

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1023

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:

1 Section A. Sections 367.031, 486.200, 486.205, 486.210,
2 486.215, 486.220, 486.225, 486.230, 486.235, 486.240, 486.245,
3 486.250, 486.255, 486.260, 486.265, 486.270, 486.275, 486.280,
4 486.285, 486.290, 486.295, 486.300, 486.305, 486.310, 486.315,
5 486.320, 486.325, 486.330, 486.335, 486.340, 486.345, 486.350,
6 486.355, 486.360, 486.365, 486.370, 486.375, 486.380, 486.385,
7 486.390, 486.395, 486.396, and 486.405, RSMo, are repealed and
8 seventy-four new sections enacted in lieu thereof, to be known as
9 sections 367.031, 486.600, 486.605, 486.610, 486.615, 486.620,
10 486.625, 486.630, 486.635, 486.640, 486.645, 486.650, 486.655,
11 486.660, 486.665, 486.670, 486.675, 486.680, 486.685, 486.690,
12 486.695, 486.700, 486.705, 486.710, 486.715, 486.720, 486.725,

1 486.730, 486.735, 486.740, 486.745, 486.750, 486.755, 486.760,
2 486.765, 486.770, 486.775, 486.780, 486.785, 486.790, 486.795,
3 486.800, 486.805, 486.810, 486.815, 486.820, 486.825, 486.830,
4 486.900, 486.905, 486.910, 486.915, 486.920, 486.925, 486.930,
5 486.935, 486.940, 486.945, 486.950, 486.955, 486.960, 486.965,
6 486.970, 486.975, 486.980, 486.985, 486.990, 486.995, 486.1000,
7 486.1005, 486.1010, 486.1015, 486.1020, and 486.1025, to read as
8 follows:

9 367.031. 1. At the time of making any secured personal
10 credit loan, the lender shall execute and deliver to the borrower
11 a receipt for and describing the tangible personal property
12 subjected to the security interest to secure the payment of the
13 loan. The receipt shall contain the following:

14 (1) The name and address of the pawnshop;

15 (2) The name and address of the pledgor, the pledgor's
16 description, and the driver's license number, military
17 identification number, identification certificate number, or
18 other official number capable of identifying the pledgor;

19 (3) The date of the transaction;

20 (4) An identification and description of the pledged goods,
21 including serial numbers if reasonably available;

22 (5) The amount of cash advanced or credit extended to the
23 pledgor;

24 (6) The amount of the pawn service charge;

25 (7) The total amount which must be paid to redeem the
26 pledged goods on the maturity date;

27 (8) The maturity date of the pawn transaction; and

28 (9) A statement to the effect that the pledgor is not

1 obligated to redeem the pledged goods, and that the pledged goods
2 may be forfeited to the pawnbroker sixty days after the specified
3 maturity date.

4 2. The pawnbroker may be required, in accordance with local
5 ordinances, to furnish appropriate law enforcement authorities
6 with copies of information contained in subdivisions (1) to (4)
7 of subsection 1 of this section and information contained in
8 subdivision (6) of subsection 4 of section 367.040. The
9 pawnbroker may satisfy such requirements by transmitting such
10 information electronically to a database in accordance with this
11 section, except that paper copies shall be made available for an
12 on-site inspection upon request of any appropriate law
13 enforcement authority.

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

15 (1) "Database", a computer database established and
16 maintained by a third party engaged in the business of
17 establishing and maintaining one or more databases;

18 (2) "Permitted user", persons authorized by law enforcement
19 personnel to access the database;

20 (3) "Reportable data", the information required to be
21 recorded by pawnbrokers for pawn transactions pursuant to
22 subdivisions (1) to (4) of subsection 1 of this section and the
23 information required to be recorded by pawnbrokers for purchase
24 transactions pursuant to subdivision (6) of subsection 4 of
25 section 367.040;

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

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

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

7 5. The database shall contain the pawn and purchase
8 transaction information recorded by reporting pawnbrokers
9 pursuant to this section and section 367.040 and shall be updated
10 as requested. The database shall also contain such security
11 features and protections as may be necessary to ensure that the
12 reportable data maintained in the database can only be accessed
13 by permitted users in accordance with the provisions of this
14 section.

15 6. The third party's charge for the database shall be based
16 on the number of permitted users. Law enforcement agencies shall
17 be charged directly for access to the database, and the charge
18 shall be reasonable in relation to the costs of the third party
19 in establishing and maintaining the database. No reporting
20 pawnbroker or customer of a reporting pawnbroker shall be charged
21 any costs for the creation or utilization of the database.

22 7. (1) The information in the database shall only be
23 accessible through the internet to permitted users who have
24 provided a secure identification or access code to the database
25 but shall allow such permitted users to access database
26 information from any jurisdiction transmitting such information
27 to that database. Such permitted users shall provide the
28 database with an identifier number of a criminal action for which

1 the identity of the pawn or purchase transaction customer is
2 needed and a representation that the information is connected to
3 an inquiry or to the investigation of a complaint or alleged
4 crime involving goods delivered by that customer in that
5 transaction. The database shall record, for each search, the
6 identity of the permitted user, the pawn or purchase transaction
7 involved in the search, and the identity of any customer accessed
8 through the search. Each search record shall be made available
9 to other permitted users regardless of their jurisdiction. The
10 database shall enable reporting pawnbrokers to transmit to the
11 database through the internet reportable data for each pawn and
12 purchase transaction.

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

16 8. Any pawnbroker licensed under section 367.043 shall meet
17 the following requirements:

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

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

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

25 9. If a reporting pawnbroker or permitted user discovers
26 any error in the reportable data, notice of such error shall be
27 given to the database, which shall have a period of thirty days
28 in which to correct the error. Any reporting pawnbroker

1 experiencing a computer malfunction preventing the transmission
2 of reportable data or receipt of search requests shall be allowed
3 a period of at least thirty but no more than sixty days to repair
4 such malfunction, and during such period such pawnbroker shall
5 not be deemed to be in violation of this section if good faith
6 efforts are made to correct the malfunction. During the periods
7 specified in this subsection, the reporting pawnbroker and
8 permitted user shall arrange an alternative method or methods by
9 which the reportable data shall be made available.

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

13 11. If the pawn ticket is lost, destroyed, or stolen, the
14 pledgor may so notify the pawnbroker in writing, and receipt of
15 such notice shall invalidate such pawn ticket, if the pledged
16 goods have not previously been redeemed. Before delivering the
17 pledged goods or issuing a new pawn ticket, the pawnbroker shall
18 require the pledgor to make a written affidavit of the loss,
19 destruction or theft of the ticket. The pawnbroker shall record
20 on the written statement the identifying information required,
21 the date the statement is given, and the number of the pawn
22 ticket lost, destroyed, or stolen. The affidavit shall be signed
23 by a notary public appointed by the secretary of state pursuant
24 to [section 486.205] chapter 486 to perform notarial acts in this
25 state.

26 486.600. As used in sections 486.600 to 486.1025 the
27 following terms and phrases shall mean:

28 (1) "Acknowledgment", a notarial act in which an individual

1 at a single time and place:

2 (a) Appears in person before the notary and presents a
3 document;

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

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

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

14 (a) Appears in person before the notary;

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

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

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

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

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

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

1 a. Presented to the notary;

2 b. Located by the notary; or

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

4 (c) Confirms through a visual or electronic comparison that
5 the second document is an identical, exact, and complete copy of
6 the image or text and, if applicable, metadata of the first
7 document;

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

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

13 (7) "Credible witness", an honest, reliable, and impartial
14 person who personally knows an individual appearing before a
15 notary and takes an oath or affirmation from the notary to vouch
16 for that individual's identity;

17 (8) "Electronic", relating to technology having electrical,
18 digital, magnetic, wireless, optical, electromagnetic, or similar
19 capabilities;

20 (9) "Electronic journal of notarial acts" and "electronic
21 journal", a chronological electronic record of notarizations that
22 is maintained by the notary public who performed the same
23 notarizations;

24 (10) "Electronic notarial act" and "electronic
25 notarization", an official act involving an electronic document
26 that is performed in compliance with sections 486.900 to 486.1025
27 by an electronic notary public as a security procedure as defined
28 in the Uniform Electronic Transactions Act, sections 432.200 to

1 432.295;

2 (11) "Electronic notary public" and "electronic notary", a
3 notary public who has registered with the secretary the
4 capability to perform electronic notarial acts;

5 (12) "Journal of notarial acts" and "journal", a
6 permanently bound book to create and preserve a chronological
7 record of notarizations that is maintained by the notary public
8 who performed the same notarizations;

9 (13) "Jurat", a notarial act in which an individual at a
10 single time and place:

11 (a) Appears in person before the notary and presents a
12 document;

13 (b) Is personally known to the notary or identified by the
14 notary through satisfactory evidence;

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

16 (d) Takes an oath or affirmation from the notary vouching
17 for the truthfulness or accuracy of the signed document;

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

21 (15) "Notarial certificate" and "certificate", the part of,
22 or attachment to, a notarized document that, in the performance
23 of the notarization, is completed by the notary, bears the
24 notary's official signature and seal, and states the date, venue,
25 and facts attested by the notary in the particular notarial act;

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

28 (17) "Oath", a notarial act, or part thereof, that is

1 legally equivalent to an affirmation and in which an individual
2 at a single time and place:

3 (a) Appears in person before the notary;

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

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

9 (18) "Official misconduct":

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

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

16 (19) "Official seal":

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

21 (b) The affixed image itself;

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

26 (21) "Personal appearance before the notary" and "appears
27 in person before the notary", that the notary is physically close
28 enough to see, hear, communicate with, and receive identification

1 documents from a principal and any required witness, or, in the
2 case of a remote electronic notarization, a principal and any
3 required witness appeared by remote means in accordance with
4 sections 486.900 to 486.1025;

5 (22) "Personal knowledge of identity" and "personally
6 knows", familiarity with an individual resulting from
7 interactions with that individual over a period of time
8 sufficient to dispel any reasonable uncertainty that the
9 individual has the identity claimed;

10 (23) "Principal":

11 (a) A person whose signature is notarized; or

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

14 (24) "Regular place of work or business", a stationary
15 office or workspace where one spends all or some of one's working
16 or business hours;

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

19 (26) "Satisfactory evidence", evidence of identification of
20 an individual based on:

21 (a) At least one current document issued by a federal,
22 state, or tribal government in a language understood by the
23 notary and bearing the photographic image of the individual's
24 face and signature and a physical description of the individual,
25 or a properly stamped passport without a physical description; or

26 (b) The oath or affirmation of one credible witness
27 disinterested in the document or transaction who is personally
28 known to the notary and who personally knows the individual, or

1 of two credible witnesses disinterested in the document or
2 transaction who each personally knows the individual and shows to
3 the notary documentary identification as described in paragraph
4 (a) of this subdivision;

5 (27) "Secretary", the secretary of state for the state of
6 Missouri;

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

9 (a) Appears in person before the notary and presents a
10 document;

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

13 (c) Signs the document in the presence of the notary.

