

SECOND REGULAR SESSION

SENATE BILL NO. 593

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHITE.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3191S.011

AN ACT

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

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

Section A. Sections 367.031, 486.200, 486.205, 486.210, 486.215, 486.220, 2 486.225, 486.230, 486.235, 486.240, 486.245, 486.250, 486.255, 486.260, 486.265, 3 486.270, 486.275, 486.280, 486.285, 486.290, 486.295, 486.300, 486.305, 486.310, 4 486.315, 486.320, 486.325, 486.330, 486.335, 486.340, 486.345, 486.350, 486.355, 5 486.360, 486.365, 486.370, 486.375, 486.380, 486.385, 486.390, 486.395, 486.396, 6 and 486.405, RSMo, are repealed and seventy-three new sections enacted in lieu 7 thereof, to be known as sections 367.031, 486.600, 486.605, 486.610, 486.615, 8 486.620, 486.625, 486.630, 486.635, 486.640, 486.645, 486.650, 486.655, 486.660, 9 486.665, 486.670, 486.675, 486.680, 486.685, 486.690, 486.695, 486.700, 486.705, 10 486.710, 486.715, 486.720, 486.725, 486.730, 486.735, 486.740, 486.745, 486.750, 11 486.755, 486.760, 486.765, 486.770, 486.775, 486.780, 486.785, 486.790, 486.795, 12 486.800, 486.805, 486.810, 486.815, 486.820, 486.900, 486.905, 486.910, 486.915, 13 486.920, 486.925, 486.930, 486.935, 486.940, 486.945, 486.950, 486.955, 486.957, 14 486.960, 486.965, 486.970, 486.975, 486.980, 486.985, 486.990, 486.995, 486.1000, 15 486.1005, 486.1010, 486.1020, 486.1025, and 578.700, to read as follows:

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

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

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

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

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

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

37 pawnbrokers for purchase transactions pursuant to subdivision (6) of subsection
38 4 of section 367.040;

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

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

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

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

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

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

73 reportable data for each pawn and purchase transaction.

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

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

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

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

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

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

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

99 11. If the pawn ticket is lost, destroyed, or stolen, the pledgor may so
100 notify the pawnbroker in writing, and receipt of such notice shall invalidate such
101 pawn ticket, if the pledged goods have not previously been redeemed. Before
102 delivering the pledged goods or issuing a new pawn ticket, the pawnbroker shall
103 require the pledgor to make a written affidavit of the loss, destruction or theft of
104 the ticket. The pawnbroker shall record on the written statement the identifying
105 information required, the date the statement is given, and the number of the
106 pawn ticket lost, destroyed, or stolen. The affidavit shall be signed by a notary
107 public appointed by the secretary of state pursuant to [section 486.205] **chapter**
108 **486** to perform notarial acts in this state.

486.600. As used in sections 486.600 to 486.1025, the following

2 terms and phrases mean:

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

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

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

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

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

16 (a) Appears in person before the notary;

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

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

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

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

26 (a) Locates or is presented with a paper or an electronic
27 document that is not a vital record, a public record, or a recorded
28 document;

29 (b) Compares the document with a second paper or electronic
30 document that is:

31 a. Presented to the notary;

32 b. Located by the notary; or

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

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

37 (5) "County", any of the several counties of this state or the city

38 of St. Louis;

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

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

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

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

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

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

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

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

64 (a) Appears in person before the notary and presents a
65 document;

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

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

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

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

74 (15) "Notarial certificate" and "certificate", the part of, or

75 attachment to, a notarized document that, in the performance of the
76 notarization, is completed by the notary, bears the notary's official
77 signature and seal, and states the date, venue, and facts attested by the
78 notary in the particular notarial act;

79 (16) "Notary public" and "notary", any person commissioned to
80 perform notarial acts pursuant to this chapter;

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

84 (a) Appears in person before the notary;

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

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

89 (18) "Official misconduct":

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

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

96 (19) "Official seal":

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

101 (b) The affixed image itself;

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

105 (21) "Personal appearance before the notary" and "appears in
106 person before the notary", the notary is physically close enough to see,
107 hear, communicate with, and receive identification documents from a
108 principal and any required witness or, in the case of a remote
109 electronic notarization, a principal and any required witness appeared
110 by remote means in accordance with sections 486.900 to 486.1025;

111 (22) "Personal knowledge of identity" and "personally knows",

112 familiarity with an individual resulting from interactions with that
113 individual over a period of time sufficient to dispel any reasonable
114 uncertainty that the individual has the identity claimed;

115 (23) "Principal":

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

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

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

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

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

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

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

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

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

140 (a) Appears in person before the notary and presents a
141 document;

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

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

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

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

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

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

10 (3) Reside legally in the United States;

11 (4) Read and write English; and

12 (5) Pass the examination required in section 486.630.

