

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 495
100TH GENERAL ASSEMBLY

0773H.02C

DANA RADEMAN MILLER, Chief Clerk

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 an existing penalty provision and a delayed effective date.

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

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486.355, 486.360, 486.365, 486.370, 486.375, 5 486.380, 486.385, 486.390, 486.395, 486.396, and 486.405, RSMo, are repealed and seventy- 6 three new sections enacted in lieu thereof, to be known as sections 367.031, 486.600, 486.605, 7 486.610, 486.615, 486.620, 486.625, 486.630,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

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

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:

(1) The name and address of the pawnshop;

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

(3) The date of the transaction;

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

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

(6) The amount of the pawn service charge;

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

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

(9) A statement to the effect that the pledgor is not obligated to redeem the pledged goods, and that the pledged goods may be forfeited to the pawnbroker sixty days after the specified maturity date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (a) Appears in person before the notary;

- 14 (b) Is personally known to the notary or identified by the notary through
15 satisfactory evidence; and
- 16 (c) Makes a vow of truthfulness or fidelity on penalty of perjury, based on personal
17 honor and without invoking a deity or using any form of the word "swear";
- 18 (3) "Commission", both the granting of authority to perform notarial acts and the
19 written evidence of the granting of authority to perform such acts;
- 20 (4) "Copy certification", a notarial act in which a notary:
- 21 (a) Locates or is presented with a paper or an electronic document that is not a vital
22 record, a public record, or a recorded document;
- 23 (b) Compares the document with a second paper or electronic document that is:
- 24 a. Presented to the notary;
- 25 b. Located by the notary; or
- 26 c. Copied from the first document by the notary; and
- 27 (c) Confirms through a visual or electronic comparison that the second document
28 is an identical, exact, and complete copy of the image or text and, if applicable, metadata
29 of the first document;
- 30 (5) "County", any of the several counties of this state or the city of St. Louis;
- 31 (6) "County clerk", any of the several county clerks of this state or the clerk of the
32 circuit court in the city of St. Louis;
- 33 (7) "Credible witness", an honest, reliable, and impartial person who personally
34 knows an individual appearing before a notary and takes an oath or affirmation from the
35 notary to vouch for that individual's identity;
- 36 (8) "Electronic", relating to technology having electrical, digital, magnetic, wireless,
37 optical, electromagnetic, or similar capabilities;
- 38 (9) "Electronic journal of notarial acts" and "electronic journal", a chronological
39 electronic record of notarizations that is maintained by the notary public who performed
40 the same notarizations;
- 41 (10) "Electronic notarial act" and "electronic notarization", an official act
42 involving an electronic document that is performed in compliance with sections 486.900 to
43 486.1025 by an electronic notary public as a security procedure as defined in the Uniform
44 Electronic Transactions Act, sections 432.200 to 432.295;
- 45 (11) "Electronic notary public" and "electronic notary", a notary public who has
46 registered with the secretary the capability to perform electronic notarial acts;
- 47 (12) "Journal of notarial acts" and "journal", a permanently bound book to create
48 and preserve a chronological record of notarizations that is maintained by the notary
49 public who performed the same notarizations;