14 486.605. 1. Except as otherwise provided in subsection 3
15 of this section, the secretary shall issue a notary commission to
16 any person who is qualified under subsection 2 of this section
17 and who submits an application in accordance with this chapter.

18 2. In order to be qualified for a notary commission a
19 person shall:

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

21 (2) Reside or have a regular place of work or business in
22 the state of Missouri;

23 (3) Reside legally in the United States;

24 (4) Read and write English; and

25 (5) Pass the examination required under section 486.630.

26 3. (1) Applicants who are not a resident of the state may
27 qualify to be a notary if they work in Missouri and will use the
28 notary seal in the course of their employment in Missouri.

1 (2) Applicants qualifying as a nonresident notary shall
2 authorize the secretary as the agent and representative of such
3 person to accept service of any process or service of any notice
4 or demand required or permitted by law to be served upon such
5 person.

6 4. The secretary may deny an application based on:

7 (1) Submission of an application containing a material
8 misstatement or omission of fact;

9 (2) The fact that the applicant has been finally
10 adjudicated and found guilty, or entered a plea of guilty or nolo
11 contendere, in a criminal prosecution under the laws of any state
12 or of the United States, of any felony or any offense involving
13 dishonesty or moral turpitude, provided that a commission shall
14 not be issued to the applicant within five years after such
15 conviction or plea;

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

18 (4) Revocation, suspension, restriction, or denial of a
19 notarial commission or professional license by this or any other
20 state or nation, provided that a commission shall not be issued
21 to the applicant within five years after such disciplinary
22 action; or

23 (5) An official finding that the applicant has previously
24 engaged in official misconduct, whether or not disciplinary
25 action resulted.

26 5. An applicant may appeal the denial of an application by
27 filing the form required by the secretary pursuant to subsection
28 6 of this section with the secretary within thirty days after

1 denial, provided that an applicant may not appeal if the
2 secretary, within five years prior to the application, has:

3 (1) Denied or revoked for disciplinary reasons any previous
4 application, commission, or license of the applicant; or

5 (2) Made a finding under section 486.810 that grounds for
6 revocation of the applicant's commission existed.

7 6. The secretary shall promulgate rules providing for
8 appeals from denials of applications, subject to the limitations
9 in section 486.1025.

10 486.610. 1. A person commissioned as a notary may perform
11 notarial acts in any part of this state, and only in this state,
12 for a term of four years, unless the commission is earlier
13 revoked under section 486.810 or resigned under section 486.790.

14 2. The existing bond, seal, length of commission term, and
15 liability of current notaries commissioned before January 1,
16 2019, shall not be invalidated, modified, or terminated by this
17 chapter, but notaries shall comply with this chapter beginning
18 January 1, 2019, in performing notarizations and in applying for
19 new commissions.

20 486.615. 1. A notary commission shall not become effective
21 until an oath of office and a ten thousand dollar bond have been
22 presented to the county clerk of the county in which a person has
23 been commissioned. The bond shall be executed by a licensed
24 Missouri surety, for a term of four years commencing on the
25 commission's issue date and terminating on its expiration date,
26 with payment of bond funds to any person conditioned upon the
27 notary's official misconduct.

28 2. The surety for a notary bond shall report all claims

1 against the bond to the secretary.

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

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

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

8 486.620. 1. The secretary shall prepare a notary
9 commission and forward the commission to the county clerk in the
10 county of the applicant's residence or regular place of work or
11 business.

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

13 (1) Notify the notary that he or she shall present the
14 required bond to the county clerk;

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

18 (3) Require the oath and bond to be mailed by the notary to
19 the secretary's office with a postmarked date not exceeding seven
20 days from the date of the oath; and

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

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

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

28 5. The county clerk shall keep a register of each person to

1 whom they award a notary commission, as prescribed by the
2 secretary.

3 486.625. 1. Every application for a notary commission
4 shall be made in a paper or electronic format established by the
5 secretary and shall include all information required by section
6 486.630 and any other information as the secretary may deem
7 appropriate.

8 2. A current or former notary applying for a new notary
9 commission shall submit a new completed application and comply
10 anew with all of the provisions of this section and sections
11 486.605 and 486.615.

12 486.630. 1. The application for a notary commission shall
13 state or include, at least:

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

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

16 (3) The applicant's regular place of work or business
17 address and telephone number, the mailing address of the regular
18 place of work or business, if different, and the name of the
19 applicant's employer, if any;

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

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

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

27 (7) All issuances, denials, revocations, suspensions,
28 restrictions, and resignations of a notarial commission,

1 professional license, or public office involving the applicant in
2 this or any other state or nation;

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

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

10 2. Every applicant for a notary commission shall sign the
11 following declaration:

12 Declaration of Applicant

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

20 (signature of applicant)

21
22 3. Every applicant for a notary commission shall:

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

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

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

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

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

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

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

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

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

20 486.640. A notary may perform the following notarial acts:

21 (1) Acknowledgments;

22 (2) Oaths and affirmation;

23 (3) Jurats;

24 (4) Signature witnessings;

25 (5) Copy certifications; and

26 (6) Any other act authorized by the laws of Missouri.

27 486.645. 1. A notary shall perform a notarial act only if
28 the principal:

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

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

5 (3) Appears to understand the nature of the transaction
6 requiring a notarial act;

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

8 (5) Signs using letters or characters of a language that is
9 understood by the notary; and

10 (6) Communicates directly with the notary in a language
11 both understand.

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

14 (1) The mark is affixed in the presence of the notary and
15 two witnesses disinterested in the document;

16 (2) Both witnesses sign their own names beside the mark;

17 (3) The notary writes below the mark: "Mark affixed by
18 (name of signer by mark) in the presence of (names and addresses
19 of two witnesses) and the undersigned notary pursuant to section
20 486.645, RSMo"; and

21 (4) The notary notarizes the signature by mark through an
22 acknowledgment, jurat, or signature witnessing.

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

25 (1) Is a party to or named in the document that is to be
26 notarized;

27 (2) Will receive as a direct or indirect result any
28 commission, fee, advantage, right, title, interest, cash,

1 property, or other consideration exceeding in value the fees
2 specified in section 486.685; or

3 (3) Is a spouse, domestic partner, ancestor, descendant, or
4 sibling of the principal, including in-law, step, and half
5 relatives.

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

11 486.650. 1. A notary shall not refuse to perform a
12 notarial act based on a person's race, age, sex, sexual
13 orientation, religion, national origin, or disability.

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

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

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

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

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

28 486.655. 1. Except as otherwise provided in subsection 2 of

1 section 486.650, a notary shall not influence a person either to
2 enter into or avoid a transaction involving a notarial act by the
3 notary.

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

8 486.660. A notary shall not:

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

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

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

16 (4) Provide or send a signed or sealed notarial certificate
17 to another person with the understanding that it will be
18 completed or attached to a document outside of the notary's
19 presence.

20 486.665. 1. A notary shall not notarize a signature:

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

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

23 2. A notary shall neither certify nor authenticate a
24 photograph.

25 486.670. 1. A notary shall not perform any notarial act
26 with the intent to deceive or defraud.

27 2. A notary shall not use the official notary title or seal
28 to endorse, promote, denounce, or oppose any product, service,

1 contest, candidate for political office, or other offering.

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

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

10 486.680. 1. A notary shall not claim to have powers,
11 qualifications, rights, or privileges that are not provided under
12 this chapter, including the power to counsel on immigration
13 issues.

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

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

21 (2) The fees for notarial acts specified in section
22 486.685.

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

26 486.685. 1. For performing a notarial act, a notary may
27 charge the maximum fee specified in this section, charge less
28 than the maximum fee, or waive the fee.

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

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

4 (2) For a jurat, five dollars per signature;

5 (3) For a signature witnessing, five dollars per signature;

6 (4) For a certified copy, one dollar per page certified
7 with a minimum total charge of three dollars; and

8 (5) For an electronic notarization, as specified in section
9 486.960.

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

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

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

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

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

26 6. A notary who charges for his or her notarial services
27 shall conspicuously display in their regular place of work or
28 business, or present to each principal outside their regular

1 place of work or business, an English-language schedule of fees
2 for notarial acts, as specified in this section. No part of any
3 notarial fee schedule shall be printed in smaller than
4 twelve-point type.

5 486.690. 1. A notary may require payment of any fees
6 specified in section 486.685 prior to performance of a notarial
7 act.

