be disqualified from performing a notarial act
25 if the notary:

- 26 (1) Is a party to or named in the document that is to be
27 notarized;
- 28 (2) Will receive as a direct or indirect result any commission, fee,
29 advantage, right, title, interest, cash, property, or other consideration
30 exceeding in value the fees specified in section 486.685; or
- 31 (3) Is a spouse, domestic partner, ancestor, descendant, or sibling

32 of the principal, including in-law, step, and half relatives.

33 4. Notwithstanding subdivision (2) of subsection 3 of this section
34 to the contrary, a notary may collect a nonnotarial fee for services as
35 a signing agent if payment of such fee is not contingent upon the
36 signing, initialing, or notarization of any document.

486.650. 1. A notary shall not refuse to perform a notarial act
2 based on a person's race, age, sex, sexual orientation, religion, national
3 origin, or disability.

4 2. A notary shall perform any notarial act described in section
5 486.640 for any person requesting such an act who tenders the
6 appropriate fee specified in section 486.685, unless:

7 (1) The notary knows or has a reasonable belief that the notarial
8 act or the associated transaction is unlawful;

9 (2) The act is prohibited under section 486.645 or subsection 1 of
10 this section;

11 (3) The number or timing of the requested notarial act or acts
12 practicably precludes completion at the time of the request, in which
13 case the notary shall arrange for later completion of the requested act
14 or acts without unreasonable delay; or

15 (4) In the case of a request to perform an electronic notarial act,
16 the notary is not registered to notarize electronically in accordance
17 with sections 486.900 to 486.1025.

486.655. 1. Except as otherwise provided in subsection 2 of
2 section 486.650, a notary shall not influence a person either to enter
3 into or avoid a transaction involving a notarial act by the notary.

4 2. A notary commission shall not authorize the notary to
5 investigate, ascertain, or attest to the lawfulness, propriety, accuracy,
6 or truthfulness of a document or transaction involving a notarial act.

486.660. A notary shall not:

2 (1) Execute a notarial certificate containing information known
3 or believed by the notary to be false;

4 (2) Affix an official signature or seal on a notarial certificate that
5 is incomplete;

6 (3) Affix an official signature or seal on a notarial certificate
7 other than at the time of notarization and in the presence of the
8 principal; or

9 (4) Provide or send a signed or sealed notarial certificate to

10 another person with the understanding that it will be completed or
11 attached to a document outside of the notary's presence.

486.665. 1. A notary shall not notarize a signature:

2 (1) On a blank or incomplete document; or

3 (2) On a document without notarial certificate wording.

4 2. A notary shall neither certify nor authenticate a photograph.

486.670. 1. A notary shall not perform any notarial act with the
2 intent to deceive or defraud.

3 2. A notary shall not use the official notary title or seal to
4 endorse, promote, denounce, or oppose any product, service, contest,
5 candidate for political office, or other offering.

486.675. 1. A notary who is not an attorney shall not assist
2 another person in drafting, completing, selecting, or understanding a
3 document or transaction requiring a notarial act.

4 2. Subsection 1 of this section shall not preclude a notary who is
5 duly qualified, trained, licensed, or experienced in a particular
6 industry or professional field from selecting, drafting, completing, or
7 advising on a document or certificate related to a matter within that
8 industry or field.

486.680. 1. A notary shall not claim to have powers,
2 qualifications, rights, or privileges that are not provided under this
3 chapter, including the power to counsel on immigration issues.

4 2. A notary who is not an attorney who advertises notarial
5 services in a language other than English shall include in the
6 advertisement, notice, letterhead, or sign the following, prominently
7 displayed in the same language:

8 (1) The statement: "I am not an attorney and have no authority
9 to give advice on immigration or other legal matters"; and

10 (2) The fees for notarial acts specified in section 486.685.

11 3. A notary may not use the term "notario publico" or any
12 equivalent non-English term in any business card, advertisement,
13 notice, or sign.

486.685. 1. For performing a notarial act, a notary may charge
2 the maximum fee specified in this section, charge less than the
3 maximum fee, or waive the fee.

4 2. The maximum fees that may be charged by a notary for
5 performing notarial acts are:

6 (1) For an acknowledgment, five dollars per signature;
7 (2) For a jurat, five dollars per signature;
8 (3) For a signature witnessing, five dollars per signature;
9 (4) For a certified copy, one dollar per page certified with a
10 minimum total charge of three dollars; and

11 (5) For an electronic notarization, as specified in section 486.960.

12 3. A notary may charge a travel fee if traveling to perform a
13 notarial act provided that:

14 (1) The notary and the person requesting the notarial act agree
15 upon the travel fee in advance of the travel; and

16 (2) The notary explains to the person requesting the notarial act
17 that the travel fee is both separate from the notarial fee prescribed in
18 subsection 2 of this section and neither specified nor mandated by law.

19 4. A notary shall not discriminate in the charging of fees for a
20 notarial act based on the race, age, sex, sexual orientation, religion,
21 national origin, or disability of the principal or requester of fact as set
22 forth in section 486.650, though a notary may waive or reduce fees for
23 humanitarian or charitable reasons.

24 5. A notary shall not charge a fee for notarizing the signature on
25 any absentee ballot or absentee voter registration.

26 6. A notary who charges for his or her notarial services shall
27 conspicuously display in their regular place of work or business, or
28 present to each principal outside their regular place of work or
29 business, an English-language schedule of fees for notarial acts, as
30 specified in this section. No part of any notarial fee schedule shall be
31 printed in smaller than twelve-point type.

 486.690. 1. A notary may require payment of any fees specified
2 in section 486.685 prior to performance of a notarial act.

3 2. Any fees paid to a notary prior to performance of a notarial
4 act shall be nonrefundable if:

5 (1) The notarial act was completed; or

6 (2) In the case of travel fees paid in compliance with subsection
7 3 of section 486.685, the notarial act was not completed after the notary
8 traveled to meet the principal because it was prohibited under section
9 486.645, or because the notary knew or had a reasonable belief that the
10 notarial act or the associated transaction was unlawful.

 486.695. 1. An employer may prohibit an employee who is a

2 notary from charging for notarial acts performed on the employer's
3 time, but shall not discriminate in the charging of fees based on the
4 race, age, sex, sexual orientation, religion, national origin, or disability
5 of the principal as set forth in section 486.650.

6 2. A private employer shall not require an employee who is a
7 notary to surrender or share fees charged for any notarial acts.

8 3. A governmental employer who has absorbed an employee's
9 costs in becoming or operating as a notary shall require any fees for
10 notarial acts performed on the employer's time either to be waived or
11 surrendered as revenue of the employing governmental agency.

486.700. 1. A notary shall keep, maintain, protect, and provide
2 for lawful inspection a chronological journal of notarial acts that is a
3 permanently bound book with numbered pages.

4 2. If a notary is registered as an electronic notary:

5 (1) The notary shall keep an electronic journal of electronic
6 notarial acts as described in section 486.950; and

7 (2) The notary shall also keep a record of electronic notarial acts
8 in the permanently bound journal.

9 3. A notary shall maintain only one active permanently bound
10 journal at the same time, except that a backup of each active and
11 inactive electronic journal shall be retained by the notary in
12 accordance with subdivision (3) of subsection 1 of section 486.950 as
13 long as each respective original electronic journal is retained.

14 4. A notary shall keep the permanently bound journal in
15 perpetuity, provided that if the notary does not wish to maintain the
16 permanently bound journal, he or she shall forward the journal to the
17 secretary's office to be kept.

486.705. 1. For every notarial act, the notary shall record in the
2 journal at the time of notarization the following:

3 (1) The date and time of day of the notarial act;

4 (2) The type of notarial act;

5 (3) The type, title, or a description of the document or
6 proceeding;

7 (4) The signature, printed name, and address of each principal;

8 (5) The printed name and address of each requester of fact;

9 (6) The evidence of identity of each principal in the form of
10 either:

11 **(a) A statement that the person is "personally known" to the**
12 **notary;**

13 **(b) A notation of the type of identification document, its issuing**
14 **agency, its serial or identification number, and its date of issuance or**
15 **expiration;**

16 **(c) The handwritten signature and the name and address of each**
17 **credible witness swearing or affirming to the principal's identity, and**
18 **for credible witnesses who are not personally known to the notary, a**
19 **description of the identification documents relied on by the notary; or**

20 **(d) In the case of an electronic journal, a recognized biometric**
21 **identifier, in accordance with subdivision (4) of subsection 1 of section**
22 **486.950;**

23 **(7) The fee, if any, charged for the notarial act;**

24 **(8) The address where the notarial act was performed, if not the**
25 **address of the notary's regular place of work or business; and**

26 **(9) In the case of an electronic notarial act, the name of any**
27 **authority issuing or registering the means used to create the electronic**
28 **signature that was notarized, the source of this authority's license, if**
29 **any, and the expiration date of the electronic process.**

30 **2. A notary shall not record a social security number or credit**
31 **card number in the journal.**

32 **3. A notary may record in the journal the circumstances for not**
33 **performing or completing any requested notarial act.**

34 **4. As required in subdivision (4) of subsection 2 of section**
35 **486.745, a notary shall append to the pertinent entry in the journal a**
36 **notation of the nature and date of the notary's correction of a**
37 **completed notarial certificate corresponding to the entry.**

486.710. 1. In the notary's presence, any person may inspect and
2 **request a copy of an entry or entries in the notary's official journal**
3 **during regular business hours, but only if:**

4 **(1) The person's identity is personally known to the notary or**
5 **proven through satisfactory evidence;**

6 **(2) The person specifies the month, year, type of document, and**
7 **name of the principal or requester of fact for the notarial act or acts**
8 **sought;**

9 **(3) The person is shown or given a requested copy of only the**
10 **entry or entries specified; and**

11 **(4) The other entries on the same journal page are covered to**
12 **prevent disclosure.**

13 **2. If the notary has a reasonable and explainable belief that a**
14 **person bears a criminal or harmful intent in requesting information**
15 **from the notary's journal, the notary may deny access to any entry or**
16 **entries.**

17 **3. The journal may be examined and copied without restriction**
18 **by a law enforcement officer in the course of an official investigation,**
19 **subpoenaed by court order, or surrendered at the direction of the**
20 **secretary.**

21 **4. Upon complying with a request for copies under subsection 1**
22 **of this section, the notary shall charge not more than one dollar per**
23 **copy. If a certified copy is requested, the fee shall be as specified in**
24 **section 486.685.**

486.715. 1. A notary shall safeguard his or her journal and all
2 **other notarial records and surrender or destroy them only by court**
3 **order or at the direction of the secretary.**

4 **2. If not in use, the journal shall be kept in a secure area under**
5 **the exclusive control of the notary, and shall not be used by any other**
6 **notary, nor surrendered to an employer upon termination of**
7 **employment.**

8 **3. Within ten days after a notary's journal is discovered to be**
9 **stolen, lost, destroyed, damaged, or otherwise rendered unusable or**
10 **unreadable, the notary, after informing the appropriate law**
11 **enforcement agency in the case of theft or vandalism, shall notify the**
12 **secretary by any means providing a tangible receipt, including certified**
13 **mail and electronic transmission, and also provide a copy or**
14 **identification number of any pertinent police report.**

15 **4. Upon resignation, revocation, or expiration of a notary**
16 **commission, or death of the notary:**

17 **(1) The journal and notarial records shall be delivered to the**
18 **secretary in accordance with section 486.795 or section 486.800 by any**
19 **means providing a tangible receipt, including certified mail and**
20 **electronic transmission, allowing that an electronic journal may be**
21 **delivered on disk, printed on paper, or transmitted electronically, in**
22 **accordance with the requirements of the secretary; and**

23 **(2) In the case of an electronic journal and its backup copy**

24 whose disks or other physical storage media are not required to be
25 surrendered, no further entries shall be made in the journal and its
26 backup, both of which shall be safeguarded until both shall be erased
27 or expunged after ten years from the date of the last entry by the
28 notary or the notary's personal representative.

