

HOUSE SUBSTITUTE
FOR
HOUSE BILL NO. 1193
AN ACT

2 To repeal sections 486.225, 486.235, 486.240,
3 486.260, 486.265, 486.280, 486.285, 486.295,
4 486.300, 486.310, 486.315, 486.330, 486.335,
5 486.340, 486.345, 486.350, 486.385, and
6 486.395, RSMo, and to enact in lieu thereof
7 nineteen new sections relating to notaries
8 public, with penalty provisions.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
10 AS FOLLOWS:

11 Section A. Sections 486.225, 486.235, 486.240, 486.260,
12 486.265, 486.280, 486.285, 486.295, 486.300, 486.310, 486.315,
13 486.330, 486.335, 486.340, 486.345, 486.350, 486.385, and
14 486.395, RSMo, are repealed and nineteen new sections enacted in
15 lieu thereof, to be known as sections 486.225, 486.235, 486.240,
16 486.260, 486.265, 486.280, 486.285, 486.295, 486.300, 486.310,
17 486.315, 486.330, 486.335, 486.340, 486.345, 486.350, 486.385,
18 486.395, and 486.396, to read as follows:

19 486.225. 1. Upon a form prepared by the secretary of
20 state, each applicant for appointment and commission as a notary
21 public shall swear, under penalty of perjury, that the answers to
22 all questions on the application are true and complete to the
23 best of the applicant's knowledge and that the applicant is
24 qualified to be appointed and commissioned as a notary public.

1 [The Social Security number of the applicant shall be recorded on
2 the application.] The completed application form shall be filed
3 with the secretary of state.

4 2. [With the person's application, each applicant for
5 appointment and commission as a notary public shall submit to the
6 secretary of state endorsements from two registered voters of
7 this state in substantially the following form:

8 I, (name of endorser),
9 a registered voter of this state and
10 County, believe to the best of my knowledge, the applicant is a
11 person of good moral character and integrity and capable of
12 performing notarial acts.

13
14 (Endorser's signature and residence address)

15 3.] With the person's application, each applicant for
16 appointment and commission as a notary public shall submit to the
17 secretary of state[, payable to the director of revenue,] a
18 commission fee of fifteen dollars.

19 [4.] 3. Each applicant for appointment and commission as a
20 notary public shall state in the application whether or not the
21 applicant has ever been convicted of or pled guilty or nolo
22 contendere to any felony [involving fraud, misrepresentation or
23 theft], or to any misdemeanor incompatible with the duties of a
24 notary public and if so, shall attach a list of such convictions
25 or pleas of guilt or nolo contendere.

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

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

9 6. Prior to submitting an application to the secretary of
10 state, each new applicant or renewal for appointment and
11 commission as a notary public shall read the Missouri Notary
12 Public Handbook and complete a computer-based notary training or
13 other notary training in a manner prescribed by the secretary of
14 state. Each new applicant or renewal applicant shall attest to
15 reading such handbook and receiving such training pursuant to
16 this subsection at the time of submitting the application for
17 appointment and commission as a notary public.

18 486.235. 1. During his or her term of office each notary
19 public shall maintain a surety bond in the sum of ten thousand
20 dollars with, as surety thereon, a company qualified to write
21 surety bonds in this state. The bond shall be conditioned upon
22 the faithful performance of all notarial acts in accordance with
23 this chapter. Each notary public shall notify the secretary of
24 state of changes on or riders to the bond.

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

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

7 3. Before receiving his or her commission, each applicant
8 shall take the following oath in the presence of the county
9 clerk: I, (name of applicant), solemnly swear, under the
10 penalty of perjury, that I have carefully read the notary law of
11 this state, and if appointed and commissioned as a notary public,
12 I will uphold the Constitution of the United States and of this
13 state and will faithfully perform to the best of my ability all
14 notarial acts in conformance with the law.

15(signature of applicant)

16 Subscribed and sworn to before me this day of,

17 [19] 20...(signature of
18 county clerk)

19 4. Before receiving his or her commission, each applicant
20 shall submit to the county clerk a handwritten specimen of [his]
21 the applicant's official signature which contains his or her
22 surname and at least the initial of [his] the applicant's first
23 name.