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

10 (1) The notarial act was completed; or

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

17 486.695. 1. An employer may prohibit an employee who is a
18 notary from charging for notarial acts performed on the
19 employer's time, but shall not discriminate in the charging of
20 fees based on the race, age, sex, sexual orientation, religion,
21 national origin, or disability of the principal as set forth in
22 section 486.650.

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

26 3. A governmental employer who has absorbed an employee's
27 costs in becoming or operating as a notary shall require any fees
28 for notarial acts performed on the employer's time either to be

1 waived or surrendered as revenue of the employing governmental
2 agency.

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

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

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

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

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

17 4. A notary shall keep the permanently bound journal for a
18 period of no less than ten years from the date of the last entry.

19 486.705. 1. For every notarial act, the notary shall
20 record in the journal at the time of notarization the following:

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

22 (2) The type of notarial act;

23 (3) The type, title, or a description of the document or
24 proceeding;

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

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

28 (6) The evidence of identity of each principal in the form

1 of either:

2 (a) A statement that the person is "personally known" to
3 the notary;

4 (b) A notation of the type of identification document, its
5 issuing agency, its serial or identification number, and its date
6 of issuance or expiration;

7 (c) The handwritten signature and the name and address of
8 each credible witness swearing or affirming to the principal's
9 identity, and for credible witnesses who are not personally known
10 to the notary, a description of the identification documents
11 relied on by the notary; or

12 (d) In the case of an electronic journal, a recognized
13 biometric identifier, in accordance with subdivision (4) of
14 subsection 1 of section 486.950;

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

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

19 (9) In the case of an electronic notarial act, the name of
20 any authority issuing or registering the means used to create the
21 electronic signature that was notarized, the source of this
22 authority's license, if any, and the expiration date of the
23 electronic process.

24 2. A notary shall not record a social security number or
25 credit card number in the journal.

26 3. A notary may record in the journal the circumstances for
27 not performing or completing any requested notarial act.

28 4. As required in subdivision (4) of subsection 2 of

1 section 486.745, a notary shall append to the pertinent entry in
2 the journal a notation of the nature and date of the notary's
3 correction of a completed notarial certificate corresponding to
4 the entry.

5 486.710. 1. In the notary's presence, any person may
6 inspect and request a copy of an entry or entries in the notary's
7 official journal during regular business hours, but only if:

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

10 (2) The person specifies the month, year, type of document,
11 and name of the principal or requester of fact for the notarial
12 act or acts sought;

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

15 (4) The other entries on the same journal page are covered
16 to prevent disclosure.

17 2. If the notary has a reasonable and explainable belief
18 that a person bears a criminal or harmful intent in requesting
19 information from the notary's journal, the notary may deny access
20 to any entry or entries.

21 3. The journal may be examined and copied without
22 restriction by a law enforcement officer in the course of an
23 official investigation, subpoenaed by court order, or surrendered
24 at the direction of the secretary.

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

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

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

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

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

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

25 (2) In the case of an electronic journal and its backup
26 copy whose disks or other physical storage media are not required
27 to be surrendered, no further entries shall be made in the
28 journal and its backup, both of which shall be safeguarded until

1 both shall be erased or expunged after ten years from the date of
2 the last entry by the notary or the notary's personal
3 representative.

4 486.720. If a notary elects to keep an electronic journal
5 pursuant to subdivision (1) of subsection 2 of section 486.700
6 the notary shall:

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

10 (2) Notify the secretary of any subsequent change to the
11 access instructions.

12 486.725. 1. In notarizing a paper document, a notary shall
13 affix an official signature and an official seal on the notarial
14 certificate at the time the notarial act is performed.

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

17 3. The official seal of a notary shall:

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

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

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

21 (4) Not be surrendered to an employer upon termination of
22 employment.

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

26 5. Within ten days after the official seal of a notary is
27 discovered to be stolen, lost, damaged, or otherwise rendered
28 incapable of affixing a legible image, the notary, after

1 informing the appropriate law enforcement agency in the case of
2 theft or vandalism, shall notify the secretary by any means
3 providing a tangible receipt, including certified mail and
4 electronic transmission, and also provide a copy or number of any
5 pertinent police report. Upon receipt of such notice, the
6 secretary shall issue to the notary a new commission that shall
7 be presented to a seal vendor in accordance with section 486.735.

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

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

15 486.730. 1. Near the notary's official signature on each
16 paper notarial certificate, the notary shall affix a sharp,
17 legible, permanent, and photographically reproducible image of
18 the official seal that shall include the following elements:

19 (1) The notary's name exactly as stated on the commission;

20 (2) The identification number of the notary's commission;

21 (3) The words "Notary Public", "Notary Seal", and "State of
22 Missouri" and "My commission expires (commission expiration
23 date)"; and

24 (4) A border in a rectangular or circular shape no larger
25 than one sixteenth of an inch, surrounding the required words.

26 2. Illegible information within a seal impression may be
27 typed or printed legibly by the notary adjacent to but not within
28 the impression, or another impression may be legibly affixed

1 nearby.

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

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

7 486.735. 1. A vendor or manufacturer shall register with
8 the secretary prior to selling or manufacturing notary seals.
9 The secretary shall maintain an internet site for the purpose of
10 allowing vendors and manufacturers to confirm the current
11 standing of any notary in the state.

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

15 (1) In the case of a purchaser appearing in person, the
16 vendor or manufacturer identifies this individual as the person
17 named in the commission, through either personal knowledge or
18 satisfactory evidence of identity; or

19 (2) In the case of a purchaser ordering a seal by mail or
20 delivery service, the vendor or manufacturer confirms the
21 notaries standing as a commissioned notary through the internet
22 site.

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

26 4. After manufacturing or providing a notary seal or seals,
27 the vendor shall affix an image of all seals on a form as
28 prescribed by the secretary and within seven business days send

1 the completed form to the secretary, retaining a copy of the form
2 and the commission for a period of five years.

3 5. A notary obtaining a seal or seals as a result of a name
4 change shall present a copy of the confirmation of notary's name
5 or address change from the secretary in accordance with sections
6 486.780 and 486.785.

7 6. A vendor or manufacturer who fails to comply with this
8 section shall be subject to a fine of one thousand dollars for
9 each violation. For multiple violations, a vendor's permission
10 to sell or manufacture notary seals may be withdrawn by the
11 secretary. Such violation shall not preclude the civil liability
12 of the vendor to parties injured by the vendor's failure to
13 comply with this section.

14 486.740. 1. For every notarial act involving a document, a
15 notary shall properly complete a notarial certificate that
16 contains or states:

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

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

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

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

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

27 2. A notarial certificate shall be sufficient for a
28 particular notarial act only if it meets the requirements of

1 subsection 1 of this section and is in a form that:

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

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

5 (3) Is prescribed for that act by a law, regulation, or
6 custom of another jurisdiction, provided it does not require
7 actions by the notary that are unauthorized by the laws of this
8 state; or

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

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

14 486.745. 1. A paper notarial certificate that is attached
15 to a document during the notarization of the signature of a
16 principal shall:

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

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

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

25 (4) Contain all of the elements described in section
26 486.740 on the same sheet of paper.

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

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

3 (2) The notary verifies the error by reference to the
4 pertinent journal entry, the document itself, or to other
5 determinative written evidence;

6 (3) The notary legibly corrects the certificate and
7 initials and dates the correction in ink, or replaces the
8 original certificate with a correct certificate; and

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

11 486.750. 1. A notary shall use a certificate in
12 substantially the following form in notarizing the signature or
13 mark of any person acknowledging on his or her own behalf or as a
14 partner, corporate officer, attorney in fact, or in any other
15 representative capacity:

16 State of Missouri

17 County (and/or City) of

18 On this day of, 20....., before me, the
19 undersigned notary, personally appeared

20 (name of document signer), (personally known to

21 me) (proved to me through identification documents,

22 which were,) (proved to me on the oath or

23 affirmation of, who is personally known to

24 me and stated to me that (he) (she) personally knows the

25 document signer and is unaffected by the document,)

26 (proved to me on the oath or affirmation of

27 and, whose identities have

28 been proven to me through identification documents and

1 who have stated to me that they personally know the
2 document signer and are unaffected by the document,) to
3 be the person whose name is signed on the preceding or
4 attached document, and acknowledged to me that
5 (he) (she) signed it voluntarily for its stated
6 purpose(.

7 (as partner for, a partnership.)

8 (as for, a corporation.)

9 (as attorney in fact for, the principal.)

10 (asfor, (a) (the),)

11 (official signature and seal of notary)

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

17 State of Missouri

18 County (and/or City) of

19 On this day of, 20...., before me, the
20 undersigned notary, personally appeared by remote means

21 (name of document signer), (personally
22 known to me) (proved to me through identification

23 documents, which were,) (proved to me on
24 the oath or affirmation of, who is

25 personally known to me and stated to me that (he) (she)
26 personally knows the document signer and is unaffected

27 by the document,) (proved to me on the oath or

28 affirmation of and, whose

1 identities have been proven to me through
2 identification documents and who have stated to me that
3 they personally know the document signer and are
4 unaffected by the document,) to be the person whose
5 name is signed on the preceding or attached document,
6 and acknowledged to me that (he)(she) signed it
7 voluntarily for its stated purpose(.
8 (as partner for, a partnership.)
9 (as for, a corporation.)
10 (as attorney in fact for, the principal.)
11 (as for, (a)(the)
12 (official signature and seal of notary)

13 486.755. 1. A notary shall use a jurat certificate in
14 substantially the following form in notarizing a signature or
15 mark on an affidavit or other sworn or affirmed written
16 declaration:

17 State of Missouri
18 County (and/or City) of
19 On this day of, 20....., before me,
20 the undersigned notary, personally appeared
21 (name of document signer), (personally known to me)
22 (proved to me through identification documents, which
23 were,) (proved to me on the oath or
24 affirmation of, who is personally known to
25 me and stated to me that (he)(she) personally knows the
26 document signer and is unaffected by the document,)
27 (proved to me on the oath or affirmation of
28 and, whose identities

1 have been proven to me through identification documents
2 and who have stated to me that they personally know the
3 document signer and are unaffected by the document,) to
4 be the person who signed the preceding or attached
5 document in my presence and who swore or affirmed to me
6 that the contents of the document are truthful and
7 accurate to the best of (his) (her) knowledge and
8 belief.