486.720. If a notary elects to keep an electronic journal pursuant
2 to subdivision (1) of subsection 2 of section 486.700 the notary shall:

3 (1) Provide to the secretary the nonediting access instructions
4 that allow journal entries to be viewed, printed out, and copied; and

5 (2) Notify the secretary of any subsequent change to the access
6 instructions.

486.725. 1. In notarizing a paper document, a notary shall affix
2 an official signature and an official seal on the notarial certificate at
3 the time the notarial act is performed.

4 2. The official seal of a notary shall not be used for any purpose
5 other than performing notarial acts.

6 3. The official seal of a notary shall:

7 (1) Be the exclusive property of the notary;

8 (2) Not be affixed by any other person;

9 (3) Be kept secure and accessible only to the notary; and

10 (4) Not be surrendered to an employer upon termination of
11 employment.

12 4. An official seal affixed by an adhesive label shall bear a
13 preprinted sequential number that shall be recorded in the journal of
14 notarial acts for its respective notarization.

15 5. Within ten days after the official seal of a notary is discovered
16 to be stolen, lost, damaged, or otherwise rendered incapable of affixing
17 a legible image, the notary, after informing the appropriate law
18 enforcement agency in the case of theft or vandalism, shall notify the
19 secretary by any means providing a tangible receipt, including certified
20 mail and electronic transmission, and also provide a copy or number of
21 any pertinent police report. Upon receipt of such notice, the secretary
22 shall issue to the notary a new commission that shall be presented to
23 a seal vendor in accordance with section 486.735.

24 6. As soon as reasonably practicable after resignation, or
25 expiration of a notary commission, or death of the notary, the seal shall
26 be destroyed or defaced so that it may not be misused.

27 7. For a commission that has been revoked the notary shall
28 forward their seal to the secretary's office for disposal. Failure to do
29 so may be punishable by a fine of five hundred dollars, at the discretion
30 of the secretary.

 486.730. 1. Near the notary's official signature on each paper
2 notarial certificate, the notary shall affix a sharp, legible, permanent,
3 and photographically reproducible image of the official seal that shall
4 include the following elements:

- 5 (1) The notary's name exactly as stated on the commission;
- 6 (2) The identification number of the notary's commission;
- 7 (3) The words "Notary Public", "Notary Seal", and "State of
8 Missouri" and "My commission expires (commission expiration date)";
9 and
- 10 (4) A border in a rectangular or circular shape no larger than
11 one sixteenth of an inch, surrounding the required words.

12 2. Illegible information within a seal impression may be typed or
13 printed legibly by the notary adjacent to but not within the impression,
14 or another impression may be legibly affixed nearby.

15 3. An embossed seal impression that is not photographically
16 reproducible may be used in addition to, but not in place of, the official
17 seal described in subsection 1 of this section.

18 4. A seal as described in subsection 1 of this section shall not be
19 affixed over printed or written matter.

 486.735. 1. A vendor or manufacturer shall register with the
2 secretary prior to selling or manufacturing notary seals. The secretary
3 shall maintain an internet site for the purpose of allowing vendors and
4 manufacturers to confirm the current standing of any notary in the
5 state.

6 2. A vendor or manufacturer shall not provide a notary seal to
7 a purchaser claiming to be a notary, unless the purchaser presents a
8 notary commission issued by the secretary, and unless:

- 9 (1) In the case of a purchaser appearing in person, the vendor or
10 manufacturer identifies this individual as the person named in the
11 commission, through either personal knowledge or satisfactory
12 evidence of identity; or

- 13 (2) In the case of a purchaser ordering a seal by mail or delivery
14 service, the vendor or manufacturer confirms the notaries standing as

15 a commissioned notary through the internet site.

16 3. For each commission, a vendor or manufacturer shall make or
17 sell one and only one seal, plus, if requested by the person presenting
18 the commission, one and only one embossing seal.

19 4. After manufacturing or providing a notary seal or seals, the
20 vendor shall affix an image of all seals on a form as prescribed by the
21 secretary and within seven business days send the completed form to
22 the secretary, retaining a copy of the form and the commission for a
23 period of five years.

24 5. A notary obtaining a seal or seals as a result of a name change
25 shall present a copy of the confirmation of notary's name or address
26 change from the secretary in accordance with sections 486.780 and
27 486.785.

28 6. A vendor or manufacturer who fails to comply with this
29 section shall be subject to a fine of one thousand dollars for each
30 violation. For multiple violations, a vendor's permission to sell or
31 manufacture notary seals may be withdrawn by the secretary. Such
32 violation shall not preclude the civil liability of the vendor to parties
33 injured by the vendor's failure to comply with this section.

486.740. 1. For every notarial act involving a document, a notary
2 shall properly complete a notarial certificate that contains or states:

3 (1) The official signature of the notary, in accordance with
4 section 486.725;

5 (2) An impression of the official seal of the notary, in accordance
6 with section 486.725;

7 (3) The venue of the notarial act where the notary is located,
8 including the name of this state and of the pertinent county;

9 (4) The date of the notarial act; and

10 (5) The facts and particulars attested by the notary in
11 performing the respective notarial act.

12 2. A notarial certificate shall be sufficient for a particular
13 notarial act only if it meets the requirements of subsection 1 of this
14 section and is in a form that:

15 (1) Is set forth for that act in this chapter;

16 (2) Is otherwise prescribed for that act by the laws of this state;

17 (3) Is prescribed for that act by a law, regulation, or custom of
18 another jurisdiction, provided it does not require actions by the notary

19 that are unauthorized by the laws of this state; or

20 (4) Describes the actions of the notary in such a manner as to
21 meet the requirements of the particular notarial act.

22 3. A notarial certificate shall be worded and completed using
23 only letters, characters, and a language that are read, written, and
24 understood by the notary.

486.745. 1. A paper notarial certificate that is attached to a
2 document during the notarization of the signature of a principal shall:

3 (1) Be attached by staple or other method that leaves evidence
4 of any subsequent detachment;

5 (2) Be attached, signed, and sealed only by the notary and only
6 at the time of notarization and in the presence of the principal;

7 (3) Be attached immediately following the signature page if the
8 certificate is the same size as that page, or to the front of the signature
9 page if the certificate is smaller; and

10 (4) Contain all of the elements described in section 486.740 on
11 the same sheet of paper.

12 2. A notary may correct an error or omission made by that
13 notary in a notarial certificate if:

14 (1) The original certificate and document are returned to the
15 notary;

16 (2) The notary verifies the error by reference to the pertinent
17 journal entry, the document itself, or to other determinative written
18 evidence;

19 (3) The notary legibly corrects the certificate and initials and
20 dates the correction in ink, or replaces the original certificate with a
21 correct certificate; and

22 (4) The notary appends to the pertinent journal entry a notation
23 regarding the nature and date of the correction.

486.750. 1. A notary shall use a certificate in substantially the
2 following form in notarizing the signature or mark of any person
3 acknowledging on his or her own behalf or as a partner, corporate
4 officer, attorney in fact, or in any other representative capacity:

5 State of Missouri

6 County (and/or City) of

7 On this day of, 20..., before me, the
8 undersigned notary, personally appeared (name of

9 document signer), (personally known to me) (proved to me
10 through identification documents, which were),
11 (proved to me on the oath or affirmation of, who
12 is personally known to me and stated to me that (he)(she)
13 personally knows the document signer and is unaffected by
14 the document,) (proved to me on the oath or affirmation of
15 and, whose identities have been proven
16 to me through identification documents and who have
17 stated to me that they personally know the document
18 signer and are unaffected by the document,) to be the
19 person whose name is signed on the preceding or attached
20 document, and acknowledged to me that (he)(she) signed
21 it voluntarily for its stated purpose.)
22 (as partner for, a partnership.)
23 (as for, a corporation.)
24 (as attorney in fact for, the principal.)
25 (asfor, (a)(the))
26 (official signature and seal of notary)

27 2. An electronic notary shall use a certificate in substantially the
28 following form in notarizing the signature or mark of any person
29 acknowledging on his or her own behalf or as a partner, corporate
30 officer, attorney in fact, or in any other representative capacity who
31 appears remotely:

32 State of Missouri
33 County (and/or City) of
34 On this day of, 20...., before me, the undersigned
35 notary, remotely appeared (name of document
36 signer), (personally known to me)(proved to me through
37 identification documents, which were), (proved to
38 me on the oath or affirmation of, who is personally
39 known to me and stated to me that (he)(she) personally
40 knows the document signer and is unaffected by the
41 document,) (proved to me on the oath or affirmation of
42 and, whose identities have been proven to
43 me through identification documents and who have stated
44 to me that they personally know the document signer and
45 are unaffected by the document,) to be the person whose

46 name is signed on the preceding or attached document,
 47 and acknowledged to me that (he)(she) signed it
 48 voluntarily for its stated purpose(.)
 49 (as partner for, a partnership.)
 50 (as for, a corporation.)
 51 (as attorney in fact for, the principal.)
 52 (as for, (a)(the))
 53 (official signature and seal of notary)

486.755. 1. A notary shall use a jurat certificate in substantially
 2 the following form in notarizing a signature or mark on an affidavit or
 3 other sworn or affirmed written declaration:

4 State of Missouri
 5 County (and/or City) of

6 On this day of, 20....., before me, the undersigned
 7 notary, personally appeared (name of document
 8 signer), (personally known to me) (proved to me through
 9 identification documents, which were,) (proved to
 10 me on the oath or affirmation of, who is personally
 11 known to me and stated to me that (he)(she) personally
 12 knows the document signer and is unaffected by the
 13 document,) (proved to me on the oath or affirmation of
 14 and, whose identities have been proven
 15 to me through identification documents and who have
 16 stated to me that they personally know the document
 17 signer and are unaffected by the document,) to be the
 18 person who signed the preceding or attached document in
 19 my presence and who swore or affirmed to me that the
 20 contents of the document are truthful and accurate to the
 21 best of (his)(her) knowledge and belief.
 22 (official signature and seal of notary)

23 2. An electronic notary shall use a jurat certificate in
 24 substantially the following form in notarizing a signature or mark on
 25 an affidavit or other sworn or affirmed written declaration:

26 State of Missouri
 27 County (and/or City) of

28 On this day of, 20..., before me, the undersigned
 29 notary, remotely appeared (name of document

30 signer), (personally known to me) (proved to me through
 31 identification documents, which were,) (proved to
 32 me on the oath or affirmation of, who is personally
 33 known to me and stated to me that (he)(she) personally
 34 knows the document signer and is unaffected by the
 35 document,) (proved to me on the oath or affirmation of
 36 and, whose identities have been proven
 37 to me through identification documents and who have
 38 stated to me that they personally know the document
 39 signer and are unaffected by the document,) to be the
 40 person who signed the preceding or attached document in
 41 my presence and who swore or affirmed to me that the
 42 contents of the document are truthful and accurate to the
 43 best of (his)(her) knowledge and belief.

