

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 468
100TH GENERAL ASSEMBLY

2300H.06C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 8.007, 8.177, 51.050, 55.060, 58.030, 59.021, 59.100, 60.010, 67.641, 68.040, 70.600, 105.145, 105.666, 115.306, 115.357, 161.700, 162.291, 190.050, 190.292, 190.335, 190.455, 204.610, 247.060, 249.140, 253.403, 321.130, 321.242, 367.031, 483.010, 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, 486.405, and 610.021, RSMo, and to enact in lieu thereof one hundred ten new sections relating to political subdivisions, with penalty provisions and a delayed effective date for certain sections.

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

Section A. Sections 8.007, 8.177, 51.050, 55.060, 58.030, 59.021, 59.100, 60.010, 67.641, 68.040, 70.600, 105.145, 105.666, 115.306, 115.357, 161.700, 162.291, 190.050, 190.292, 190.335, 190.455, 204.610, 247.060, 249.140, 253.403, 321.130, 321.242, 367.031, 483.010, 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486.360, 486.365, 486.370, 486.375, 486.380, 486.385, 486.390, 486.395, 486.396, 486.405, and 610.021, RSMo, are repealed and one hundred ten new sections enacted in lieu thereof, to be known as sections 8.007, 8.177, 34.600, 51.050, 55.060, 58.030, 59.021, 59.100, 60.010, 67.641, 68.040, 70.600, 70.631, 79.132, 105.035, 105.145, 105.666, 115.306, 115.357, 137.181, 161.700, 162.291, 190.050, 190.292, 190.293, 190.335, 190.455, 204.610, 247.060, 249.140, 253.403, 262.760, 321.130, 321.242, 367.031, 436.338, 483.010,

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

13 486.600, 486.605, 486.610, 486.615, 486.620, 486.625, 486.630, 486.635, 486.640, 486.645,
14 486.650, 486.655, 486.660, 486.665, 486.670, 486.675, 486.680, 486.685, 486.690, 486.695,
15 486.700, 486.705, 486.710, 486.715, 486.720, 486.725, 486.730, 486.735, 486.740, 486.745,
16 486.750, 486.755, 486.760, 486.765, 486.770, 486.775, 486.780, 486.785, 486.790, 486.795,
17 486.800, 486.805, 486.810, 486.815, 486.820, 486.900, 486.905, 486.910, 486.915, 486.920,
18 486.925, 486.930, 486.935, 486.940, 486.945, 486.950, 486.955, 486.957, 486.960, 486.965,
19 486.970, 486.975, 486.980, 486.985, 486.990, 486.995, 486.1000, 486.1005, 486.1010,
20 486.1020, 486.1025, 578.700, and 610.021, to read as follows:

8.007. 1. The commission shall:

2 (1) Exercise general supervision of the administration of sections 8.001 to 8.007 **and**
3 **section 8.177, including employing staff and retaining such contract services as necessary**
4 **for performance of the duties and purposes of these sections;**

5 (2) Evaluate and approve capitol studies and improvement, expansion, renovation, and
6 restoration projects including, but not limited to, the "21st-Century State Capitol Restoration
7 Project", which includes, but is not limited to, the development and implementation of a
8 comprehensive master plan for the restoration, protection, risk management, and continuing
9 preservation of the capitol building, grounds, and any annex areas. For purposes of this section,
10 "annex areas" shall mean the building currently occupied by the Missouri department of
11 transportation located at 105 West Capitol Avenue in Jefferson City, if used to house members
12 of the general assembly or legislative support staff, or any new building constructed for such
13 purposes;

14 (3) Exercise ongoing supervision and coordination of the capitol building, grounds, and
15 any annex areas;

16 (4) **Employ Missouri capitol police officers for the purpose of providing public**
17 **safety at the seat of state government as provided under section 8.177 and provide ongoing**
18 **supervision of such officers;**

19 (5) Evaluate and recommend courses of action on the restoration and preservation of the
20 capitol, the preservation of historical significance of the capitol and the history of the capitol;

21 [~~5~~] (6) Evaluate and recommend courses of action to ensure accessibility to the capitol
22 for physically disabled persons;

23 [~~6~~] (7) Advise, consult, and cooperate with the office of administration, the archives
24 division of the office of the secretary of state, the historic preservation program within the
25 department of natural resources, the division of tourism within the department of economic
26 development and the historical society of Missouri in furtherance of the purposes of sections
27 8.001 to 8.007;

28 ~~[(7)]~~ **(8)** Be authorized to cooperate or collaborate with other state agencies and
29 not-for-profit organizations to publish books and manuals concerning the history of the capitol,
30 its improvement or restoration;

31 ~~[(8)]~~ **(9)** On or before October first of each year, submit to the budget director and the
32 general assembly estimates of the requirements for appropriations for the capitol building,
33 grounds, and any annex areas for the year commencing on the following first day of July;

34 ~~[(9)]~~ **(10)** Encourage, participate in, or conduct studies, investigations, and research and
35 demonstrations relating to improvement and restoration of the state capitol it may deem
36 advisable and necessary for the discharge of its duties pursuant to sections 8.001 to 8.007;

37 ~~[(10)]~~ **(11)** Hold hearings, issue notices of hearings, and take testimony as the
38 commission deems necessary; and

39 ~~[(11)]~~ **(12)** Initiate planning efforts, subject to the appropriation of funds, for a centennial
40 celebration of the laying of the capstone of the Missouri state capitol.

41 2. The "State Capitol Commission Fund" is hereby created in the state treasury. Any
42 moneys received from sources other than appropriation by the general assembly, including from
43 private sources, gifts, donations and grants, shall be credited to the state capitol commission fund
44 and shall be appropriated by the general assembly.

45 3. The provisions of section 33.080 to the contrary notwithstanding, moneys in the
46 second capitol commission fund shall not be transferred and placed to the credit of the general
47 revenue fund. Moneys in the state capitol commission fund shall not be appropriated for any
48 purpose other than those designated by the commission.

49 4. The commission is authorized to accept all gifts, bequests and donations from any
50 source whatsoever. The commission may also apply for and receive grants consistent with the
51 purposes of sections 8.001 to 8.007. All such gifts, bequests, donations and grants shall be used
52 or expended upon appropriation in accordance with their terms or stipulations, and the gifts,
53 bequests, donations or grants may be used or expended for the preservation, improvement,
54 expansion, renovation, restoration and improved accessibility and for promoting the historical
55 significance of the capitol.

56 5. The commission may copyright or obtain a trademark for any photograph, written
57 work, art object, or any product created of the capitol or capitol grounds. The commission may
58 grant access or use of any such works to other organizations or individuals for a fee, at its sole
59 discretion, or waive all fees. All funds obtained through licensing fees shall be credited to the
60 capitol commission fund in a manner similar to funds the commission receives as gifts,
61 donations, and grants. The funds shall be used for repairs, refurbishing, or to create art, exhibits,
62 decorations, or other beautifications or adornments to the capitol or its grounds.

8.177. 1. The ~~[director of the department of public safety]~~ **Missouri state capitol commission** shall employ Missouri capitol police officers for public safety at the seat of state government. Each Missouri capitol police officer, upon appointment, shall take and subscribe an oath of office to support the constitution and laws of the United States and the state of Missouri and shall receive a certificate of appointment, a copy of which shall be filed with the secretary of state, granting such police officers all the same powers of arrest held by other police officers to maintain order and preserve the peace in all state-owned or leased buildings, and the grounds thereof, at the seat of government and such buildings and grounds within the county which contains the seat of government.

2. The ~~[director of the department of public safety]~~ **Missouri state capitol commission** shall appoint a sufficient number of Missouri capitol police officers, with available appropriations, as appropriated specifically for the purpose designated in this subsection, so that the capitol grounds may be patrolled at all times, and that traffic and parking upon the capitol grounds and the grounds of other state buildings owned or leased within the capital city and the county which contains the seat of government may be properly controlled. Missouri capitol police officers may make arrests for the violation of parking and traffic regulations promulgated by the office of administration.

3. Missouri capitol police officers shall be authorized to arrest a person anywhere in the county that contains the state seat of government, when there is probable cause to believe the person committed a crime within capitol police jurisdiction or when a person commits a crime in the presence of an on-duty capitol police officer.

34.600. 1. This section shall be known as the "Anti-Discrimination Against Israel Act".

2. A public entity shall not enter into a contract with a company to acquire or dispose of services, supplies, information technology, or construction unless the contract includes a written certification that the company is not currently engaged in and will not, for the duration of the contract, engage in a boycott of Israel. This section shall not apply to contracts with a total potential value of less than one hundred thousand dollars or to contractors with fewer than ten employees.

3. As used in this section, the following terms and phrases shall mean:

(1) "Boycott Israel" and "boycott of the State of Israel", engaging in refusals to deal, terminating business activities, or other actions that are intended to discriminate against, inflict economic harm, or otherwise limit commercial relations specifically with the State of Israel, or persons or entities doing business in the State of Israel. A company's statement that it is participating in boycotts of the State of Israel, or that it has taken the boycott action at the request, in compliance with, or in furtherance of calls for a boycott

16 of the State of Israel, shall be considered to be conclusive evidence that a company is
17 participating in a boycott of the State of Israel; provided, however, that a company that
18 has made no such statement may still be considered to be participating in a boycott of the
19 State of Israel if other factors warrant such a conclusion. At no time shall the "State of
20 Israel" be construed to be inconsistent with any provision of federal law including, but not
21 limited to, 50 U.S.C. Section 4602, 4605, or 4607, as amended;

22 (2) "Company", any for-profit or not-for-profit organization, sole proprietorship,
23 association, corporation, partnership, joint venture, limited partnership, limited liability
24 partnership, limited liability company, or other entity or business association, including
25 all wholly-owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates
26 of those entities or business associations;

27 (3) "Public entity", the state of Missouri, or any political subdivision thereof,
28 including all boards, commissions, agencies, institutions, authorities, and bodies politic and
29 corporate of the state, created by or in accordance with state law or regulations.

30 4. Any contract which fails to comply with the provisions of this section shall be
31 void against public policy.

32 5. The commissioner of administration or his or her designee may promulgate
33 regulations to implement the provisions of this act so long as they are consistent with this
34 section and do not create any exceptions. Any rule or portion of a rule, as that term is
35 defined in section 536.010, that is created under the authority of this section shall become
36 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
37 if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any
38 of the powers vested with the general assembly pursuant to chapter 536, to review, to delay
39 the effective date, or to disapprove and annul a rule are subsequently held
40 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
41 after August 28, 2019, shall be invalid and void.

51.050. No person shall be elected or appointed clerk of the county commission unless
2 such person be a citizen of the United States, [~~over the age of twenty-one years~~] **twenty-one**
3 **years of age or older**, and shall have resided within the state one whole year, and within the
4 county for which the person is elected one year just prior to such person's election; and every
5 clerk shall after the election continue to reside within the county for which such person is clerk.

55.060. No person shall be elected or appointed county auditor of a county of the first
2 class not having a charter form of government or of a county of the second class unless he **or she**
3 is a citizen of the United States [~~above the age of twenty-one years~~], **twenty-one years of age**
4 **or older**, and has resided within the state for one whole year and within the county for which he
5 **or she** is elected or appointed for three months immediately preceding the election or his **or her**

6 appointment. He **or she** shall also be a person familiar with the theory and practice of
7 accounting by education, training, and experience and able to perform the duties imposed upon
8 the county auditor by the provisions of this chapter. The county auditor shall, after his **or her**
9 appointment or election, reside in the county for which he **or she** is auditor.

58.030. No person shall be elected or appointed to the office of coroner unless he **or she**
2 be a citizen of the United States, [~~over the age of twenty-one years~~] **twenty-one years of age or**
3 **older**, and shall have resided within the state one whole year, and within the county for which
4 he **or she** is elected, six months next preceding the election.

59.021. A candidate for county recorder where the offices of the clerk of the court and
2 recorder of deeds are separate, except in any city not within a county or any county having a
3 charter form of government, shall be at least twenty-one years of age, a registered voter, and a
4 resident of the state of Missouri as well as the county in which he or she is a candidate for at least
5 one year prior to the date of the general election. Upon election to office, the person shall
6 continue to reside in that county during his or her tenure in office. **Additionally, each**
7 **candidate shall provide the county election authority with a copy of a signed affidavit from**
8 **a surety company authorized to do business in this state that attests the candidate meets**
9 **the bond requirements under section 59.100.**

59.100. 1. Every recorder elected **prior to January 1, 2020**, as provided in section
2 59.020, before entering upon the duties of the office as recorder, shall enter into bond to the state,
3 in a sum set by the county commission of not less than one thousand dollars, with sufficient
4 sureties, not less than two, to be approved by the commission, conditioned for the faithful
5 performance of the duties enjoined on such person by law as recorder, and for the delivering up
6 of the records, books, papers, writings, seals, furniture and apparatus belonging to the office,
7 whole, safe and undefaced, to such officer's successor.

8 **2. Every recorder elected after January 1, 2020, as provided in section 59.020,**
9 **before entering upon the duties of the office as recorder, shall enter into bond to the state,**
10 **in a sum set by the county commission of not less than five thousand dollars, with sufficient**
11 **sureties, not less than two, to be approved by the commission, conditioned for the faithful**
12 **performance of the duties enjoined on such person by law as recorder, and for the**
13 **delivering up of the records, books, papers, writings, seals, furniture, and apparatus**
14 **belonging to the office, whole, safe, and undefaced, to such officer's successor.**

60.010. 1. At the regular general election in the year 1948, and every four years
2 thereafter, the voters of each county of this state in counties of the second, third, and fourth
3 classification shall elect a registered land surveyor as county surveyor, who shall hold office for
4 four years and until a successor is duly elected, commissioned and qualified. The person elected
5 shall be commissioned by the governor.

6 2. No person shall be elected or appointed surveyor unless such person is a citizen of the
7 United States, [~~over the age of twenty-one years~~] **twenty-one years of age or older**, a registered
8 land surveyor, and shall have resided within the state one whole year. An elected surveyor shall
9 have resided within the county for which the person is elected six months immediately prior to
10 election and shall after election continue to reside within the county for which the person is
11 surveyor. An appointed surveyor need not reside within the county for which the person is
12 surveyor.

13 3. Notwithstanding the provisions of subsection 1 of this section, or any other law to the
14 contrary, the county commission of any county of the third or fourth classification may appoint
15 a surveyor following the deadline for filing for the office of surveyor, if no qualified candidate
16 files for the office in the general election in which the office would have been on the ballot,
17 provided that the notice required by section 115.345 has been published in at least one newspaper
18 of general circulation in the county. The appointed surveyor shall serve at the pleasure of the
19 county commission, however, an appointed surveyor shall forfeit said office once a qualified
20 individual, who has been duly elected at a regularly scheduled general election where the office
21 of surveyor is on the ballot and who has been commissioned by the governor, takes office. The
22 county commission shall fix appropriate compensation, which need not be equal to that of an
23 elected surveyor.

67.641. 1. The general assembly may annually appropriate up to three million dollars
2 from the state general revenue fund to each convention and sports complex fund created pursuant
3 to section 67.639, provided that for an existing sports facility located in a first class county with
4 a charter form of government which contains part of a city having a population of three hundred
5 fifty thousand inhabitants or more or any city with a population greater than three hundred fifty
6 thousand, located in more than one county, such county or city has entered into a contract or
7 lease with a professional sports team affiliated with or franchised by the National Football
8 League, the National Basketball Association, the National Hockey League, or the American
9 League or the National League of Major League Baseball. No moneys shall be transferred
10 pursuant to this section to the benefit of a sports complex for a county in any year unless each
11 professional sports team which leases playing facilities within the county continue to lease the
12 same playing facilities which were leased on August 28, 1989. Each convention and sports
13 complex fund shall be administered by the county or city and used to carry out the provisions of
14 sections 67.638 to 67.645.

15 2. Each city or county which has a convention and sports complex fund established
16 pursuant to the laws of this state which administers a convention and sports complex fund, prior
17 to receipt of any appropriations pursuant to this section shall enact or promulgate ordinances, or
18 rules and regulations which provide, pursuant to the terms and provisions of section 70.859, for

19 the purchase of goods and services and for construction of capital improvements for the sports
20 complex. In no event shall more than three million dollars be transferred from the state to any
21 one such convention and sports complex fund in any fiscal year pursuant to this section, and in
22 no event shall any moneys be transferred from the state to any convention and sports complex
23 fund for the planning, development, construction, maintenance or operation of any facility after
24 June 30, 1999. Only one such transfer of state funds shall be made to any convention and sports
25 complex fund after June 30, 1997, provided that any convention and sports complex fund which
26 was appropriated state moneys prior to July 1, 1997, for the construction, maintenance or
27 operation of a facility shall continue to receive state moneys, subject to appropriation.

28 3. This section shall not become effective unless and until the applicable county or the
29 applicable city which has created a convention and sports complex fund has commenced paying
30 into the convention and sports complex fund amounts at a rate sufficient for the county or city
31 to contribute the sum of three million dollars per calendar year, except that this section shall
32 become effective with respect to any first class county not having a charter form of government
33 on August 28, 1989, and with respect to any charter city located in a first class county not having
34 a charter form of government at the time at which such county or city has commenced paying
35 any moneys into its convention and sports complex fund. The appropriations made pursuant to
36 subsection 1 of this section to any convention and sports complex fund shall not exceed the
37 amounts contributed by the county or city to the fund. The county or city's proportional amount
38 specified in this section may come from any source. Once the county or city has commenced
39 paying such appropriate proportional amounts into its convention and sports complex fund, the
40 county or city shall so notify the state treasurer and the director of revenue and, thereafter,
41 subject to annual appropriation, transfers shall commence and continue each month pursuant to
42 this section until such monthly transfers are made for ~~thirty~~ **forty** years. Moneys appropriated
43 from general revenue shall not be expended until such first class charter county or a city located
44 in such first class charter county has paid three million dollars into its fund, or until such first
45 class county not having a charter form of government or until such charter city within a first class
46 county not having a charter form of government has commenced payment of moneys into its
47 fund.

68.040. 1. Every local and regional port authority, approved as a political subdivision
2 of the state, may from time to time issue its negotiable revenue bonds or notes in such principal
3 amounts as, in its opinion, shall be necessary to provide sufficient funds for achieving its
4 purposes, including the construction of port facilities and the financing of port improvement
5 projects; establish reserves to secure such bonds and notes; and make other expenditures,
6 incident and necessary to carry out its purposes and powers.

7 2. This state shall not be liable on any notes or bonds of any port authority. Any such
8 notes or bonds shall not be a debt of the state and shall contain on the faces thereof a statement
9 to such effect.

10 3. No commissioner of any port authority or any authorized person executing port
11 authority notes or bonds shall be liable personally on said notes or bonds or shall be subject to
12 any personal liability or accountability by reason of the issuance thereof.

13 4. The notes and bonds of every port authority are securities in which all public officers
14 and bodies of this state and all political subdivisions and municipalities, all insurance companies
15 and associations, and other persons carrying on an insurance business, all banks, trust companies,
16 saving associations, savings and loan associations, credit unions, investment companies, all
17 administrators, guardians, executors, trustees, and other fiduciaries, and all other persons
18 whatsoever, who now or may hereafter be authorized to invest in notes and bonds or other
19 obligations of this state, may properly and legally invest funds, including capital, in their control
20 or belonging to them.