9 (official signature and seal of notary)

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

14 State of Missouri

15 County (and/or City) of

16 On this day of, 20..., before me, the
17 undersigned notary, personally appeared by remote means
18 (name of document signer), (personally
19 known to me) (proved to me through identification
20 documents, which were,) (proved to me on
21 the oath or affirmation of, who is
22 personally known to me and stated to me that (he) (she)
23 personally knows the document signer and is unaffected
24 by the document,) (proved to me on the oath or
25 affirmation of and,
26 whose identities have been proven to me through
27 identification documents and who have stated to me that
28 they personally know the document signer and are

1 unaffected by the document,) to be the person who
2 signed the preceding or attached document in my
3 presence and who swore or affirmed to me that the
4 contents of the document are truthful and accurate to
5 the best of (his) (her) knowledge and belief.

6 official signature and seal of notary)
7 486.760. A notary shall use a certificate in substantially
8 the following form in notarizing a signature or mark to confirm
9 that it was affixed in the notary's presence without
10 administration of an oath or affirmation:

11 State of Missouri
12 County (and/or City) of

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

1 (official signature and seal of notary)

2 486.765. A notary shall use a certificate in substantially
3 the following form in notarizing a certified copy:

4 State of Missouri

5 County (and/or City) of

6 On this day of, 20.....,

7 I certify that the (attached or following paper
8 document) (affixed, attached, or logically associated
9 electronic document) has been (visually)

10 (electronically) confirmed by me to be a true, exact,
11 and complete copy of the image (or text) (and metadata)
12 of (description of original document),

13 (presented/e-mailed to me by,)

14 (found by me (online) at,) (held in
15 my custody as a notarial record,) and that, to the best

16 of my knowledge, the copied document is neither a vital
17 record, a public record, nor a publicly recordable
18 document, certified copies of which may be available
19 from an official source other than a notary.

20 (official signature and seal of notary)

21 486.770. 1. On a notarized document sent to another state
22 or nation, evidence of the authenticity of the official seal and
23 signature of a notary commissioned pursuant to this chapter, if
24 required, shall be in the form of:

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

28 (2) In the case of a notarized document to be used in a

1 nation that has signed and ratified the Hague Convention
2 Abolishing the Requirement of Legalization for Foreign Public
3 Documents of October 5, 1961, an apostille from the secretary or
4 other federally designated official in the form prescribed by the
5 Convention and described in subsection 3 of this section, with no
6 additional authenticating certificates required.

7 2. A certificate of authority evidencing the authenticity
8 of the official seal and signature of a notary commissioned
9 pursuant to this chapter shall be substantially in the following
10 form:

11 Certificate of Authority for a Notarial Act

12 I, (name, title, jurisdiction of
13 authenticating official), certify that (name
14 of notary), the person named in the seal and signature
15 on the attached document, was a Notary Public for the
16 state of Missouri and authorized to act as such at the
17 time of the document's notarization.

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

21 (Signature and seal of commissioning official)

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

27 APOSTILLE

28 (Convention de La Haye du 5 octobre 1961)

1 of this state as if performed by a notarial officer of this state
2 if performed in another state, commonwealth, territory, district,
3 or possession of the United States by any of the following
4 persons:

5 (1) A notary of that jurisdiction;

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

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

10 4. The official signature, title, and, if required by law,
11 seal of a person whose authority to perform notarial acts is
12 recognized by subsection 3 of this section shall be considered
13 prima facie evidence that the signature and seal are genuine and
14 that the person holds the indicated title, and, except in the
15 case of subdivision (3) of subsection 3 of this section, shall
16 conclusively establish the authority of a holder of that title to
17 perform a notarial act.

18 5. A notarial act shall have the same effect under the law
19 of this state as if performed by a notarial officer of this state
20 if performed anywhere by any of the following persons under
21 authority granted by the law of the United States:

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

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

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

27 (4) Any other person authorized by federal law to perform
28 notarial acts.

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

9 7. A notarial act shall have the same effect under the law
10 of this state as if performed by a notarial officer of this state
11 if performed within the jurisdiction and under authority of a
12 foreign nation or its constituent units or a multi-national or
13 international organization by any of the following persons:

14 (1) A notary or other notarial officer;

15 (2) A judge, clerk, or deputy clerk of a court of record;

16 or

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

19 8. The official seal or stamp of a person whose authority
20 to perform notarial acts shall be recognized by subsection 7 of
21 this section shall be considered prima facie evidence that the
22 signature is genuine, that the person holds the indicated title,
23 and, except in the case of subdivision (3) of subsection 7 of
24 this section, shall conclusively establish the authority of a
25 holder of that title to perform a notarial act.

26 9. The authority of an officer to perform notarial acts
27 shall be conclusively established if the title of the office and
28 indication of authority to perform notarial acts appears either

1 in a digest of foreign law or a list customarily used as a source
2 for that information.

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

7 11. A certificate of a foreign service or consular officer
8 of the United States stationed in the nation under whose
9 jurisdiction the notarial act was performed, or a certificate of
10 a foreign service or consular officer of that nation stationed in
11 the United States, conclusively establishes any matter relating
12 to the authenticity or validity of the notarial act referenced in
13 the certificate.

14 12. Nothing in this section shall be construed to permit a
15 notary of this state to perform a notarial act outside of this
16 state without meeting the legal requirements of the state,
17 commonwealth, territory, district or possession of the United
18 States, or foreign nation in which the notarial act is performed.

19 486.780. 1. Within ten days after the change of a notary's
20 residence, business, or mailing address, the notary shall send to
21 the secretary by any means providing a tangible receipt,
22 including certified mail and electronic transmission, a signed
23 notice of the change, giving both old and new addresses, along
24 with a fee of five dollars.

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

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

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

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

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

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

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

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

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

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

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

24 486.790. 1. A notary who resigns his or her commission
25 shall send to the secretary by any means providing a tangible
26 receipt, including certified mail and electronic transmission, a
27 signed notice indicating the effective date of resignation.

28 2. A notary who ceases to reside in or to maintain a

1 regular place of work or business in this state, or who becomes
2 permanently unable to perform their notarial duties, shall resign
3 their commission.

4 486.795. 1. Except as provided in subdivision (2) of this
5 subsection, if a notary commission expires or is resigned or
6 revoked, the notary shall:

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

10 (2) Within thirty days after the effective date of
11 resignation, revocation, or expiration of the commission, dispose
12 of the journal and notarial records in accordance with subsection
13 4 of section 486.715.

14 2. A notary whose commission has expired, who intends to
15 apply for a new commission, and whose previous commission or
16 application was not revoked or denied by the secretary, shall not
17 be required to dispose of his or her journal and notarial records
18 within thirty days after commission expiration, but shall do so
19 within three months after expiration unless recommissioned within
20 that period.

21 486.800. If a notary dies during the term of commission or
22 before fulfilling the requirements of this section, the notary's
23 personal representative shall:

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

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

27 (3) Within thirty days after death, forward the journal and
28 notarial records in accordance with subsection 4 of section

1 486.715.

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

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

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

25 4. An employer of a notary shall be liable to the notary
26 for all damages recovered from the notary as a result of any
27 violation of law by the notary that was coerced by threat of the
28 employer, if the threat, such as of demotion or dismissal, was

1 made in reference to the particular notarization or, impliedly,
2 by the employer's previous action in at least one similar
3 transaction involving any notary employed by the employer. In
4 addition, the employer is liable to the notary for damages caused
5 the notary by demotion, dismissal, or other action resulting from
6 the notary's refusal to engage in a violation of law or official
7 misconduct.

8 5. Notwithstanding any other provision in this chapter to
9 the contrary, for the purposes of this section "negligence" shall
10 not include any good-faith determination made by the notary
11 pursuant to the obligations imposed by subdivision (3) of
12 subsection 1 of section 486.645 or subdivision (4) of subsection
13 1 of section 486.645.

14 6. Recovery of damages against a notary, surety, or
15 employer shall not require that the notary's negligence,
16 violation of law, or official misconduct be either the sole or
17 principal proximate cause of the damages.

18 486.810. 1. The secretary may revoke a notary commission
19 for any ground on which an application for a commission may be
20 denied under subsection 3 of section 486.605.

21 2. The secretary shall revoke the commission of any notary
22 who fails:

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

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

27 3. Prior to revocation of a notary commission, the
28 secretary shall inform the notary of the basis for the revocation

1 and that the revocation takes effect on a particular date unless
2 a proper appeal is filed with the secretary before that date.

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

9 5. The secretary shall promulgate rules providing for
10 appeals from revocations, subject to the limitations in section
11 486.1025.

12 486.815. 1. The secretary may immediately suspend a notary
13 commission upon written notice sent by certified mail if the
14 situation is deemed to have a serious unlawful effect on the
15 general public; provided, that the notary shall be entitled to
16 hearing and adjudication as soon thereafter as is practicable.

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

20 486.820. The secretary may regularly publish a list of
21 persons whose notary commissions have been suspended or revoked
22 by the secretary.

23 486.825. 1. In performing a notarial act, a notary shall
24 be guilty of a misdemeanor, punishable upon conviction by a fine
25 not exceeding five hundred dollars or imprisonment for not more
26 than six months, or both, for knowingly:

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

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

3 (3) Executing a false notarial certificate under subsection
4 1 of section 486.660.