44 (official signature and seal of notary)

486.760. A notary shall use a certificate in substantially the
 2 following form in notarizing a signature or mark to confirm that it was
 3 affixed in the notary's presence without administration of an oath or
 4 affirmation:

5 State of Missouri

6 County (and/or City) of

7 On this day of, 20..., before me, the
 8 undersigned notary, personally appeared (name of
 9 document signer), (personally known to me) (proved to me
 10 through identification documents, which were,) (proved to me on the oath or affirmation of, who is
 11 personally known to me and stated to me that (he)(she)
 12 personally knows the document signer and is unaffected by
 13 the document,) (proved to me on the oath or affirmation of
 14 and, whose identities have been proven to
 15 me through identification documents and who have stated
 16 to me that they personally know the document signer and
 17 are unaffected by the document,) to be the person who
 18 signed the preceding or attached document in my
 19 presence.
 20

21 (official signature and seal of notary)

486.765. A notary shall use a certificate in substantially the

2 following form in notarizing a certified copy:

3 State of Missouri

4 County (and/or City) of

5 On this day of, 20.....,

6 I certify that the (attached or following paper document)
 7 (affixed, attached, or logically associated electronic
 8 document) has been (visually) (electronically) confirmed by
 9 me to be a true, exact, and complete copy of the image (or
 10 text) (and metadata) of (description of original
 11 document), (presented/e-mailed to me by,)
 12 (found by me (online) at,) (held in my custody
 13 as a notarial record,) and that, to the best of my
 14 knowledge, the copied document is neither a vital record,
 15 a public record, nor a publicly recordable document,
 16 certified copies of which may be available from an official
 17 source other than a notary.

18 (official signature and seal of notary)

486.770. 1. On a notarized document sent to another state or
 2 nation, evidence of the authenticity of the official seal and signature of
 3 a notary commissioned pursuant to this chapter, if required, shall be
 4 in the form of:

5 (1) A certificate of authority from the secretary, authenticated
 6 as necessary by additional certificates from United States or foreign
 7 government agencies; or

8 (2) In the case of a notarized document to be used in a nation
 9 that has signed and ratified the Hague Convention Abolishing the
 10 Requirement of Legalization for Foreign Public Documents of October
 11 5, 1961, an apostille from the secretary or other federally designated
 12 official in the form prescribed by the Convention and described in
 13 subsection 3 of this section, with no additional authenticating
 14 certificates required.

15 2. A certificate of authority evidencing the authenticity of the
 16 official seal and signature of a notary commissioned pursuant to this
 17 chapter shall be substantially in the following form:

18 Certificate of Authority for a Notarial Act

19 I, (name, title, jurisdiction of authenticating
 20 official), certify that (name of notary), the person

21 named in the seal and signature on the attached document,
22 was a Notary Public for the state of Missouri and
23 authorized to act as such at the time of the document's
24 notarization.

25 To verify this Certificate of Authority for a Notarial Act, I
26 have affixed below my signature and seal of office this
27 day of, 20..... .

28 (Signature and seal of commissioning official)

29 3. An apostille prescribed by the Hague Convention Abolishing
30 the Requirement of Legalization for Foreign Public Documents of
31 October 5, 1961, shall be in the form of a square with sides at least 9
32 centimeters long and contain exactly the following wording:

33 APOSTILLE

34 (Convention de La Haye du 5 octobre 1961)

- 35 1. Country:
- 36 2. This public document
- 37 has been signed by
- 38 3. acting in the capacity of
- 39 4. bears the seal/stamp of

40 CERTIFIED

- 41 5. at
- 42 6. the
- 43 7. by
- 44 8. No.
- 45 9. Seal/Stamp
- 46 10. Signature:
- 47

48 4. The secretary may charge a fee as set forth in section 28.160
49 for issuing a certificate of authority or an apostille.

486.775. 1. A notarial act may be performed within this state by
2 the following persons:

- 3 (1) A notary of this state;
- 4 (2) A judge, clerk, or deputy clerk of any court of this state; or
- 5 (3) Any other person authorized by the law of this state to
6 perform a specific notarial act.

7 2. The official signature, seal, and title of a person authorized by
8 subsection 1 of this section to perform a notarial act shall be

9 considered prima facie evidence that the signature and seal are
10 genuine and that the person holds the indicated title.

11 3. A notarial act shall have the same effect under the law of this
12 state as if performed by a notarial officer of this state if performed in
13 another state, commonwealth, territory, district, or possession of the
14 United States by any of the following persons:

15 (1) A notary of that jurisdiction;

16 (2) A judge, clerk, or deputy clerk of a court of that jurisdiction;

17 or

18 (3) Any other person authorized by the law of that jurisdiction
19 to perform notarial acts.

20 4. The official signature, title, and, if required by law, seal of a
21 person whose authority to perform notarial acts is recognized by
22 subsection 3 of this section shall be considered prima facie evidence
23 that the signature and seal are genuine and that the person holds the
24 indicated title, and, except in the case of subdivision (3) of subsection
25 3 of this section, shall conclusively establish the authority of a holder
26 of that title to perform a notarial act.

27 5. A notarial act shall have the same effect under the law of this
28 state as if performed by a notarial officer of this state if performed
29 anywhere by any of the following persons under authority granted by
30 the law of the United States:

31 (1) A judge, clerk, or deputy clerk of a court;

32 (2) A commissioned United States military officer on active duty;

33 (3) A foreign service or consular officer of the United States; or

34 (4) Any other person authorized by federal law to perform
35 notarial acts.

36 6. The official signature, title, and, if required by law, seal of a
37 person whose authority to perform notarial acts is recognized by
38 subsection 5 of this section shall be considered prima facie evidence
39 that the signature and seal are genuine, that the person holds the
40 indicated title, and, except in the case of subdivision (4) of subsection
41 5 of this section, shall conclusively establish the authority of a holder
42 of that title to perform a notarial act.

43 7. A notarial act shall have the same effect under the law of this
44 state as if performed by a notarial officer of this state if performed
45 within the jurisdiction and under authority of a foreign nation or its

46 constituent units or a multi-national or international organization by
47 any of the following persons:

- 48 (1) A notary or other notarial officer;
49 (2) A judge, clerk, or deputy clerk of a court of record; or
50 (3) Any other person authorized by the law of that jurisdiction
51 to perform notarial acts.

52 8. The official seal or stamp of a person whose authority to
53 perform notarial acts shall be recognized by subsection 7 of this section
54 shall be considered prima facie evidence that the signature is genuine,
55 that the person holds the indicated title, and, except in the case of
56 subdivision (3) of subsection 7 of this section, shall conclusively
57 establish the authority of a holder of that title to perform a notarial
58 act.

59 9. The authority of an officer to perform notarial acts shall be
60 conclusively established if the title of the office and indication of
61 authority to perform notarial acts appears either in a digest of foreign
62 law or a list customarily used as a source for that information.

63 10. An apostille in the form prescribed by subsection 3 of section
64 486.770 shall conclusively establish that the signature and seal of the
65 notarial officer referenced in the apostille are genuine and that the
66 person holds the indicated office.

67 11. A certificate of a foreign service or consular officer of the
68 United States stationed in the nation under whose jurisdiction the
69 notarial act was performed, or a certificate of a foreign service or
70 consular officer of that nation stationed in the United States,
71 conclusively establishes any matter relating to the authenticity or
72 validity of the notarial act referenced in the certificate.

486.780. 1. Within ten days after the change of a notary's
2 residence, business, or mailing address, the notary shall send to the
3 secretary by any means providing a tangible receipt, including certified
4 mail and electronic transmission, a signed notice of the change, giving
5 both old and new addresses, along with a fee of five dollars.

6 2. If the address of the regular place of work or business is
7 changed, the notary shall not perform a notarial act until:

- 8 (1) The notice described in subsection 1 of this section has been
9 delivered or transmitted;
10 (2) A confirmation of notary's name or address change has been

11 received from the secretary; and

12 (3) The surety for the notary's bond has been informed in
13 writing.

486.785. 1. Within ten days after the change of a notary's name
2 by court order or marriage, the notary shall send to the secretary by
3 any means providing a tangible receipt, including certified mail and
4 electronic transmission, a signed notice of the change, giving both the
5 former and the new name, with a copy of any official authorization for
6 such change, along with a fee of five dollars.

7 2. A notary with a new name shall continue to use the former
8 name in performing notarial acts until:

9 (1) The notice described in subsection 1 of this section has been
10 delivered or transmitted;

11 (2) A confirmation of notary's name or address change has been
12 received from the secretary;

13 (3) A new seal bearing the new name exactly as in the
14 confirmation has been obtained; and

15 (4) The surety for the notary's bond has been informed in
16 writing.

17 3. Upon completing the requirements of subsection 2 of this
18 section, the notary shall use his or her new name.

486.790. 1. A notary who resigns his or her commission shall
2 send to the secretary by any means providing a tangible receipt,
3 including certified mail and electronic transmission, a signed notice
4 indicating the effective date of resignation.

5 2. A notary who ceases to reside in or to maintain a regular place
6 of work or business in this state, or who becomes permanently unable
7 to perform their notarial duties, shall resign their commission.

486.795. 1. Except as provided in subdivision (2) of this
2 subsection, if a notary commission expires or is resigned or revoked,
3 the notary shall:

4 (1) As soon as reasonably practicable, destroy or deface all of his
5 or her notary seals so that they may not be misused; and

6 (2) Within thirty days after the effective date of resignation,
7 revocation, or expiration of the commission, dispose of the journal and
8 notarial records in accordance with subsection 4 of section 486.715.

9 2. A notary whose commission has expired, who intends to apply

10 for a new commission, and whose previous commission or application
11 was not revoked or denied by the secretary, shall not be required to
12 dispose of his or her journal and notarial records within thirty days
13 after commission expiration, but shall do so within three months after
14 expiration unless recommissioned within that period.