21 5. No port authority shall be required to pay any taxes or any assessments whatsoever
22 to this state or to any political subdivisions, municipality, or other governmental agency of this
23 state. The notes and bonds of every port authority and the income therefrom shall, at all times,
24 be exempt from any taxes and any assessments, except for death and gift taxes and taxes on
25 transfers. **Additionally, the sales and leases of both real and personal property by or to any**
26 **port authority involving the issuance of bonds authorized under this chapter shall be**
27 **exempt from taxation.**

28 6. Every port authority shall have the powers and be governed by the procedures now
29 or hereafter conferred upon or applicable to the environmental improvement authority, chapter
30 260, relating to the manner of issuance of revenue bonds and notes, and the port authority shall
31 exercise all such powers and adhere to all such procedures insofar as they are consistent with the
32 necessary and proper undertaking of its purposes.

70.600. The following words and phrases as used in sections 70.600 to 70.755, unless
2 a different meaning is plainly required by the context, shall mean:

3 (1) "Accumulated contributions", the total of all amounts deducted from the
4 compensations of a member and standing to the member's credit in his or her individual account
5 in the members deposit fund, together with investment credits thereon;

6 (2) "Actuarial equivalent", a benefit of equal reserve value;

7 (3) "Allowance", the total of the annuity and the pension. All allowances shall be paid
8 not later than the tenth day of each calendar month;

9 (4) "Annuity", a monthly amount derived from the accumulated contributions of a
10 member and payable by the system throughout the life of a person or for a temporary period;

11 (5) "Beneficiary", any person who is receiving or designated to receive a system benefit,
12 except a retirant;

13 (6) "Benefit program", a schedule of benefits or benefit formulas from which the
14 amounts of system benefits can be determined;

15 (7) "Board of trustees" or "board", the board of trustees of the system;

16 (8) "Compensation", the remuneration paid an employee by a political subdivision or by
17 an elected fee official of the political subdivision for personal services rendered by the employee
18 for the political subdivision or for the elected fee official in the employee's public capacity;
19 provided, that for an elected fee official, "compensation" means that portion of his or her fees
20 which is net after deduction of (a) compensation paid by such elected fee official to his or her
21 office employees, if any, and (b) the ordinary and necessary expenses paid by such elected fee
22 official and attributable to the operation of his or her office. In cases where an employee's
23 compensation is not all paid in money, the political subdivision shall fix the reasonable value of
24 the employee's compensation not paid in money. In determining compensation no consideration
25 shall be given to:

26 (a) Any nonrecurring single sum payment paid by an employer;

27 (b) Employer contributions to any employee benefit plan or trust;

28 (c) Any other unusual or nonrecurring remuneration; or

29 (d) Compensation in excess of the limitations set forth in Internal Revenue Code Section
30 401(a)(17). The limitation on compensation for eligible employees shall not be less than the
31 amount which was allowed to be taken into account under the system as in effect on July 1, 1993.
32 For purposes of this paragraph, an "eligible employee" is an individual who was a member of the
33 system before the first plan year beginning after December 31, 1995;

34 (9) "Credited service", the total of a member's prior service and membership service, to
35 the extent such service is standing to the member's credit as provided in sections 70.600 to
36 70.755;

37 (10) "Employee", any person regularly employed by a political subdivision who receives
38 compensation from the political subdivision for personal services rendered the political
39 subdivision, including any elected official of the political subdivision whose position requires
40 his or her regular personal services and who is compensated wholly or in part on a fee basis, and
41 including the employees of such elected fee officials who may be compensated by such elected
42 fee officials. The term "employee" may include any elected county official. The term
43 "employee" shall not include any person:

44 (a) Who is not an elected official of the political subdivision and who is included as an
45 active member in any other plan similar in purpose to this system by reason of his or her

46 employment with his or her political subdivision, except the federal Social Security Old Age,
47 Survivors, and Disability Insurance Program, as amended; or

48 (b) Who acts for the political subdivision under contract; or

49 (c) Who is paid wholly on a fee basis, except elected officials and their employees; or

50 (d) Who holds the position of mayor, presiding judge, president or chairman of the
51 political subdivision or is a member of the governing body of the political subdivision; except
52 that, such an official of a political subdivision having ten or more other employees may become
53 a member if the official is covered under the federal Social Security Old Age, Survivors, and
54 Disability Insurance Program, as amended, by reason of such official's employment with his or
55 her political subdivision, by filing written application for membership with the board after the
56 date the official qualifies for such position or within thirty days after the date his or her political
57 subdivision becomes an employer, whichever date is later;

58 (11) "Employer", any political subdivision which has elected to have all its eligible
59 employees covered by the system;

60 (12) "Final average salary", the monthly average of the compensations paid an employee
61 during the period of sixty or, if an election has been made in accordance with section 70.656,
62 thirty-six consecutive months of credited service producing the highest monthly average, which
63 period is contained within the period of one hundred twenty consecutive months of credited
64 service immediately preceding his or her termination of membership. Should a member have
65 less than sixty or, if an election has been made in accordance with section 70.656, thirty-six
66 months of credited service, "final average salary" means the monthly average of compensation
67 paid the member during his or her total months of credited service;

68 (13) "Fireman", any regular or permanent employee of the fire department of a political
69 subdivision, including a probationary fireman. The term "fireman" shall not include:

70 (a) Any volunteer fireman; or

71 (b) Any civilian employee of a fire department; or

72 (c) Any person temporarily employed as a fireman for an emergency;

73 (14) "Member", any employee included in the membership of the system;

74 (15) "Membership service", employment as an employee with the political subdivision
75 from and after the date such political subdivision becomes an employer, which employment is
76 creditable as service hereunder;

77 (16) "Minimum service retirement age", age sixty for a member who is neither **public**
78 **safety personnel as defined in section 70.631**, a policeman, nor a fireman; "minimum service
79 retirement age", age fifty-five for a member who is **public safety personnel as defined in**
80 **section 70.631**, a policeman, or a fireman;

81 (17) "Pension", a monthly amount derived from contributions of an employer and
82 payable by the system throughout the life of a person or for a temporary period;

83 (18) "Policeman", any regular or permanent employee of the police department of a
84 political subdivision, including a probationary policeman. The term "policeman" shall not
85 include:

86 (a) Any civilian employee of a police department; or

87 (b) Any person temporarily employed as a policeman for an emergency;

88 (19) "Political subdivision", any governmental subdivision of this state created pursuant
89 to the laws of this state, and having the power to tax, except public school districts; a board of
90 utilities or a board of public works which is required by charter or ordinance to establish the
91 compensation of employees of the utility separate from the compensation of other employees of
92 the city may be considered a political subdivision for purposes of sections 70.600 to 70.755; a
93 joint municipal utility commission may be considered a political subdivision for purposes of
94 sections 70.600 to 70.755;

95 (20) "Prior service", employment as an employee with the political subdivision prior to
96 the date such political subdivision becomes an employer, which employment is creditable as
97 service hereunder;

98 (21) "Regular interest" or "investment credits", such reasonable rate or rates per annum,
99 compounded annually, as the board shall adopt annually;

100 (22) "Reserve", the present value of all payments to be made on account of any system
101 benefit based upon such tables of experience and regular interest as the board shall adopt from
102 time to time;

103 (23) "Retirant", a former member receiving a system allowance by reason of having been
104 a member;

105 (24) "Retirement system" or "system", the Missouri local government employees'
106 retirement system.

**70.631. 1. Each political subdivision may, by majority vote of its governing body,
2 elect to cover emergency telecommunicators, jailors, and emergency medical service
3 personnel as public safety personnel members of the system. The clerk or secretary of the
4 political subdivision shall certify an election concerning the coverage of emergency
5 telecommunicators, jailors, and emergency medical service personnel as public safety
6 personnel members of the system to the board within ten days after such vote. The date
7 on which the political subdivision's election becomes effective shall be the first day of the
8 calendar month specified by such governing body, the first day of the calendar month next
9 following receipt by the board of the certification of the election, or the effective date of the
10 political subdivision's becoming an employer, whichever is the latest date. Such election**

11 shall not be changed after the effective date. If the election is made, the coverage
12 provisions shall be applicable to all past and future employment with the employer by
13 present and future employees. If a political subdivision makes no election under this
14 section, no emergency telecommunicator, jailor, or emergency medical service personnel
15 of the political subdivision shall be considered public safety personnel for purposes
16 determining a minimum service retirement age as defined in section 70.600.

17 2. If an employer elects to cover emergency telecommunicators, jailors, and
18 emergency medical service personnel as public safety personnel members of the system, the
19 employer's contributions shall be correspondingly changed effective the same date as the
20 effective date of the political subdivision's election.

21 3. The limitation on increases in an employer's contributions provided by
22 subsection 6 of section 70.730 shall not apply to any contribution increase resulting from
23 an employer making an election under the provisions of this section.

79.132. Any city of the fourth classification with more than eight thousand but fewer
2 than nine thousand inhabitants and located in any county with a charter form of
3 government and with more than nine hundred fifty thousand inhabitants shall not enact,
4 adopt, maintain, or enforce any ordinance, rule, regulation, policy, or other similar
5 measure that restricts, limits, or controls the structural dimensions of any structure which
6 encloses real property wholly or partially to impede entry or exit situated on a residential
7 property.

105.035. No person shall be appointed to an elected public office in the state of
2 Missouri who is delinquent in the payment of state income tax, personal property tax, or
3 real property tax on the person's place of residence. A candidate for such appointed public
4 office shall provide the appointing authority thereof with a signed and notarized affidavit
5 stating that all state income taxes and property taxes, both personal property and real
6 property, have been paid or the fact that no taxes were owed for the two fiscal years
7 immediately prior to the filing deadline for the requisite elective public office.

105.145. 1. The following definitions shall be applied to the terms used in this section:
2 (1) "Governing body", the board, body, or persons in which the powers of a political
3 subdivision as a body corporate, or otherwise, are vested;

4 (2) "Political subdivision", any agency or unit of this state, except counties and school
5 districts, which now is, or hereafter shall be, authorized to levy taxes or empowered to cause
6 taxes to be levied.

7 2. The governing body of each political subdivision in the state shall cause to be
8 prepared an annual report of the financial transactions of the political subdivision in such
9 summary form as the state auditor shall prescribe by rule, except that the annual report of

10 political subdivisions whose cash receipts for the reporting period are ten thousand dollars or less
11 shall only be required to contain the cash balance at the beginning of the reporting period, a
12 summary of cash receipts, a summary of cash disbursements and the cash balance at the end of
13 the reporting period.

14 3. Within such time following the end of the fiscal year as the state auditor shall
15 prescribe by rule, the governing body of each political subdivision shall cause a copy of the
16 annual financial report to be remitted to the state auditor.

17 4. The state auditor shall immediately on receipt of each financial report acknowledge
18 the receipt of the report.

19 5. In any fiscal year no member of the governing body of any political subdivision of the
20 state shall receive any compensation or payment of expenses after the end of the time within
21 which the financial statement of the political subdivision is required to be filed with the state
22 auditor and until such time as the notice from the state auditor of the filing of the annual financial
23 report for the fiscal year has been received.

24 6. The state auditor shall prepare sample forms for financial reports and shall mail the
25 same to the political subdivisions of the state. Failure of the auditor to supply such forms shall
26 not in any way excuse any person from the performance of any duty imposed by this section.

27 7. All reports or financial statements hereinabove mentioned shall be considered to be
28 public records.

29 8. The provisions of this section apply to the board of directors of every transportation
30 development district organized under sections 238.200 to 238.275.

31 9. Any political subdivision that fails to timely submit a copy of the annual financial
32 statement to the state auditor shall be subject to a fine of five hundred dollars per day; **however,**
33 **the fine shall not exceed ten percent of the total sales and use tax distribution of the fiscal**
34 **year for which the annual financial statement was not timely filed.**

35 10. The state auditor shall report any violation of subsection 9 of this section to the
36 department of revenue. Upon notification from the state auditor's office that a political
37 subdivision failed to timely submit a copy of the annual financial statement, the department of
38 revenue shall notify such political subdivision by certified mail that the statement has not been
39 received. Such notice shall clearly set forth the following:

40 (1) The name of the political subdivision;

41 (2) That the political subdivision shall be subject to a fine of five hundred dollars per day
42 if the political subdivision does not submit a copy of the annual financial statement to the state
43 auditor's office within thirty days from the postmarked date stamped on the certified mail
44 envelope;

45 (3) That the fine will be enforced and collected as provided under subsection 11 of this
46 section; and

47 (4) That the fine will begin accruing on the thirty-first day from the postmarked date
48 stamped on the certified mail envelope and will continue to accrue until the state auditor's office
49 receives a copy of the financial statement.

50

51 In the event a copy of the annual financial statement is received within such thirty-day period,
52 no fine shall accrue or be imposed. The state auditor shall report receipt of the financial
53 statement to the department of revenue within ten business days. Failure of the political
54 subdivision to submit the required annual financial statement within such thirty-day period shall
55 cause the fine to be collected as provided under subsection 11 of this section.

56 11. The department of revenue may collect the fine authorized under the provisions of
57 subsection 9 of this section by offsetting any sales or use tax distributions due to the political
58 subdivision. The director of revenue shall retain two percent for the cost of such collection. The
59 remaining revenues collected from such violations shall be distributed annually to the schools
60 of the county in the same manner that proceeds for all penalties, forfeitures, and fines collected
61 for any breach of the penal laws of the state are distributed.

62 12. Any [~~transportation development district organized under sections 238.200 to~~
63 ~~238.275 having~~] **political subdivision that has** gross revenues of less than five thousand dollars
64 **or that has not levied or collected sales or use taxes** in the fiscal year for which the annual
65 financial statement was not timely filed shall not be subject to the fine authorized in this section.

66 **13. If the failure to timely submit the annual financial statement was the result of**
67 **fraud or other illegal conduct by an employee or officer of the political subdivision, the**
68 **failure shall not be subject to a fine authorized under this section if the statement is filed**
69 **within thirty days of the discovery of the fraud or illegal conduct. If a fine was assessed**
70 **and paid prior to the filing of the statement, the department of revenue shall refund the**
71 **fine upon notification from the political subdivision.**

72 **14. The director of revenue shall have the authority to make a one-time downward**
73 **adjustment to any outstanding penalty imposed by this section on a single political**
74 **subdivision if the director determines the fine is uncollectable. The director of revenue**
75 **may prescribe rules and regulations necessary to carry out the provisions of this**
76 **subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that**
77 **is created under the authority delegated in this section shall become effective only if it**
78 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
79 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
80 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**

81 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
82 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2019,**
83 **shall be invalid and void.**

105.666. 1. Each **defined benefit** plan shall, in conjunction with its staff and advisors,
2 establish a board member education program, which shall be in effect on or after January 1,
3 2008. The curriculum shall include, at a minimum, education in the areas of duties and
4 responsibilities of board members as trustees, ethics, governance process and procedures,
5 pension plan design and administration of benefits, investments including but not limited to the
6 fiduciary duties as defined under section 105.688, legal liability and risks associated with the
7 administration of a plan, sunshine law requirements under chapter 610, actuarial principles and
8 methods related to plan administration, and the role of staff and consultants in plan
9 administration. Board members appointed or elected on a board on or after January 1, 2008,
10 shall complete a board member education program of at least six hours designated to orient new
11 board members in the areas described in this section within ninety days of becoming a new board
12 member. Board members who have served one or more years **and administer a defined benefit**
13 **plan** shall attend at least a total of two hours of continuing education programs each year in the
14 areas described in this section.

15 2. Routine annual presentation by outside plan service providers shall not be used to
16 satisfy board member education or continuing education program requirements contained in
17 subsection 1 of this section. Such service providers may be utilized to perform education
18 programs with such programs being separate and apart from routine annual presentations.

19 3. Plan governing body or staff shall maintain a record of board member education
20 including, but not limited to, date, time length, location, education material, and any facilitator
21 utilized. The record shall be signed and attested to by the attending board member or board
22 chairperson or designee. Such information shall be maintained for public record and disclosure
23 for at least three years or until the expiration of such board member's term, whichever occurs
24 first.

25 4. A board member who is knowingly not participating in the required education
26 programs under this section may be removed from such board by a majority of the board
27 members which shall result in a vacancy to be filled in accordance with plan provisions except
28 that ex officio board members shall not be removed under this subsection.

29 5. Each plan shall, upon the request of any individual participant, provide an annual
30 pension benefit statement which shall be written in a manner calculated to be understood by the
31 average plan participant and may be delivered in written, electronic, or other appropriate form
32 to the extent such form is reasonably accessible to each participant or beneficiary. Such pension
33 benefit statement shall include, but not be limited to, **if defined benefit plan**, accrued participant

34 contributions to the plan[;] ; total benefits accrued[;] ; date first eligible for a normal retirement
35 benefit[;] ; and projected benefit at normal retirement. Any plan failing to do so shall submit in
36 writing to the joint committee on public employee retirement as to why the information may not
37 be provided as requested.

115.306. 1. No person shall qualify as a candidate for elective public office in the state
2 of Missouri who has been found guilty of or pled guilty to a felony or misdemeanor under the
3 federal laws of the United States of America or to a felony under the laws of this state or an
4 offense committed in another state that would be considered a felony in this state.

5 2. (1) Any person who files as a candidate for election to a public office shall be
6 disqualified from participation in the election for which the candidate has filed if such person
7 is delinquent in the payment of any state income taxes, personal property taxes, municipal taxes,
8 real property taxes on the place of residence, as stated on the declaration of candidacy, or if the
9 person is a past or present corporate officer of any fee office that owes any taxes to the state.

10 (2) Each potential candidate for election to a public office shall file an affidavit with the
11 department of revenue and include a copy of the affidavit with the declaration of candidacy
12 required under section 115.349. Such affidavit shall be in substantially the following form:

13 AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

14 I hereby declare under penalties of perjury that I am not currently aware of any
15 delinquency in the filing or payment of any state income taxes, personal property
16 taxes, municipal taxes, real property taxes on the place of residence, as stated on
17 the declaration of candidacy, or that I am a past or present corporate officer of
18 any fee office that owes any taxes to the state, other than those taxes which may
19 be in dispute. I declare under penalties of perjury that I am not aware of any
20 information that would prohibit me from fulfilling any bonding requirements for
21 the office for which I am filing.

22
23 _____ Candidate's Signature

24
25 _____ Printed Name of Candidate

26 (3) Upon receipt of a complaint alleging a delinquency of the candidate in the filing or
27 payment of any state income taxes, personal property taxes, municipal taxes, real property taxes
28 on the place of residence, as stated on the declaration of candidacy, or if the person is a past or
29 present corporate officer of any fee office that owes any taxes to the state, the department of
30 revenue shall investigate such potential candidate to verify the claim contained in the complaint.
31 If the department of revenue finds a positive affirmation to be false, the department shall contact
32 the secretary of state, or the election official who accepted such candidate's declaration of

33 candidacy, and the potential candidate. The department shall notify the candidate of the
 34 outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed
 35 which are not the subject of dispute between the department and the candidate. If the candidate
 36 fails to remit such amounts in full within thirty days, the candidate shall be disqualified from
 37 participating in the current election and barred from refiling for an entire election cycle even if
 38 the individual pays all of the outstanding taxes that were the subject of the complaint.