13 3. (1) An applicant who is not a resident of the state may qualify
14 to be a notary if he or she works in Missouri and will use the notary
15 seal in the course of his or her employment in Missouri.

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

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

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

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

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

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

35 (5) An official finding that the applicant has previously engaged
36 in official misconduct, regardless of whether disciplinary action
37 resulted.

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

42 application, has:

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

45 (2) Made a finding pursuant to section 486.810 that grounds for
46 revocation of the applicant's commission existed.

47 6. The secretary shall promulgate rules providing for appeals
48 from denials of applications, subject to the limitations in section
49 486.1025.

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

5 2. The existing bond, seal, length of commission term, and
6 liability of current notaries commissioned before January 1, 2021, shall
7 not be invalidated, modified, or terminated by this chapter, but
8 notaries shall comply with this chapter beginning January 1, 2021, in
9 performing notarizations and in applying for new commissions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **(7) All issuances, denials, revocations, suspensions, restrictions,**
14 **and resignations of a notarial commission, professional license, or**

15 public office involving the applicant in this or any other state or
16 nation;

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

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

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

25 Declaration of Applicant

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

34 (signature of applicant)

35 3. Every applicant for a notary commission shall:

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

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

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

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

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

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

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

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

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

486.640. A notary may perform the following notarial acts:

2 (1) Acknowledgments;

3 (2) Oaths and 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
2 principal:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

486.660. A notary shall not:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 **3. A notary may not use the term "notario publico" or any**

12 equivalent non-English term in any business card, advertisement,
13 notice, or sign.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (1) The notarial act was completed; or

6 (2) In the case of travel fees paid in compliance with subsection

7 3 of section 486.685, the notarial act was not completed after the notary
8 traveled to meet the principal because it was prohibited pursuant to
9 section 486.645, or because the notary knew or had a reasonable belief
10 that the notarial act or the associated transaction was unlawful.

486.695. 1. An employer may prohibit an employee who is a
2 notary from charging for notarial acts performed on the employer's
3 time, but shall not discriminate in the charging of fees based on the
4 characteristics of the principal as set forth in subsection 1 of section
5 486.650.

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

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

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

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

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

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

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

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

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

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

4 (2) The type of notarial act;

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

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

8 **(5) The printed name and address of each requester of fact;**
9 **(6) The evidence of identity of each principal in the form of**
10 **either:**

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

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

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

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

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

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

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

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

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

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

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

7 **2. Upon complying with a request for copies pursuant to**

8 subsection 1 of this section, the notary shall charge not more than one
9 dollar per copy. If a certified copy is requested, the fee shall be as
10 specified in section 486.685.

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

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

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

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

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

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

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

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

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

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

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

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

6 **3. The official seal of a notary shall:**

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

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

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

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

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

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

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

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

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

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

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

9 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 **(3) Be attached immediately following the signature page if the**

8 certificate is the same size as that page, or to the front of the signature
9 page if the certificate is smaller; and

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

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

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

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

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

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

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

5 State of Missouri

6 County (and/or City) of

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

- 22 (as partner for, a partnership.)
- 23 (as for, a corporation.)
- 24 (as attorney in fact for, the principal.)
- 25 (asfor, (a)(the)))
- 26 (official signature and seal of notary)