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

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

12 486.830. 1. Any person who is not a notary and who
13 knowingly acts as or otherwise impersonates a notary shall be
14 guilty of a misdemeanor, punishable upon conviction by a fine not
15 exceeding five hundred dollars or imprisonment for not more than
16 six months, or both.

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

21 3. Any person who knowingly solicits, coerces, or in any
22 way influences a notary to commit official misconduct shall be
23 guilty of a misdemeanor, punishable upon conviction by a fine not
24 exceeding five hundred dollars.

25 4. The sanctions of this chapter shall not preclude other
26 sanctions and remedies provided by law.

27 486.900. As used in sections 486.900 to 486.1025 the
28 following terms and phrases shall mean:

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

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

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

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

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

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

27 (7) "Registered electronic signature", an electronic
28 signature produced by a notary in the performance of an

1 electronic notarial act by a means that was registered with the
2 secretary;

3 (8) "Security procedure", a procedure employed for the
4 purpose of verifying that an electronic signature, document, or
5 performance is that of a specific person or for detecting changes
6 or errors in the information in an electronic document. The term
7 includes a procedure that requires the use of algorithms or other
8 codes, identifying words or numbers, encryption, or callback, or
9 other acknowledgment procedures.

10 486.905. 1. Prior to performing electronic notarial acts a
11 person shall apply to be a commissioned notary for the state of
12 Missouri.

13 2. A notary shall register the capability to perform
14 electronic notarial acts with the secretary before notarizing
15 electronically.

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

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

21 486.910. 1. Before initially registering the capability to
22 perform electronic notarial acts, an electronic notary shall
23 complete a course of instruction as approved by the secretary, in
24 addition to the course required for commissioning as a notary,
25 and pass an examination based on the course.

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

28 486.915. The term of registration of an electronic notary

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

5 486.920. 1. To register the capability to perform
6 electronic notarial acts, a notary shall electronically sign and
7 submit to the secretary an electronic form prescribed by the
8 secretary that includes:

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

11 (2) The following information:

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

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

18 (c) The names of any licensed authorities issuing the means
19 for producing the electronic signatures and seals, the source of
20 each license, and the starting and expiration dates of each
21 pertinent certificate, software, or process;

22 (d) An explanation of any revocation, annulment, or other
23 premature termination of any certificate, software, or process
24 ever issued or registered to the applicant to produce an
25 electronic signature or seal; and

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

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

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

9 3. The secretary shall deny registration to any applicant
10 submitting an electronic registration form that contains a
11 material misstatement or omission of fact.

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

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

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

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

22 486.925. 1. The following notarial acts may be performed
23 electronically:

24 (1) Acknowledgment;

25 (2) Jurat;

26 (3) Signature witnessing; and

27 (4) Copy certification;

28 2. The following remote notarial acts may be performed

1 electronically, and by no other method:

2 (1) Acknowledgment; and

3 (2) Jurat.

4 486.930. 1. An electronic notary shall perform an
5 electronic notarization only if the principal:

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

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

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

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

12 (5) Communicates directly with the notary in a language
13 both understand; and

14 (6) Reasonably establishes the electronic signature as his
15 or her own.

16 2. An electronic notary shall perform a remote electronic
17 notarization only if the principal:

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

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

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

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

24 (5) Communicates directly with the notary in a language
25 both understand; and

26 (6) Reasonably establishes the electronic signature as his
27 or her own.

28 3. An electronic notary public may perform a remote

1 electronic notarization for a principal who is located:

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

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

5 (3) Outside the United States if the act is not prohibited
6 in the jurisdiction in which the principal is physically located
7 at the time of the act.

8 4. In performing electronic notarial acts, an electronic
9 notary shall adhere to all applicable laws governing notarial
10 acts provided in this chapter.

11 5. A remote electronic notarization performed in accordance
12 with sections 486.900 to 486.1025 satisfies any requirement of
13 the law of this state relating to a notarial act that requires a
14 person to "appear before", "personally appear", or be "in the
15 presence of" a notary public.

16 486.935. 1. In performing an electronic notarial act or
17 remote electronic notarial act, the electronic notary shall
18 properly complete an electronic notarial certificate.

19 2. A proper electronic notarial certificate shall contain:

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

23 (2) A registered electronic signature; and

24 (3) A registered electronic notary seal, which shall
25 include:

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

28 (b) The jurisdiction that commissioned and registered the

1 electronic notary;

2 (c) The title "Electronic Notary Public";

3 (d) The commission or registration number of the electronic
4 notary; and

5 (e) The commission expiration date of the electronic
6 notary.

7 3. The wording of an electronic notarial certificate shall
8 be in a form that:

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

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

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

14 (4) Describes the actions of the electronic notary in such
15 a manner as to meet the requirements of the particular notarial
16 act, as defined in section 486.600 or 486.900.

17 4. An electronic notarial certificate shall be worded and
18 completed using only letters, characters, and a language that are
19 read, written, and understood by the electronic notary.

20 486.940. 1. In notarizing an electronic document, the
21 notary shall attach to, or logically associate with, the
22 electronic notarial certificate a registered electronic signature
23 and a registered electronic notary seal, or a registered single
24 element in conformity with subsection 2 of this section, in such
25 a manner that the signature and the seal, or the single element,
26 are attributed to the electronic notary as named on the
27 commission.

28 2. A registered electronic signature shall be:

1 (1) Unique to the electronic notary;

2 (2) Capable of independent verification;

3 (3) Attached to or logically associated with an electronic
4 notarial certificate in such a manner that any subsequent
5 alteration of the certificate or underlying electronic document
6 prominently displays evidence of the alteration; and

7 (4) Attached or logically associated by a means under the
8 electronic notary's sole control.

9 3. At all times the means for producing registered
10 electronic notary seals, or registered single elements as
11 described in subsection 2 of this section, shall be kept under
12 the sole control of the electronic notary.

13 4. An employer of an electronic notary shall not use or
14 control the means for producing registered electronic signatures
15 and notary seals, or registered single elements combining the
16 required features of both, nor upon termination of a notary's
17 employment, retain any software, coding, disk, certificate, card,
18 token, or program that is intended exclusively to produce a
19 registered electronic signature, notary seal, or combined single
20 element, whether or not the employer financially supported the
21 employee's activities as a notary.

22 5. A registered electronic signature may be used by the
23 electronic notary for lawful purposes other than performing
24 electronic notarizations, provided that neither the title
25 "notary" nor any other indication of status as a notarial officer
26 is part of the signature.

27 6. Neither a registered electronic notary seal nor a
28 combined single element containing the seal shall be used by the

1 electronic notary for any purpose other than performing lawful
2 electronic notarizations.

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

6 486.950. 1. An electronic journal of electronic notarial
7 acts shall:

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

11 (2) Not allow a journal entry to be deleted or altered in
12 content or sequence by the electronic notary or any other person
13 after a record of the electronic notarization is entered and
14 stored, except that an entry may be deleted if the retention
15 period set forth in subsection 4 of this section has passed;

16 (3) Have a backup system in place to provide a duplicate
17 record of electronic notarial acts as a precaution in the event
18 of loss of the original record;

19 (4) Be capable of capturing and storing the image of a
20 handwritten signature and the data related to one other type of
21 recognized biometric identifier; and

22 (5) Be capable of printing out and providing electronic
23 copies of any entry, including images of handwritten signatures
24 and the data related to the one other selected type of recognized
25 biometric identifier.

26 2. In maintaining an electronic journal of electronic
27 notarial acts, an electronic notary public shall comply with the
28 applicable prescriptions and prohibitions regarding the contents,

1 copying, security, surrender, and disposition of a journal as set
2 forth in sections 486.700 to 486.720 and sections 486.780 to
3 486.800.

4 3. Every electronic notary public maintaining an electronic
5 journal of electronic notarial acts pursuant to section 486.945
6 shall:

7 (1) Provide to the secretary authorization on the
8 registration form described in section 486.920 and the access
9 instructions that allow journal entries to be viewed, printed
10 out, and copied in read-only access; and

11 (2) Notify the secretary of any subsequent change to the
12 access instructions.

13 4. An electronic notary public maintaining an electronic
14 journal of electronic notarial acts shall keep the entry for a
15 period of no less than ten years from the date of the entry and
16 shall also keep a record of electronic notarial acts in a
17 permanently bound journal as set forth in sections 486.700 and
18 486.705.

19 486.955. 1. Before use by electronic notaries in this
20 state, the secretary shall approve the software to be used in
21 remote electronic notarial acts.

22 2. The secretary may only approve remote notarization
23 software that, at a minimum:

24 (1) Records and archives a remote session;

25 (2) Provides sufficient audio clarity and video resolution
26 to enable the electronic notary and the principal to see and
27 communicate to each other simultaneously through live, real time
28 transmission;

1 (3) Provides reasonable security measures to prevent
2 unauthorized access to:

3 (a) The live transmission of the audio-video communication;

4 (b) A recording of the audio-video communication;

5 (c) The verification methods and credentials used to verify
6 the identity of the principal; and

7 (d) The electronic documents presented for electronic
8 notarization;

9 (4) Utilizes video technology to be used in a remote
10 electronic notarization session that provides sufficient
11 high-definition for the notary to reasonably assess the
12 principal's comprehension and volition;

13 (5) Permits the electronic notary to identify the principal
14 to the electronic notary's satisfaction through a form of
15 authentication;

16 (6) Permits the principal to identify the electronic notary
17 to his or her satisfaction; and

18 (7) Presents the document being notarized as an electronic
19 record.

20 3. The secretary shall promulgate rules and regulations
21 regarding the approval of remote notarization software, subject
22 to the limitations in section 486.1025.

23 4. Before being used by an electronic notary in this state
24 the secretary shall test and certify remote notarization
25 software. The expenses of any such testing shall be paid by the
26 vendor of the software.