39 **3. In addition to the requirements of subsections 1 and 2 of this section, the election**
 40 **authority of any city, town, village, or township shall require proof that a candidate for**
 41 **elective public office within the city, town, village, or township is not delinquent in the**
 42 **payment of state income tax, personal property tax, or real property tax on the candidate's**
 43 **place of residence. A candidate for such elective public office shall provide the election**
 44 **authority thereof with a signed and notarized affidavit stating that all state income taxes**
 45 **and property taxes, both personal property and real property, have been paid or the fact**
 46 **that no taxes were owed for the two fiscal years immediately prior to the filing deadline for**
 47 **the requisite elective public office.**

115.357. 1. Except as provided in subsections 3 and 4 of this section, each candidate for
 2 federal, state or county office shall, before filing his **or her** declaration of candidacy, pay to the
 3 treasurer of the state or county committee of the political party upon whose ticket he **or she** seeks
 4 nomination a certain sum of money as follows:

5 (1) To the treasurer of the state central committee, two hundred dollars if he or she is a
 6 candidate for statewide office or for United States senator, one hundred dollars if he or she is a
 7 candidate for representative in Congress, circuit judge or state senator, and fifty dollars if he or
 8 she is a candidate for state representative;

9 (2) To the treasurer of the county central committee, [~~fifty~~] **twenty-five** dollars if he or
 10 she is a candidate for county office.

11 2. The required sum may be submitted by the candidate to the official accepting his **or**
 12 **her** declaration of candidacy. All sums so submitted shall be forwarded promptly by the official
 13 to the treasurer of the appropriate party committee.

14 3. Any person who cannot pay the fee required to file as a candidate may have the fee
 15 waived by filing a declaration of inability to pay and a petition with his **or her** declaration of
 16 candidacy. Each such declaration shall be in substantially the following form:

17 DECLARATION OF INABILITY TO PAY FILING FEE

18 I, _____, do hereby swear that I am financially unable to pay the fee of _____
 19 (amount of fee) to file as a candidate for nomination to the office of _____ at the
 20 primary election to be held on the _____ day of _____, 20____.

21

22 _____ Subscribed and sworn to before me this
 23 Signature of candidate _____ day of _____, 20_____.
 24 _____
 25 Residence address Signature of election official or officer
 authorized to administer oaths

26
 27 If the candidate's declaration of candidacy is to be filed in person, the declaration of inability to
 28 pay shall be subscribed and sworn to by the candidate before the election official who witnesses
 29 the candidate's declaration of candidacy. If his **or her** declaration of candidacy is to be filed by
 30 certified mail pursuant to subsection 2 of section 115.355, the declaration of inability to pay shall
 31 be subscribed and sworn to by the candidate before the notary or other officer who witnesses the
 32 candidate's declaration of candidacy. With his **or her** declaration of inability to pay, the
 33 candidate shall submit a petition endorsing his **or her** candidacy. Except for the number of
 34 signatures required, each such petition shall, insofar as practicable, be in the form provided in
 35 sections 115.321 and 115.325. If the person filing declaration of indigence is to be a candidate
 36 for statewide office, his **or her** petition shall be signed by the number of registered voters in the
 37 state equal to at least one-half of one percent of the total number of votes cast in the state for the
 38 office at the last election in which a candidate ran for the office. If the person filing a declaration
 39 of indigence is to be a candidate for any other office, the petition shall be signed by the number
 40 of registered voters in the district or political subdivision which is equal to at least one percent
 41 of the total number of votes cast for the office at the last election in which a candidate ran for the
 42 office. The candidate's declaration of inability to pay and the petition shall be filed at the same
 43 time and in the same manner as his **or her** declaration of candidacy is filed. The petition shall
 44 be checked and its sufficiency determined in the same manner as new party and independent
 45 candidate petitions.

46 4. No filing fee shall be required of any person who proposes to be an independent
 47 candidate, the candidate of a new party or a candidate for presidential elector.

48 5. Except as provided in subsections 3 and 4 of this section, no candidate's name shall
 49 be printed on any official ballot until the required fee has been paid.

**137.181. If the assessment of real property for residential use increases more than
 2 ten percent in value on an annual basis and the assessment is appealed by the owner to the
 3 county board of equalization, the county commission, or a court of this state, the
 4 assessment shall be presumed erroneous and subject to modification by the county board
 5 of equalization, the county commission, or the court. However, the assessor, or other party**

6 **to the adjudication or appeal on behalf of the assessor, may overcome the presumption by**
7 **providing clear and convincing evidence that the assessed valuation was proper.**

161.700. 1. This section shall be known as the "Holocaust Education and Awareness
2 Commission Act".

3 2. There is hereby created a permanent state commission known as the "Holocaust
4 Education and Awareness Commission". The commission shall be housed in the department of
5 elementary and secondary education and shall promote implementation of holocaust education
6 and awareness programs in Missouri in order to encourage understanding of the holocaust and
7 discourage bigotry.

8 3. The commission shall be composed of twelve members to be appointed by the
9 governor with advice and consent of the senate. The makeup of the commission shall be:

10 (1) The commissioner of higher education;

11 (2) The commissioner of elementary and secondary education;

12 (3) The president of the University of Missouri system; and

13 (4) Nine members of the public, representative of the diverse religious and ethnic
14 heritage groups populating Missouri.

15 4. The holocaust education and awareness commission may receive such funds as
16 appropriated from public moneys or contributed to it by private sources. It may sponsor
17 programs or publications to educate the public about the crimes of genocide in an effort to deter
18 indifference to crimes against humanity and human suffering wherever they occur.

19 5. The term "holocaust" shall be defined as the period from 1933 through 1945 when six
20 million Jews and millions of others were murdered [~~in Nazi concentration camps~~] **by Nazi**
21 **Germany and its collaborators** as part of a structured, state-sanctioned program of genocide.

22 6. The commission may employ an executive director and such other persons to carry
23 out its functions.

162.291. The voters of each seven-director district other than urban districts shall, at
2 municipal elections, elect two directors who are citizens of the United States and resident
3 taxpayers of the district, who have resided in this state for one year next preceding their election
4 or appointment, and who are [~~at least twenty-four years of age~~] **twenty-one years of age or**
5 **older.**

190.050. 1. After the ambulance district has been declared organized, the declaring
2 county commission, except in counties of the second class having more than one hundred five
3 thousand inhabitants located adjacent to a county of the first class having a charter form of
4 government which has a population of over nine hundred thousand inhabitants, shall divide the
5 district into six election districts as equal in population as possible, and shall by lot number the
6 districts from one to six inclusive. The county commission shall cause an election to be held in

7 the ambulance district within ninety days after the order establishing the ambulance district to
8 elect ambulance district directors. Each voter shall vote for one director from the ambulance
9 election district in which the voter resides. The directors elected from districts one and four shall
10 serve for a term of one year, the directors elected from districts two and five shall serve for a
11 term of two years, and the directors from districts three and six shall serve for a term of three
12 years; thereafter, the terms of all directors shall be three years. All directors shall serve the term
13 to which they were elected or appointed, and until their successors are elected and qualified,
14 except in cases of resignation or disqualification. The county commission shall reapportion the
15 ambulance districts within sixty days after the population of the county is reported to the
16 governor for each decennial census of the United States. Notwithstanding any other provision
17 of law, if the number of candidates for the office of director is no greater than the number of
18 directors to be elected, no election shall be held, and the candidates shall assume the
19 responsibilities of their offices at the same time and in the same manner as if they have been
20 elected.

21 2. In all counties of the second class having more than one hundred five thousand
22 inhabitants located adjacent to a county of the first class having a charter form of government
23 which has a population of over nine hundred thousand inhabitants, the voters shall vote for six
24 directors elected at large from within the district for a term of three years. Those directors
25 holding office in any district in such a county on August 13, 1976, shall continue to hold office
26 until the expiration of their terms, and their successors shall be elected from the district at large
27 for a term of three years. In any district formed in such counties after August 13, 1976, the
28 governing body of the county shall cause an election to be held in that district within ninety days
29 after the order establishing the ambulance district to elect ambulance district directors. Each
30 voter shall vote for six directors. The two candidates receiving the highest number of votes at
31 such election shall be elected for a term of three years, the two candidates receiving the third and
32 fourth highest number of votes shall be elected for a term of two years, the two candidates
33 receiving the fifth and sixth highest number of votes shall be elected for a term of one year;
34 thereafter, the term of all directors shall be three years.

35 3. A candidate for director of the ambulance district shall, at the time of filing, be a
36 citizen of the United States, a qualified voter of the election district as provided in subsection 1
37 of this section, a resident of the district for two years next preceding the election, and shall be
38 ~~[at least twenty-four years of age]~~ **twenty-one years of age or older**. In an established district
39 which is located within the jurisdiction of more than one election authority, the candidate shall
40 file his or her declaration of candidacy with the secretary of the board. In all other districts, a
41 candidate shall file a declaration of candidacy with the county clerk of the county in which he
42 or she resides. A candidate shall file a statement under oath that he or she possesses the required

43 qualifications. No candidate's name shall be printed on any official ballot unless the candidate
 44 has filed a written declaration of candidacy pursuant to subsection 5 of section 115.127. If the
 45 time between the county commission's call for a special election and the date of the election is
 46 not sufficient to allow compliance with subsection 5 of section 115.127, the county commission
 47 shall, at the time it calls the special election, set the closing date for filing declarations of
 48 candidacy.

190.292. 1. In lieu of the tax levy authorized under section 190.305 for emergency
 2 telephone services, the county commission of any county may impose a county sales tax for the
 3 provision of central dispatching of fire protection, including law enforcement agencies,
 4 emergency ambulance service or any other emergency services, including emergency telephone
 5 services, which shall be collectively referred to herein as "emergency services", and which may
 6 also include the purchase and maintenance of communications and emergency equipment,
 7 including the operational costs associated therein, in accordance with the provisions of this
 8 section.

9 2. Such county commission may, by a majority vote of its members, submit to the voters
 10 of the county, at a public election, a proposal to authorize the county commission to impose a
 11 tax under the provisions of this section. If the residents of the county present a petition signed
 12 by a number of residents equal to ten percent of those in the county who voted in the most recent
 13 gubernatorial election, then the commission shall submit such a proposal to the voters of the
 14 county.

15 3. The ballot of submission shall be in substantially the following form:

16 Shall the county of _____ (insert name of county) impose a county sales tax of
 17 _____ (insert ~~rate of percent~~ **percentage**) percent for the purpose of providing
 18 central dispatching of fire protection, emergency ambulance service, including
 19 emergency telephone services, and other emergency services?

20 YES NO

21

22 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
 23 of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes
 24 cast by the qualified voters voting are opposed to the proposal, then the county commission shall
 25 have no power to impose the tax authorized by this section unless and until the county
 26 commission shall again have submitted another proposal to authorize the county commission to
 27 impose the tax under the provisions of this section, and such proposal is approved by a majority
 28 of the qualified voters voting thereon.

29 4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from
 30 the sale at retail of all tangible personal property or taxable services at retail within any county

31 adopting such tax, if such property and services are subject to taxation by the state of Missouri
32 under the provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior
33 to thirty-six months before operation of the central dispatching of emergency services.

34 5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
35 apply to the tax imposed under this section.

36 6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year
37 in which the tax imposed pursuant to this section for emergency services is certified by the board
38 to be fully operational. Any revenues collected from the tax authorized under section 190.305
39 shall be credited for the purposes for which they were intended.

40 7. At least once each calendar year, the board, as established by subsection 11 of this
41 section, shall establish a tax rate, not to exceed the amount authorized, that together with any
42 surplus revenues carried forward will produce sufficient revenues to fund the expenditures
43 authorized by sections 190.290 to 190.296. Amounts collected in excess of that necessary within
44 a given year shall be carried forward to subsequent years. The board shall make its
45 determination of such tax rate each year no later than September first and shall fix the new rate
46 which shall be collected as provided in sections 190.290 to 190.296. Immediately upon making
47 its determination and fixing the rate, the board shall publish in its minutes the new rate, and it
48 shall notify every retailer by mail of the new rate.

49 8. Immediately upon the affirmative vote of voters of such a county on the ballot
50 proposal to establish a county sales tax pursuant to the provisions of this section, the county
51 commission shall appoint the initial members of a board to administer the funds and oversee the
52 provision of emergency services in the county. Beginning with the general election in 1994, all
53 board members shall be elected according to this section and other applicable laws of this state.
54 At the time of the appointment of the initial members of the board, the commission shall
55 relinquish and no longer exercise the duties prescribed in this chapter with regard to the
56 provision of emergency services and such duties shall be exercised by the board.

57 9. The initial board shall consist of seven members appointed without regard to political
58 affiliation, three of whom shall be selected from, and who shall represent, the fire protection
59 districts, ambulance districts, sheriff's department, municipalities, and any other emergency
60 services. Four of the members of the board shall not be selected from or represent the fire
61 protection districts, ambulance districts, sheriff's department, municipalities, or any other
62 emergency services. Any individual serving on the board on August 28, 2004, may continue to
63 serve and seek reelection or reappointment to the board, notwithstanding any provisions of this
64 subsection. This initial board shall serve until its successor board is duly elected and installed
65 in office. The commission shall ensure geographic representation of the county by appointing
66 no more than four members from each district of the county commission.

67 10. **(1)** Beginning in 1994, three members shall be elected from each district of the
68 county commission and one member shall be elected at large. The members of the board shall
69 annually elect, from among their number, the chairman of the board. Of those first elected, four
70 members from districts of the county commission shall be elected for terms of two years and two
71 members from districts of the county commission and the member at large shall be elected for
72 terms of four years. In 1996, and thereafter, all terms of office shall be four years. The election
73 of the board members shall be conducted at the first municipal election held in a calendar year.

74 **(2) Alternatively, the county commission of any county of the first classification**
75 **with more than seventy thousand but fewer than eighty-three thousand inhabitants and**
76 **with a city of the fourth classification with more than thirteen thousand five hundred but**
77 **fewer than sixteen thousand inhabitants as the county seat may elect to set the term of**
78 **office for board members and have the board consist of seven members, elected as follows:**

79 **(a) Two members who reside in the most populous city in the county;**

80 **(b) Two members who reside in the second most populous city in the county;**

81 **(c) Two members who reside in the county but not within the two most populous**
82 **cities of the county; and**

83 **(d) One member who resides anywhere in the county elected at-large.**

84

85 **The commission shall appoint the initial members of the board without regard to political**
86 **affiliation, but board membership shall be an elected position thereafter.**

87 11. When the board is organized, it shall be a body corporate and a political subdivision
88 of the state and shall be known as the "_____ Emergency Services Board".

89 12. This section shall only apply to any county of the third classification without a
90 township form of government and with more than twenty-four thousand five hundred but less
91 than twenty-four thousand six hundred inhabitants.

190.293. 1. In lieu of the tax levy authorized under section 190.305 for emergency
2 **telephone services, the county commission of a county of the first classification with more**
3 **than seventy thousand but fewer than eighty-three thousand inhabitants and with a city**
4 **of the fourth classification with more than thirteen thousand five hundred but fewer than**
5 **sixteen thousand inhabitants as the county seat may impose a county sales tax for the**
6 **provision of central dispatching of fire protection, including law enforcement agencies,**
7 **emergency ambulance service, or any other emergency services, including emergency**
8 **telephone services, which shall be collectively referred to herein as "emergency services"**
9 **and which may also include the purchase and maintenance of communications and**
10 **emergency equipment, including the operational costs associated therein, in accordance**
11 **with the provisions of this section.**

12 **2. Such county commission may, by a majority vote of its members, submit to the**
13 **voters of the county, at a public election, a proposal to authorize the county commission to**
14 **impose a tax under the provisions of this section. If the residents of the county present a**
15 **petition signed by a number of residents equal to ten percent of those in the county who**
16 **voted in the most recent gubernatorial election, then the commission shall submit such a**
17 **proposal to the voters of the county.**

18 **3. The ballot of submission shall be in substantially the following form:**
19 **Shall the county of _____ (insert name of county) impose a county sales tax**
20 **of _____ (insert percentage) percent for the purpose of providing central**
21 **dispatching of fire protection, emergency ambulance service, emergency**
22 **telephone services, and other emergency services?**

23 **YES** **NO**

24

25 **If a majority of the votes cast on the proposal by the qualified voters voting thereon are in**
26 **favor of the proposal, the ordinance shall be in effect as provided herein. If a majority of**
27 **the votes cast by the qualified voters voting thereon are opposed to the proposal, the county**
28 **commission shall have no power to impose the tax authorized by this section unless and**
29 **until the county commission shall again have submitted another proposal to authorize the**
30 **county commission to impose the tax under the provisions of this section and such proposal**
31 **is approved by a majority of the qualified voters voting thereon.**

32 **4. The sales tax may be imposed at a rate not to exceed one percent on the receipts**
33 **from the sale at retail of all tangible personal property or taxable services at retail within**
34 **any county adopting such tax, if such property and services are subject to taxation by the**
35 **state of Missouri under the provisions of sections 144.010 to 144.525. The sales tax shall**
36 **not be collected prior to thirty-six months before operation of the central dispatching of**
37 **emergency services.**

38 **5. Except as modified in this section, all provisions of sections 32.085 and 32.087**
39 **shall apply to the tax imposed under this section.**

40 **6. Any tax imposed under section 190.305 shall terminate at the end of the tax year**
41 **in which the tax imposed pursuant to this section for emergency services is certified by the**
42 **board to be fully operational. Any revenues collected from the tax authorized under**
43 **section 190.305 shall be credited to the purposes for which they were intended.**

44 **7. Upon voter approval of the proposal, the county commission may elect to**
45 **establish a board to administer revenue from the tax and oversee the central dispatching**
46 **for emergency services. The commission shall appoint the initial members of the board**
47 **without regard to political affiliation, but board membership shall be an elected position**

48 thereafter. The commission shall set the term of office for board members. Upon
 49 appointing the initial members of the board, the commission shall relinquish, and the
 50 board shall assume, all powers and duties prescribed under this chapter regarding central
 51 dispatching for emergency services. Seven members shall comprise the board, elected as
 52 follows:

- 53 (1) Two members who reside in the most populous city in the county;
- 54 (2) Two members who reside in the second most populous city in the county;
- 55 (3) Two members who reside in the county but not within the two most populous
 56 cities of the county; and
- 57 (4) One member who resides anywhere in the county elected at-large.

58 8. At least once each calendar year, the emergency telephone service 911 board of
 59 the county shall establish a tax rate, not to exceed the amount authorized, that together
 60 with any surplus revenues carried forward shall produce sufficient revenues to fund the
 61 expenditures authorized by sections 190.290 to 190.296. Amounts collected in excess of that
 62 necessary within a given year shall be carried forward to subsequent years. The board
 63 shall make its determination of such tax rate each year before September first and shall fix
 64 the new rate which shall be collected as provided in sections 190.290 to 190.296.
 65 Immediately upon making its determination and fixing the rate, the board shall publish
 66 in its minutes the new rate and shall notify every retailer by mail of the new rate.