486.800. If a notary dies during the term of commission or before
2 fulfilling the requirements of this section, the notary's personal
3 representative shall:

4 (1) Notify the secretary of the death in writing;

5 (2) As soon as reasonably practicable, forward all notary seals to
6 the secretary; and

7 (3) Within thirty days after death, forward the journal and
8 notarial records in accordance with subsection 4 of section 486.715.

486.805. 1. A notary shall be liable to any person for all damages
2 proximately caused that person by the notary's negligence, intentional
3 violation of law, or official misconduct in relation to a notarization.

4 2. A surety for a notary's bond shall be liable to any person for
5 damages proximately caused that person by the notary's negligence,
6 intentional violation of law, or official misconduct in relation to a
7 notarization during the bond term, but this liability shall not exceed
8 the dollar amount of the bond or of any remaining bond funds that have
9 not been disbursed to other claimants. Regardless of the number of
10 claimants against the bond or the number of notarial acts cited in the
11 claims, a surety's aggregate liability shall not exceed the dollar amount
12 of the bond.

13 3. An employer of a notary shall be liable to any person for all
14 damages proximately caused that person by the notary's negligence,
15 intentional violation of law, or official misconduct in performing a
16 notarization during the course of employment, if the employer directed,
17 expected, encouraged, approved, or tolerated the notary's negligence,
18 violation of law, or official misconduct either in the particular
19 transaction or, impliedly, by the employer's previous action in at least
20 one similar transaction involving any notary employed by the
21 employer.

22 4. An employer of a notary shall be liable to the notary for all
23 damages recovered from the notary as a result of any violation of law
24 by the notary that was coerced by threat of the employer, if the threat,

25 such as of demotion or dismissal, was made in reference to the
26 particular notarization or, impliedly, by the employer's previous action
27 in at least one similar transaction involving any notary employed by
28 the employer. In addition, the employer is liable to the notary for
29 damages caused the notary by demotion, dismissal, or other action
30 resulting from the notary's refusal to engage in a violation of law or
31 official misconduct.

32 5. Notwithstanding any other provision in this chapter to the
33 contrary, for the purposes of this section "negligence" shall not include
34 any good-faith determination made by the notary pursuant to the
35 obligations imposed by subdivision (3) of subsection 1 of section 486.645
36 or subdivision (4) of subsection 1 of section 486.645.

37 6. Recovery of damages against a notary, surety, or employer
38 shall not require that the notary's negligence, violation of law, or
39 official misconduct be either the sole or principal proximate cause of
40 the damages.

486.810. 1. The secretary may revoke a notary commission for
2 any ground on which an application for a commission may be denied
3 under subsection 3 of section 486.605.

4 2. The secretary shall revoke the commission of any notary who
5 fails:

6 (1) To maintain a residence or a regular place of work or
7 business in this state; and

8 (2) To maintain status as a legal resident of the United States.

9 3. Prior to revocation of a notary commission, the secretary shall
10 inform the notary of the basis for the revocation and that the
11 revocation takes effect on a particular date unless a proper appeal is
12 filed with the secretary before that date.

13 4. Resignation or expiration of a notary commission does not
14 terminate or preclude an investigation into the notary's conduct by the
15 secretary, who may pursue the investigation to a conclusion,
16 whereupon it shall be made a matter of public record whether or not
17 the finding would have been grounds for revocation.

18 5. The secretary shall promulgate rules providing for appeals
19 from revocations, subject to the limitations in section 486.1025.

486.815. 1. The secretary may immediately suspend a notary
2 commission upon written notice sent by certified mail if the situation

3 is deemed to have a serious unlawful effect on the general public;
4 provided, that the notary shall be entitled to hearing and adjudication
5 as soon thereafter as is practicable.

6 2. The secretary shall promulgate rules providing for hearings
7 and appeals on suspension of a notary commission, subject to the
8 limitations in section 486.1025.

486.820. The secretary may regularly publish a list of persons
2 whose notary commissions have been suspended or revoked by the
3 secretary.

486.825. 1. In performing a notarial act, a notary shall be guilty
2 of a misdemeanor, punishable upon conviction by a fine not exceeding
3 five hundred dollars or imprisonment for not more than six months, or
4 both, for knowingly:

5 (1) Failing to require the presence of a principal at the time of
6 a notarial act;

7 (2) Failing to identify a principal through personal knowledge
8 or satisfactory evidence; or

9 (3) Executing a false notarial certificate under subsection 1 of
10 section 486.660.

11 2. A notary who knowingly performs any other act prohibited by
12 this chapter or fails to perform any other act required by this chapter
13 shall be guilty of a misdemeanor, punishable upon conviction by a fine
14 not exceeding five hundred dollars or imprisonment for not more than
15 six months, or both.

16 3. The remedies and sanctions of this chapter shall not preclude
17 other remedies and sanctions provided by law.

486.830. 1. Any person who is not a notary and who knowingly
2 acts as or otherwise impersonates a notary shall be guilty of a
3 misdemeanor, punishable upon conviction by a fine not exceeding five
4 hundred dollars or imprisonment for not more than six months, or both.

5 2. Any person who knowingly obtains, conceals, defaces, or
6 destroys the seal, journal, or official records of a notary shall be guilty
7 of a misdemeanor, punishable upon conviction by a fine not exceeding
8 five hundred dollars.

9 3. Any person who knowingly solicits, coerces, or in any way
10 influences a notary to commit official misconduct shall be guilty of a
11 misdemeanor, punishable upon conviction by a fine not exceeding five

12 **hundred dollars.**

13 **4. The sanctions of this chapter shall not preclude other**
14 **sanctions and remedies provided by law.**

486.900. As used in sections 486.900 to 486.1025 the following
2 **terms and phrases shall mean:**

3 **(1) "Capable of independent verification", that any interested**
4 **person may confirm the validity of an electronic notary's identity and**
5 **authority through a publicly accessible system;**

6 **(2) "Electronic document", information that is created, generated,**
7 **sent, communicated, received, or stored by electronic means;**

8 **(3) "Electronic notarial certificate", the part of, or attachment to,**
9 **a notarized electronic document that, in the performance of an**
10 **electronic notarization, is completed by the electronic notary, bears the**
11 **notary's registered electronic signature and seal, and states the date,**
12 **venue, and facts attested to or certified by the notary in the particular**
13 **electronic notarization;**

14 **(4) "Electronic notary seal" and "electronic seal", information**
15 **within a notarized electronic document that includes the electronic**
16 **notary's name, title, jurisdiction, and commission expiration date;**

17 **(5) "Electronic signature", an electronic sound, symbol, or process**
18 **attached to or logically associated with an electronic document and**
19 **executed or adopted by a person with the intent to sign the document;**

20 **(6) "Registered electronic notary seal", an electronic notary seal**
21 **produced by a notary in the performance of an electronic notarial act**
22 **by a means that was registered with the secretary;**

23 **(7) "Registered electronic signature", an electronic signature**
24 **produced by a notary in the performance of an electronic notarial act**
25 **by a means that was registered with the secretary;**

26 **(8) "Security procedure", a procedure employed for the purpose**
27 **of verifying that an electronic signature, document, or performance is**
28 **that of a specific person or for detecting changes or errors in the**
29 **information in an electronic document. The term includes a procedure**
30 **that requires the use of algorithms or other codes, identifying words or**
31 **numbers, encryption, or callback, or other acknowledgment procedures.**

486.905. 1. Prior to performing electronic notarial acts a person
2 **shall apply to be a commissioned notary for the state of Missouri.**

3 **2. A notary shall register the capability to perform electronic**

4 notarial acts with the secretary before notarizing electronically.

5 3. Upon recommissioning, a notary shall again register with the
6 secretary before notarizing electronically.

7 4. A person may apply or reapply for a notary commission and
8 register or reregister to perform electronic notarial acts at the same
9 time.

486.910. 1. Before initially registering the capability to perform
2 electronic notarial acts, an electronic notary shall complete a course of
3 instruction as approved by the secretary, in addition to the course
4 required for commissioning as a notary, and pass an examination based
5 on the course.

6 2. The content of the course shall be notarial laws, procedures,
7 and ethics pertaining to electronic notarization.

486.915. The term of registration of an electronic notary public
2 shall begin on the registration starting date set by the secretary and
3 continues as long as the notary's commission remains in effect or until
4 registration is terminated under subsection 1 of section 486.1005.

486.920. 1. To register the capability to perform electronic
2 notarial acts, a notary shall electronically sign and submit to the
3 secretary an electronic form prescribed by the secretary that includes:

4 (1) Proof of successful completion of the courses and
5 examinations required by sections 486.630 and 486.910;

6 (2) The following information:

7 (a) A description of each separate means that will be used to
8 produce electronic signatures and electronic notary seals;

9 (b) Any keys, codes, software, decrypting instructions, or
10 graphics that will allow the electronic signatures and seals produced
11 by the means described in paragraph (a) of this subdivision to be
12 verified;

13 (c) The names of any licensed authorities issuing the means for
14 producing the electronic signatures and seals, the source of each
15 license, and the starting and expiration dates of each pertinent
16 certificate, software, or process;

17 (d) An explanation of any revocation, annulment, or other
18 premature termination of any certificate, software, or process ever
19 issued or registered to the applicant to produce an electronic signature
20 or seal; and

21 (e) A declaration that the notary public will use the means issued
22 or authorized for issuance by the secretary for producing an electronic
23 notary seal; and

24 (3) The access instructions that will allow the electronic journal
25 of notarial acts as described in section 486.700 to be viewed, printed
26 out, and copied.

27 2. Under this section, a notary public may register at the same
28 or different times one or more respective means for producing
29 electronic signatures and electronic notary seals, or single elements
30 combining the required features of both, consistent with the
31 requirements cited elsewhere in this chapter.

32 3. The secretary shall deny registration to any applicant
33 submitting an electronic registration form that contains a material
34 misstatement or omission of fact.

35 4. Information in the registration form of an electronic notary
36 public shall be used by the secretary and designated state employees
37 only for the purpose of performing official duties, shall be a closed
38 record under chapter 610, and shall not be disclosed to any person
39 other than:

40 (1) A government agent acting in an official capacity and duly
41 authorized to obtain such information;

42 (2) A person authorized by court order; or

43 (3) The registrant or the registrant's duly authorized agent.

486.925. 1. The following notarial acts may be performed
2 electronically:

3 (1) Acknowledgment;

4 (2) Jurat;

5 (3) Signature witnessing; and

6 (4) Copy certification;

7 2. The following remote notarial acts may be performed
8 electronically, and by no other method:

9 (1) Acknowledgment; and

10 (2) Jurat.

486.930. 1. An electronic notary shall perform an electronic
2 notarization only if the principal:

3 (1) Is in the presence of the notary at the time of notarization;

4 (2) Is personally known to the notary or identified by the notary

5 through satisfactory evidence;

6 (3) Appears to understand the nature of the transaction;

7 (4) Appears to be acting of his or her own free will;

8 (5) Communicates directly with the notary in a language both
9 understand; and

10 (6) Reasonably establishes the electronic signature as his or her
11 own.