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

32 State of Missouri
 33 County (and/or City) of

34 On this day of, 20...., before me, the undersigned
 35 notary, personally appeared by remote means
 36 (name of document signer), (personally known to
 37 me)(proved to me through identification documents, which
 38 were,) (proved to me on the oath or affirmation of
 39, who is personally known to me and stated to me
 40 that (he)(she) personally knows the document signer and
 41 is unaffected by the document,) (proved to me on the oath
 42 or affirmation of and, whose identities have
 43 been proven to me through identification documents and
 44 who have stated to me that they personally know the
 45 document signer and are unaffected by the document,) to
 46 be the person whose name is signed on the preceding or
 47 attached document, and acknowledged to me that (he)(she)
 48 signed it voluntarily for its stated purpose(.)
 49 (as partner for, a partnership.)
 50 (as for, a corporation.)
 51 (as attorney in fact for, the principal.)
 52 (as for, (a)(the)))
 53 (official signature and seal of notary)

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

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

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

22 (official signature and seal of notary)

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

26 State of Missouri

27 County (and/or City) of

28 On this day of, 20..., before me, the undersigned
 29 notary, personally appeared by remote means
 30 (name of document signer), (personally known to me)
 31 (proved to me through identification documents, which
 32 were,) (proved to me on the oath or affirmation of
 33, who is personally known to me and stated to me
 34 that (he)(she) personally knows the document signer and
 35 is unaffected by the document,) (proved to me on the oath
 36 or affirmation of and, whose identities
 37 have been proven to me through identification documents
 38 and who have stated to me that they personally know the
 39 document signer and are unaffected by the document,) to
 40 be the person who signed the preceding or attached
 41 document in my presence and who swore or affirmed to me
 42 that the contents of the document are truthful and

43 accurate to the best of (his)(her) knowledge and belief.

44 (official signature and seal of notary)

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

5 State of Missouri

6 County (and/or City) of

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

21 (official signature and seal of notary)

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

3 State of Missouri

4 County (and/or City) of

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

6 I certify that the (attached or following paper document)
7 (affixed, attached, or logically associated electronic
8 document) has been (visually) (electronically) confirmed by
9 me to be a true, exact, and complete copy of the image (or
10 text) (and metadata) of (description of original
11 document), (presented/e-mailed to me by),
12 (found by me (online) at), (held in my custody
13 as a notarial record,) and that, to the best of my
14 knowledge, the copied document is neither a vital record,

15 a public record, nor a publicly recordable document,
16 certified copies of which may be available from an official
17 source other than a notary.

18 (official signature and seal of notary)

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

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

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

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

Certificate of Authority for a Notarial Act

19 I, (name, title, jurisdiction of authenticating
20 official), certify that (name of notary), the person
21 named in the seal and signature on the attached document,
22 was a Notary Public for the state of Missouri and
23 authorized to act as such at the time of the document's
24 notarization.

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

28 (Signature and seal of commissioning official)

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

APOSTILLE

34 (Convention de La Haye du 5 octobre 1961)

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

40 CERTIFIED

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

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

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

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

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

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

- 15 (1) A notary of that jurisdiction;
- 16 (2) A judge, clerk, or deputy clerk of a court of that jurisdiction;
- 17 or
- 18 (3) Any other person authorized by the law of that jurisdiction
- 19 to perform notarial acts.

20 4. The official signature, title, and, if required by law, seal of a
21 person whose authority to perform notarial acts is recognized by

22 subsection 3 of this section shall be considered prima facie evidence
23 that the signature and seal are genuine and that the person holds the
24 indicated title, and, except in the case of subdivision (3) of subsection
25 3 of this section, shall conclusively establish the authority of a holder
26 of that title to perform a notarial act.

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

- 31 (1) A judge, clerk, or deputy clerk of a court;
- 32 (2) A commissioned United States military officer on active duty;
- 33 (3) A foreign service or consular officer of the United States; or
- 34 (4) Any other person authorized by federal law to perform
35 notarial acts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 such change, along with a fee of five dollars.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 **5. Notwithstanding any other provision in this chapter to the**
33 **contrary, for the purposes of this section "negligence" shall not include**

34 any good-faith determination made by the notary pursuant to the
35 obligations imposed by subdivision (3) of subsection 1 of section 486.645
36 or subdivision (4) of subsection 1 of section 486.645.

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

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

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

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

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

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

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

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

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

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

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

486.900. As used in sections 486.900 to 486.1025, the following

2 terms and phrases mean:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

 486.915. The term of registration of an electronic notary public
2 shall begin on the registration starting date set by the secretary and
3 shall continue as long as the notary's commission remains in effect or
4 until registration is terminated pursuant to subsection 1 of section
5 486.1005.