190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency
 2 telephone services, the county commission of any county may impose a county sales tax for the
 3 provision of central dispatching of fire protection, including law enforcement agencies,
 4 emergency ambulance service or any other emergency services, including emergency telephone
 5 services, which shall be collectively referred to herein as "emergency services", and which may
 6 also include the purchase and maintenance of communications and emergency equipment,
 7 including the operational costs associated therein, in accordance with the provisions of this
 8 section.

9 2. Such county commission may, by a majority vote of its members, submit to the voters
 10 of the county, at a public election, a proposal to authorize the county commission to impose a
 11 tax under the provisions of this section. If the residents of the county present a petition signed
 12 by a number of residents equal to ten percent of those in the county who voted in the most recent
 13 gubernatorial election, then the commission shall submit such a proposal to the voters of the
 14 county.

15 3. The ballot of submission shall be in substantially the following form:

16 Shall the county of _____ (insert name of county) impose a county sales tax of
 17 _____ (insert ~~rate of percent~~ **percentage**) percent for the purpose of providing

18 central dispatching of fire protection, emergency ambulance service, including
19 emergency telephone services, and other emergency services?

20 YES NO

21

22 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
23 of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes
24 cast by the qualified voters voting are opposed to the proposal, then the county commission shall
25 have no power to impose the tax authorized by this section unless and until the county
26 commission shall again have submitted another proposal to authorize the county commission to
27 impose the tax under the provisions of this section, and such proposal is approved by a majority
28 of the qualified voters voting thereon.

29 4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from
30 the sale at retail of all tangible personal property or taxable services at retail within any county
31 adopting such tax, if such property and services are subject to taxation by the state of Missouri
32 under the provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior
33 to thirty-six months before operation of the central dispatching of emergency services.

34 5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
35 apply to the tax imposed under this section.

36 6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year
37 in which the tax imposed pursuant to this section for emergency services is certified by the board
38 to be fully operational. Any revenues collected from the tax authorized under section 190.305
39 shall be credited for the purposes for which they were intended.

40 7. At least once each calendar year, the board shall establish a tax rate, not to exceed the
41 amount authorized, that together with any surplus revenues carried forward will produce
42 sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess
43 of that necessary within a given year shall be carried forward to subsequent years. The board
44 shall make its determination of such tax rate each year no later than September first and shall fix
45 the new rate which shall be collected as provided in this act. Immediately upon making its
46 determination and fixing the rate, the board shall publish in its minutes the new rate, and it shall
47 notify every retailer by mail of the new rate.

48 8. Immediately upon the affirmative vote of voters of such a county on the ballot
49 proposal to establish a county sales tax pursuant to the provisions of this section, the county
50 commission shall appoint the initial members of a board to administer the funds and oversee the
51 provision of emergency services in the county. Beginning with the general election in 1994, all
52 board members shall be elected according to this section and other applicable laws of this state.
53 At the time of the appointment of the initial members of the board, the commission shall

54 relinquish and no longer exercise the duties prescribed in this chapter with regard to the
55 provision of emergency services and such duties shall be exercised by the board.

56 9. The initial board shall consist of seven members appointed without regard to political
57 affiliation, who shall be selected from, and who shall represent, the fire protection districts,
58 ambulance districts, sheriff's department, municipalities, any other emergency services and the
59 general public. This initial board shall serve until its successor board is duly elected and
60 installed in office. The commission shall ensure geographic representation of the county by
61 appointing no more than four members from each district of the county commission.

62 10. Beginning in 1994, three members shall be elected from each district of the county
63 commission and one member shall be elected at large, such member to be the chairman of the
64 board. Of those first elected, four members from districts of the county commission shall be
65 elected for terms of two years and two members from districts of the county commission and the
66 member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of
67 office shall be four years; provided that, if a board established under this section consolidates
68 with a board established under this section, section 190.327, or section 190.328, under the
69 provisions of section 190.470, the term of office for the existing board members shall end on the
70 thirtieth day following the appointment of the initial board of directors for the consolidated
71 district. Notwithstanding any other provision of law, if there is no candidate for an open position
72 on the board, then no election shall be held for that position and it shall be considered vacant,
73 to be filled pursuant to the provisions of section 190.339, and, if there is only one candidate for
74 each open position, no election shall be held and the candidate or candidates shall assume office
75 at the same time and in the same manner as if elected.

76 11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary,
77 in any county of the first classification with more than two hundred forty thousand three hundred
78 but fewer than two hundred forty thousand four hundred inhabitants or in any county of the third
79 classification with a township form of government and with more than twenty-eight thousand
80 but fewer than thirty-one thousand inhabitants or in any county of the third classification without
81 a township form of government and with more than thirty-seven thousand but fewer than
82 forty-one thousand inhabitants and with a city of the fourth classification with more than four
83 thousand five hundred but fewer than five thousand inhabitants as the county seat, any
84 emergency telephone service 911 board appointed by the county under section 190.309 which
85 is in existence on the date the voters approve a sales tax under this section shall continue to exist
86 and shall have the powers set forth under section 190.339. Such boards which existed prior to
87 August 25, 2010, shall not be considered a body corporate and a political subdivision of the state
88 for any purpose, unless and until an order is entered upon an unanimous vote of the
89 commissioners of the county in which such board is established reclassifying such board as a

90 corporate body and political subdivision of the state. The order shall approve the transfer of the
91 assets and liabilities related to the operation of the emergency telephone service 911 system to
92 the new entity created by the reclassification of the board.

93 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the
94 contrary, in any county of the second classification with more than fifty-four thousand two
95 hundred but fewer than fifty-four thousand three hundred inhabitants or any county of the first
96 classification with more than fifty thousand but fewer than seventy thousand inhabitants that has
97 approved a sales tax under this section, the county commission shall appoint the members of the
98 board to administer the funds and oversee the provision of emergency services in the county.

99 (2) The board shall consist of seven members appointed without regard to political
100 affiliation. Except as provided in subdivision (4) of this subsection, each member shall be one
101 of the following:

- 102 (a) The head of any of the county's fire protection districts, or a designee;
- 103 (b) The head of any of the county's ambulance districts, or a designee;
- 104 (c) The county sheriff, or a designee;
- 105 (d) The head of any of the police departments in the county, or a designee; and
- 106 (e) The head of any of the county's emergency management organizations, or a designee.

107 (3) Upon the appointment of the board under this subsection, the board shall have the
108 power provided in section 190.339 and shall exercise all powers and duties exercised by the
109 county commission under this chapter, and the commission shall relinquish all powers and duties
110 relating to the provision of emergency services under this chapter to the board.

111 (4) In any county of the first classification with more than fifty thousand but fewer than
112 seventy thousand inhabitants, each of the entities listed in subdivision (2) of this subsection shall
113 be represented on the board by at least one member.

114 (5) In any county with more than fifty thousand but fewer than seventy thousand
115 inhabitants and with a county seat with more than two thousand one hundred but fewer than two
116 thousand four hundred inhabitants, the entities listed in subdivision (2) of this subsection shall
117 be represented by one member, and two members shall be residents of the county not affiliated
118 with any of the entities listed in subdivision (2) of this subsection and shall be known as public
119 members.

120 **13. Notwithstanding the provisions of subsections 8 to 10 of this section to the**
121 **contrary, the county commission of any county of the first classification with more than**
122 **seventy thousand but fewer than eighty-three thousand inhabitants and with a city of the**
123 **fourth classification with more than thirteen thousand five hundred but fewer than sixteen**
124 **thousand inhabitants as the county seat may elect to set the term of office for board**
125 **members and have the board consist of seven members, elected as follows:**

- 126 **(1) Two members who reside in the most populous city in the county;**
127 **(2) Two members who reside in the second most populous city in the county;**
128 **(3) Two members who reside in the county but not within the two most populous**
129 **cities of the county; and**
130 **(4) One member who resides anywhere in the county elected at-large.**

131

132 **The commission shall appoint the initial members of the board without regard to political**
133 **affiliation, but board membership shall be an elected position thereafter.**

134 **14.** Any county that has authorized a tax levy under this section, and such levy is reduced
135 automatically in future years, shall not submit to the voters of the county for approval any
136 proposal authorized under this section that is greater than the amount at the time of reduction.

190.455. 1. Except as provided under subsection 9 of this section, in lieu of the tax levy
2 authorized under section 190.305 or 190.325, or the sales tax imposed under section 190.292 or
3 190.335, the governing body of any county, city not within a county, or home rule city with more
4 than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any
5 county of the third classification without a township form of government and with more than
6 thirty-seven thousand but fewer than forty-one thousand inhabitants may impose, by order or
7 ordinance, a monthly fee on subscribers of any communications service that has been enabled
8 to contact 911. The monthly fee authorized in this section shall not exceed one dollar and shall
9 be assessed to the subscriber of the communications service, regardless of technology, based
10 upon the number of active telephone numbers, or their functional equivalents or successors,
11 assigned by the provider and capable of simultaneously contacting the public safety answering
12 point; provided that, for multiline telephone systems and for facilities provisioned with capacity
13 greater than a voice-capable grade channel or its equivalent, regardless of technology, the charge
14 shall be assessed on the number of voice-capable grade channels as provisioned by the provider
15 that allow simultaneous contact with the public safety answering point. Only one fee may be
16 assessed per active telephone number, or its functional equivalent or successor, used to provide
17 a communications service. No fee imposed under this section shall be imposed on more than one
18 hundred voice-grade channels or their equivalent per person per location. Notwithstanding any
19 provision of this section to the contrary, the monthly fee shall not be assessed on the provision
20 of broadband internet access service. The fee shall be imposed solely for the purpose of funding
21 911 service in such county or city. The monthly fee authorized in this section shall be limited
22 to one fee per device. The fee authorized in this section shall be in addition to all other taxes and
23 fees imposed by law and may be stated separately from all other charges and taxes. The fee shall
24 be the liability of the subscriber, not the provider, except that the provider shall be liable to remit
25 all fees that the provider collects under this section.

26 2. No such order or ordinance adopted under this section shall become effective unless
27 the governing body of the county or city submits to the voters residing within the county or city
28 at a state general, primary, or special election a proposal to authorize the governing body to
29 impose a fee under this section. The question submitted shall be in substantially the following
30 form:

31 "Shall _____ (insert name of county or city) impose a monthly fee of
32 _____ (insert amount) on a subscriber of any communications service that
33 has been enabled to contact 911 for the purpose of funding 911 service in the
34 _____ (county or city)?".

35

36 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
37 of the question, the fee shall become effective on the first day of the second calendar quarter after
38 the director of revenue receives notification of adoption of the fee. If a majority of the votes cast
39 on the question by the qualified voters voting thereon are opposed to the question, the fee shall
40 not become effective unless and until the question is resubmitted under this section to the
41 qualified voters and such question is approved by a majority of the qualified voters voting on the
42 question.

43 3. Except as modified in this section, all provisions of sections 32.085 and 32.087 and
44 subsection 7 of section 144.190 shall apply to the fee imposed under this section.

45 4. **(1)** All revenue collected under this section by the director of the department of
46 revenue on behalf of the county or city, except for two percent to be withheld by the provider for
47 the cost of administering the collection and remittance of the fee, and one percent for the cost
48 of collection which shall be deposited in the state's general revenue fund, shall be deposited in
49 the Missouri 911 service trust fund created under section 190.420. The director of the
50 department of revenue shall remit such funds to the county or city on a monthly basis. The
51 governing body of any such county or city shall control such funds remitted to the county or city
52 unless the county or city has established an elected board for the purpose of administering such
53 funds.

54 **(2)** In the event that any county or city has established a board under any other provision
55 of state law for the purpose of administering funds for 911 service, such existing board may
56 continue to perform such functions after the county or city has adopted the monthly fee under
57 this section.

58 **(3) If the county commission of any county of the first classification with more than**
59 **seventy thousand but fewer than eighty-three thousand inhabitants and with a city of the**
60 **fourth classification with more than thirteen thousand five hundred but fewer than sixteen**
61 **thousand inhabitants as the county seat elects to establish a board, the commission shall**

62 **appoint the initial members of the board without regard to political affiliation, but board**
63 **membership shall be an elected position thereafter. The commission shall set the term of**
64 **office for board members. Upon appointing the initial members of the board, the**
65 **commission shall relinquish, and the board shall assume, all powers and duties prescribed**
66 **under this chapter regarding central dispatching for emergency services. Seven members**
67 **shall comprise the board, elected as follows:**

- 68 (a) **Two members who reside in the most populous city in the county;**
- 69 (b) **Two members who reside in the second most populous city in the county;**
- 70 (c) **Two members who reside in the county but not within the two most populous**
71 **cities of the county; and**
- 72 (d) **One member who resides anywhere in the county elected at-large.**

73 5. Nothing in this section imposes any obligation upon a provider of a communications
74 service to take any legal action to enforce the collection of the tax imposed in this section. The
75 tax shall be collected in compliance, as applicable, with the federal Mobile Telecommunications
76 Sourcing Act, 4 U.S.C. Sections 116 to 124, as amended.

77 6. Notwithstanding any other provision of law to the contrary, proprietary information
78 submitted under this section shall only be subject to subpoena or lawful court order. Information
79 collected under this section shall only be released or published in aggregate amounts that do not
80 identify or allow identification of numbers of subscribers or revenues attributable to an
81 individual communications service provider.

82 7. Notwithstanding any other provision of law to the contrary, in no event shall any
83 communications service provider, its officers, employees, assigns, agents, vendors, or anyone
84 acting on behalf of such persons, be liable for any form of civil damages or criminal liability that
85 directly or indirectly results from, or is caused by:

86 (1) An act or omission in the development, design, installation, operation, maintenance,
87 performance, or provision of service to a public safety answering point or to subscribers that use
88 such service, whether providing such service is required by law or is voluntary; or

89 (2) The release of subscriber information to any governmental entity under this section
90 unless such act, release of subscriber information, or omission constitutes gross negligence,
91 recklessness, or intentional misconduct.

92

93 Nothing in this section is intended to void or otherwise override any contractual obligation
94 pertaining to equipment or services sold to a public safety answering point by a communications
95 service provider. No cause of action shall lie in any court of law against any provider of
96 communications service, commercial mobile service, or other communications-related service,
97 or its officers, employees, assignees, agents, vendors, or anyone acting on behalf of such persons,

98 for providing call location information concerning the user of any such service in an emergency
99 situation to a law enforcement official or agency in order to respond to a call for emergency
100 service by a subscriber, customer, or user of such service or for providing caller location
101 information or doing a ping locate in an emergency situation that involves danger of death or
102 serious physical injury to any person where disclosure of communications relating to the
103 emergency is required without delay, whether such provision of information is required by law
104 or voluntary.

105 8. The fee imposed under this section shall not be imposed on customers who pay for
106 service prospectively, including customers of prepaid wireless telecommunications service.

107 9. The fee imposed under this section shall not be imposed in conjunction with any tax
108 imposed under section 190.292, 190.305, 190.325, or 190.335. No county or city shall
109 simultaneously impose more than one tax authorized in this section or section 190.292, 190.305,
110 190.325, or 190.335. No fee imposed under this section shall be imposed on more than one
111 hundred exchange access facilities or their equivalent per person per location. The fee imposed
112 under this section shall not be imposed in conjunction with any tax imposed for central
113 dispatching of emergency services in any home rule city with more than four hundred thousand
114 inhabitants and located in more than one county or any county containing a portion of such city,
115 and such city or counties shall not simultaneously impose more than one tax or fee for central
116 dispatching of emergency services; provided however, if any such county approves the fee
117 authorized under this section, collection of such fee shall be in lieu of any tax authorized for
118 central dispatching of emergency services in the county and any portion of the city within the
119 county.

120 10. No county or legally authorized entity shall submit a proposal to the voters of the
121 county under this section or section 190.335 until either:

122 (1) All providers of emergency telephone service as defined in section 190.300 and
123 public safety answering point operations within the county are consolidated into one public
124 agency as defined in section 190.300 that provides emergency telephone service for the county,
125 or such providers and the public safety answering point have entered into a shared services
126 agreement for such services;

127 (2) The county develops a plan for consolidation of emergency telephone service, as
128 defined in section 190.300, and public safety answering point operations within the county are
129 consolidated into one public agency, as defined in section 190.300, that provides emergency
130 telephone service for the county; or

131 (3) The county emergency services board, as defined in section 190.290, develops a plan
132 for consolidation of emergency telephone service, as defined in section 190.300, and public
133 safety answering point operations within the county that includes either consolidation or entering

134 into a shared services agreement for such services, which shall be implemented on approval of
135 the fee by the voters.

136 11. Any plan developed under subdivision (2) or (3) of subsection 10 of this section shall
137 be filed with the Missouri 911 service board under subsection 4 of section 650.330. Any plan
138 that is filed under this subsection shall provide for the establishment of a joint emergency
139 communications board as described in section 70.260 unless a joint emergency communication
140 board or emergency services board for the area in question has been previously established. The
141 director of the department of revenue shall not remit any funds as provided under this section
142 until the department receives notification from the Missouri 911 service board that the county
143 has filed a plan that is ready for implementation. If, after one year following the enactment of
144 the fee described in subsection 1 of this section, the county has not complied with the plan that
145 the county submitted under subdivision (2) or (3) of subsection 10 of this section, but the county
146 has substantially complied with the plan, the Missouri 911 service board may grant the county
147 an extension of up to six months to comply with its plan. Not more than one extension may be
148 granted to a county. The authority to impose the fee granted to the county in subsection 1 of this
149 section shall be null and void if after one year following the enactment of the fee described in
150 subsection 1 of this section the county has not complied with the plan and has not been granted
151 an extension by the Missouri 911 service board, or if the six-month extension expires and the
152 county has not complied with the plan.

153 12. Each county that does not have a public agency, as defined in section 190.300, that
154 provides emergency telephone service as defined in section 190.300 for the county shall either:

155 (1) Enter into a shared-services agreement for providing emergency telephone services
156 with a public agency that provides emergency telephone service, if such an agreement is feasible;
157 or

158 (2) Form with one or more counties an emergency telephone services district in
159 conjunction with any county with a public agency that provides emergency telephone service
160 within the county. If such a district is formed under this subdivision, the governing body of such
161 district shall be the county commissioners of each county within the district, and each county
162 within such district shall submit to the voters of the county a proposal to impose the fee under
163 this section.

164 13. A county operating joint or shared emergency telephone service, as defined in section
165 190.300, may submit to the voters of the county a proposal to impose the fee to support joint
166 operations and further consolidation under this section.

167 14. All 911 fees shall be imposed as provided in the Mobile Telecommunications
168 Sourcing Act, 4 U.S.C. Sections 116 to 124, as amended.

169 15. Nothing in subsections 10, 11, 12, and 13 of this section shall apply to a county with
170 a charter form of government where all public safety answering points within the county utilize
171 a common 911 communication service as implemented by the appropriate local and county
172 agencies prior to August 28, 2018.