12 2. An electronic notary shall perform a remote electronic
13 notarization only if the principal:

14 (1) Is in the presence of the notary utilizing live audio-video
15 conferencing technology at the time of notarization;

16 (2) Is personally known to the notary or identified by the notary
17 through satisfactory evidence;

18 (3) Appears to understand the nature of the transaction;

19 (4) Appears to be acting of his or her own free will;

20 (5) Communicates directly with the notary in a language both
21 understand; and

22 (6) Reasonably establishes the electronic signature as his or her
23 own.

24 3. An electronic notary public may perform a remote electronic
25 notarization for a principal who is located:

26 (1) In the state where the notary is commissioned;

27 (2) Outside of the state where the notary is commissioned but
28 within the United States; or

29 (3) Outside the United States if the act is not prohibited in the
30 jurisdiction in which the principal is physically located at the time of
31 the act.

32 4. In performing electronic notarial acts, an electronic notary
33 shall adhere to all applicable laws governing notarial acts provided in
34 this chapter.

486.935. 1. In performing an electronic notarial act or remote
2 electronic notarial act, the electronic notary shall properly complete an
3 electronic notarial certificate.

4 2. A proper electronic notarial certificate shall contain:

5 (1) Completed wording appropriate to the particular electronic
6 notarial act, as prescribed in subsection 3 of this section;

7 (2) A registered electronic signature; and

8 **(3) A registered electronic notary seal, which shall include:**

9 **(a) The name of the electronic notary fully and exactly as it is**
10 **spelled on the notary's commissioning document;**

11 **(b) The jurisdiction that commissioned and registered the**
12 **electronic notary;**

13 **(c) The title "Electronic Notary Public";**

14 **(d) The commission or registration number of the electronic**
15 **notary; and**

16 **(e) The commission expiration date of the electronic notary.**

17 **3. The wording of an electronic notarial certificate shall be in a**
18 **form that:**

19 **(1) Is set forth in sections 486.740 to 486.750.**

20 **(2) Is otherwise prescribed by the law of this state;**

21 **(3) Is prescribed by a law, regulation, or custom of another**
22 **jurisdiction, provided it does not require actions by the electronic**
23 **notary that are unauthorized by this state; or**

24 **(4) Describes the actions of the electronic notary in such a**
25 **manner as to meet the requirements of the particular notarial act, as**
26 **defined in section 486.600 or 486.900.**

27 **4. An electronic notarial certificate shall be worded and**
28 **completed using only letters, characters, and a language that are read,**
29 **written, and understood by the electronic notary.**

486.940. 1. In notarizing an electronic document, the notary shall
2 **attach to, or logically associate with, the electronic notarial certificate**
3 **a registered electronic signature and a registered electronic notary**
4 **seal, or a registered single element in conformity with subsection 2 of**
5 **this section, in such a manner that the signature and the seal, or the**
6 **single element, are attributed to the electronic notary as named on the**
7 **commission.**

8 **2. A registered electronic signature shall be:**

9 **(1) Unique to the electronic notary;**

10 **(2) Capable of independent verification;**

11 **(3) Attached to or logically associated with an electronic notarial**
12 **certificate in such a manner that any subsequent alteration of the**
13 **certificate or underlying electronic document prominently displays**
14 **evidence of the alteration; and**

15 **(4) Attached or logically associated by a means under the**

16 **electronic notary's sole control.**

17 **3. At all times the means for producing registered electronic**
18 **notary seals, or registered single elements as described in subsection**
19 **2 of this section, shall be kept under the sole control of the electronic**
20 **notary.**

21 **4. An employer of an electronic notary shall not use or control**
22 **the means for producing registered electronic signatures and notary**
23 **seals, or registered single elements combining the required features of**
24 **both, nor upon termination of a notary's employment, retain any**
25 **software, coding, disk, certificate, card, token, or program that is**
26 **intended exclusively to produce a registered electronic signature,**
27 **notary seal, or combined single element, whether or not the employer**
28 **financially supported the employee's activities as a notary.**

29 **5. A registered electronic signature may be used by the**
30 **electronic notary for lawful purposes other than performing electronic**
31 **notarizations, provided that neither the title "notary" nor any other**
32 **indication of status as a notarial officer is part of the signature.**

33 **6. Neither a registered electronic notary seal nor a combined**
34 **single element containing the seal shall be used by the electronic**
35 **notary for any purpose other than performing lawful electronic**
36 **notarizations.**

486.945. An electronic notary shall keep, maintain, protect, and
2 **provide for lawful inspection chronological journals of notarial acts as**
3 **required in section 486.700.**

486.950. 1. An electronic journal of electronic notarial acts shall:

2 **(1) Allow journal entries to be made, viewed, printed out, and**
3 **copied only after access is obtained by a procedure that uses two**
4 **factors of authentication;**

5 **(2) Not allow a journal entry to be deleted or altered in content**
6 **or sequence by the electronic notary or any other person after a record**
7 **of the electronic notarization is entered and stored;**

8 **(3) Have a backup system in place to provide a duplicate record**
9 **of electronic notarial acts as a precaution in the event of loss of the**
10 **original record;**

11 **(4) Be capable of capturing and storing the image of a**
12 **handwritten signature and the data related to one other type of**
13 **recognized biometric identifier; and**

14 **(5) Be capable of printing out and providing electronic copies of**
15 **any entry, including images of handwritten signatures and the data**
16 **related to the one other selected type of recognized biometric**
17 **identifier.**

18 **2. In maintaining an electronic journal of electronic notarial**
19 **acts, an electronic notary public shall comply with the applicable**
20 **prescriptions and prohibitions regarding the contents, copying,**
21 **security, surrender, and disposition of a journal as set forth in sections**
22 **486.700 to 486.720 and sections 486.780 to 486.800.**

23 **3. Every electronic notary public maintaining an electronic**
24 **journal of electronic notarial acts pursuant to section 486.945 shall:**

25 **(1) Provide to the secretary authorization on the registration**
26 **form described in section 486.920 and the access instructions that allow**
27 **journal entries to be viewed, printed out, and copied in read-only**
28 **access; and**

29 **(2) Notify the secretary of any subsequent change to the access**
30 **instructions.**

486.955. 1. Before use by electronic notaries in this state, the
2 **secretary shall approve the software to be used in remote electronic**
3 **notarial acts.**

4 **2. No remote electronic notarization software shall be approved**
5 **unless it:**

6 **(1) Permits the recording and archiving of the remote session;**

7 **(2) Provides sufficient audio clarity and video resolution to**
8 **enable the electronic notary and the principal to see and communicate**
9 **to each other simultaneously through live, real time transmission;**

10 **(3) Provide reasonable security measures to prevent**
11 **unauthorized access to: the live transmission of the audio-video**
12 **communication; a recording of the audio-video communication; the**
13 **verification methods and credentials used to verify the identity of the**
14 **principal; and the electronic documents presented for electronic**
15 **notarization;**

16 **(4) The video technology used in a remote electronic notarization**
17 **session shall provide sufficient high-definition for the notary to**
18 **reasonably assess the principal's comprehension and volition;**

19 **(5) Permits the electronic notary to identify the principal to the**
20 **electronic notary's satisfaction through a form of authentication;**

21 **(6) Permits the principal to identify the electronic notary to his**
22 **or her satisfaction; and**

23 **(7) The document being notarized is presented as an electronic**
24 **record.**

25 **3. The secretary shall promulgate rules and regulations**
26 **regarding the approval of remote notarization software, subject to the**
27 **limitations in section 486.1025.**

28 **4. Before being used by an electronic notary in this state the**
29 **secretary shall test and certify remote notarization software. The**
30 **expenses of any such testing shall be paid by the vendor of the**
31 **software.**

486.960. 1. For performing an electronic notarial act, an
2 **electronic notary public may charge the maximum fee specified in this**
3 **section, charge less than the maximum fee, or waive the fee.**

4 **2. The maximum fees that may be charged by an electronic**
5 **notary public for performing an electronic notarial act are:**

6 **(1) For an acknowledgment, five dollars per signature;**

7 **(2) For a jurat, five dollars per signature; and**

8 **(3) For a signature witnessing, five dollars per signature.**

9 **3. An electronic notary may charge a travel fee if traveling to**
10 **perform an electronic notarial act provided that:**

11 **(1) The notary and the person requesting the electronic notarial**
12 **act agree upon the travel fee in advance of the travel; and**

13 **(2) The notary explains to the person requesting the notarial act**
14 **that the travel fee is both separate from the notarial fee prescribed in**
15 **subsection 2 of this section and neither specified nor mandated by law.**

16 **4. An electronic notary shall not discriminatorily condition the**
17 **fee for an electronic notarial act on the attributes of the principal or**
18 **requester of fact as set forth in subsection 1 of section 486.650 though**
19 **an electronic notary may waive or reduce fees for humanitarian or**
20 **charitable reasons.**

21 **5. The requirements relating to fees for an employee notary**
22 **public that are prescribed in section 486.695 also apply to an electronic**
23 **notary public in the performance of an electronic notarial act.**

24 **6. An electronic notary public who charges for performing**
25 **electronic notarial acts shall conspicuously display in all of the notary's**
26 **places of business and internet sites, or present to each principal or**

27 requester of fact if outside such places of business, an English-language
28 schedule of maximum fees for electronic notarial acts, as specified in
29 subsection 2 of section 486.960. No part of any such notarial fee
30 schedule shall appear or be printed in smaller than twelve-point type.

486.965. 1. An electronic notary public may require payment of
2 any fees specified in section 486.960 prior to performance of an
3 electronic notarial act.

4 2. Any fees paid to an electronic notary prior to performance of
5 an electronic notarial act are nonrefundable if:

6 (1) The act was completed; or

7 (2) In the case of travel fees paid in compliance with subsection
8 3 of section 486.960 the act was not completed after the notary traveled
9 to meet the principal because it was prohibited under section 486.930,
10 or because the notary knew or had a reasonable belief that the notarial
11 act or the associated transaction was unlawful.

12 (a) On a notarized electronic document transmitted to another
13 state or nation, electronic evidence of the authenticity of the registered
14 electronic signature and seal of an electronic notary public of this
15 state, if required, shall be in the form of an electronic certificate of
16 authority signed by the secretary in conformance with any current and
17 pertinent international treaties, agreements, and conventions
18 subscribed by the government of the United States.

19 (b) The electronic certificate of authority described in paragraph
20 (a) of this subdivision shall be attached to or logically associated with
21 the electronically notarized document in such a manner that any
22 subsequent alteration of the notarized document, or removal or
23 alteration of the electronic certificate of authority, produces evidence
24 of the change.