27 486.960. 1. For performing an electronic notarial act, an
28 electronic notary public may charge the maximum fee specified in

1 this section, charge less than the maximum fee, or waive the fee.

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

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

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

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

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

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

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

16 4. In addition to the other fees allowed by this section,
17 an electronic notary may charge a remote notary transaction fee
18 provided that the notary and the principle agree upon the fee in
19 advance of the notarial act being performed and the notary
20 explains to the person requesting the notarial act that the
21 remote transaction fee is separate from the notarial fee
22 prescribed in subsection 2 of this section and is not mandated by
23 law.

24 5. An electronic notary shall not discriminatorily
25 condition the fee for an electronic notarial act on the
26 attributes of the principal or requester of fact as set forth in
27 subsection 1 of section 486.650 though an electronic notary may
28 wave or reduce fees for humanitarian or charitable reasons.

1 6. The requirements relating to fees for an employee notary
2 public that are prescribed in section 486.695 also apply to an
3 electronic notary public in the performance of an electronic
4 notarial act.

5 7. An electronic notary public who charges for performing
6 electronic notarial acts shall conspicuously display in all of
7 the notary's places of business and internet sites, or present to
8 each principal or requester of fact if outside such places of
9 business, an English-language schedule of maximum fees for
10 electronic notarial acts, as specified in subsection 2 of section
11 486.960. No part of any such notarial fee schedule shall appear
12 or be printed in smaller than twelve-point type.

13 486.965. 1. An electronic notary public may require
14 payment of any fees specified in section 486.960 prior to
15 performance of an electronic notarial act.

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

18 (1) The act was completed; or

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

25 (a) On a notarized electronic document transmitted to
26 another state or nation, electronic evidence of the authenticity
27 of the registered electronic signature and seal of an electronic
28 notary public of this state, if required, shall be in the form of

1 an electronic certificate of authority signed by the secretary in
2 conformance with any current and pertinent international
3 treaties, agreements, and conventions subscribed by the
4 government of the United States.

5 (b) The electronic certificate of authority described in
6 paragraph (a) of this subdivision shall be attached to or
7 logically associated with the electronically notarized document
8 in such a manner that any subsequent alteration of the notarized
9 document, or removal or alteration of the electronic certificate
10 of authority, produces evidence of the change.

11 486.970. An electronic certificate of authority evidencing
12 the authenticity of the registered electronic signature and seal
13 of an electronic notary public of this state shall be in
14 substantially the following form:

15 Certificate of Authority for Electronic Notarial Act
16 I, (name and title
17 of commissioning official), certify that
18 (name of electronic notary
19 public), the person named as Electronic Notary Public
20 in the attached, associated, or accompanying electronic
21 document, was registered as an Electronic Notary Public
22 for the state of Missouri and authorized to act as such
23 at the time the document was electronically notarized.
24 I also certify that the document bears no evidence of
25 illegal or fraudulent alteration.

26
27 To verify this Certificate of Authority for an
28 Electronic Notarial Act, I have included herewith my

1 electronic seal and signature this day of
2, 20.....

3 (Electronic seal and signature of secretary)

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

8 486.980. 1. Within five business days after the change of
9 an electronic notary public's e-mail address, the notary shall
10 electronically transmit to the secretary a notice of the change
11 secured by a registered electronic signature of the notary.

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

16 486.985. 1. Upon becoming aware that the status,
17 functionality, or validity of the means for producing a
18 registered electronic signature, notary seal, or single element
19 combining the signature and seal, has changed, expired,
20 terminated, or become compromised, the notary shall:

21 (1) Immediately notify the secretary;

22 (2) Cease producing seals or signatures in electronic
23 notarizations using that means;

24 (3) Perform electronic notarizations only with a currently
25 registered means or another means that has been registered within
26 thirty days; and

27 (4) Dispose of any software, coding, disk, certificate,
28 card, token, or program that has been rendered defunct, in the

1 manner described in subsection 1 of section 486.995.

2 2. Pursuant to subsection 1 of this section, the secretary
3 shall immediately suspend the electronic status of a notary who
4 has no other currently registered means for producing electronic
5 signatures or notary seals, and if such means is not registered
6 within thirty days, electronic status shall be terminated.

7 486.990. 1. Any revocation, resignation, expiration, or
8 other termination of the commission of a notary public
9 immediately terminates any existing registration as an electronic
10 notary.

11 2. A notary's decision to terminate registration as an
12 electronic notary shall not automatically terminate the
13 underlying commission of the notary.

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

18 486.995. 1. Except as provided in subsection 2 of this
19 section, if the commission of an electronic notary public expires
20 or is resigned or revoked, if registration as an electronic
21 notary terminates, or if an electronic notary dies, the notary or
22 the notary's duly authorized representative within thirty
23 business days shall permanently erase or expunge the software,
24 coding, disk, certificate, card, token, or program that is
25 intended exclusively to produce registered electronic notary
26 seals, registered single elements combining the required features
27 of an electronic signature and notary seal, or registered
28 electronic signatures that indicate status as a notary.

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

7 486.1000. The liability, sanctions, and remedies for the
8 improper performance of electronic notarial acts by an electronic
9 notary public are the same as described and provided in section
10 486.805 for the improper performance of nonelectronic notarial
11 acts.

12 486.1005. 1. The secretary shall terminate an electronic
13 notary public's registration for any of the following reasons:

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

16 (2) Failure to maintain the capability to perform
17 electronic notarial acts, except as allowed in subdivision (3) of
18 subsection 1 of section 486.985.

19 (3) The electronic notary's performance of official
20 misconduct.

21 2. Prior to terminating an electronic notary's
22 registration, the secretary shall inform the notary of the basis
23 for the termination and that the termination shall take place on
24 a particular date unless a proper appeal is filed with the
25 secretary before that date.

26 3. Neither resignation nor expiration of a notary
27 commission or of an electronic notary registration precludes or
28 terminates an investigation by the secretary into the electronic

1 notary's conduct. The investigation may be pursued to a
2 conclusion, whereupon it shall be made a matter of public record
3 whether or not the finding would have been grounds for
4 termination of the commission or registration of the electronic
5 notary.

6 486.1010. The criminal sanctions for impersonating an
7 electronic notary public and for soliciting, coercing, or
8 improperly influencing an electronic notary to commit official
9 misconduct in performing notarial acts are the same sanctions
10 described in section 486.825 in regard to performing
11 nonelectronic notarial acts.

12 486.1015. Any person who knowingly obtains, conceals,
13 damages, or destroys the coding, disk, certificate, card, token,
14 program, software, or hardware that is intended exclusively to
15 enable an electronic notary public to produce a registered
16 electronic signature, notary seal, or single element combining
17 the required features of an electronic signature and notary seal,
18 shall be guilty of a misdemeanor, punishable upon conviction by a
19 fine not exceeding five hundred dollars or imprisonment for not
20 more than six months, or both.

21 486.1020. The sanctions of this chapter shall not preclude
22 other sanctions and remedies provided by law.

23 486.1025. The secretary may promulgate rules that are
24 reasonable and necessary to accomplish the duties specifically
25 delegated to the secretary in sections 486.605, 486.810, 486.815,
26 and 486.955. Any rule or portion of a rule, as that term is
27 defined in section 536.010, that is created under the authority
28 delegated sections 486.605, 486.810, 486.815, and 486.955 shall

1 become effective only if it complies with and is subject to all
2 of the provisions of chapter 536 and, if applicable, section
3 536.028. This section and chapter 536 are nonseverable, and if
4 any of the powers vested with the general assembly pursuant to
5 chapter 536 to review, to delay the effective date, or to
6 disapprove and annul a rule are subsequently held
7 unconstitutional, then the grant of rulemaking authority and any
8 rule proposed or adopted after January 1, 2019, shall be invalid
9 and void.

10 [486.200. As used in sections 486.200 to 486.405:

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

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

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

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

20 (5) "Notary public" and "notary" means any person
21 appointed and commissioned to perform notarial acts,
22 including any attorney licensed to practice law in this
23 state;

24 (6) "Official misconduct" means the wrongful
25 exercise of a power or the wrongful performance of a
26 duty. The term "wrongful" as used in the definition of
27 official misconduct means unauthorized, unlawful,
28 abusive, negligent, reckless, or injurious.]

29
30 [486.205. Upon application, the secretary of
31 state may appoint and commission individual persons as
32 notaries public in each of the several counties in this
33 state. The secretary of state may not appoint and
34 commission as a notary public any person who submits an
35 application containing substantial and material
36 misstatement or omission of fact.]

37
38 [486.210. Each notary public may perform notarial
39 acts anywhere within this state.]

40
41 [486.215. Each notary public may perform notarial
42 acts for a term of four years from the date of his
43 commission, unless sooner removed.]

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (6) Authorizes the secretary of state as the
34 agent and representative of such person to accept
35 service of any process or service of any notice or
36 demand required or permitted by law to be served upon
37 such person.

38 3. A notary public is not a public officer within
39 the meaning of Article VII of the Missouri
40 Constitution.]

41
42 [486.225. 1. Upon a form prepared by the
43 secretary of state, each applicant for appointment and
44 commission as a notary public shall swear, under
45 penalty of perjury, that the answers to all questions
46 on the application are true and complete to the best of
47 the applicant's knowledge and that the applicant is
48 qualified to be appointed and commissioned as a notary
49 public. The completed application form shall be filed
50 with the secretary of state.

51 2. With the person's application, each applicant

1 for appointment and commission as a notary public shall
2 submit to the secretary of state a commission fee of
3 fifteen dollars.

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

11 4. Each applicant for a renewal appointment and
12 commission as a notary public may apply for such
13 renewal appointment in a manner prescribed by the
14 secretary of state.