173 16. Any home rule city with more than four hundred thousand inhabitants and located
174 in more than one county and any county in which it is located shall establish an agreement
175 regarding the allocation of anticipated revenue created upon passage of a ballot proposition
176 submitted to the voters as provided for in sections 190.292, 190.305, 190.325, 190.335, and
177 190.455, as well as revenue provided based upon section 190.460 and the divided costs related
178 to regional 911 services. The allocation and actual expenses of the regional 911 service shall be
179 determined based upon the percentage of residents of each county who also reside in the home
180 rule city. The agreement between the counties and the home rule city may either be between the
181 individual counties and the home rule city or jointly between all entities. The agreement to
182 divide costs and revenue as required in this section shall not take effect until the passage of a
183 ballot proposition as provided for in section 190.292, 190.305, 190.325, 190.335, or 190.455.
184 The population shall be determined based upon the most recent decennial census. This
185 subsection shall not apply to a county of the first classification without a charter form of
186 government and with less than five percent of its population living in any home rule city with
187 more than four hundred thousand inhabitants and located in more than one county.

204.610. 1. There shall be five trustees, appointed or elected as provided for in the
2 circuit court decree or amended decree of incorporation for a reorganized common sewer district,
3 who shall reside within the boundaries of the district. Each trustee shall be a voter of the district
4 and shall have resided in said district for twelve months immediately prior to the trustee's
5 election or appointment. A trustee shall be ~~[at least twenty-five years of age]~~ **twenty-one years**
6 **of age or older** and shall not be delinquent in the payment of taxes at the time of the trustee's
7 election or appointment. Regardless of whether or not the trustees are elected or appointed, in
8 the event the district extends into any county bordering the county in which the greater portion
9 of the district lies, the presiding commissioner or other chief executive officer of the adjoining
10 county shall be an additional member of the board of trustees, or the governing body of such
11 bordering county may appoint a citizen from such county to serve as an additional member of
12 the board of trustees. Said additional trustee shall meet the qualifications set forth in this section
13 for a trustee.

14 2. The trustees shall receive no compensation for their services but may be compensated
15 for reasonable expenses normally incurred in the performance of their duties. The board of
16 trustees may employ and fix the compensation of such staff as may be necessary to discharge the
17 business and purposes of the district, including clerks, attorneys, administrative assistants, and

18 any other necessary personnel. The board of trustees may employ and fix the duties and
19 compensation of an administrator for the district. The administrator shall be the chief executive
20 officer of the district subject to the supervision and direction of the board of trustees. The
21 administrator of the district may, with the approval of the board of trustees, retain consulting
22 engineers for the district under such terms and conditions as may be necessary to discharge the
23 business and purposes of the district.

24 3. Except as provided in subsection 1 of this section, the term of office of a trustee shall
25 be five years. The remaining trustees shall appoint a person qualified under this section to fill
26 any vacancy on the board. The initial trustees appointed by the circuit court shall serve until the
27 first Tuesday after the first Monday in June or until the first Tuesday after the first Monday in
28 April, depending upon the resolution of the trustees. In the event that the trustees are elected,
29 said elections shall be conducted by the appropriate election authority under chapter 115.
30 Otherwise, trustees shall be appointed by the county commission in accordance with the
31 qualifications set forth in subsection 1 of this section.

32 4. Notwithstanding any other provision of law, if there is only one candidate for the post
33 of trustee, then no election shall be held, and the candidate shall assume the responsibilities of
34 office at the same time and in the same manner as if elected. If there is no candidate for the post
35 of trustee, then no election shall be held for that post and it shall be considered vacant, to be
36 filled under the provisions of subsection 3 of this section.

247.060. 1. The management of the business and affairs of the district is hereby vested
2 in a board of directors, who shall have all the powers conferred upon the district except as herein
3 otherwise provided. It shall be composed of five members, each of whom shall be a voter of the
4 district and shall have resided in said district one whole year immediately prior to his or her
5 election. A member shall be ~~[at least twenty-five years of age]~~ **twenty-one years of age or older**
6 and shall not be delinquent in the payment of taxes at the time of his **or her** election. Except as
7 provided in subsection 2 of this section, the term of office of a member of the board shall be
8 three years. The remaining members of the board shall appoint a qualified person to fill any
9 vacancy on the board. If no qualified person who lives in the subdistrict for which there is a
10 vacancy is willing to serve on the board, the board may appoint an otherwise qualified person
11 who lives in the district but not in the subdistrict in which the vacancy exists to fill such vacancy.

12 2. After notification by certified mail that he or she has two consecutive unexcused
13 absences, any member of the board failing to attend the meetings of the board for three
14 consecutive regular meetings, unless excused by the board for reasons satisfactory to the board,
15 shall be deemed to have vacated the seat, and the secretary of the board shall certify that fact to
16 the board. The vacancy shall be filled as other vacancies occurring in the board.

17 3. The initial members of the board shall be appointed by the circuit court and one shall
18 serve until the immediately following first Tuesday after the first Monday in April, two shall
19 serve until the first Tuesday after the first Monday in April on the second year following their
20 appointment and the remaining appointees shall serve until the first Tuesday after the first
21 Monday in April on the third year following their appointment. On the expiration of such terms
22 and on the expiration of any subsequent term, elections shall be held as otherwise provided by
23 law, and such elections shall be held in April pursuant to section 247.180.

24 4. In 2008, 2009, and 2010, directors elected in such years shall serve from the first
25 Tuesday after the first Monday in June until the first Tuesday in April of the third year following
26 the year of their election. All directors elected thereafter shall serve from the first Tuesday in
27 April until the first Tuesday in April of the third year following the year of their election.

28 5. Each member of the board may receive an attendance fee not to exceed one hundred
29 dollars for attending each regularly called board meeting, or special meeting, but shall not be
30 paid for attending more than two meetings in any calendar month, except that in a county of the
31 first classification, a member shall not be paid for attending more than four meetings in any
32 calendar month. However, no board member shall be paid more than one attendance fee if such
33 member attends more than one board meeting in a calendar week. In addition, the president of
34 the board of directors may receive fifty dollars for attending each regularly or specially called
35 board meeting, but shall not be paid the additional fee for attending more than two meetings in
36 any calendar month. Each member of the board shall be reimbursed for his or her actual
37 expenditures in the performance of his or her duties on behalf of the district.

38 6. In no event, however, shall a board member receive any attendance fees or additional
39 compensation authorized in subsection 5 of this section until after such board member has
40 completed a minimum of six hours training regarding the responsibilities of the board and its
41 members concerning the basics of water treatment and distribution, budgeting and rates, water
42 utility planning, the funding of capital improvements, the understanding of water utility financial
43 statements, the Missouri sunshine law, and this chapter.

44 7. The circuit court of the county having jurisdiction over the district shall have
45 jurisdiction over the members of the board of directors to suspend any member from exercising
46 his or her office, whensoever it appears that he or she has abused his or her trust or become
47 disqualified; to remove any member upon proof or conviction of gross misconduct or
48 disqualification for his or her office; or to restrain and prevent any alienation of property of the
49 district by members, in cases where it is threatened, or there is good reason to apprehend that it
50 is intended to be made in fraud of the rights and interests of the district.

51 8. The jurisdiction conferred by this section shall be exercised as in ordinary cases upon
52 petition, filed by or at the instance of any member of the board, or at the instance of any ten

53 voters residing in the district who join in the petition, verified by the affidavit of at least one of
 54 them. The petition shall be heard in a summary manner after ten days' notice in writing to the
 55 member or officer complained of. An appeal shall lie from the judgment of the circuit court as
 56 in other causes, and shall be speedily determined; but an appeal does not operate under any
 57 condition as a supersedeas of a judgment of suspension or removal from office.

249.140. 1. Any candidate for the office of trustee in the district shall be an American
 2 citizen [~~over the age of twenty-five years~~] **twenty-one years of age or older** and shall have been
 3 a resident within the county within which the district is situated for more than four whole years
 4 next before the date of the election at which he is a candidate and shall be a voter of the district.
 5 Any person desiring to become a candidate for the office of trustee at the election held on the
 6 original incorporation of the district, as provided in section 249.070, shall file with the county
 7 commission or with the election commissioners a statement, under oath, that he possesses the
 8 qualifications required by sections 249.010 to 249.420 for trustee and shall pay a filing fee of
 9 five dollars, whereupon his name shall be placed on the ballot as candidate for trustee. Any
 10 person desiring to become a candidate for the office of trustee in any subsequent election shall
 11 file such statement, under oath, with and pay such filing fee to the secretary of the board of
 12 trustees, whereupon his name shall be placed on the ballot as candidate for the office of trustee.

13 2. At such initial election the candidate who receives the highest number of votes shall
 14 be elected for a six-year term as trustee; the candidate who receives the second highest number
 15 of votes shall be elected for a four-year term as trustee; the candidate who receives the third
 16 highest number of votes shall be elected for a two-year term as trustee.

17 3. After his election each trustee shall take and subscribe his oath or affirmation before
 18 the clerk of the circuit court to the effect that he is qualified to act as trustee under the provisions
 19 of sections 249.010 to 249.420 and that he will perform his duties as such trustee to the best of
 20 his ability and impartially in the interest of the whole district.

253.403. 1. From the moneys in the historic preservation revolving fund, upon
 2 appropriation by the general assembly, the department of natural resources may acquire,
 3 preserve, restore, hold, maintain or operate any historic properties, together with such adjacent
 4 or associated lands as may be necessary for their protection, preservation, maintenance, or
 5 operation, **or may award grants to preserve, protect, or restore historic county courthouses**
 6 **and historic county courthouse grounds.** Acquisition of historic property may include
 7 acquiring the fee simple title or any lesser interest therein. Property may be acquired by gift,
 8 grant, bequest, devise, lease, purchase or otherwise, but not by condemnation.

9 2. **The department of natural resources is authorized to award grants to preserve,**
 10 **protect, or restore historic county courthouses and historic county courthouse grounds in**
 11 **accordance with rules the department shall promulgate. The department of natural**

12 resources shall administer and act as the fiscal agent for the grant program and shall be
13 responsible for receiving and reviewing grant applications and awarding any grants under
14 this section. Any rule or portion of a rule, as that term is defined in section 536.010, that
15 is created under the authority delegated in this section shall become effective only if it
16 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
17 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
18 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
19 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
20 grant of rulemaking authority and any rule proposed or adopted after August 28, 2019,
21 shall be invalid and void.

262.760. 1. Notwithstanding any provision of law to the contrary, no law,
2 ordinance, or rule shall be enacted by any village, town, city, or county, including any
3 home rule city, that terminates, bans, or effectively bans, by creating undue financial
4 hardship, the job or use of working animals or animal enterprise in commerce including,
5 but not limited to, entertainment, transportation, education, or exhibition.

6 2. Nothing in this section shall alter state or federal laws or statutes that regulate
7 animal care, public health, and safety.

8 3. Nothing in this section shall prevent the establishment of or alter village, town,
9 city, or county laws, ordinances, or rules regarding animal care, public health, or public
10 safety unless such law, ordinance, or rule is in violation of this section, in which case this
11 section shall supersede such law, ordinance, or rule.

12 4. For purposes of this section, the term "working animal" means any animal used
13 for the purpose of performing a specific duty or function in commerce or animal enterprise
14 including, but not limited to, entertainment, transportation, education, or exhibition.

321.130. A person, to be qualified to serve as a director, shall be a resident and voter of
2 the district for at least one year before the election or appointment and [~~be over the age of~~
3 ~~twenty-four years~~] shall be **twenty-one years of age or older**. In the event the person is no
4 longer a resident of the district, the person's office shall be vacated, and the vacancy shall be
5 filled as provided in section 321.200. Nominations and declarations of candidacy shall be filed
6 at the headquarters of the fire protection district by paying a filing fee equal to the amount of a
7 candidate for county office as set forth under section 115.357, and filing a statement under oath
8 that such person possesses the required qualifications. Thereafter, such candidate shall have the
9 candidate's name placed on the ballot as a candidate for director.

321.242. 1. The governing body of any fire protection district which operates within and
2 has boundaries identical to a city with a population of at least thirty thousand but not more than
3 thirty-five thousand inhabitants which is located in a county of the first classification, excluding

4 a county of the first classification having a population in excess of nine hundred thousand, or the
5 governing body of any municipality having a municipal fire department may impose a sales tax
6 in an amount of up to [~~one-fourth~~] **one-half** of one percent on all retail sales made in such fire
7 protection district or municipality which are subject to taxation pursuant to the provisions of
8 sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and
9 all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions
10 of this section shall be effective unless the governing body of the fire protection district or
11 municipality submits to the voters of such fire protection district or municipality, at a county or
12 state general, primary or special election, a proposal to authorize the governing body of the fire
13 protection district or municipality to impose a tax.

14 2. The ballot of submission shall contain, but need not be limited to, the following
15 language:

16 Shall _____ (insert name of district or municipality) impose a sales tax of
17 _____ (insert rate of tax) for the purpose of providing revenues for the operation
18 of the _____ (insert fire protection district or municipal fire department)?

19 YES NO

20

21 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
22 of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of
23 the votes cast by the qualified voters voting are opposed to the proposal, then the governing body
24 of the fire protection district or municipality shall not impose the sales tax authorized in this
25 section unless and until the governing body of such fire protection district or municipality
26 resubmits a proposal to authorize the governing body of the fire protection district or
27 municipality to impose the sales tax authorized by this section and such proposal is approved by
28 a majority of the qualified voters voting thereon.

29 3. All revenue received by a fire protection district or municipality from the tax
30 authorized pursuant to the provisions of this section shall be deposited in a special trust fund and
31 shall be used solely for the operation of the fire protection district or the municipal fire
32 department.

33 4. All sales taxes collected by the director of revenue pursuant to this section or section
34 321.246 on behalf of any fire protection district or municipality, less one percent for cost of
35 collection which shall be deposited in the state's general revenue fund after payment of premiums
36 for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which
37 is hereby created, to be known as the "Fire Protection Sales Tax Trust Fund". Any moneys in
38 the fire protection district sales tax trust fund created prior to August 28, 1999, shall be
39 transferred to the fire protection sales tax trust fund. The moneys in the fire protection sales tax

40 trust fund shall not be deemed to be state funds and shall not be commingled with any funds of
41 the state. The director of revenue shall keep accurate records of the amount of money in the trust
42 fund and of the amounts which were collected in each fire protection district or municipality
43 imposing a sales tax pursuant to this section, and the records shall be open to the inspection of
44 officers of the fire protection district or municipality and the public. Not later than the tenth day
45 of each month, the director of revenue shall distribute all moneys deposited in the trust fund
46 during the preceding month to the fire protection district or municipality which levied the tax.
47 Such funds shall be deposited with the treasurer of each such fire protection district or
48 municipality, and all expenditures of funds arising from the fire protection sales tax trust fund
49 shall be for the operation of the fire protection district or the municipal fire department and for
50 no other purpose.

51 5. The director of revenue may make refunds from the amounts in the trust fund and
52 credited to any fire protection district or municipality for erroneous payments and overpayments
53 made and may redeem dishonored checks and drafts deposited to the credit of such fire
54 protection districts or municipalities. If any fire protection district or municipality abolishes the
55 tax, the fire protection district or municipality shall notify the director of revenue of the action
56 at least ninety days prior to the effective date of the repeal and the director of revenue may order
57 retention in the trust fund, for a period of one year, of two percent of the amount collected after
58 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
59 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
60 after the effective date of abolition of the tax in such fire protection district or municipality, the
61 director of revenue shall remit the balance in the account to the fire protection district or
62 municipality and close the account of that fire protection district or municipality. The director
63 of revenue shall notify each fire protection district or municipality of each instance of any
64 amount refunded or any check redeemed from receipts due the fire protection district or
65 municipality. In the event a tax within a fire protection district is approved pursuant to this
66 section, and such fire protection district is dissolved, if the boundaries of the fire protection
67 district are identical to that of the city, the tax shall continue and proceeds shall be distributed
68 to the governing body of the city formerly containing the fire protection district and the proceeds
69 of the tax shall be used for fire protection services within such city.

70 6. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
71 apply to the tax imposed pursuant to this section.

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

- 5 (1) The name and address of the pawnshop;
- 6 (2) The name and address of the pledgor, the pledgor's description, and the driver's
7 license number, military identification number, identification certificate number, or other official
8 number capable of identifying the pledgor;
- 9 (3) The date of the transaction;
- 10 (4) An identification and description of the pledged goods, including serial numbers if
11 reasonably available;
- 12 (5) The amount of cash advanced or credit extended to the pledgor;
- 13 (6) The amount of the pawn service charge;
- 14 (7) The total amount which must be paid to redeem the pledged goods on the maturity
15 date;
- 16 (8) The maturity date of the pawn transaction; and
- 17 (9) A statement to the effect that the pledgor is not obligated to redeem the pledged
18 goods, and that the pledged goods may be forfeited to the pawnbroker sixty days after the
19 specified maturity date.
- 20 2. The pawnbroker may be required, in accordance with local ordinances, to furnish
21 appropriate law enforcement authorities with copies of information contained in subdivisions (1)
22 to (4) of subsection 1 of this section and information contained in subdivision (6) of subsection
23 4 of section 367.040. The pawnbroker may satisfy such requirements by transmitting such
24 information electronically to a database in accordance with this section, except that paper copies
25 shall be made available for an on-site inspection upon request of any appropriate law
26 enforcement authority.
- 27 3. As used in this section, the following terms mean:
- 28 (1) "Database", a computer database established and maintained by a third party engaged
29 in the business of establishing and maintaining one or more databases;
- 30 (2) "Permitted user", persons authorized by law enforcement personnel to access the
31 database;
- 32 (3) "Reportable data", the information required to be recorded by pawnbrokers for pawn
33 transactions pursuant to subdivisions (1) to (4) of subsection 1 of this section and the information
34 required to be recorded by pawnbrokers for purchase transactions pursuant to subdivision (6) of
35 subsection 4 of section 367.040;
- 36 (4) "Reporting pawnbroker", a pawnbroker who chooses to transmit reportable data
37 electronically to the database;
- 38 (5) "Search", the accessing of a single database record.
- 39 4. The database shall provide appropriate law enforcement officials with the information
40 contained in subdivisions (1) to (4) of subsection 1 of this section and other useful information

41 to facilitate the investigation of alleged property crimes while protecting the privacy rights of
42 pawnbrokers and pawnshop customers with regard to their transactions.

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

48 6. The third party's charge for the database shall be based on the number of permitted
49 users. Law enforcement agencies shall be charged directly for access to the database, and the
50 charge shall be reasonable in relation to the costs of the third party in establishing and
51 maintaining the database. No reporting pawnbroker or customer of a reporting pawnbroker shall
52 be charged any costs for the creation or utilization of the database.