486.970. An electronic certificate of authority evidencing the
2 authenticity of the registered electronic signature and seal of an
3 electronic notary public of this state shall be in substantially the
4 following form:

5 Certificate of Authority for Electronic Notarial Act

6 I, (name and title of commissioning
7 official), certify that (name of electronic notary
8 public), the person named as Electronic Notary Public in
9 the attached, associated, or accompanying electronic

10 document, was registered as an Electronic Notary Public
11 for the state of Missouri and authorized to act as such at
12 the time the document was electronically notarized. I also
13 certify that the document bears no evidence of illegal or
14 fraudulent alteration.

15 To verify this Certificate of Authority for an Electronic
16 Notarial Act, I have included herewith my electronic seal
17 and signature this day of, 20..... .

18 (Electronic seal and signature of secretary)

486.975. For issuing an electronic certificate of authority for an
2 electronic notarial act, including an electronic form of the apostille set
3 forth in subsection 3 of section 486.770 the secretary may charge a
4 maximum of ten dollars.

486.980. 1. Within five business days after the change of an
2 electronic notary public's e-mail address, the notary shall electronically
3 transmit to the secretary a notice of the change secured by a registered
4 electronic signature of the notary.

5 2. Any change or addition to the data on the electronic
6 registration form described in section 486.920, including any change to
7 an electronic journal's access instructions, shall be reported within ten
8 days to the secretary.

486.985. 1. Upon becoming aware that the status, functionality,
2 or validity of the means for producing a registered electronic signature,
3 notary seal, or single element combining the signature and seal, has
4 changed, expired, terminated, or become compromised, the notary
5 shall:

6 (1) Immediately notify the secretary;

7 (2) Cease producing seals or signatures in electronic
8 notarizations using that means;

9 (3) Perform electronic notarizations only with a currently
10 registered means or another means that has been registered within
11 thirty days; and

12 (4) Dispose of any software, coding, disk, certificate, card, token,
13 or program that has been rendered defunct, in the manner described
14 in subsection 1 of section 486.995.

15 2. Pursuant to subsection 1 of this section, the secretary shall
16 immediately suspend the electronic status of a notary who has no other

17 currently registered means for producing electronic signatures or
18 notary seals, and if such means is not registered within thirty days,
19 electronic status shall be terminated.

486.990. 1. Any revocation, resignation, expiration, or other
2 termination of the commission of a notary public immediately
3 terminates any existing registration as an electronic notary.

4 2. A notary's decision to terminate registration as an electronic
5 notary shall not automatically terminate the underlying commission of
6 the notary.

7 3. A notary who terminates registration as an electronic notary
8 shall notify the secretary in writing and dispose of any pertinent
9 software, coding, disk, certificate, card, token, or program as described
10 in subsection 1 of section 486.995.

486.995. 1. Except as provided in subsection 2 of this section, if
2 the commission of an electronic notary public expires or is resigned or
3 revoked, if registration as an electronic notary terminates, or if an
4 electronic notary dies, the notary or the notary's duly authorized
5 representative within thirty business days shall permanently erase or
6 expunge the software, coding, disk, certificate, card, token, or program
7 that is intended exclusively to produce registered electronic notary
8 seals, registered single elements combining the required features of an
9 electronic signature and notary seal, or registered electronic signatures
10 that indicate status as a notary.

11 2. A former electronic notary public whose previous commission
12 expired shall not be subject to subsection 1 of this section if such
13 electronic notary public, within three months after expiration, is
14 recommissioned and reregistered as an electronic notary public using
15 the same registered means for producing electronic notary seals and
16 signatures.

486.1000. The liability, sanctions, and remedies for the improper
2 performance of electronic notarial acts by an electronic notary public
3 are the same as described and provided in section 486.805 for the
4 improper performance of nonelectronic notarial acts.

486.1005. 1. The secretary shall terminate an electronic notary
2 public's registration for any of the following reasons:

3 (1) Submission of an electronic registration form containing
4 material misstatement or omission of fact;

5 **(2) Failure to maintain the capability to perform electronic**
6 **notarial acts, except as allowed in subdivision (3) of subsection 1 of**
7 **section 486.985.**

8 **(3) The electronic notary's performance of official misconduct.**

9 **2. Prior to terminating an electronic notary's registration, the**
10 **secretary shall inform the notary of the basis for the termination and**
11 **that the termination shall take place on a particular date unless a**
12 **proper appeal is filed with the secretary before that date.**

13 **3. Neither resignation nor expiration of a notary commission or**
14 **of an electronic notary registration precludes or terminates an**
15 **investigation by the secretary into the electronic notary's conduct. The**
16 **investigation may be pursued to a conclusion, whereupon it shall be**
17 **made a matter of public record whether or not the finding would have**
18 **been grounds for termination of the commission or registration of the**
19 **electronic notary.**

486.1010. The criminal sanctions for impersonating an electronic
2 **notary public and for soliciting, coercing, or improperly influencing an**
3 **electronic notary to commit official misconduct in performing notarial**
4 **acts are the same sanctions described in section 486.825 in regard to**
5 **performing nonelectronic notarial acts.**

486.1015. Any person who knowingly obtains, conceals, damages,
2 **or destroys the coding, disk, certificate, card, token, program, software,**
3 **or hardware that is intended exclusively to enable an electronic notary**
4 **public to produce a registered electronic signature, notary seal, or**
5 **single element combining the required features of an electronic**
6 **signature and notary seal, shall be guilty of a misdemeanor, punishable**
7 **upon conviction by a fine not exceeding five hundred dollars or**
8 **imprisonment for not more than six months, or both.**

486.1020. The sanctions of this chapter shall not preclude other
2 **sanctions and remedies provided by law.**

486.1025. The secretary may promulgate rules that are
2 **reasonable and necessary to accomplish the duties specifically**
3 **delegated to the secretary in sections 486.605, 486.810, 486.815, and**
4 **486.955. Any rule or portion of a rule, as that term is defined in section**
5 **536.010, that is created under the authority delegated sections 486.605,**
6 **486.810, 486.815, and 486.955 shall become effective only if it complies**
7 **with and is subject to all of the provisions of chapter 536 and, if**

8 applicable, section 536.028. This section and chapter 536 are
9 nonseverable, and if any of the powers vested with the general
10 assembly pursuant to chapter 536 to review, to delay the effective date,
11 or to disapprove and annul a rule are subsequently held
12 unconstitutional, then the grant of rulemaking authority and any rule
13 proposed or adopted after January 1, 2019, shall be invalid and void.

[486.200. As used in sections 486.200 to 486.405:

2 (1) "County" means any of the several counties of this state
3 or the city of St. Louis;

4 (2) "County clerk" means any of the several county clerks
5 of this state or the clerk of the circuit court in the city of St. Louis;

6 (3) "Facsimile" means an exact copy preserving all the
7 written or printed marks of the original;

8 (4) "Notarization" means the performance of a notarial act;

9 (5) "Notary public" and "notary" means any person
10 appointed and commissioned to perform notarial acts, including
11 any attorney licensed to practice law in this state;

12 (6) "Official misconduct" means the wrongful exercise of a
13 power or the wrongful performance of a duty. The term "wrongful"
14 as used in the definition of official misconduct means unauthorized,
15 unlawful, abusive, negligent, reckless, or injurious.]

[486.205. Upon application, the secretary of state may
2 appoint and commission individual persons as notaries public in
3 each of the several counties in this state. The secretary of state
4 may not appoint and commission as a notary public any person who
5 submits an application containing substantial and material
6 misstatement or omission of fact.]

[486.210. Each notary public may perform notarial acts
2 anywhere within this state.]

[486.215. Each notary public may perform notarial acts for
2 a term of four years from the date of his commission, unless sooner
3 removed.]

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

4 (1) Be at least eighteen years of age;

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

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

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

10 (5) Not have had his commission revoked during the past
11 ten years; or

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

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

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

21 (2) Works in Missouri and will use the notary seal in the
22 course of his employment in Missouri;

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

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

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

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

32 3. A notary public is not a public officer within the meaning
33 of Article VII of the Missouri Constitution.]

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

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

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

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

20 5. The secretary of state may prohibit, for a period not less
21 than thirty days and not more than one year, a new applicant or
22 renewal from reapplying for an appointment and commission as a
23 notary public following the rejection of such applicant's application
24 by the secretary of state.

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

2 [486.230. Upon receipt of a completed application, proper
3 endorsements and the correct fee, the secretary of state, if satisfied
4 the applicant is qualified to be appointed and commissioned as a
5 notary public, shall prepare a notary commission for the applicant
6 and forward the commission to the county clerk in the county of the
7 applicant's residence. Each commission shall contain the
8 applicant's name, the county within and for which he is to be
9 commissioned, the date upon which the commission takes effect
and the date upon which it expires.]

[486.235. 1. During his or her term of office each notary

2 public shall maintain a surety bond in the sum of ten thousand
 3 dollars with, as surety thereon, a company qualified to write surety
 4 bonds in this state. The bond shall be conditioned upon the
 5 faithful performance of all notarial acts in accordance with this
 6 chapter. Each notary public shall notify the secretary of state of
 7 changes on or riders to the bond.

8 2. Before receiving his or her commission, each applicant
 9 shall submit to the county clerk of the county within and for which
 10 he or she is to be commissioned, an executed bond commencing at
 11 least ninety days after the date he or she submitted the application
 12 to the secretary of state with a term of four years, which shall
 13 consist of the dates specified on the applicant's commission.

14 3. Before receiving his or her commission, each applicant
 15 shall take the following oath in the presence of the county clerk:

16 I, _____ (name of applicant), solemnly swear, under the
 17 penalty of perjury, that I have carefully read the notary law of this
 18 state, and if appointed and commissioned as a notary public, I will
 19 uphold the Constitution of the United States and of this state and
 20 will faithfully perform to the best of my ability all notarial acts in
 21 conformance with the law.

22 _____ (signature of applicant)

23 Subscribed and sworn to before me this _____ day of _____,
 24 20_____

25 _____ (signature of county clerk)

26 4. Before receiving his or her commission, each applicant
 27 shall submit to the county clerk a handwritten specimen of the
 28 applicant's official signature which contains his or her surname
 29 and at least the initial of the applicant's first name.

30 5. Immediately after receiving the bond and official
 31 signature and witnessing the oath, the county clerk shall award to
 32 the applicant his or her commission as a notary public.]

[486.240. If the person for whom a commission is issued
 2 fails to appear and qualify within ninety days after the commission
 3 is issued, the county clerk shall note the failure on the commission
 4 and return it within thirty days of such failure to the secretary of
 5 state. The secretary of state shall immediately cancel and annul

6 the commission. The secretary of state may prohibit, for a period
7 not less than thirty days and not more than one year, such person
8 from reapplying for an appointment and commission as a notary
9 public following the failure to appear and qualify within ninety
10 days after the commission is issued.]

[486.245. 1. The county clerk shall keep a register, listing
2 the name and address of each person to whom he awards a notary
3 commission and the date upon which he awards the
4 commission. Within thirty days after receiving a bond, signature
5 and oath, the county clerk shall forward the bond, signature and
6 oath to the secretary of state by certified mail. All such bonds,
7 signatures and oaths shall be preserved permanently by the
8 secretary of state.