- 50 (13) "Jurat", a notarial act in which an individual at a single time and place:
51 (a) Appears in person before the notary and presents a document;
52 (b) Is personally known to the notary or identified by the notary through
53 satisfactory evidence;
54 (c) Signs the document in the presence of the notary; and
55 (d) Takes an oath or affirmation from the notary vouching for the truthfulness or
56 accuracy of the signed document;
- 57 (14) "Notarial act" and "notarization", any official act of certification, attestation,
58 or administration that a notary public is empowered to perform under this chapter;
- 59 (15) "Notarial certificate" and "certificate", the part of, or attachment to, a
60 notarized document that, in the performance of the notarization, is completed by the
61 notary, bears the notary's official signature and seal, and states the date, venue, and facts
62 attested by the notary in the particular notarial act;
- 63 (16) "Notary public" and "notary", any person commissioned to perform notarial
64 acts under this chapter;
- 65 (17) "Oath", a notarial act, or part thereof, that is legally equivalent to an
66 affirmation and in which an individual at a single time and place:
67 (a) Appears in person before the notary;
68 (b) Is personally known to the notary or identified by the notary through
69 satisfactory evidence; and
70 (c) Makes a vow of truthfulness or fidelity on penalty of perjury while invoking a
71 deity or using any form of the word "swear";
- 72 (18) "Official misconduct":
73 (a) A notary's performance of any act prohibited, or failure to perform any act or
74 duty mandated, by this chapter or by any other law in connection with a notarial act; or
75 (b) A notary's performance of an official act or duty in a manner that is negligent,
76 contrary to established norms of sound notarial practice, or against the public interest;
- 77 (19) "Official seal":
78 (a) A device authorized by the secretary for affixing on a paper notarial certificate
79 an image containing a notary's name, title, jurisdiction, commission expiration date, and
80 other information related to the notary's commission; or
81 (b) The affixed image itself;
- 82 (20) "Official signature", a handwritten signature made by a notary that uses the
83 exact name appearing in the notary's commission and is signed with the intent to perform
84 a notarial act;

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

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

93 (23) "Principal":

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 **5. An applicant may appeal the denial of an application by filing the form required**
32 **by the secretary under subsection 6 of this section with the secretary within thirty days**
33 **after denial, provided that, an applicant may not appeal if the secretary, within five years**
34 **prior to the application, has:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **2. Every applicant for a notary commission shall sign the following declaration:**

20 **Declaration of Applicant**

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

27 (signature of applicant)

28 **3. Every applicant for a notary commission shall:**

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

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

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

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

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

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

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

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

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

486.640. A notary may perform the following notarial acts:

2 **(1) Acknowledgments;**

3 **(2) Oaths and affirmations;**

4 **(3) Jurats;**

5 **(4) Signature witnessings;**

6 **(5) Copy certifications; and**

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

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

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

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

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

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

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

8 **and**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **486.660. A notary shall not:**

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

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

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

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

17 **486.665. 1. A notary shall not notarize a signature:**

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

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

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

21 **486.670. 1. A notary shall not perform any notarial act with the intent to deceive**
22 **or defraud.**

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

26 **486.675. 1. A notary who is not an attorney shall not assist another person in**
27 **drafting, completing, selecting, or understanding a document or transaction requiring a**
28 **notarial act.**

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

33 **486.680. 1. A notary shall not claim to have powers, qualifications, rights, or**
34 **privileges that are not provided under this chapter, including the power to counsel on**
35 **immigration issues.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (1) The notarial act was completed; or

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

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

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

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

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

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

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

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

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

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

486.705. 1. For every notarial act, the notary shall record in the journal at the time
2 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 proceeding;
6 (4) The signature, printed name, and address of each principal;
7 (5) The printed name and address of each requester of fact;
8 (6) The evidence of identity of each principal in the form of either:
9 (a) A statement that the person is personally known to the notary;
10 (b) A notation of the type of identification document, its issuing agency, its serial
11 or identification number, and its date of issuance or expiration;
12 (c) The handwritten signature and the name and address of each credible witness
13 swearing or affirming to the principal's identity, and for credible witnesses who are not
14 personally known to the notary, a description of the identification documents relied on by
15 the notary; or
16 (d) In the case of an electronic journal, a recognized biometric identifier, in
17 accordance with subdivision (4) of subsection 1 of section 486.950;
18 (7) The fee, if any, charged for the notarial act;
19 (8) The address where the notarial act was performed, if not the address of the
20 notary's regular place of work or business; and
21 (9) In the case of an electronic notarial act, the name of any authority issuing or
22 registering the means used to create the electronic signature that was notarized, the source
23 of this authority's license, if any, and the expiration date of the electronic process.
- 24 2. A notary shall not record a social security number or credit card number in the
25 journal.
- 26 3. A notary may record in the journal the circumstances for not performing or
27 completing any requested notarial act.
- 28 4. As required in subdivision (4) of subsection 2 of section 486.745, a notary shall
29 append to the pertinent entry in the journal a notation of the nature and date of the
30 notary's correction of a completed notarial certificate corresponding to the entry.
- 486.710. 1. The journal may be examined and copied without restriction by a law
2 enforcement officer in the course of an official investigation, subpoenaed by court order,
3 pursuant to subpoena power as authorized by law, or surrendered at the direction of the
4 secretary. Nothing in this section shall prevent a notary public from seeking appropriate
5 judicial protective orders.
- 6 2. Upon complying with a request for copies under subsection 1 of this section, the
7 notary shall charge not more than one dollar per copy. If a certified copy is requested, the
8 fee shall be as specified in section 486.685.
- 9 3. A notary public shall, upon written request, furnish to the secretary certified
10 copies of the notary's journal without cost.