53 7. (1) The information in the database shall only be accessible through the internet to
54 permitted users who have provided a secure identification or access code to the database but shall
55 allow such permitted users to access database information from any jurisdiction transmitting
56 such information to that database. Such permitted users shall provide the database with an
57 identifier number of a criminal action for which the identity of the pawn or purchase transaction
58 customer is needed and a representation that the information is connected to an inquiry or to the
59 investigation of a complaint or alleged crime involving goods delivered by that customer in that
60 transaction. The database shall record, for each search, the identity of the permitted user, the
61 pawn or purchase transaction involved in the search, and the identity of any customer accessed
62 through the search. Each search record shall be made available to other permitted users
63 regardless of their jurisdiction. The database shall enable reporting pawnbrokers to transmit to
64 the database through the internet reportable data for each pawn and purchase transaction.

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

67 8. Any pawnbroker licensed under section 367.043 shall meet the following
68 requirements:

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

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

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

75 9. If a reporting pawnbroker or permitted user discovers any error in the reportable data,
76 notice of such error shall be given to the database, which shall have a period of thirty days in

77 which to correct the error. Any reporting pawnbroker experiencing a computer malfunction
 78 preventing the transmission of reportable data or receipt of search requests shall be allowed a
 79 period of at least thirty but no more than sixty days to repair such malfunction, and during such
 80 period such pawnbroker shall not be deemed to be in violation of this section if good faith efforts
 81 are made to correct the malfunction. During the periods specified in this subsection, the
 82 reporting pawnbroker and permitted user shall arrange an alternative method or methods by
 83 which the reportable data shall be made available.

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

86 11. If the pawn ticket is lost, destroyed, or stolen, the pledgor may so notify the
 87 pawnbroker in writing, and receipt of such notice shall invalidate such pawn ticket, if the pledged
 88 goods have not previously been redeemed. Before delivering the pledged goods or issuing a new
 89 pawn ticket, the pawnbroker shall require the pledgor to make a written affidavit of the loss,
 90 destruction or theft of the ticket. The pawnbroker shall record on the written statement the
 91 identifying information required, the date the statement is given, and the number of the pawn
 92 ticket lost, destroyed, or stolen. The affidavit shall be signed by a notary public appointed by the
 93 secretary of state pursuant to ~~[section 486.205]~~ **chapter 486** to perform notarial acts in this state.

**436.338. Notwithstanding any other provision of law, no political subdivision shall
 2 require a property owner to have a home inspection conducted of a residential property
 3 regarding the sale of the property. This provision shall not apply to any inspection
 4 requirement of new construction or occupancy permits.**

483.010. No person shall be appointed or elected clerk of any court, unless he ~~[be]~~ **or
 2 she is** a citizen of the United States, ~~[above the age of twenty-one years]~~ **twenty-one years of
 3 age or older**, and shall have resided within the state one whole year, and within the geographical
 4 area over which the court has jurisdiction or, in the case of circuit clerks, within the county from
 5 which elected, three months before the appointment or election; and every clerk shall, after his
 6 **or her** appointment or election, reside in the geographical area over which the court he **or she**
 7 serves has jurisdiction or, in the case of circuit clerks, in the county for which he **or she** is clerk.

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

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

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

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

- 8 (c) Indicates to the notary that the signature on the document was voluntarily
9 affixed by the individual for the purposes stated within the document and, if applicable,
10 that the individual had due authority to sign in a particular representative capacity;
- 11 (2) "Affirmation", a notarial act, or part thereof, that is legally equivalent to an
12 oath and in which an individual at a single time and place:
- 13 (a) Appears in person before the notary;
- 14 (b) Is personally known to the notary or identified by the notary through
15 satisfactory evidence; and
- 16 (c) Makes a vow of truthfulness or fidelity on penalty of perjury, based on personal
17 honor and without invoking a deity or using any form of the word "swear";
- 18 (3) "Commission", both the granting of authority to perform notarial acts and the
19 written evidence of the granting of authority to perform such acts;
- 20 (4) "Copy certification", a notarial act in which a notary:
- 21 (a) Locates or is presented with a paper or an electronic document that is not a vital
22 record, a public record, or a recorded document;
- 23 (b) Compares the document with a second paper or electronic document that is:
- 24 a. Presented to the notary;
- 25 b. Located by the notary; or
- 26 c. Copied from the first document by the notary; and
- 27 (c) Confirms through a visual or electronic comparison that the second document
28 is an identical, exact, and complete copy of the image or text and, if applicable, metadata
29 of the first document;
- 30 (5) "County", any of the several counties of this state or the city of St. Louis;
- 31 (6) "County clerk", any of the several county clerks of this state or the clerk of the
32 circuit court in the city of St. Louis;
- 33 (7) "Credible witness", an honest, reliable, and impartial person who personally
34 knows an individual appearing before a notary and takes an oath or affirmation from the
35 notary to vouch for that individual's identity;
- 36 (8) "Electronic", relating to technology having electrical, digital, magnetic, wireless,
37 optical, electromagnetic, or similar capabilities;
- 38 (9) "Electronic journal of notarial acts" and "electronic journal", a chronological
39 electronic record of notarizations that is maintained by the notary public who performed
40 the same notarizations;
- 41 (10) "Electronic notarial act" and "electronic notarization", an official act
42 involving an electronic document that is performed in compliance with sections 486.900 to

43 **486.1025 by an electronic notary public as a security procedure as defined in the Uniform**
44 **Electronic Transactions Act, sections 432.200 to 432.295;**

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

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

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

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

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

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

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

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

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

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

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

67 **(a) Appears in person before the notary;**

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

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

72 **(18) "Official misconduct":**

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

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

77 **(19) "Official seal":**

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

81 (b) The affixed image itself;

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

85 (21) "Personal appearance before the notary" and "appears in person before the
86 notary", that the notary is physically close enough to see, hear, communicate with, and
87 receive identification documents from a principal and any required witness or, in the case
88 of a remote electronic notarization, a principal and any required witness appeared by
89 remote means in accordance with sections 486.900 to 486.1025;

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

93 (23) "Principal":

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

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

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

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

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

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

106 (b) The oath or affirmation of one credible witness disinterested in the document
107 or transaction who is personally known to the notary and who personally knows the
108 individual, or of two credible witnesses disinterested in the document or transaction who
109 each personally knows the individual and shows to the notary documentary identification
110 as described in paragraph (a) of this subdivision;

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

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

- 114 **(a) Appears in person before the notary and presents a document;**
115 **(b) Is personally known to the notary or identified by the notary through**
116 **satisfactory evidence; and**
117 **(c) Signs the document in the presence of the notary.**

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

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

- 5 **(1) Be at least eighteen years of age;**
6 **(2) Reside or have a regular place of work or business in the state of Missouri;**
7 **(3) Reside legally in the United States;**
8 **(4) Read and write English; and**
9 **(5) Pass the examination required under section 486.630.**

10 **3. (1) Applicants who are not a resident of the state may qualify to be a notary if**
11 **they work in Missouri and shall use the notary seal in the course of their employment in**
12 **Missouri.**

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

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

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

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

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

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

29 **(5) An official finding that the applicant has previously engaged in official**
30 **misconduct, regardless of whether disciplinary action resulted.**

31 **5. An applicant may appeal the denial of an application by filing the form required**
32 **by the secretary under subsection 6 of this section with the secretary within thirty days**

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

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

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

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

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

4 2. The existing bond, seal, length of commission term, and liability of current
5 notaries commissioned before January 1, 2020, shall not be invalidated, modified, or
6 terminated by this chapter, but notaries shall comply with this chapter beginning January
7 1, 2020, in performing notarizations and in applying for new commissions.

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

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

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

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

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

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

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

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

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

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

27 _____ (signature of applicant)

28 3. Every applicant for a notary commission shall:

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

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

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

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

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

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

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

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

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

486.640. A notary may perform the following notarial acts:

2 (1) Acknowledgments;

3 (2) Oaths and affirmations;

4 (3) Jurats;

5 (4) Signature witnessings;

6 (5) Copy certifications; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (2) Will receive as a direct or indirect result any commission, fee, advantage, right,
23 title, interest, cash, property, or other consideration exceeding in value the fees specified
24 in section 486.685; or

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

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

 486.650. 1. A notary shall not refuse to perform a notarial act based on the
2 characteristics protected from employment discrimination under section 213.055.

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

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

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

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

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

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

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

 486.660. A notary shall not:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. A notary shall not discriminate in the charging of fees for a notarial act based on the characteristics of the principal or requester of fact as set forth in subsection 1 of section 486.650, though a notary may waive or reduce fees for humanitarian or charitable reasons.

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

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

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

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

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

5 (1) The notarial act was completed; or

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

486.695. 1. An employer may prohibit an employee who is a notary from charging
2 for notarial acts performed on the employer's time, but shall not discriminate in the
3 charging of fees based on the characteristics of the principal as set forth in subsection 1 of
4 section 486.650.

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

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

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

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

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

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

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

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

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

- (1) The date and time of day of the notarial act;**
- (2) The type of notarial act;**
- (3) The type, title, or a description of the document or proceeding;**
- (4) The signature, printed name, and address of each principal;**
- (5) The printed name and address of each requester of fact;**
- (6) The evidence of identity of each principal in the form of either:**
 - (a) A statement that the person is personally known to the notary;**
 - (b) A notation of the type of identification document, its issuing agency, its serial or identification number, and its date of issuance or expiration;**
 - (c) The handwritten signature and the name and address of each credible witness swearing or affirming to the principal's identity, and for credible witnesses who are not personally known to the notary, a description of the identification documents relied on by the notary; or**
 - (d) In the case of an electronic journal, a recognized biometric identifier, in accordance with subdivision (4) of subsection 1 of section 486.950;**
 - (7) The fee, if any, charged for the notarial act;**
 - (8) The address where the notarial act was performed, if not the address of the notary's regular place of work or business; and**
 - (9) In the case of an electronic notarial act, the name of any authority issuing or registering the means used to create the electronic signature that was notarized, the source of this authority's license, if any, and the expiration date of the electronic process.**

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

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

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

486.710. 1. The journal may be examined and copied without restriction by a law enforcement officer in the course of an official investigation, subpoenaed by court order, pursuant to subpoena power as authorized by law, or surrendered at the direction of the secretary. Nothing in this section shall prevent a notary public from seeking appropriate judicial protective orders.

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

9 **3. A notary public shall, upon written request, furnish to the secretary certified**
10 **copies of the notary's journal without cost.**

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

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

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

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

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

20 **(2) In the case of an electronic journal and its backup copy whose disks or other**
21 **physical storage media are not required to be surrendered, no further entries shall be made**
22 **in the journal and its backup, both of which shall be safeguarded until both shall be erased**
23 **or expunged after ten years from the date of the last entry by the notary or the notary's**
24 **personal representative.**

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

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

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

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

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

3. The official seal of a notary shall:

(1) Be the exclusive property of the notary;

(2) Not be affixed by any other person;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 **(2) In the case of a purchaser ordering a seal by mail or delivery service, the vendor**
12 **or manufacturer confirms the notary's standing as a commissioned notary through the**
13 **internet site.**

14 **3. For each commission, a vendor or manufacturer shall make or sell only one seal,**
15 **plus, if requested by the person presenting the commission, only one embossing seal.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 486.750. 1. A notary shall use a certificate in substantially the following form in
21 notarizing the signature or mark of any person acknowledging on his or her own behalf
22 or as a partner, corporate officer, attorney in fact, or in any other representative capacity:

23 State of Missouri

24 County (and/or City) of _____

25 On this _____ day of _____, 20 _____, before me, the undersigned notary,
26 personally appeared _____ (name of document signer), (personally known
27 to me)(proved to me through identification documents, which were _____,)
28 (proved to me on the oath or affirmation of _____, who is personally known
29 to me and stated to me that (he)(she) personally knows the document signer
30 and is unaffected by the document,) (proved to me on the oath or
31 affirmation of _____ and _____, whose identities have been proven to me
32 through identification documents and who have stated to me that they
33 personally know the document signer and are unaffected by the document,)
34 to be the person whose name is signed on the preceding or attached
document, and acknowledged to me that (he)(s he) signed it voluntarily for
its stated purpose(.

(as partner for _____, a partnership.)

(as _____ for _____, a corporation.)

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

(as _____ for _____, (a)(the) _____)

_____ (official signature and seal of notary)

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

State of Missouri

County (and/or City) of _____

On this _____ day of _____, 20 _____, before me, the undersigned notary,
personally appeared by remote means _____ (name of document signer),
(personally known to me)(proved to me through identification documents,
which were _____,) (proved to me on the oath or affirmation of _____,
who is personally known to me and stated to me that (he)(she) personally
knows the document signer and is unaffected by the document,) (proved to

35 me on the oath or affirmation of _____ and _____, whose identities have
 36 been proven to me through identification documents and who have stated
 37 to me that they personally know the document signer and are unaffected by
 38 the document,) to be the person whose name is signed on the preceding or
 39 attached document, and acknowledged to me that (he)(she) signed it
 40 voluntarily for its stated purpose(.

41 (as partner for _____, a partnership.)

42 (as _____ for _____, a corporation.)

43 (as attorney in fact for _____, the principal.)

44 (as _____ for _____, (a)(the) _____)

45 _____ (official signature and seal of notary)

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

4 State of Missouri

5 County (and/or City) of _____

6 On this _____ day of _____, 20 _____, before me, the undersigned notary,
 7 personally appeared _____ (name of document signer), (personally known
 8 to me) (proved to me through identification documents, which were _____,)

9 (proved to me on the oath or affirmation of _____, who is personally known
 10 to me and stated to me that (he)(she) personally knows the document signer
 11 and is unaffected by the document,) (proved to me on the oath or
 12 affirmation of _____ and _____, whose identities have been proven to me
 13 through identification documents and who have stated to me that they
 14 personally know the document signer and are unaffected by the document,)
 15 to be the person who signed the preceding or attached document in my
 16 presence and who swore or affirmed to me that the contents of the document
 17 are truthful and accurate to the best of (his)(her) knowledge and belief.

18 _____ (official signature and seal of notary)

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

22 State of Missouri

23 County (and/or City) of _____

24 On this _____ day of _____, 20 _____, before me, the undersigned notary,
 25 personally appeared by remote means _____ (name of document signer),

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

37 _____ (official signature and seal of notary)

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

4 State of Missouri

5 County (and/or City) of _____

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

17 _____ (official signature and seal of notary)

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

3 State of Missouri

4 County (and/or City) of _____

5 On this _____ day of _____, 20 _____,

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

8 (electronically) confirmed by me to be a true, exact, and complete copy of the
 9 image (or text) (and metadata) of _____ (description of original document),
 10 (presented/emailed to me by _____,) (found by me (online) at _____,) (held
 11 in my custody as a notarial record,) and that, to the best of my knowledge,
 12 the copied document is neither a vital record, a public record, nor a publicly
 13 recordable document, certified copies of which may be available from an
 14 official source other than a notary.

15 _____ (official signature and seal of notary)

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

- 5 (1) A certificate of authority from the secretary, authenticated as necessary by
 6 additional certificates from United States or foreign government agencies; or
- 7 (2) In the case of a notarized document to be used in a nation that has signed and
 8 ratified the Hague Convention Abolishing the Requirement of Legalization for Foreign
 9 Public Documents of October 5, 1961, an apostille from the secretary or other federally
 10 designated official in the form prescribed by the Convention and described in subsection
 11 3 of this section, with no additional authenticating certificates required.

12 **2. A certificate of authority evidencing the authenticity of the official seal and**
 13 **signature of a notary commissioned pursuant to this chapter shall be substantially in the**
 14 **following form:**

Certificate of Authority for a Notarial Act

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

19 To verify this Certificate of Authority for a Notarial Act, I have affixed
 20 below my signature and seal of office this _____ day of _____, 20 _____.
 21 (Signature and seal of commissioning official)

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

APOSTILLE

(Convention de La Haye du 5 Octobre 1961)

- 27 1. Country: _____
- 28 2. This public document has been signed by_____

29 3. acting in the capacity of _____

30 4. bears the seal/stamp of _____

31 CERTIFIED

32 5. at _____

33 6. the _____

34 7. by _____

35 8. No. _____

36 9. Seal/Stamp

37 10. Signature: _____

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

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

3 (1) A notary of this state;

4 (2) A judge, clerk, or deputy clerk of any court of this state; or

5 (3) Any other person authorized by the law of this state to perform a specific
6 notarial act.

7 2. The official signature, seal, and title of a person authorized by subsection 1 of
8 this section to perform a notarial act shall be considered prima facie evidence that the
9 signature and seal are genuine and that the person holds the indicated title.

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

13 (1) A notary of that jurisdiction;

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

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

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

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

- 26 **(1) A judge, clerk, or deputy clerk of a court;**
27 **(2) A commissioned United States military officer on active duty;**
28 **(3) A foreign service or consular officer of the United States; or**
29 **(4) Any other person authorized by federal law to perform notarial acts.**
- 30 **6. The official signature, title, and, if required by law, seal of a person whose**
31 **authority to perform notarial acts is recognized by subsection 5 of this section shall be**
32 **considered prima facie evidence that the signature and seal are genuine, that the person**
33 **holds the indicated title, and, except in the case of subdivision (4) of subsection 5 of this**
34 **section, shall conclusively establish the authority of a holder of that title to perform a**
35 **notarial act.**
- 36 **7. A notarial act shall have the same effect under the law of this state as if**
37 **performed by a notarial officer of this state if performed within the jurisdiction and under**
38 **authority of a foreign nation or its constituent units or a multi-national or international**
39 **organization by any of the following persons:**
- 40 **(1) A notary or other notarial officer;**
41 **(2) A judge, clerk, or deputy clerk of a court of record; or**
42 **(3) Any other person authorized by the law of that jurisdiction to perform notarial**
43 **acts.**
- 44 **8. The official seal or stamp of a person whose authority to perform notarial acts**
45 **shall be recognized by subsection 7 of this section shall be considered prima facie evidence**
46 **that the signature is genuine, that the person holds the indicated title, and, except in the**
47 **case of subdivision (3) of subsection 7 of this section, shall conclusively establish the**
48 **authority of a holder of that title to perform a notarial act.**
- 49 **9. The authority of an officer to perform notarial acts shall be conclusively**
50 **established if the title of the office and indication of authority to perform notarial acts**
51 **appears either in a digest of foreign law or a list customarily used as a source for that**
52 **information.**
- 53 **10. An apostille in the form prescribed by subsection 3 of section 486.770 shall**
54 **conclusively establish that the signature and seal of the notarial officer referenced in the**
55 **apostille are genuine and that the person holds the indicated office.**
- 56 **11. A certificate of a foreign service or consular officer of the United States**
57 **stationed in the nation under whose jurisdiction the notarial act was performed, or a**
58 **certificate of a foreign service or consular officer of that nation stationed in the United**
59 **States, conclusively establishes any matter relating to the authenticity or validity of the**
60 **notarial act referenced in the certificate.**

61 **12. Nothing in this section shall be construed to permit a notary of this state to**
62 **perform a notarial act outside of this state without meeting the legal requirements of the**
63 **state, commonwealth, territory, district or possession of the United States, or foreign nation**
64 **in which the notarial act is performed.**

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

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

7 **(1) The notice described in subsection 1 of this section has been delivered or**
8 **transmitted;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **2. A notary whose commission has expired, who intends to apply for a new**
9 **commission, and whose previous commission or application was not revoked or denied by**
10 **the secretary, shall not be required to dispose of his or her journal and notarial records**
11 **within thirty days after commission expiration, but shall do so within three months after**
12 **expiration unless recommissioned within that period.**

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

3 **(1) Notify the secretary of the death in writing;**

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

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

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

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

11 **3. An employer of a notary shall be liable to any person for all damages**
12 **proximately caused that person by the notary's negligence, intentional violation of law, or**
13 **official misconduct in performing a notarization during the course of employment, if the**
14 **employer directed, expected, encouraged, approved, or tolerated the notary's negligence,**
15 **violation of law, or official misconduct either in the particular transaction or, impliedly,**

16 by the employer's previous action in at least one similar transaction involving any notary
17 employed by the employer.