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

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

6 (2) The following information:

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

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

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

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

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

23 notary seal; and

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

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

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

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

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

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

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

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

3 (1) Acknowledgment;

4 (2) Jurat;

5 (3) Signature witnessing; and

6 (4) Copy certification.

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

9 (1) Acknowledgment; and

10 (2) Jurat.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 **(1) Completed wording appropriate to the particular electronic**

6 notarial act, as prescribed in subsection 3 of this section;

7 (2) A registered electronic signature; and

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

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

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

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

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

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

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

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

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

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

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

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

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

8 2. A registered electronic signature shall be:

9 (1) Unique to the electronic notary;

10 (2) Capable of independent verification;

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

14 evidence of the alteration; and

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

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

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

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

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

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

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

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

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

10 (3) Have a backup system in place to provide a duplicate record
11 of electronic notarial acts as a precaution in the event of loss of the

12 original record;

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

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

19 2. In maintaining an electronic journal of electronic notarial
20 acts, an electronic notary public shall comply with the applicable
21 prescriptions and prohibitions regarding the contents, copying,
22 security, surrender, and disposition of a journal as set forth in sections
23 486.705 to 486.715 and sections 486.795 to 486.800.

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

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

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

32 4. An electronic notary public maintaining an electronic journal
33 of electronic notarial acts shall keep the entry for a period of no less
34 than ten years from the date of the entry and shall also keep a record
35 of electronic notarial acts in a permanently bound journal as set forth
36 in sections 486.700 and 486.705.

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

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

6 (1) Records and archives the remote session;

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

10 (3) Provides reasonable security measures to prevent
11 unauthorized access to:

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

- 13 **(b) A recording of the audio-video communication;**
14 **(c) The verification methods and credentials used to verify the**
15 **identity of the principal; and**
16 **(d) The electronic documents presented for electronic**
17 **notarization;**
18 **(4) Utilizes video technology to be used in a remote electronic**
19 **notarization session that provides sufficient high-definition for the**
20 **notary to reasonably assess the principal's comprehension and volition;**
21 **(5) Permits the electronic notary to identify the principal to the**
22 **electronic notary's satisfaction through a form of authentication that**
23 **complies with section 486.957;**
24 **(6) Permits the principal to identify the electronic notary to his**
25 **or her satisfaction; and**
26 **(7) Presents the document being notarized as an electronic**
27 **record.**

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

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

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

- 5 **(1) Personal knowledge of the identity;**
6 **(2) Each of the following if approved by rules or regulations**
7 **adopted by the secretary of state:**
8 **(a) Remote presentation by the person of a government-issued**
9 **identification credential that contains a photograph and the signature**
10 **of the person;**
11 **(b) Credential analysis of the government-issued identification**
12 **credential and the data thereon; and**
13 **(c) A dynamic knowledge-based authentication assessment;**
14 **(3) Any other method that complies with any rules or regulations**
15 **adopted by the secretary of state; or**

16 (4) A valid certificate that complies with any rules or regulations
17 adopted by the secretary of state.

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

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

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

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

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

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

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

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

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

23 5. An electronic notary shall not discriminate in the charging of
24 fees for an electronic notarial act based on the characteristics of the
25 principal or requester of fact as set forth in subsection 1 of section
26 486.650, though an electronic notary may waive or reduce fees for
27 humanitarian or charitable reasons.

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

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

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

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

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

6 (1) The electronic notarial act was completed; or

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

486.970. 1. On a notarized electronic document transmitted to
2 another state or nation, electronic evidence of the authenticity of the
3 seal of an electronic notary public of this state and the registered
4 electronic signature, if required, shall be in the form of an electronic
5 certificate of authority signed by the secretary in conformance with
6 any current and pertinent international treaties, agreements, and
7 conventions subscribed by the government of the United States.

8 2. The electronic certificate of authority described in subsection
9 1 of this section shall be attached to or logically associated with the
10 electronically notarized document in such a manner that any
11 subsequent alteration of the notarized document, or removal or
12 alteration of the electronic certificate of authority, produces evidence
13 of the change.

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

18 Certificate of Authority for Electronic Notarial Act

19 I, (name and title of commissioning
20 official), certify that (name of electronic notary
21 public), the person named as Electronic Notary Public in
22 the attached, associated, or accompanying electronic
23 document, was registered as an Electronic Notary Public

24 for the state of Missouri and authorized to act as such at
25 the time the document was electronically notarized. I also
26 certify that the document bears no evidence of illegal or
27 fraudulent alteration.