24 5. Immediately after receiving the bond and official
25 signature and witnessing the oath, the county clerk shall award

1 to the applicant his or her commission as a notary public.

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

13 486.260. Each notary public shall provide and keep a
14 permanently bound journal of his or her notarial acts containing
15 numbered pages. Each notary public shall record in such journal
16 the following: the month, day, and year of notarization; the
17 type of notarization such as acknowledgment or jurat; the type of
18 document; the name and address of the signer; the identification
19 used by the signer; the notary fee; and the signature of the
20 signer.

21 486.265. Every notary shall keep a true and perfect record
22 of his or her official acts in a permanently bound journal,
23 except those connected with judicial proceedings, and [those for
24 whose public record the law provides, and] if required, shall
25 give a certified copy of any record in his or her office, upon

1 the payment of the fees therefor. Every notary shall make and
2 keep an exact minute, in a [book] permanently bound journal kept
3 by him or her for that purpose, of each of his or her official
4 acts, except as herein provided. The journal is the exclusive
5 property of the notary.

6 486.280. On every notary certificate, a notary public shall
7 indicate clearly and legibly, in print not smaller than eight-
8 point type and by means of rubber stamp, typewriting or printing,
9 so that it is capable of photographic reproduction:

10 (1) His or her name exactly as it appears on [his] the
11 commission;

12 (2) The words "Notary Public", "State of Missouri", and "My
13 commission expires .. (commission expiration date)";

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

16 (4) A commission number, provided that the notary public
17 has been issued a commission number by the secretary of state.
18 Effective August 28, 2004, the secretary of state shall issue a
19 commission number for all new and renewal notary appointments.

20 486.285. 1. Each notary public shall provide, keep, and
21 use a seal which is either an engraved embosser seal or a black
22 inked rubber stamp seal to be used on the document being
23 notarized. The seal shall contain the notary's name exactly as
24 indicated on the commission and the words "Notary Seal", "Notary
25 Public", and "State of Missouri" and, after August 28, 2004, the

1 commission number assigned by the secretary of state, all of
2 which shall be in print not smaller than eight-point type.

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

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

13 486.295. Any notary public who changes the address of his
14 or her residence in the county within and for which he or she is
15 commissioned shall forthwith mail or deliver within thirty days
16 of such change a notice of the fact to the secretary of state
17 including his or her old address and [his] current address. [The
18 secretary of state shall notify the county clerk of the change of
19 address.] The notary's commission shall remain in effect until
20 its expiration date, unless sooner revoked.

21 486.300. Any notary public who lawfully changes his or her
22 name shall forthwith request within thirty days of such change an
23 amended commission from the secretary of state and shall send
24 [him] to the secretary of state five dollars, his or her current
25 commission, and a notice of change form provided by the secretary

1 of state, which shall include his or her new name and contain a
2 specimen of his or her official signature. The secretary of
3 state shall issue an amended commission to [him] the notary
4 public in his or her new name and shall notify the clerk of the
5 county within and for which the notary is commissioned. After
6 requesting an amended commission, the notary may continue to
7 perform notarial acts in his or her former name, until he or she
8 receives the amended commission.

9 486.310. If any notary public no longer desires to be a
10 notary public, he or she shall forthwith mail or deliver to the
11 secretary of state a letter of resignation, and his or her
12 commission shall thereupon cease to be in effect. If a notary
13 public resigns following the receipt of a complaint by the
14 secretary of state regarding the notary public's conduct, the
15 secretary of state may deny any future applications by such
16 person for appointment and commission as a notary public.