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

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

32
33 [486.230. Upon receipt of a completed
34 application, proper endorsements and the correct fee,
35 the secretary of state, if satisfied the applicant is
36 qualified to be appointed and commissioned as a notary
37 public, shall prepare a notary commission for the
38 applicant and forward the commission to the county
39 clerk in the county of the applicant's residence. Each
40 commission shall contain the applicant's name, the
41 county within and for which he is to be commissioned,
42 the date upon which the commission takes effect and the
43 date upon which it expires.]

44
45 [486.235. 1. During his or her term of office
46 each notary public shall maintain a surety bond in the
47 sum of ten thousand dollars with, as surety thereon, a
48 company qualified to write surety bonds in this state.
49 The bond shall be conditioned upon the faithful
50 performance of all notarial acts in accordance with
51 this chapter. Each notary public shall notify the

1 secretary of state of changes on or riders to the bond.

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

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

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

20 _____ (signature of applicant)
21 Subscribed and sworn to before me this _____ day
22 of _____, 20_____

23 _____ (signature of county clerk)

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

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

33
34 [486.240. If the person for whom a commission is
35 issued fails to appear and qualify within ninety days
36 after the commission is issued, the county clerk shall
37 note the failure on the commission and return it within
38 thirty days of such failure to the secretary of state.
39 The secretary of state shall immediately cancel and
40 annul the commission. The secretary of state may
41 prohibit, for a period not less than thirty days and
42 not more than one year, such person from reapplying for
43 an appointment and commission as a notary public
44 following the failure to appear and qualify within
45 ninety days after the commission is issued.】

46
47 [486.245. 1. The county clerk shall keep a
48 register, listing the name and address of each person
49 to whom he awards a notary commission and the date upon
50 which he awards the commission. Within thirty days
51 after receiving a bond, signature and oath, the county

1 clerk shall forward the bond, signature and oath to the
2 secretary of state by certified mail. All such bonds,
3 signatures and oaths shall be preserved permanently by
4 the secretary of state.

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

10 [486.250. Each notary public is empowered to
11 (1) Take acknowledgments;
12 (2) Administer oaths and affirmations;
13 (3) Certify that a copy of a document is a true
14 copy of another document; and
15 (4) Perform any other act permitted by law.]
16

17 [486.255. 1. For the purposes of this chapter, a
18 notary public has a disqualifying interest in a
19 transaction in connection with which notarial services
20 are requested if he is named, individually, as a party
21 to the transaction.

22 2. No notary who has a disqualifying interest in
23 a transaction may legally perform any notarial act in
24 connection with the transaction.]
25

26 [486.260. Each notary public shall provide and
27 keep a permanently bound journal of his or her notarial
28 acts containing numbered pages, except those notarial
29 acts connected with judicial proceedings, and those for
30 whose public record the law provides and the public
31 record is publicly filed within ninety days of
32 execution. Each notary public shall record in such
33 journal the following: the month, day, and year of
34 notarization; the type of notarization such as
35 acknowledgment or jurat; the type of document; the name
36 and address of the signer; the identification used by
37 the signer; the notary fee; and the signature of the
38 signer.]
39

40 [486.265. Every notary shall keep a true and
41 perfect record of his or her official acts in a
42 permanently bound journal, except those connected with
43 judicial proceedings, and those for whose public record
44 the law provides and the public record as defined in
45 section 610.010 is publicly filed within ninety days of
46 execution. Every notary shall make and keep an exact
47 minute, in a permanently bound journal kept by him or
48 her for that purpose, of each of his or her official
49 acts, except as herein provided. The journal is the
50 exclusive property of the notary.]

1 [486.270. Each notary public, upon written court
2 order, shall furnish facsimiles of entries made in his
3 journal of notarial acts or any other papers or copies
4 relating to his notarial acts, upon receipt of a fee of
5 one dollar per 8 ½ x 11 inch page or part of a page.]
6

7 [486.275. 1. At the time of notarization a
8 notary public shall sign his or her official signature
9 on each notary certificate.

10 2. If a signature or record is required to be
11 notarized, acknowledged, verified, or made under oath,
12 notwithstanding the provisions of section 486.285 to
13 the contrary, the requirement is satisfied if the
14 electronic signature of the person authorized to
15 perform such acts, together with all other information
16 required to be included, is attached to or logically
17 associated with the signature or record.

18 3. The secretary of state shall promulgate rules
19 to implement the provisions of this section. Any rule
20 or portion of a rule, as that term is defined in
21 section 536.010, that is created under the authority
22 delegated in this section shall become effective only
23 if it complies with and is subject to all of the
24 provisions of chapter 536 and, if applicable, section
25 536.028. This section and chapter 536 are nonseverable
26 and if any of the powers vested with the general
27 assembly pursuant to chapter 536 to review, to delay
28 the effective date, or to disapprove and annul a rule
29 are subsequently held unconstitutional, then the grant
30 of rulemaking authority and any rule proposed or
31 adopted after August 28, 2016, shall be invalid and
32 void.]
33

34 [486.280. On every notary certificate, a notary
35 public shall indicate clearly and legibly, in print not
36 smaller than eight-point type and by means of rubber
37 stamp, typewriting or printing, so that it is capable
38 of photographic reproduction:

39 (1) His or her name exactly as it appears on the
40 commission;

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

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

46 (4) A commission number, provided that the notary
47 public has been issued a commission number by the
48 secretary of state. Effective August 28, 2004, the
49 secretary of state shall issue a commission number for
50 all new and renewal notary appointments.]

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

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

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

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

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

32 4. Every notary shall keep an official notarial
33 seal that is the exclusive property of the notary and
34 the seal may not be used by any other person or
35 surrendered to an employer upon termination of
36 employment.]

37
38 [486.290. The illegibility of any of the
39 information required by sections 486.280, 486.285 and
40 486.290 does not affect the validity of the
41 transaction.]

42
43 [486.295. Any notary public who changes the
44 address of his or her residence in the county within
45 and for which he or she is commissioned shall forthwith
46 mail or deliver within thirty days of such change a
47 notice of the fact to the secretary of state including
48 his or her old address and current address. The
49 notary's commission shall remain in effect until its
50 expiration date, unless sooner revoked.]

1 [486.300. Any notary public who lawfully changes
2 his or her name shall forthwith request within thirty
3 days of such change an amended commission from the
4 secretary of state and shall send to the secretary of
5 state five dollars, his or her current commission, and
6 a notice of change form provided by the secretary of
7 state, which shall include his or her new name and
8 contain a specimen of his or her official signature.
9 The secretary of state shall issue an amended
10 commission to the notary public in his or her new name
11 and shall notify the clerk of the county within and for
12 which the notary is commissioned. After requesting an
13 amended commission, the notary may continue to perform
14 notarial acts in his or her former name, until he or
15 she receives the amended commission.]
16

17 [486.305. 1. Any notary public who loses or
18 misplaces his or her journal of notarial acts or
19 official seal shall immediately provide written notice
20 of the fact to the secretary of state. For a lost or
21 misplaced official seal, upon receipt of the written
22 notice, the secretary of state shall issue the notary a
23 new commission number for the notary to order a new
24 seal. The secretary of state may post notice on the
25 secretary of state's website notifying the general
26 public that the lost or misplaced notary seal and
27 commission number of such notary is invalid and is not
28 an acceptable notary commission number.

29 2. If a notary public's official seal is
30 destroyed, broken, damaged, or otherwise rendered
31 inoperable, the notary shall immediately provide
32 written notice of that fact to the secretary of state.]
33

34 [486.310. 1. If any notary public no longer
35 desires to be a notary public, he or she shall
36 forthwith mail or deliver to the secretary of state a
37 letter of resignation and his or her notary seal, and
38 his or her commission shall thereupon cease to be in
39 effect. The secretary of state may post notice on the
40 secretary of state's website notifying the general
41 public that the notary is no longer a commissioned
42 notary public in the state of Missouri. If a notary
43 public resigns following the receipt of a complaint by
44 the secretary of state regarding the notary public's
45 conduct, the secretary of state may deny any future
46 applications by such person for appointment and
47 commission as a notary public.

48 2. If any notary public seeks to amend his or her
49 commission, he or she shall forthwith mail or deliver
50 to the secretary of state his or her notary seal unless
51 a person, business, or manufacturer alters the existing

1 seal in compliance with subsection 4 of section
2 486.285.]

3
4 [486.315. If a notary public has ceased to have a
5 residence address in the county within and for which he
6 or she is commissioned, the commission shall thereupon
7 cease to be in effect, unless the secretary of state
8 issues an amended commission. When a notary public,
9 who has established a residence address in a county of
10 the state other than the county in which he or she was
11 first commissioned, requests an amended commission
12 within thirty days of changing the notary's county of
13 residence, delivers his or her current commission,
14 notice of change form, and five dollars to the
15 secretary of state, the secretary of state shall issue
16 an amended commission to the notary public, for the
17 county in which his or her new residence is located and
18 shall notify the county clerk of the county where the
19 notary's new address is located. After requesting an
20 amended commission within thirty days of changing the
21 notary's county of residence, the notary may continue
22 to perform notarial acts with certificates showing the
23 county within and for which he or she is commissioned,
24 until the notary receives his or her amended
25 commission.]

26
27 [486.320. If any notary public receives notice
28 from the secretary of state that his commission has
29 been revoked, the person whose commission is revoked
30 shall forthwith mail or deliver to the secretary of
31 state his commission.]

32
33 [486.325. 1. No person may be automatically
34 reappointed as a notary public.
35 2. Each notary public who is an applicant for
36 reappointment as a notary public shall recomply with
37 the provisions of sections 486.225 and 486.235.]