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

31 (Electronic seal and signature of secretary)

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

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

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

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

6 (1) Immediately notify the secretary;

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

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

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

2. Pursuant to subsection 1 of this section, the secretary shall
16 immediately suspend the electronic status of a notary who has no other
17 currently registered means for producing electronic signatures or

18 notary seals, and, if such means is not registered within thirty days,
19 electronic status shall be terminated.

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

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

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

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

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

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

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

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

5 (2) Failure to maintain the capability to perform electronic

6 notarial acts, except as allowed in subdivision (3) of subsection 1 of
7 section 486.985; or

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

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

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

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

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

486.1025. The secretary may promulgate rules that are
2 reasonable and necessary to accomplish the duties specifically
3 delegated to the secretary in sections 486.605, 486.810, 486.815, and
4 486.955. Any rule or portion of a rule, as that term is defined in section
5 536.010, that is created pursuant to the authority delegated in sections
6 486.605, 486.810, 486.815, and 486.955 shall become effective only if it
7 complies with and is subject to all of the provisions of chapter 536 and,
8 if applicable, section 536.028. This section and chapter 536 are
9 nonseverable, and if any of the powers vested with the general
10 assembly pursuant to chapter 536 to review, to delay the effective date,
11 or to disapprove and annul a rule are subsequently held
12 unconstitutional, then the grant of rulemaking authority and any rule
13 proposed or adopted after January 1, 2021, shall be invalid and void.

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

3 2. In performing a notarial act, a notary shall be guilty of a

4 misdemeanor, punishable upon conviction by a fine not exceeding five
5 hundred dollars or imprisonment for not more than six months, or both,
6 for knowingly:

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

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

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

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

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

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

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

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

38 8. The penalties of this section shall not preclude other sanctions
39 and remedies provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 3. Each applicant for appointment and commission as a
13 notary public shall state in the application whether or not the
14 applicant has ever been convicted of or pled guilty or nolo
contendere to any felony, or to any misdemeanor incompatible with

15 the duties of a notary public and if so, shall attach a list of such
16 convictions or pleas of guilt or nolo contendere.

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

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

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

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

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

8 2. Before receiving his or her commission, each applicant

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

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

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

22 _____ (signature of applicant)

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

25 _____ (signature of county clerk)

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

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

[486.240. If the person for whom a commission is issued
 2 fails to appear and qualify within ninety days after the commission
 3 is issued, the county clerk shall note the failure on the commission
 4 and return it within thirty days of such failure to the secretary of
 5 state. The secretary of state shall immediately cancel and annul
 6 the commission. The secretary of state may prohibit, for a period
 7 not less than thirty days and not more than one year, such person
 8 from reapplying for an appointment and commission as a notary
 9 public following the failure to appear and qualify within ninety
 10 days after the commission is issued.]

[486.245. 1. The county clerk shall keep a register, listing
 2 the name and address of each person to whom he awards a notary

3 commission and the date upon which he awards the
4 commission. Within thirty days after receiving a bond, signature
5 and oath, the county clerk shall forward the bond, signature and
6 oath to the secretary of state by certified mail. All such bonds,
7 signatures and oaths shall be preserved permanently by the
8 secretary of state.

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

[486.250. Each notary public is empowered to

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

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

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

[486.260. Each notary public shall provide and keep a
2 permanently bound journal of his or her notarial acts containing
3 numbered pages, except those notarial acts connected with judicial
4 proceedings, and those for whose public record the law provides
5 and the public record is publicly filed within ninety days of
6 execution. Each notary public shall record in such journal the
7 following: the month, day, and year of notarization; the type of
8 notarization such as acknowledgment or jurat; the type of
9 document; the name and address of the signer; the identification
10 used by the signer; the notary fee; and the signature of the signer.]

[486.265. Every notary shall keep a true and perfect record
2 of his or her official acts in a permanently bound journal, except
3 those connected with judicial proceedings, and those for whose
4 public record the law provides and the public record as defined in

5 section 610.010 is publicly filed within ninety days of
6 execution. Every notary shall make and keep an exact minute, in
7 a permanently bound journal kept by him or her for that purpose,
8 of each of his or her official acts, except as herein provided. The
9 journal is the exclusive property of the notary.]