17 486.315. If a notary public has ceased to have a residence
18 address in the county within and for which he or she is
19 commissioned, [his] the commission shall thereupon cease to be in
20 effect, unless the secretary of state issues an amended
21 commission. When a notary public, who has established a
22 residence address in a county of the state other than the county
23 in which he or she was first commissioned, requests an amended
24 commission within thirty days of changing the notary's county of
25 residence, delivers his or her current commission, notice of

1 change form, and five dollars to the secretary of state, the
2 secretary of state shall issue an amended commission to [him] the
3 notary public, for the county in which his or her new residence
4 is located and shall notify the county clerk of the county where
5 the notary's new address is located. After requesting an amended
6 commission within thirty days of changing the notary's county of
7 residence, the notary may continue to perform notarial acts with
8 certificates showing the county within and for which he or she is
9 commissioned, until [he] the notary receives his or her amended
10 commission.

11 486.330. Except as otherwise provided in section 442.210,
12 RSMo, certificates of acknowledgment shall be in print not
13 smaller than eight-point type and in substantially the following
14 form:

15 (1) By an Individual.

16 State of, County (and/or City) of On this
17 day of in the year before me, (name of notary), a
18 Notary Public in and for said state, personally appeared
19 (name of individual), known to me to be the person who executed
20 the within (type of document), and acknowledged to me that
21 (he) (she) executed the same for the purposes therein
22 stated.

23 (2) By a Partner.

24 State of, County (and/or City) of On this
25 day of in the year before me, (name of notary), a

1 Notary Public in and for said state, personally appeared
2 (name of partner) of (name of partnership), known to me to
3 be the person who executed the within (type of document)
4 in behalf of said partnership and acknowledged to me that he or
5 she executed the same for the purposes therein stated.
6 (official signature and official seal of notary.)

7 (3) By a Corporate Officer.

8 State of, County (and/or City) of On this
9 day of in the year before me, (name of notary), a
10 Notary Public in and for said state, personally appeared
11 (name of officer), (title of person, president, vice
12 president, etc.), (name of corporation), known to me to be
13 the person who executed the within (type of document) in
14 behalf of said corporation and acknowledged to me that he or she
15 executed the same for the purposes therein stated.
16 (official signature and official seal of notary.)

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

18 State of, County (and/or City) of On this
19 day of, in the year before me, (name of notary), a
20 Notary Public in and for said state, personally appeared
21 (name of attorney in fact), Attorney in Fact for (name of
22 principal or surety), known to me to be the person who executed
23 the within (type of document) in behalf of said principal
24 (or surety), and acknowledged to me that he or she executed the
25 same for the purposes therein stated. (official signature

1 and official seal of notary.)

2 (5) By a Public Officer, Deputy, Trustee, Administrator,
3 Guardian or Executor.

4 State of, County (and/or City) of On this
5 day of, in the year, before me (name of notary), a
6 Notary Public in and for said state, personally appeared
7 (name of person),, (person's official title) known to me to
8 be the person who executed the within (type of document) in
9 behalf of (public corporation, agency, political
10 subdivision or estate) and acknowledged to me that he or she
11 executed the same for the purposes therein stated.
12 (official signature and official seal of notary.)

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

16 On this day of, in the year, before me
17 (name and title of person acting as a notary and refer to law or
18 authority granting power to act as a notary), personally appeared
19 (name of citizen) known to me to be the person who
20 executed the within (type of document) and acknowledged to
21 me that (he) (she) executed the same for the purposes
22 therein stated. (official signature and official seal of
23 person acting as a notary and refer to law or authority granting
24 power to act as a notary).

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

1 State of, County (and/or City) of On this
2 day of in the year, before me (name of notary),
3 a Notary Public in and for said state, personally appeared
4 (name of individual), known to me to be the person who, being
5 unable to write his or her name, made his or her mark in my
6 presence. I signed his or her name at his or her request and in
7 [his] that person's presence on the within (type of
8 document) and he or she acknowledged to me that he or she made
9 his or her mark on the same for the purposes therein stated.
10 (official signature and official seal of notary.)

11 (8) By a Manager or Member.

12 State of, County (and/or City) of On this
13 day of in the year before me, (name of notary), a
14 Notary Public in and for said state, personally appeared
15 (name of manager or member) of (name of limited liability
16 company), known to me to be the person who executed the within
17 (type of document) in behalf of said limited liability
18 company and acknowledged to me that he or she executed the same
19 for the purposes therein stated. (official signature and
20 official seal of notary.)