9 2. The secretary of state shall maintain a database that
10 includes, but is not limited to, information that is contained on
11 each notary's seal or any lost seal of a notary public.]

[486.250. Each notary public is empowered to
2 (1) Take acknowledgments;
3 (2) Administer oaths and affirmations;
4 (3) Certify that a copy of a document is a true copy of
5 another document; and
6 (4) Perform any other act permitted by law.]

[486.255. 1. For the purposes of this chapter, a notary
2 public has a disqualifying interest in a transaction in connection
3 with which notarial services are requested if he is named,
4 individually, as a party to the transaction.

5 2. No notary who has a disqualifying interest in a
6 transaction may legally perform any notarial act in connection with
7 the transaction.]

[486.260. Each notary public shall provide and keep a
2 permanently bound journal of his or her notarial acts containing
3 numbered pages, except those notarial acts connected with judicial
4 proceedings, and those for whose public record the law provides
5 and the public record is publicly filed within ninety days of
6 execution. Each notary public shall record in such journal the
7 following: the month, day, and year of notarization; the type of

8 notarization such as acknowledgment or jurat; the type of
9 document; the name and address of the signer; the identification
10 used by the signer; the notary fee; and the signature of the signer.]

 [486.265. Every notary shall keep a true and perfect record
2 of his or her official acts in a permanently bound journal, except
3 those connected with judicial proceedings, and those for whose
4 public record the law provides and the public record as defined in
5 section 610.010 is publicly filed within ninety days of
6 execution. Every notary shall make and keep an exact minute, in
7 a permanently bound journal kept by him or her for that purpose,
8 of each of his or her official acts, except as herein provided. The
9 journal is the exclusive property of the notary.]

 [486.270. Each notary public, upon written court order,
2 shall furnish facsimiles of entries made in his journal of notarial
3 acts or any other papers or copies relating to his notarial acts,
4 upon receipt of a fee of one dollar per 8 ½ x 11 inch page or part of
5 a page.]

 [486.275. 1. At the time of notarization a notary public
2 shall sign his or her official signature on each notary certificate.

3 2. If a signature or record is required to be notarized,
4 acknowledged, verified, or made under oath, notwithstanding the
5 provisions of section 486.285 to the contrary, the requirement is
6 satisfied if the electronic signature of the person authorized to
7 perform such acts, together with all other information required to
8 be included, is attached to or logically associated with the
9 signature or record.

10 3. The secretary of state shall promulgate rules to
11 implement the provisions of this section. Any rule or portion of a
12 rule, as that term is defined in section 536.010, that is created
13 under the authority delegated in this section shall become effective
14 only if it complies with and is subject to all of the provisions of
15 chapter 536 and, if applicable, section 536.028. This section and
16 chapter 536 are nonseverable and if any of the powers vested with
17 the general assembly pursuant to chapter 536 to review, to delay
18 the effective date, or to disapprove and annul a rule are
19 subsequently held unconstitutional, then the grant of rulemaking

20 authority and any rule proposed or adopted after August 28, 2016,
21 shall be invalid and void.]

[486.280. On every notary certificate, a notary public shall
2 indicate clearly and legibly, in print not smaller than eight-point
3 type and by means of rubber stamp, typewriting or printing, so that
4 it is capable of photographic reproduction:

5 (1) His or her name exactly as it appears on the
6 commission;

7 (2) The words "Notary Public", "State of Missouri", and "My
8 commission expires _____ (commission expiration date)";

9 (3) The name of the county within which he or she is
10 commissioned; and

11 (4) A commission number, provided that the notary public
12 has been issued a commission number by the secretary of
13 state. Effective August 28, 2004, the secretary of state shall issue
14 a commission number for all new and renewal notary
15 appointments.]

[486.285. 1. (1) A manufacturer of a notary public's seal
2 shall register with the secretary of state and communicate to the
3 secretary of state when it has issued a seal to a person in this
4 state. After such communication, the secretary of state shall
5 approve any seal issued by the manufacturer within ten days.

6 (2) A copy of the notary's commission shall be maintained
7 by such manufacturer.

8 (3) If a manufacturer violates the provisions of this
9 subsection, the manufacturer shall be subject to a one thousand
10 dollar fine for each violation.

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

20 type.

21 3. The indentations made by the seal embosser or printed
22 by the black inked rubber stamp seal shall not be applied on the
23 notarial certificate or document to be notarized in a manner that
24 will render illegible or incapable of photographic reproduction any
25 of the printed marks or writing on the certificate or document.

26 4. Every notary shall keep an official notarial seal that is
27 the exclusive property of the notary and the seal may not be used
28 by any other person or surrendered to an employer upon
29 termination of employment.]

2 [486.290. The illegibility of any of the information required
3 by sections 486.280, 486.285 and 486.290 does not affect the
4 validity of the transaction.]

5 [486.295. Any notary public who changes the address of his
6 or her residence in the county within and for which he or she is
7 commissioned shall forthwith mail or deliver within thirty days of
8 such change a notice of the fact to the secretary of state including
9 his or her old address and current address. The notary's
10 commission shall remain in effect until its expiration date, unless
11 sooner revoked.]

12 [486.300. Any notary public who lawfully changes his or her
13 name shall forthwith request within thirty days of such change an
14 amended commission from the secretary of state and shall send to
15 the secretary of state five dollars, his or her current commission,
16 and a notice of change form provided by the secretary of state,
17 which shall include his or her new name and contain a specimen
18 of his or her official signature. The secretary of state shall issue
19 an amended commission to the notary public in his or her new
20 name and shall notify the clerk of the county within and for which
21 the notary is commissioned. After requesting an amended
22 commission, the notary may continue to perform notarial acts in
23 his or her former name, until he or she receives the amended
24 commission.]

25 [486.305. 1. Any notary public who loses or misplaces his
26 or her journal of notarial acts or official seal shall immediately
27 provide written notice of the fact to the secretary of state. For a

4 lost or misplaced official seal, upon receipt of the written notice,
5 the secretary of state shall issue the notary a new commission
6 number for the notary to order a new seal. The secretary of state
7 may post notice on the secretary of state's website notifying the
8 general public that the lost or misplaced notary seal and
9 commission number of such notary is invalid and is not an
10 acceptable notary commission number.

11 2. If a notary public's official seal is destroyed, broken,
12 damaged, or otherwise rendered inoperable, the notary shall
13 immediately provide written notice of that fact to the secretary of
14 state.]

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

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

[486.315. If a notary public has ceased to have a residence
2 address in the county within and for which he or she is
3 commissioned, the commission shall thereupon cease to be in effect,
4 unless the secretary of state issues an amended commission. When
5 a notary public, who has established a residence address in a
6 county of the state other than the county in which he or she was
7 first commissioned, requests an amended commission within thirty
8 days of changing the notary's county of residence, delivers his or
9 her current commission, notice of change form, and five dollars to

10 the secretary of state, the secretary of state shall issue an amended
 11 commission to the notary public, for the county in which his or her
 12 new residence is located and shall notify the county clerk of the
 13 county where the notary's new address is located. After requesting
 14 an amended commission within thirty days of changing the notary's
 15 county of residence, the notary may continue to perform notarial
 16 acts with certificates showing the county within and for which he
 17 or she is commissioned, until the notary receives his or her
 18 amended commission.]

2 [486.320. If any notary public receives notice from the
 3 secretary of state that his commission has been revoked, the person
 4 whose commission is revoked shall forthwith mail or deliver to the
 5 secretary of state his commission.]

2 [486.325. 1. No person may be automatically reappointed
 3 as a notary public.

3 2. Each notary public who is an applicant for
 4 reappointment as a notary public shall re comply with the
 5 provisions of sections 486.225 and 486.235.]

2 [486.330. Except as otherwise provided in section 442.210,
 3 certificates of acknowledgment shall be in print not smaller than
 4 eight-point type and in substantially the following form:

4 (1) By an Individual.

5 State of _____, County (and/or City) of _____

6 On this _____ day of _____ in the year _____ before me,
 7 _____ (name of notary), a Notary Public in and for said state,
 8 personally appeared _____ (name of individual), known to me to
 9 be the person who executed the within _____ (type of document),
 10 and acknowledged to me that _____ (he/she) executed the same for
 11 the purposes therein stated.

12 (2) By a Partner.

13 State of _____, County (and/or City) of _____

14 On this _____ day of _____ in the year _____ before me,
 15 _____ (name of notary), a Notary Public in and for said state,
 16 personally appeared _____ (name of partner) of _____ (name of
 17 partnership), known to me to be the person who executed the
 18 within _____ (type of document) in behalf of said partnership and

19 acknowledged to me that he or she executed the same for the
20 purposes therein stated.

21 _____ (official signature and official seal of notary)

22 (3) By a Corporate Officer.

23 State of _____, County (and/or City) of _____

24 On this _____ day of _____ in the year _____ before me,
25 _____ (name of notary), a Notary Public in and for said state,
26 personally appeared _____ (name of officer), _____ (title of person,
27 president, vice president, etc.), _____ (name of corporation), known
28 to me to be the person who executed the within _____ (type of
29 document) in behalf of said corporation and acknowledged to me
30 that he or she executed the same for the purposes therein stated.

31 _____ (official signature and official seal of notary)

32 (4) By an Attorney in Fact for Principal or Surety.

33 State of _____, County (and/or City) of _____

34 On this _____ day of _____, in the year _____ before me,
35 _____ (name of notary), a Notary Public in and for said state,
36 personally appeared _____ (name of attorney in fact), Attorney in
37 Fact for _____ (name of principal or surety), known to me to be the
38 person who executed the within _____ (type of document) in behalf
39 of said principal (or surety), and acknowledged to me that he or she
40 executed the same for the purposes therein stated.

41 _____ (official signature and official seal of notary)

42 (5) By a Public Officer, Deputy, Trustee, Administrator,
43 Guardian or Executor.

44 State of _____, County (and/or City) of _____

45 On this _____ day of _____, in the year _____, before me
46 _____ (name of notary), a Notary Public in and for said state,
47 personally appeared _____ (name of person), _____, (person's
48 official title) known to me to be the person who executed the within
49 _____ (type of document) in behalf of _____ (public corporation,
50 agency, political subdivision or estate) and acknowledged to me
51 that he or she executed the same for the purposes therein stated.

52 _____ (official signature and official seal of notary)

53 (6) By a United States Citizen Who is Outside of the United
54 States. (description or location of place where acknowledgment is

55 taken)

56 On this _____ day of _____, in the year _____, before me
57 _____ (name and title of person acting as a notary and refer to law
58 or authority granting power to act as a notary), personally
59 appeared _____ (name of citizen) known to me to be the person
60 who executed the within _____ (type of document) and
61 acknowledged to me that _____ (he/she) executed the same for the
62 purposes therein stated.