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

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

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

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

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

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

6 commission;

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

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

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

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

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

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

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

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

26 4. Every notary shall keep an official notarial seal that is

27 the exclusive property of the notary and the seal may not be used
28 by any other person or surrendered to an employer upon
29 termination of employment.]

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

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

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

[486.305. 1. Any notary public who loses or misplaces his
2 or her journal of notarial acts or official seal shall immediately
3 provide written notice of the fact to the secretary of state. For a
4 lost or misplaced official seal, upon receipt of the written notice,
5 the secretary of state shall issue the notary a new commission
6 number for the notary to order a new seal. The secretary of state
7 may post notice on the secretary of state's website notifying the
8 general public that the lost or misplaced notary seal and
9 commission number of such notary is invalid and is not an
10 acceptable notary commission number.

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

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

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

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

17 or she is commissioned, until the notary receives his or her
18 amended commission.]

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

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

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

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

4 (1) By an Individual.

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

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

12 (2) By a Partner.

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

14 On this _____ day of _____ in the year _____ before me,
15 _____ (name of notary), a Notary Public in and for said state,
16 personally appeared _____ (name of partner) of _____ (name of
17 partnership), known to me to be the person who executed the
18 within _____ (type of document) in behalf of said partnership and
19 acknowledged to me that he or she executed the same for the
20 purposes therein stated.

21 _____ (official signature and official seal of notary)

22 (3) By a Corporate Officer.

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

24 On this _____ day of _____ in the year _____ before me,
25 _____ (name of notary), a Notary Public in and for said state,

26 personally appeared _____ (name of officer), _____ (title of person,
27 president, vice president, etc.), _____ (name of corporation), known
28 to me to be the person who executed the within _____ (type of
29 document) in behalf of said corporation and acknowledged to me
30 that he or she executed the same for the purposes therein stated.

31 _____ (official signature and official seal of notary)

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

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

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

41 _____ (official signature and official seal of notary)

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

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

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

52 _____ (official signature and official seal of notary)

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

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

62 purposes therein stated.

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

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

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

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

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

77 _____ (official signature and official seal of notary)

78 (8) By a Manager or Member.

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

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

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

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

3 (1) If the affirmation to be administered by the notary
4 public is in writing and the person who took the affirmation has
5 signed his or her name thereto, the notary public shall write or
6 print under the text of the affirmation the following:

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

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

10 (2) If the affirmation to be administered by the notary

11 public is not in writing, the notary public shall address the
12 affirmant substantially as follows:

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

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

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

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

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

17 _____ (signature of executing witness)

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

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

[486.345. 1. A notary public may certify a facsimile of a
2 document if he or she receives a signed written request stating that
3 a certified copy or facsimile, preparation of a copy, or certification
4 of a copy of the document does not violate any state or federal law.

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

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

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

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

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

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

4 2. The maximum fee in this state for certification of a
 5 facsimile of a document, and the proper recordation thereof in the
 6 journal of notarial acts is two dollars for each 8 1/2 x 11 inch page
 7 retained in the notary's file.

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

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

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

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

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

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

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

[486.360. The employer of a notary public is also liable to

2 the persons involved for all damages proximately caused by the
3 notary's official misconduct, if:

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

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

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

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

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

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

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

[486.385. 1. The secretary of state may reject an
2 application or revoke the commission of any notary public who
3 prior to being commissioned or during the current term of
4 appointment:

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

8 (2) Is convicted of any felony or official misconduct under

9 this chapter;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 In testimony whereof, I have affixed my signature and seal
 18 of this office this _____ day of _____, 20_____

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

[486.396. If the notary's notary seal has been stolen, the
 2 notary shall immediately notify the secretary of state in writing to
 3 report the theft. Upon receipt of the written documentation, the
 4 secretary of state shall issue the notary a new commission number

5 for the notary to order a new seal. The secretary of state may post
6 notice on the secretary of state's website notifying the general
7 public that the notary seal of such notary with the stolen
8 commission number is invalid and is not an acceptable notary
9 commission number.]

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

Section B. Section A of this act shall become effective on January 1, 2021.

✓

Bill

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