18 4. An employer of a notary shall be liable to the notary for all damages recovered
19 from the notary as a result of any violation of law by the notary that was coerced by threat
20 of the employer, if the threat, such as of demotion or dismissal, was made in reference to
21 the particular notarization or, impliedly, by the employer's previous action in at least one
22 similar transaction involving any notary employed by the employer. In addition, the
23 employer is liable to the notary for damages caused the notary by demotion, dismissal, or
24 other action resulting from the notary's refusal to engage in a violation of law or official
25 misconduct.

26 5. Notwithstanding any other provision in this chapter to the contrary, for the
27 purposes of this section "negligence" shall not include any good-faith determination made
28 by the notary under the obligations imposed by subdivision (3) of subsection 1 of section
29 486.645 or subdivision (4) of subsection 1 of section 486.645.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 **2. A notary shall register the capability to perform electronic notarial acts with the**
4 **secretary before notarizing electronically.**

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

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

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

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

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

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

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

6 **(2) The following information:**

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

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

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

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

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

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

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

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

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

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

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

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

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

2 (1) Acknowledgment;

3 (2) Jurat;

4 (3) Signature witnessing; and

5 (4) Copy certification;

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

8 (1) Acknowledgment; and

9 (2) Jurat.

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

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

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

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

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

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

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

10 2. An electronic notary shall perform a remote electronic notarization only if the
11 principal:

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

14 **(2) Is personally known to the notary or identified by the notary through**
15 **satisfactory evidence;**

16 **(3) Appears to understand the nature of the transaction;**

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

18 **(5) Communicates directly with the notary in a language both understand; and**

19 **(6) Reasonably establishes the electronic signature as his or her own.**

20 **3. An electronic notary public may perform a remote electronic notarization for a**
21 **principal who is located:**

22 **(1) In the state where the notary is commissioned;**

23 **(2) Outside of the state where the notary is commissioned but within the United**
24 **States; or**

25 **(3) Outside the United States if the act is not prohibited in the jurisdiction in which**
26 **the principal is physically located at the time of the act.**

27 **4. In performing electronic notarial acts, an electronic notary shall adhere to all**
28 **applicable laws governing notarial acts provided in this chapter.**

29 **5. A remote electronic notarization performed in accordance with sections 486.900**
30 **to 486.1025 satisfies any requirement of the law of this state relating to a notarial act that**
31 **requires a person to "appear before", "personally appear", or be "in the presence of" a**
32 **notary public.**

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

3 **2. A proper electronic notarial certificate shall contain:**

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

6 **(2) A registered electronic signature; and**

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

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

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

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

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

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

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

15 **(1) Is set forth in sections 486.740 to 486.750;**

- 16 **(2) Is otherwise prescribed by the law of this state;**
17 **(3) Is prescribed by a law, regulation, or custom of another jurisdiction, provided**
18 **it does not require actions by the electronic notary that are unauthorized by this state; or**
19 **(4) Describes the actions of the electronic notary in such a manner as to meet the**
20 **requirements of the particular notarial act, as defined in section 486.600 or 486.900.**

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

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

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

- 7 **(1) Unique to the electronic notary;**
8 **(2) Capable of independent verification;**
9 **(3) Attached to or logically associated with an electronic notarial certificate in such**
10 **a manner that any subsequent alteration of the certificate or underlying electronic**
11 **document prominently displays evidence of the alteration; and**

12 **(4) Attached or logically associated by a means under the electronic notary's sole**
13 **control.**

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

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

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

27 **6. Neither a registered electronic notary seal nor a combined single element**
28 **containing the seal shall be used by the electronic notary for any purpose other than**
29 **performing lawful electronic notarizations.**

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

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

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

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

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

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

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

15 **2. In maintaining an electronic journal of electronic notarial acts, an electronic**
16 **notary public shall comply with the applicable prescriptions and prohibitions regarding**
17 **the contents, copying, security, surrender, and disposition of a journal as set forth in**
18 **sections 486.705 to 486.715 and sections 486.795 to 486.800.**

19 **3. Every electronic notary public maintaining an electronic journal of electronic**
20 **notarial acts under to section 486.945 shall:**

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

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

25 **4. An electronic notary public maintaining an electronic journal of electronic**
26 **notarial acts shall keep the entry for a period of no less than ten years from the date of the**
27 **entry and shall also keep a record of electronic notarial acts in a permanently bound**
28 **journal as set forth in sections 486.700 and 486.705.**

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

3 **2. The secretary shall only approve remote notarization software that, at a**
4 **minimum:**

5 **(1) Records and archives the remote session;**

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

9 **(3) Provides reasonable security measures to prevent unauthorized access to:**

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

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

12 **(c) The verification methods and credentials used to verify the identity of the**
13 **principal; and**

14 **(d) The electronic documents presented for electronic notarization;**

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

18 **(5) Permits the electronic notary to identify the principal to the electronic notary's**
19 **satisfaction through a form of authentication that complies with section 486.957;**

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

22 **(7) Presents the document being notarized as an electronic record.**

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

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

486.957. For the purposes of performing an electronic notarial act for a person
2 **using audio-video communication, an electronic notary public has satisfactory evidence of**
3 **the identity of the person if the electronic notary public confirms the identity of the person**
4 **by:**

5 **(1) Personal knowledge of the identity;**

6 **(2) Each of the following if approved by rules or regulations adopted by the**
7 **secretary of state:**

8 **(a) Remote presentation by the person of a government-issued identification**
9 **credential that contains a photograph and the signature of the person;**

10 **(b) Credential analysis of the government-issued identification credential and the**
11 **data thereon; and**

- 12 (c) A dynamic knowledge-based authentication assessment;
- 13 (3) Any other method that complies with any rules or regulations adopted by the
- 14 secretary of state; or
- 15 (4) A valid certificate that complies with any rules or regulations adopted by the
- 16 secretary of state.

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

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

- 6 (1) For an acknowledgment, five dollars per signature;
- 7 (2) For a jurat, five dollars per signature; and
- 8 (3) For a signature witnessing, five dollars per signature.

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

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

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

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

21 5. An electronic notary shall not discriminate in the charging of fees for an
22 electronic notarial act based on the characteristics of the principal or requester of fact as
23 set forth in subsection 1 of section 486.650, though an electronic notary may waive or
24 reduce fees for humanitarian or charitable reasons.

25 6. The requirements relating to fees for an employee notary public that are
26 prescribed in section 486.695 also apply to an electronic notary public in the performance
27 of an electronic notarial act.

28 7. An electronic notary public who charges for performing electronic notarial acts
29 shall conspicuously display in all of the notary's places of business and internet sites, or
30 present to each principal or requester of fact if outside such places of business, an
31 English-language schedule of maximum fees for electronic notarial acts, as specified in

32 subsection 2 of section 486.960. No part of any such notarial fee schedule shall appear or
 33 be printed in smaller than twelve-point type.

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

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

5 (1) The act was completed; or

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

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

16 4. The electronic certificate of authority described under subdivision 3 of this
 17 section shall be attached to or logically associated with the electronically notarized
 18 document in such a manner that any subsequent alteration of the notarized document, or
 19 removal or alteration of the electronic certificate of authority, produces evidence of the
 20 change.

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

4 **Certificate of Authority for Electronic Notarial Act**

5 I, _____ (name and title of commissioning official), certify that _____
 6 (name of electronic notary public), the person named as Electronic Notary
 7 Public in the attached, associated, or accompanying electronic document,
 8 was registered as an Electronic Notary Public for the state of Missouri and
 9 authorized to act as such at the time the document was electronically
 10 notarized. I also certify that the document bears no evidence of illegal or
 11 fraudulent alteration.

12 To verify this Certificate of Authority for an Electronic Notarial Act, I have
 13 included herewith my electronic seal and signature this _____ day of
 14 _____, 20____.

15 **(Electronic seal and signature of secretary)**

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

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

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

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

5 **(1)** Immediately notify the secretary;

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

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

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

12 **2.** Under subsection 1 of this section, the secretary shall immediately suspend the
13 electronic status of a notary who has no other currently registered means for producing
14 electronic signatures or notary seals, and if such means is not registered within thirty days,
15 electronic status shall be terminated.

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

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

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

486.995. 1. Except as provided in subsection 2 of this section, if the commission of
2 an electronic notary public expires or is resigned or revoked, if registration as an electronic
3 notary terminates, or if an electronic notary dies, the notary or the notary's duly

4 authorized representative shall, within thirty business days, permanently erase or expunge
5 the software, coding, disk, certificate, card, token, or program that is intended exclusively
6 to produce registered electronic notary seals, registered single elements combining the
7 required features of an electronic signature and notary seal, or registered electronic
8 signatures that indicate status as a notary.

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

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

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

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

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

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

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

11 3. Neither resignation nor expiration of a notary commission or of an electronic
12 notary registration precludes or terminates an investigation by the secretary into the
13 electronic notary's conduct. The investigation may be pursued to a conclusion, whereupon
14 it shall be made a matter of public record regardless of whether the finding would have
15 been grounds for termination of the commission or registration of the electronic notary.

 486.1010. The criminal sanctions for impersonating an electronic notary public and
2 for soliciting, coercing, or improperly influencing an electronic notary to commit official
3 misconduct in performing notarial acts are the same sanctions described in subsection 6
4 of section 578.700 in regard to performing nonelectronic notarial acts.

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

 486.1025. The secretary may promulgate rules that are reasonable and necessary
2 to accomplish the duties specifically delegated to the secretary in sections 486.605, 486.810,
3 486.815, and 486.955. Any rule or portion of a rule, as that term is defined in section

4 536.010, that is created under the authority delegated sections 486.605, 486.810, 486.815,
5 and 486.955 shall become effective only if it complies with and is subject to all of the
6 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
7 are nonseverable, and if any of the powers vested with the general assembly pursuant to
8 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
9 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
10 proposed or adopted after January 1, 2020, shall be invalid and void.

578.700. 1. For purposes of this section, all definitions from section 486.600 shall
2 apply.

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

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

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

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

10 3. A notary who knowingly performs any other act prohibited by chapter 486 or
11 fails to perform any other act required by chapter 486 shall be guilty of a misdemeanor,
12 punishable upon conviction by a fine not exceeding five hundred dollars or imprisonment
13 for not more than six months, or both.

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

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

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

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

30 **8. The sanctions of this section shall not preclude other sanctions and remedies**
31 **provided by law.**

 610.021. Except to the extent disclosure is otherwise required by law, a public
2 governmental body is authorized to close meetings, records and votes, to the extent they relate
3 to the following:

4 (1) Legal actions, causes of action or litigation involving a public governmental body
5 and any confidential or privileged communications between a public governmental body or its
6 representatives and its attorneys. However, any minutes, vote or settlement agreement relating
7 to legal actions, causes of action or litigation involving a public governmental body or any agent
8 or entity representing its interests or acting on its behalf or with its authority, including any
9 insurance company acting on behalf of a public government body as its insured, shall be made
10 public upon final disposition of the matter voted upon or upon the signing by the parties of the
11 settlement agreement, unless, prior to final disposition, the settlement agreement is ordered
12 closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the
13 action clearly outweighs the public policy considerations of section 610.011, however, the
14 amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed;
15 provided, however, in matters involving the exercise of the power of eminent domain, the vote
16 shall be announced or become public immediately following the action on the motion to
17 authorize institution of such a legal action. Legal work product shall be considered a closed
18 record;

19 (2) Leasing, purchase or sale of real estate by a public governmental body where public
20 knowledge of the transaction might adversely affect the legal consideration therefor. However,
21 any minutes, vote or public record approving a contract relating to the leasing, purchase or sale
22 of real estate by a public governmental body shall be made public upon execution of the lease,
23 purchase or sale of the real estate;

24 (3) Hiring, firing, disciplining or promoting of particular employees by a public
25 governmental body when personal information about the employee is discussed or recorded.
26 However, any vote on a final decision, when taken by a public governmental body, to hire, fire,
27 promote or discipline an employee of a public governmental body shall be made available with
28 a record of how each member voted to the public within seventy-two hours of the close of the
29 meeting where such action occurs; provided, however, that any employee so affected shall be
30 entitled to prompt notice of such decision during the seventy-two-hour period before such
31 decision is made available to the public. As used in this subdivision, the term "personal
32 information" means information relating to the performance or merit of individual employees;

33 (4) The state militia or national guard or any part thereof;

34 (5) Nonjudicial mental or physical health proceedings involving identifiable persons,
35 including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or
36 treatment;

37 (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including
38 records of individual test or examination scores; however, personally identifiable student records
39 maintained by public educational institutions shall be open for inspection by the parents,
40 guardian or other custodian of students under the age of eighteen years and by the parents,
41 guardian or other custodian and the student if the student is over the age of eighteen years;

42 (7) Testing and examination materials, before the test or examination is given or, if it
43 is to be given again, before so given again;

44 (8) Welfare cases of identifiable individuals;

45 (9) Preparation, including any discussions or work product, on behalf of a public
46 governmental body or its representatives for negotiations with employee groups;

47 (10) Software codes for electronic data processing and documentation thereof;

48 (11) Specifications for competitive bidding, until either the specifications are officially
49 approved by the public governmental body or the specifications are published for bid;

50 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals
51 and related documents or any documents related to a negotiated contract until a contract is
52 executed, or all proposals are rejected;

53 (13) Individually identifiable personnel records, performance ratings or records
54 pertaining to employees or applicants for employment, except that this exemption shall not apply
55 to the names, positions, salaries and lengths of service of officers and employees of public
56 agencies once they are employed as such, and the names of private sources donating or
57 contributing money to the salary of a chancellor or president at all public colleges and
58 universities in the state of Missouri and the amount of money contributed by the source;

59 (14) Records which are protected from disclosure by law;

60 (15) Meetings and public records relating to scientific and technological innovations in
61 which the owner has a proprietary interest;

62 (16) Records relating to municipal hotlines established for the reporting of abuse and
63 wrongdoing;

64 (17) Confidential or privileged communications between a public governmental body
65 and its auditor, including all auditor work product; however, all final audit reports issued by the
66 auditor are to be considered open records pursuant to this chapter;

67 (18) Operational guidelines, policies and specific response plans developed, adopted, or
68 maintained by any public agency responsible for law enforcement, public safety, first response,
69 or public health for use in responding to or preventing any critical incident which is or appears

70 to be terrorist in nature and which has the potential to endanger individual or public safety or
71 health. Financial records related to the procurement of or expenditures relating to operational
72 guidelines, policies or plans purchased with public funds shall be open. When seeking to close
73 information pursuant to this exception, the public governmental body shall affirmatively state
74 in writing that disclosure would impair the public governmental body's ability to protect the
75 security or safety of persons or real property, and shall in the same writing state that the public
76 interest in nondisclosure outweighs the public interest in disclosure of the records;

77 (19) Existing or proposed security systems and structural plans of real property owned
78 or leased by a public governmental body, and information that is voluntarily submitted by a
79 nonpublic entity owning or operating an infrastructure to any public governmental body for use
80 by that body to devise plans for protection of that infrastructure, the public disclosure of which
81 would threaten public safety:

82 (a) Records related to the procurement of or expenditures relating to security systems
83 purchased with public funds shall be open;

84 (b) When seeking to close information pursuant to this exception, the public
85 governmental body shall affirmatively state in writing that disclosure would impair the public
86 governmental body's ability to protect the security or safety of persons or real property, and shall
87 in the same writing state that the public interest in nondisclosure outweighs the public interest
88 in disclosure of the records;

89 (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the
90 receiving agency within ninety days of submission to determine if retention of the document is
91 necessary in furtherance of a state security interest. If retention is not necessary, the documents
92 shall be returned to the nonpublic governmental body or destroyed;

93 (20) The portion of a record that identifies security systems or access codes or
94 authorization codes for security systems of real property;

95 (21) Records that identify the configuration of components or the operation of a
96 computer, computer system, computer network, or telecommunications network, and would
97 allow unauthorized access to or unlawful disruption of a computer, computer system, computer
98 network, or telecommunications network of a public governmental body. This exception shall
99 not be used to limit or deny access to otherwise public records in a file, document, data file or
100 database containing public records. Records related to the procurement of or expenditures
101 relating to such computer, computer system, computer network, or telecommunications network,
102 including the amount of moneys paid by, or on behalf of, a public governmental body for such
103 computer, computer system, computer network, or telecommunications network shall be open;

104 (22) Credit card numbers, personal identification numbers, digital certificates, physical
105 and virtual keys, access codes or authorization codes that are used to protect the security of

106 electronic transactions between a public governmental body and a person or entity doing business
107 with a public governmental body. Nothing in this section shall be deemed to close the record
108 of a person or entity using a credit card held in the name of a public governmental body or any
109 record of a transaction made by a person using a credit card or other method of payment for
110 which reimbursement is made by a public governmental body;

111 (23) Records submitted by an individual, corporation, or other business entity to a public
112 institution of higher education in connection with a proposal to license intellectual property or
113 perform sponsored research and which contains sales projections or other business plan
114 information the disclosure of which may endanger the competitiveness of a business; ~~and]~~

115 (24) Records relating to foster home or kinship placements of children in foster care
116 under section 210.498; **and**

117 **(25) Individually identifiable customer usage and billing records for customers of**
118 **a municipally owned utility, unless the records are requested by the customer or**
119 **authorized for release by the customer, except that a municipally owned utility shall make**
120 **available to the public the customer's name, billing address, location of service, and dates**
121 **of service provided for any commercial service account.**

122

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

- ~~2 (1) "County" means any of the several counties of this state or the city of~~
- ~~3 St. Louis;~~
- ~~4 (2) "County clerk" means any of the several county clerks of this state or~~
- ~~5 the clerk of the circuit court in the city of St. Louis;~~
- ~~6 (3) "Facsimile" means an exact copy preserving all the written or printed~~
- ~~7 marks of the original;~~
- ~~8 (4) "Notarization" means the performance of a notarial act;~~
- ~~9 (5) "Notary public" and "notary" means any person appointed and~~
- ~~10 commissioned to perform notarial acts, including any attorney licensed to~~
- ~~11 practice law in this state;~~
- ~~12 (6) "Official misconduct" means the wrongful exercise of a power or the~~
- ~~13 wrongful performance of a duty. The term "wrongful" as used in the definition~~
- ~~14 of official misconduct means unauthorized, unlawful, abusive, negligent,~~
- ~~15 reckless, or injurious.]~~

16

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

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

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

2 ~~[486.220. 1. Each person appointed and commissioned as a notary public~~
3 ~~shall, except as 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 and for which he is~~
6 ~~commissioned; or a resident alien of the United States;~~