63 _____ (official signature and official seal of person acting
64 as a notary and refer to law or authority granting power to act as
65 a notary)

66 (7) By An Individual Who Cannot Write His or Her Name.

67 State of _____, County (and/or City) of _____

68 On this _____ day of _____ in the year _____, before me
69 _____ (name of notary), a Notary Public in and for said state,
70 personally appeared _____ (name of individual), known to me to
71 be the person who, being unable to write his or her name, made his
72 or her mark in my presence.

73 I signed his or her name at his or her request and in that
74 person's presence on the within _____ (type of document) and he
75 or she acknowledged to me that he or she made his or her mark on
76 the same for the purposes therein stated.

77 _____ (official signature and official seal of notary)

78 (8) By a Manager or Member.

79 State of _____, County (and/or City) of _____

80 On this _____ day of _____ in the year _____ before me,
81 _____ (name of notary), a Notary Public in and for said state,
82 personally appeared _____ (name of manager or member) of _____
83 (name of limited liability company), known to me to be the person
84 who executed the within _____ (type of document) in behalf of said
85 limited liability company and acknowledged to me that he or she
86 executed the same for the purposes therein stated.

87 _____ (official signature and official seal of notary)]

2 [486.335. Affirmations shall be in type not smaller than
eight-point and in substantially the following form:

3 (1) If the affirmation to be administered by the notary

4 public is in writing and the person who took the affirmation has
 5 signed his or her name thereto, the notary public shall write or
 6 print under the text of the affirmation the following:

7 "Subscribed and affirmed before me this _____ day of
 8 _____, 20_____"

9 _____ (official signature and official seal of notary).

10 (2) If the affirmation to be administered by the notary
 11 public is not in writing, the notary public shall address the
 12 affirmant substantially as follows:

13 "You do solemnly affirm, under the penalty of perjury, that
 14 the testimony you shall give in the matter in issue, pending
 15 between _____ and _____, shall be the truth, the whole truth, and
 16 nothing but the truth.".]

[486.340. 1. As used in this section, the words "executing
 2 witness" means an individual who acts in the place of a notary.

3 2. An executing witness may not be related by blood or
 4 marriage or have a disqualifying interest as defined in section
 5 486.255.

6 3. The affidavit of executing witness for acknowledgment by
 7 an individual who does not appear before a notary shall be in type
 8 not smaller than eight-point and in substantially the following
 9 form:

10 I, _____ (name of executing witness), do solemnly affirm
 11 under the penalty of perjury, that _____ (name of person who does
 12 not appear before a notary), personally known to me, has executed
 13 the within _____ (type of document) in my presence, and has
 14 acknowledged to me that _____ (he/she) executed the same for the
 15 purposes therein stated and requested that I sign my name on the
 16 within document as an executing witness.

17 _____ (signature of executing witness)

18 Subscribed and affirmed before me this _____ day of
 19 _____, 20_____

20 _____ (official signature and official seal of notary)]

[486.345. 1. A notary public may certify a facsimile of a
 2 document if he or she receives a signed written request stating that
 3 a certified copy or facsimile, preparation of a copy, or certification

4 of a copy of the document does not violate any state or federal law.

5 2. Each notary public shall retain a facsimile of each
6 document he or she has certified as a facsimile of another
7 document, together with other papers or copies relating to his or
8 her notarial acts.

9 3. The certification of a facsimile shall be in type not
10 smaller than eight-point and in substantially the following form:

11 State of _____ County (and/or City) of _____

12 I, _____ (name of notary), a Notary Public in and for said
13 state, do certify that on _____ (date) I carefully compared the
14 attached facsimile of _____ (type of document) and the facsimile
15 I now hold in my possession. They are complete, full, true and
16 exact facsimiles of the document they purport to reproduce.

17 _____ (official signature and official seal of notary)]

[486.350. 1. The maximum fee in this state for notarization
2 of each signature and the proper recording thereof in the journal
3 of notarial acts is two dollars for each signature notarized.

4 2. The maximum fee in this state for certification of a
5 facsimile of a document, and the proper recordation thereof in the
6 journal of notarial acts is two dollars for each 8 ½ x 11 inch page
7 retained in the notary's file.

8 3. The maximum fee in this state is one dollar for any other
9 notarial act performed.

10 4. No notary shall charge or collect a fee for notarizing the
11 signature on any absentee ballot or absentee voter registration.

12 5. A notary public who charges more than the maximum fee
13 specified or who charges or collects a fee for notarizing the
14 signature on any absentee ballot or absentee voter registration is
15 guilty of official misconduct.

16 6. A notary public may charge a travel fee, not to exceed the
17 approved federal mileage rate and may charge an expedited
18 convenience service fee not to exceed twenty-five dollars, when
19 traveling to perform a notarial act, provided that:

20 (1) The notary explains to the person requesting the
21 notarial act that the travel fee is separate from the notarial fee and
22 is not specified or mandated by law; and

23 (2) The notary and the person requesting the notarial act
24 agree upon his or her fees in advance of the notary affixing his or
25 her official seal.]

 [486.355. A notary public and the surety or sureties on his
2 bond are liable to the persons involved for all damages proximately
3 caused by the notary's official misconduct.]

 [486.360. The employer of a notary public is also liable to
2 the persons involved for all damages proximately caused by the
3 notary's official misconduct, if:

4 (1) The notary public was acting within the scope of his
5 employment at the time he engaged in the official misconduct; and

6 (2) The employer consented to the notary public's official
7 misconduct.]

 [486.365. It is not essential to a recovery of damages that
2 a notary's official misconduct be the only proximate cause of the
3 damages.]

 [486.370. 1. A notary public who knowingly and willfully
2 commits any official misconduct is guilty of a misdemeanor and is
3 punishable upon conviction by a fine not exceeding five hundred
4 dollars or by imprisonment for not more than six months or both.

5 2. A notary public who recklessly or negligently commits
6 any official misconduct is guilty of a misdemeanor and is
7 punishable upon conviction by a fine not exceeding one hundred
8 dollars.]

 [486.375. Any person who acts as, or otherwise willfully
2 impersonates, a notary public while not lawfully appointed and
3 commissioned to perform notarial acts is guilty of a misdemeanor
4 and punishable upon conviction by a fine not exceeding five
5 hundred dollars or by imprisonment for not more than six months
6 or both, unless such act results in a fraudulent act involving
7 property, such person shall be guilty of a class E felony.]

 [486.380. Any person who unlawfully possesses a notary's
2 journal, official seal or any papers or copies relating to notarial
3 acts, is guilty of a misdemeanor and is punishable upon conviction
4 by a fine not exceeding five hundred dollars.]

 [486.385. 1. The secretary of state may reject an

2 application or revoke the commission of any notary public who
3 prior to being commissioned or during the current term of
4 appointment:

5 (1) Submits an application for commission and appointment
6 as a notary public which contains substantial and material
7 misstatement of facts;

8 (2) Is convicted of any felony or official misconduct under
9 this chapter;

10 (3) Fails to exercise the powers or perform the duties of a
11 notary public in accordance with this chapter, or fails otherwise to
12 comply with the provisions of this chapter;

13 (4) Is adjudged liable or agrees in a settlement to pay
14 damages in any suit grounded in fraud, misrepresentation,
15 impersonation, or violation of the state regulatory laws of this
16 state, if his or her liability is not solely by virtue of his or her
17 agency or employment relationship with another who engaged in
18 the act for which the suit was brought;

19 (5) Uses false or misleading advertising wherein he or she
20 represents or implies, by virtue of the title of notary public, that he
21 or she has qualifications, powers, duties, rights, or privileges that
22 he or she does not possess by law;

23 (6) Engages in the unauthorized practice of law;

24 (7) Ceases to be a citizen of the United States;

25 (8) Ceases to be a registered voter of the county within and
26 for which he or she is commissioned;

27 (9) Ceases to have a residence address in the county within
28 and for which he or she is commissioned, unless he or she has been
29 issued an amended commission;

30 (10) Becomes incapable of reading or writing the English
31 language;

32 (11) Fails to maintain the surety bond required by section
33 486.235.

34 2. A notary's commission may be revoked under the
35 provisions of this section if action is taken subject to the rights of
36 the notary public to notice, hearing, adjudication and appeal. The
37 secretary of state shall have further power and authority as is

38 reasonably necessary to enable the secretary of state to administer
39 this chapter efficiently and to perform the duties therein imposed
40 upon the secretary of state, including immediate suspension of a
41 notary upon written notice sent by certified mail if the situation is
42 deemed to have a serious unlawful effect on the general public;
43 provided, that the notary public shall be entitled to hearing and
44 adjudication as soon thereafter as is practicable.]

[486.390. 1. Upon his own information or upon complaint
2 of any person, the attorney general, or his designee, may maintain
3 an action for injunctive relief in the circuit court of Cole County
4 against any notary public who renders, offers to render, or holds
5 himself out as rendering any service constituting the unauthorized
6 practice of the law. Any organized bar association in this state
7 may intervene in the action, at any stage of the proceeding, for
8 good cause shown. The action may also be maintained by an
9 organized bar association in this state.

10 2. The remedies provided in subsection 1 of this section are
11 in addition to, and not in substitution for, other available
12 remedies.]

[486.395. Upon the receipt of a written request, the
2 notarized document and a fee of ten dollars payable to the director
3 of revenue, the secretary of state shall provide a certificate of
4 authority in type not smaller than eight point and in substantially
5 the following form:

6 I, _____ (appointing state official, or local or district office
7 designated by appointing state official, name and title) of the State
8 of (name of state) which office is an office of record having a seal,
9 certify that _____ (notary's name), by whom the foregoing or
10 annexed document was notarized, was, at the time of the
11 notarization of the same, a Notary Public authorized by the laws
12 of this State to act in this State and to notarize the within _____
13 (type of document), and I further certify that the Notary's signature
14 on the document is genuine to the best of my knowledge,
15 information, and belief and that such notarization was executed in
16 accordance with the laws of this State.

17 In testimony whereof, I have affixed my signature and seal

18 of this office this _____ day of _____, 20_____
 19 _____ (secretary of state's signature, title, jurisdiction,
 20 address and the seal affixed near the signature)]

2 [486.396. If the notary's notary seal has been stolen, the
 3 notary shall immediately notify the secretary of state in writing to
 4 report the theft. Upon receipt of the written documentation, the
 5 secretary of state shall issue the notary a new commission number
 6 for the notary to order a new seal. The secretary of state may post
 7 notice on the secretary of state's website notifying the general
 8 public that the notary seal of such notary with the stolen
 9 commission number is invalid and is not an acceptable notary
 commission number.]

2 [486.405. Nothing in sections 486.200 to 486.405 shall be
 3 construed in any way as interfering with or discontinuing the term
 4 of office of any person now serving as a notary public until the term
 5 for which he was commissioned has expired, or until he has been
 removed pursuant to the provisions of sections 486.200 to 486.405.]

Section B. Section A of this act shall become effective on January 1, 2019.

Bill
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