21 486.335. Affirmations shall be in type not smaller than
22 eight-point and in substantially the following form:

23 (1) If the affirmation to be administered by the notary
24 public is in writing and the person who took the affirmation has
25 signed his or her name thereto, the notary public shall write or

1 print under the text of the affirmation the following:

2 "Subscribed and affirmed before me this day of
3, [19] 20...." (official signature and
4 official seal of notary.)

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

8 "You do solemnly affirm, under the penalty of perjury, that
9 the testimony you shall give in the matter in issue, pending
10 between and, shall be the truth, the whole truth, and
11 nothing but the truth."

12 486.340. 1. As used in this section, the words "executing
13 witness" means an individual who acts in the place of a notary.

14 2. An executing witness may not be related by blood or
15 marriage or have a disqualifying interest as defined in section
16 486.255.

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

21 I, (name of executing witness), do solemnly affirm
22 under the penalty of perjury, that (name of person who does
23 not appear before a notary), personally known to me, has executed
24 the within (type of document) in my presence, and has
25 acknowledged to me that (he/she) executed the same for the

1 purposes therein stated and requested that I sign my name on the
2 within document as an executing witness.

3 (signature of executing witness)

4 Subscribed and affirmed before me this day of,
5 [19] 20.... (official signature and official seal
6 of notary.)

7 486.345. 1. A notary public may certify a facsimile of a
8 document if he or she receives a signed written request stating
9 that a certified copy or facsimile, preparation of a copy, or
10 certification of a copy of the document does not violate any
11 state or federal law.

12 2. Each notary public shall retain a facsimile of each
13 document he or she has certified as a facsimile of another
14 document, together with other papers or copies relating to his or
15 her notarial acts.

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

18 State of County (and/or City) of I,
19 (name of notary), a Notary Public in and for said state,
20 do certify that on (date) I carefully compared the
21 attached facsimile of (type of document) and the
22 facsimile I now hold in my possession. They are complete, full,
23 true and exact facsimiles of the document they purport to
24 reproduce. (official signature and official seal of
25 notary.)

1 486.350. 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
6 the journal of notarial acts is two dollars for each 8 ½ x 11
7 inch page retained in the notary's file.

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

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

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

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

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

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

1 or her official seal.

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

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

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

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

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

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

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

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

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

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

6 (10) Becomes incapable of reading or writing the English
7 language;

8 (11) Fails to maintain the surety bond required by section
9 486.235.

10 2. A notary's commission may be revoked under the
11 provisions of this section [only] if action is taken subject to
12 the rights of the notary public to notice, hearing, adjudication
13 and appeal. The secretary of state shall have further power and
14 authority as is reasonably necessary to enable the secretary of
15 state to administer this chapter efficiently and to perform the
16 duties therein imposed upon the secretary of state, including
17 immediate suspension of a notary upon written notice sent by
18 certified mail if the situation is deemed to have a serious
19 unlawful effect on the general public; provided, that the notary
20 public shall be entitled to hearing and adjudication as soon
21 thereafter as is practicable.

22 486.395. Upon the receipt of a written request, the
23 notarized document and a fee of ten dollars payable to the
24 director of revenue, the secretary of state shall provide a
25 certificate of authority in type not smaller than eight-point and

1 in substantially the following form:

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

13 In testimony whereof, I have affixed my signature and seal
14 of this office this day of, [19]20....

15
16 (secretary of state's signature, title, jurisdiction, address and
17 the seal affixed near the signature.)

18 486.396. If the notary's notary seal has been stolen, the
19 notary shall immediately notify the secretary of state in writing
20 to report the theft. Upon receipt of the written documentation,
21 the secretary of state shall issue the notary a new commission
22 number for the notary to order a new seal. The secretary of
23 state may post notice on the secretary of state's web site
24 notifying the general public that the notary seal of such notary
25 with the stolen commission number is invalid and is not an

1 acceptable notary commission number.