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

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

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

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

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

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

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

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

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

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

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

29 ~~3. A notary public is not a public officer within the meaning of Article~~
30 ~~VII of the Missouri Constitution.]~~

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

- 7 ~~2. With the person's application, each applicant for appointment and~~
8 ~~commission as a notary public shall submit to the secretary of state a commission~~
9 ~~fee of fifteen dollars.~~
- 10 ~~3. Each applicant for appointment and commission as a notary public~~
11 ~~shall state in the application whether or not the applicant has ever been convicted~~
12 ~~of or pled guilty or nolo contendere to any felony, or to any misdemeanor~~
13 ~~incompatible with the duties of a notary public and if so, shall attach a list of such~~
14 ~~convictions or pleas of guilt or nolo contendere.~~
- 15 ~~4. Each applicant for a renewal appointment and commission as a notary~~
16 ~~public may apply for such renewal appointment in a manner prescribed by the~~
17 ~~secretary of state.~~
- 18 ~~5. The secretary of state may prohibit, for a period not less than thirty~~
19 ~~days and not more than one year, a new applicant or renewal from reapplying for~~
20 ~~an appointment and commission as a notary public following the rejection of~~
21 ~~such applicant's application by the secretary of state.~~
- 22 ~~6. Prior to submitting an application to the secretary of state, each new~~
23 ~~applicant or renewal for appointment and commission as a notary public shall~~
24 ~~read the Missouri notary public handbook and complete a computer-based notary~~
25 ~~training or other notary training in a manner prescribed by the secretary of state.~~
26 ~~Each new applicant or renewal applicant shall attest to reading such handbook~~
27 ~~and receiving such training pursuant to this subsection at the time of submitting~~
28 ~~the application for appointment and commission as a notary public.]~~
29

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

- [486.235. 1. During his or her term of office each notary public shall
2 maintain a surety bond in the sum of ten thousand dollars with, as surety thereon,
3 a company qualified to write surety bonds in this state. The bond shall be
4 conditioned upon the faithful performance of all notarial acts in accordance with
5 this chapter. Each notary public shall notify the secretary of state of changes on
6 or riders to the bond.
- 7 ~~2. Before receiving his or her commission, each applicant shall submit~~
8 ~~to the county clerk of the county within and for which he or she is to be~~
9 ~~commissioned, an executed bond commencing at least ninety days after the date~~
10 ~~he or she submitted the application to the secretary of state with a term of four~~
11 ~~years, which shall consist of the dates specified on the applicant's commission.~~

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

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

19 ~~_____ (signature of applicant)~~

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

21 ~~_____ (signature of county clerk)~~

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

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

29

~~[486.240. If the person for whom a commission is issued fails to appear
and qualify within ninety days after the commission is issued, the county clerk
shall note the failure on the commission and return it within thirty days of such
failure to the secretary of state. The secretary of state shall immediately cancel
and annul the commission. The secretary of state may prohibit, for a period not
less than thirty days and not more than one year, such person from reapplying for
an appointment and commission as a notary public following the failure to appear
and qualify within ninety days after the commission is issued.]~~

9

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

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

10

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

2 ~~[486.255. 1. For the purposes of this chapter, a notary public has a~~
3 ~~disqualifying interest in a transaction in connection with which notarial services~~
4 ~~are requested if he is named, individually, as a party to the transaction.~~
5 ~~2. No notary who has a disqualifying interest in a transaction may legally~~
6 ~~perform any notarial act in connection with the transaction.]~~

2 ~~[486.260. Each notary public shall provide and keep a permanently~~
3 ~~bound journal of his or her notarial acts containing numbered pages, except those~~
4 ~~notarial acts connected with judicial proceedings, and those for whose public~~
5 ~~record the law provides and the public record is publicly filed within ninety days~~
6 ~~of execution. Each notary public shall record in such journal the following: the~~
7 ~~month, day, and year of notarization; the type of notarization such as~~
8 ~~acknowledgment or jurat; the type of document; the name and address of the~~
9 ~~signer; the identification used by the signer; the notary fee; and the signature of~~
10 ~~the signer.]~~

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

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

2 ~~[486.275. 1. At the time of notarization a notary public shall sign his or~~
3 ~~her official signature on each notary certificate.~~
4 ~~2. If a signature or record is required to be notarized, acknowledged,~~
5 ~~verified, or made under oath, notwithstanding the provisions of section 486.285~~
6 ~~to the contrary, the requirement is satisfied if the electronic signature of the~~
7 ~~person authorized to perform such acts, together with all other information~~
8 ~~required to be included, is attached to or logically associated with the signature~~
9 ~~or record.~~
10 ~~3. The secretary of state shall promulgate rules to implement the~~
11 ~~provisions of this section. Any rule or portion of a rule, as that term is defined~~
12 ~~in section 536.010, that is created under the authority delegated in this section~~
13 ~~shall become effective only if it complies with and is subject to all of the~~
 ~~provisions of chapter 536 and, if applicable, section 536.028. This section and~~

14 ~~chapter 536 are nonseverable and if any of the powers vested with the general~~
 15 ~~assembly pursuant to chapter 536 to review, to delay the effective date, or to~~
 16 ~~disapprove and annul a rule are subsequently held unconstitutional, then the grant~~
 17 ~~of rulemaking authority and any rule proposed or adopted after August 28, 2016,~~
 18 ~~shall be invalid and void.]~~

19

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

6 ~~_____ (1) His or her name exactly as it appears on the commission;~~
 7 ~~_____ (2) The words "Notary Public", "State of Missouri", and "My commission~~
 8 ~~expires _____ (commission expiration date);~~
 9 ~~_____ (3) The name of the county within which he or she is commissioned; and~~
 10 ~~_____ (4) A commission number, provided that the notary public has been~~
 11 ~~issued a commission number by the secretary of state. Effective August 28,~~
 12 ~~2004, the secretary of state shall issue a commission number for all new and~~
 13 ~~renewal notary appointments.]~~

13

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

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

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

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

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

23 ~~_____ 4. Every notary shall keep an official notarial seal that is the exclusive~~
 24 ~~property of the notary and the seal may not be used by any other person or~~
 25 ~~surrendered to an employer upon termination of employment.]~~

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

2 ~~[486.295. Any notary public who changes the address of his or her~~
3 ~~residence in the county within and for which he or she is commissioned shall~~
4 ~~forthwith mail or deliver within thirty days of such change a notice of the fact to~~
5 ~~the secretary of state including his or her old address and current address. The~~
6 ~~notary's commission shall remain in effect until its expiration date, unless sooner~~
7 ~~revoked.]~~

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

2 ~~[486.305. 1. Any notary public who loses or misplaces his or her journal~~
3 ~~of notarial acts or official seal shall immediately provide written notice of the fact~~
4 ~~to the secretary of state. For a lost or misplaced official seal, upon receipt of the~~
5 ~~written notice, the secretary of state shall issue the notary a new commission~~
6 ~~number for the notary to order a new seal. The secretary of state may post notice~~
7 ~~on the secretary of state's website notifying the general public that the lost or~~
8 ~~misplaced notary seal and commission number of such notary is invalid and is not~~
9 ~~an acceptable notary commission number.~~

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

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

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

2 ~~[486.315. If a notary public has ceased to have a residence address in the~~
 3 ~~county within and for which he or she is commissioned, the commission shall~~
 4 ~~thereupon cease to be in effect, unless the secretary of state issues an amended~~
 5 ~~commission. When a notary public, who has established a residence address in~~
 6 ~~a county of the state other than the county in which he or she was first~~
 7 ~~commissioned, requests an amended commission within thirty days of changing~~
 8 ~~the notary's county of residence, delivers his or her current commission, notice~~
 9 ~~of change form, and five dollars to the secretary of state, the secretary of state~~
 10 ~~shall issue an amended commission to the notary public, for the county in which~~
 11 ~~his or her new residence is located and shall notify the county clerk of the county~~
 12 ~~where the notary's new address is located. After requesting an amended~~
 13 ~~commission within thirty days of changing the notary's county of residence, the~~
 14 ~~notary may continue to perform notarial acts with certificates showing the county~~
 15 ~~within and for which he or she is commissioned, until the notary receives his or~~
 16 ~~her amended commission.]~~

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

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

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

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

4 ~~_____ (1) By an Individual:~~
 5 ~~_____ State of _____, County (and/or City) of _____~~
 6 ~~_____ On this _____ day of _____ in the year _____ before me, _____~~
 7 ~~(name of notary), a Notary Public in and for said state, personally appeared~~
 8 ~~_____ (name of individual), known to me to be the person who executed the~~
 9 ~~within _____ (type of document), and acknowledged to me that _____ (he/she)~~
 10 ~~executed the same for the purposes therein stated:~~

11 ~~_____ (2) By a Partner:~~
 12 ~~_____ State of _____, County (and/or City) of _____~~

13 ~~_____ On this _____ day of _____ in the year _____ before me, _____~~
 14 ~~(name of notary), a Notary Public in and for said state, personally appeared~~
 15 ~~_____ (name of partner) of _____ (name of partnership), known to me to be~~
 16 ~~the person who executed the within _____ (type of document) in behalf of said~~
 17 ~~partnership and acknowledged to me that he or she executed the same for the~~
 18 ~~purposes therein stated.~~

19 ~~_____ (official signature and official seal of notary)~~

20 ~~(3) By a Corporate Officer.~~

21 ~~_____ State of _____, County (and/or City) of _____~~

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

29 ~~_____ (official signature and official seal of notary)~~

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

31 ~~_____ State of _____, County (and/or City) of _____~~

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

38 ~~_____ (official signature and official seal of notary)~~

39 ~~(5) By a Public Officer, Deputy, Trustee, Administrator, Guardian or~~
 40 ~~Executor.~~

41 ~~_____ State of _____, County (and/or City) of _____~~

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

48 ~~_____ (official signature and official seal of notary)~~

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

51 ~~_____ On this _____ day of _____, in the year _____, before me _____~~
 52 ~~(name and title of person acting as a notary and refer to law or authority granting~~
 53 ~~power to act as a notary), personally appeared _____ (name of citizen) known~~
 54 ~~to me to be the person who executed the within _____ (type of document) and~~

55 acknowledged to me that _____ (he/she) executed the same for the purposes
56 therein stated:

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

59 _____ (7) By An Individual Who Cannot Write His or Her Name:

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

61 _____ On this _____ day of _____ in the year _____, before me _____
62 (name of notary), a Notary Public in and for said state, personally appeared
63 _____ (name of individual), known to me to be the person who, being unable
64 to write his or her name, made his or her mark in my presence:

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

68 _____ (official signature and official seal of notary)

69 _____ (8) By a Manager or Member:

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

71 _____ On this _____ day of _____ in the year _____ before me, _____
72 (name of notary), a Notary Public in and for said state, personally appeared
73 _____ (name of manager or member) of _____ (name of limited liability
74 company), known to me to be the person who executed the within _____ (type
75 of document) in behalf of said limited liability company and acknowledged to me
76 that he or she executed the same for the purposes therein stated.

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

78

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

3 _____ (1) If the affirmation to be administered by the notary public is in writing
4 and the person who took the affirmation has signed his or her name thereto, the
5 notary public shall write or print under the text of the affirmation the following:

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

8 _____ (official signature and official seal of notary):

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

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

14

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

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

5 ~~3. The affidavit of executing witness for acknowledgment by an~~
6 ~~individual who does not appear before a notary shall be in type not smaller than~~
7 ~~eight-point and in substantially the following form:~~
8 ~~I, _____ (name of executing witness), do solemnly affirm under the~~
9 ~~penalty of perjury, that _____ (name of person who does not appear before a~~
10 ~~notary), personally known to me, has executed the within _____ (type of~~
11 ~~document) in my presence, and has acknowledged to me that _____ (he/she)~~
12 ~~executed the same for the purposes therein stated and requested that I sign my~~
13 ~~name on the within document as an executing witness.~~
14 ~~_____ (signature of executing witness)~~
15 ~~Subscribed and affirmed before me this _____ day of _____, 20 _____~~
16 ~~_____ (official signature and official seal of notary)]~~
17

2 ~~[486.345. 1. A notary public may certify a facsimile of a document if he~~
3 ~~or she receives a signed written request stating that a certified copy or facsimile,~~
4 ~~preparation of a copy, or certification of a copy of the document does not violate~~
5 ~~any state or federal law:~~
6 ~~2. Each notary public shall retain a facsimile of each document he or she~~
7 ~~has certified as a facsimile of another document, together with other papers or~~
8 ~~copies relating to his or her notarial acts.~~
9 ~~3. The certification of a facsimile shall be in type not smaller than~~
10 ~~eight-point and in substantially the following form:~~
11 ~~State of _____ County (and/or City) of _____~~
12 ~~I, _____ (name of notary), a Notary Public in and for said state, do~~
13 ~~certify that on _____ (date) I carefully compared the attached facsimile of~~
14 ~~_____ (type of document) and the facsimile I now hold in my possession. They~~
15 ~~are complete, full, true and exact facsimiles of the document they purport to~~
16 ~~reproduce.~~
17 ~~_____ (official signature and official seal of notary)]~~

2 ~~[486.350. 1. The maximum fee in this state for notarization of each~~
3 ~~signature and the proper recording thereof in the journal of notarial acts is two~~
4 ~~dollars for each signature notarized.~~
5 ~~2. The maximum fee in this state for certification of a facsimile of a~~
6 ~~document, and the proper recordation thereof in the journal of notarial acts is two~~
7 ~~dollars for each 8 1/2 x 11 inch page retained in the notary's file.~~
8 ~~3. The maximum fee in this state is one dollar for any other notarial act~~
9 ~~performed.~~
10 ~~4. No notary shall charge or collect a fee for notarizing the signature on~~
11 ~~any absentee ballot or absentee voter registration.~~
12 ~~5. A notary public who charges more than the maximum fee specified or~~
13 ~~who charges or collects a fee for notarizing the signature on any absentee ballot~~
~~or absentee voter registration is guilty of official misconduct.~~

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

18 ~~(1) The notary explains to the person requesting the notarial act that the~~
 19 ~~travel fee is separate from the notarial fee and is not specified or mandated by~~
 20 ~~law, and~~

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

23

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

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

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

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

7

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

3

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

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

8

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

7

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

4

2 ~~[486.385. 1. The secretary of state may reject an application or revoke~~
3 ~~the commission of any notary public who prior to being commissioned or during~~
4 ~~the current term of appointment:~~
5 ~~(1) Submits an application for commission and appointment as a notary~~
6 ~~public which contains substantial and material misstatement of facts;~~
7 ~~(2) Is convicted of any felony or official misconduct under this chapter;~~
8 ~~(3) Fails to exercise the powers or perform the duties of a notary public~~
9 ~~in accordance with this chapter, or fails otherwise to comply with the provisions~~
10 ~~of this chapter;~~
11 ~~(4) Is adjudged liable or agrees in a settlement to pay damages in any suit~~
12 ~~grounded in fraud, misrepresentation, impersonation, or violation of the state~~
13 ~~regulatory laws of this state, if his or her liability is not solely by virtue of his or~~
14 ~~her agency or employment relationship with another who engaged in the act for~~
15 ~~which the suit was brought;~~
16 ~~(5) Uses false or misleading advertising wherein he or she represents or~~
17 ~~implies, by virtue of the title of notary public, that he or she has qualifications,~~
18 ~~powers, duties, rights, or privileges that he or she does not possess by law;~~
19 ~~(6) Engages in the unauthorized practice of law;~~
20 ~~(7) Ceases to be a citizen of the United States;~~
21 ~~(8) Ceases to be a registered voter of the county within and for which he~~
22 ~~or she is commissioned;~~
23 ~~(9) Ceases to have a residence address in the county within and for which~~
24 ~~he or she is commissioned, unless he or she has been issued an amended~~
25 ~~commission;~~
26 ~~(10) Becomes incapable of reading or writing the English language;~~
27 ~~(11) Fails to maintain the surety bond required by section 486.235.~~
28 ~~2. A notary's commission may be revoked under the provisions of this~~
29 ~~section if action is taken subject to the rights of the notary public to notice,~~
30 ~~hearing, adjudication and appeal. The secretary of state shall have further power~~
31 ~~and authority as is reasonably necessary to enable the secretary of state to~~
32 ~~administer this chapter efficiently and to perform the duties therein imposed upon~~
33 ~~the secretary of state, including immediate suspension of a notary upon written~~
34 ~~notice sent by certified mail if the situation is deemed to have a serious unlawful~~
35 ~~effect on the general public; provided, that the notary public shall be entitled to~~
36 ~~hearing and adjudication as soon thereafter as is practicable.]~~

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

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

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

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

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

28
29 ~~[486.396. If the notary's notary seal has been stolen, the notary shall~~
30 ~~immediately notify the secretary of state in writing to report the theft. Upon~~
31 ~~receipt of the written documentation, the secretary of state shall issue the notary~~
32 ~~a new commission number for the notary to order a new seal. The secretary of~~
33 ~~state may post notice on the secretary of state's website notifying the general~~
34 ~~public that the notary seal of such notary with the stolen commission number is~~
35 ~~invalid and is not an acceptable notary commission number.]~~

36
37 ~~[486.405. Nothing in sections 486.200 to 486.405 shall be construed in~~
38 ~~any way as interfering with or discontinuing the term of office of any person now~~
39 ~~serving as a notary public until the term for which he was commissioned has~~
40 ~~expired, or until he has been removed pursuant to the provisions of sections~~
41 ~~486.200 to 486.405.]~~

42
43 Section B. The enactment of sections 486.600, 486.605, 486.610, 486.615, 486.620,
44 486.625, 486.630, 486.635, 486.640, 486.645, 486.650, 486.655, 486.660, 486.665, 486.670,
45 486.675, 486.680, 486.685, 486.690, 486.695, 486.700, 486.705, 486.710, 486.715, 486.720,
46 486.725, 486.730, 486.735, 486.740, 486.745, 486.750, 486.755, 486.760, 486.765, 486.770,
47 486.775, 486.780, 486.785, 486.790, 486.795, 486.800, 486.805, 486.810, 486.815, 486.820,
48 486.900, 486.905, 486.910, 486.915, 486.920, 486.925, 486.930, 486.935, 486.940, 486.945,
49 486.950, 486.955, 486.957, 486.960, 486.965, 486.970, 486.975, 486.980, 486.985, 486.990,

8 486.995, 486.1000, 486.1005, 486.1010, 486.1020, 486.1025, and 578.700 of this act and the
9 repeal of sections 486.200, 486.205, 486.210, 486.215, 486.220, 486.225, 486.230, 486.235,
10 486.240, 486.245, 486.250, 486.255, 486.260, 486.265, 486.270, 486.275, 486.280, 486.285,
11 486.290, 486.295, 486.300, 486.305, 486.310, 486.315, 486.320, 486.325, 486.330, 486.335,
12 486.340, 486.345, 486.350, 486.355, 486.360, 486.365, 486.370, 486.375, 486.380, 486.385,
13 486.390, 486.395, 486.396, and 486.405 of this act shall become effective January 1, 2020.

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