38
39 [486.330. Except as otherwise provided in section
40 442.210, certificates of acknowledgment shall be in
41 print not smaller than eight-point type and in
42 substantially the following form:

43 (1) By an Individual.
44 State of _____, County (and/or City) of _____
45 On this _____ day of _____ in the year _____
46 before me, _____ (name of notary), a Notary Public in
47 and for said state, personally appeared _____ (name of
48 individual), known to me to be the person who executed
49 the within _____ (type of document), and acknowledged
50 to me that _____ (he/she) executed the same for the

1 purposes therein stated.

2 (2) By a Partner.

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

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

12 _____ (official signature and official seal of
13 notary)

14 (3) By a Corporate Officer.

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

16 On this _____ day of _____ in the year _____
17 before me, _____ (name of notary), a Notary Public in
18 and for said state, personally appeared _____ (name of
19 officer), _____ (title of person, president, vice
20 president, etc.), _____ (name of corporation), known
21 to me to be the person who executed the within _____
22 (type of document) in behalf of said corporation and
23 acknowledged to me that he or she executed the same for
24 the purposes therein stated.

25 _____ (official signature and official seal of
26 notary)

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

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

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

39 _____ (official signature and official seal of
40 notary)

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

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

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

1 the purposes therein stated.

2 _____ (official signature and official seal of
3 notary)

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

7 On this _____ day of _____, in the year _____,
8 before me _____ (name and title of person acting as a
9 notary and refer to law or authority granting power to
10 act as a notary), personally appeared _____ (name of
11 citizen) known to me to be the person who executed the
12 within _____ (type of document) and acknowledged to me
13 that _____ (he/she) executed the same for the purposes
14 therein stated.

15 _____ (official signature and official seal of
16 person acting as a notary and refer to law or authority
17 granting power to act as a notary)

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

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

21 On this _____ day of _____ in the year _____,
22 before me _____ (name of notary), a Notary Public in
23 and for said state, personally appeared _____ (name of
24 individual), known to me to be the person who, being
25 unable to write his or her name, made his or her mark
26 in my presence.

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

32 _____ (official signature and official seal of
33 notary)

34 (8) By a Manager or Member.

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

36 On this _____ day of _____ in the year _____
37 before me, _____ (name of notary), a Notary Public in
38 and for said state, personally appeared _____ (name of
39 manager or member) of _____ (name of limited liability
40 company), known to me to be the person who executed the
41 within _____ (type of document) in behalf of said
42 limited liability company and acknowledged to me that
43 he or she executed the same for the purposes therein
44 stated.

45 _____ (official signature and official seal of
46 notary)]

47
48 [486.335. Affirmations shall be in type not
49 smaller than eight-point and in substantially the
50 following form:

51 (1) If the affirmation to be administered by the

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

5 "Subscribed and affirmed before me this _____
6 day of _____, 20_____"
7 _____ (official signature and official seal of
8 notary).

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

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

17
18 [486.340. 1. As used in this section, the words
19 "executing witness" means an individual who acts in the
20 place of a notary.

21 2. An executing witness may not be related by
22 blood or marriage or have a disqualifying interest as
23 defined in section 486.255.

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

28 I, _____ (name of executing witness), do
29 solemnly affirm under the penalty of perjury, that
30 _____ (name of person who does not appear before a
31 notary), personally known to me, has executed the
32 within _____ (type of document) in my presence, and
33 has acknowledged to me that _____ (he/she) executed
34 the same for the purposes therein stated and requested
35 that I sign my name on the within document as an
36 executing witness.

37 _____ (signature of executing witness)
38 Subscribed and affirmed before me this _____ day
39 of _____, 20_____
40 _____ (official signature and official seal of
41 notary)]

42
43 [486.345. 1. A notary public may certify a
44 facsimile of a document if he or she receives a signed
45 written request stating that a certified copy or
46 facsimile, preparation of a copy, or certification of a
47 copy of the document does not violate any state or
48 federal law.

49 2. Each notary public shall retain a facsimile of
50 each document he or she has certified as a facsimile of
51 another document, together with other papers or copies

1 relating to his or her notarial acts.

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

5 State of _____ County (and/or City) of _____
6 I, _____ (name of notary), a Notary Public in
7 and for said state, do certify that on _____ (date) I
8 carefully compared the attached facsimile of _____
9 (type of document) and the facsimile I now hold in my
10 possession. They are complete, full, true and exact
11 facsimiles of the document they purport to reproduce.
12 _____ (official signature and official seal of
13 notary)]
14

15 [486.350. 1. The maximum fee in this state for
16 notarization of each signature and the proper recording
17 thereof in the journal of notarial acts is two dollars
18 for each signature notarized.

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

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

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

29 5. A notary public who charges more than the
30 maximum fee specified or who charges or collects a fee
31 for notarizing the signature on any absentee ballot or
32 absentee voter registration is guilty of official
33 misconduct.

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

39 (1) The notary explains to the person requesting
40 the notarial act that the travel fee is separate from
41 the notarial fee and is not specified or mandated by
42 law; and

43 (2) The notary and the person requesting the
44 notarial act agree upon his or her fees in advance of
45 the notary affixing his or her official seal.]
46

47 [486.355. A notary public and the surety or
48 sureties on his bond are liable to the persons involved
49 for all damages proximately caused by the notary's
50 official misconduct.]
51

1 [486.360. The employer of a notary public is also
2 liable to the persons involved for all damages
3 proximately caused by the notary's official misconduct,
4 if:

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

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

10
11 [486.365. It is not essential to a recovery of
12 damages that a notary's official misconduct be the only
13 proximate cause of the damages.]

14
15 [486.370. 1. A notary public who knowingly and
16 willfully commits any official misconduct is guilty of
17 a misdemeanor and is punishable upon conviction by a
18 fine not exceeding five hundred dollars or by
19 imprisonment for not more than six months or both.

20 2. A notary public who recklessly or negligently
21 commits any official misconduct is guilty of a
22 misdemeanor and is punishable upon conviction by a fine
23 not exceeding one hundred dollars.]

24
25 [486.375. Any person who acts as, or otherwise
26 willfully impersonates, a notary public while not
27 lawfully appointed and commissioned to perform notarial
28 acts is guilty of a misdemeanor and punishable upon
29 conviction by a fine not exceeding five hundred dollars
30 or by imprisonment for not more than six months or
31 both, unless such act results in a fraudulent act
32 involving property, such person shall be guilty of a
33 class E felony.]

34
35 [486.380. Any person who unlawfully possesses a
36 notary's journal, official seal or any papers or copies
37 relating to notarial acts, is guilty of a misdemeanor
38 and is punishable upon conviction by a fine not
39 exceeding five hundred dollars.]

40
41 [486.385. 1. The secretary of state may reject
42 an application or revoke the commission of any notary
43 public who prior to being commissioned or during the
44 current term of appointment:

45 (1) Submits an application for commission and
46 appointment as a notary public which contains
47 substantial and material misstatement of facts;

48 (2) Is convicted of any felony or official
49 misconduct under this chapter;

50 (3) Fails to exercise the powers or perform the

1 duties of a notary public in accordance with this
2 chapter, or fails otherwise to comply with the
3 provisions of this chapter;

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

11 (5) Uses false or misleading advertising wherein
12 he or she represents or implies, by virtue of the title
13 of notary public, that he or she has qualifications,
14 powers, duties, rights, or privileges that he or she
15 does not possess by law;

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

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

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

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

23 (10) Becomes incapable of reading or writing the
24 English language;

25 (11) Fails to maintain the surety bond required
26 by section 486.235.

27 2. A notary's commission may be revoked under the
28 provisions of this section if action is taken subject
29 to the rights of the notary public to notice, hearing,
30 adjudication and appeal. The secretary of state shall
31 have further power and authority as is reasonably
32 necessary to enable the secretary of state to
33 administer this chapter efficiently and to perform the
34 duties therein imposed upon the secretary of state,
35 including immediate suspension of a notary upon written
36 notice sent by certified mail if the situation is
37 deemed to have a serious unlawful effect on the general
38 public; provided, that the notary public shall be
39 entitled to hearing and adjudication as soon thereafter
40 as is practicable.]

41
42 [486.390. 1. Upon his own information or upon
43 complaint of any person, the attorney general, or his
44 designee, may maintain an action for injunctive relief
45 in the circuit court of Cole County against any notary
46 public who renders, offers to render, or holds himself
47 out as rendering any service constituting the
48 unauthorized practice of the law. Any organized bar
49 association in this state may intervene in the action,
50 at any stage of the proceeding, for good cause shown.
51 The action may also be maintained by an organized bar

1 association in this state.

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

5
6 [486.395. Upon the receipt of a written request,
7 the notarized document and a fee of ten dollars payable
8 to the director of revenue, the secretary of state
9 shall provide a certificate of authority in type not
10 smaller than eight point and in substantially the
11 following form:

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

26 In testimony whereof, I have affixed my signature
27 and seal of this office this _____ day of _____,
28 20_____
29 _____ (secretary of state's signature, title,
30 jurisdiction, address and the seal affixed near the
31 signature)]

32
33 [486.396. If the notary's notary seal has been
34 stolen, the notary shall immediately notify the
35 secretary of state in writing to report the theft.
36 Upon receipt of the written documentation, the
37 secretary of state shall issue the notary a new
38 commission number for the notary to order a new seal.
39 The secretary of state may post notice on the secretary
40 of state's website notifying the general public that
41 the notary seal of such notary with the stolen
42 commission number is invalid and is not an acceptable
43 notary commission number.]

44
45 [486.405. Nothing in sections 486.200 to 486.405
46 shall be construed in any way as interfering with or
47 discontinuing the term of office of any person now
48 serving as a notary public until the term for which he
49 was commissioned has expired, or until he has been
50 removed pursuant to the provisions of sections 486.200

1 to 486.405.]

2

3 Section B. Section A of this act shall become effective on

4 January 1, 2019.