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

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

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

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

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

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

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

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

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

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

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

3. The official seal of a notary shall:

(1) Be the exclusive property of the notary;

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 employment.

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

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

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

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

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

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

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

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

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

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

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

 486.735. 1. A vendor or manufacturer shall register with the secretary prior to
2 selling or manufacturing notary seals. The secretary shall maintain an internet site for the

3 purpose of allowing vendors and manufacturers to confirm the current standing of any
4 notary in the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 **State of Missouri**

5 **County (and/or City) of**

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

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

27 **State of Missouri**

28 **County (and/or City) of**

29 **On this day of, 20...., before me, the undersigned notary, personally**
 30 **appeared by remote means (name of document signer), (personally**
 31 **known to me)(proved to me through identification documents, which were**
 32 **.....) (proved to me on the oath or affirmation of, who is**
 33 **personally known to me and stated to me that (he)(she) personally knows the**
 34 **document signer and is unaffected by the document,) (proved to me on the**
 35 **oath or affirmation of and, whose identities have been proven**
 36 **to me through identification documents and who have stated to me that they**
 37 **personally know the document signer and are unaffected by the document,)**
 38 **to be the person whose name is signed on the preceding or attached**
 39 **document, and acknowledged to me that (he)(she) signed it voluntarily for**
 40 **its stated purpose(.**
 41 **(as partner for, a partnership.)**

42 (as for, a corporation.)
43 (as attorney in fact for, the principal.)
44 (as for, (a)(the))
45 (official signature and seal of notary)

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

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

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

19 (official signature and seal of notary)

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

23 State of Missouri
24 County (and/or City) of

25 On this day of, 20..., before me, the undersigned notary,
26 personally appeared by remote means (name of document signer),
27 (personally known to me) (proved to me through identification documents,
28 which were,) (proved to me on the oath or affirmation of,
29 who is personally known to me and stated to me that (he)(she) personally
30 knows the document signer and is unaffected by the document,) (proved to
31 me on the oath or affirmation of and, whose identities
32 have been proven to me through identification documents and who have

33 stated to me that they personally know the document signer and are
34 unaffected by the document,) to be the person who signed the preceding or
35 attached document in my presence and who swore or affirmed to me that the
36 contents of the document are truthful and accurate to the best of (his)(her)
37 knowledge and belief.

38 official signature and seal of notary)

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

4 State of Missouri

5 County (and/or City) of

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

17 (official signature and seal of notary)

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

3 State of Missouri

4 County (and/or City) of

5 On this day of, 20...,

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

13 record, nor a publicly recordable document, certified copies of which may
 14 be available from an official source other than a notary.

15 (official signature and seal of notary)

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

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

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

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

14 **Certificate of Authority for a Notarial Act**

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

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

21 (Signature and seal of commissioning official)

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

25 **APOSTILLE**

26 (Convention de La Haye du 5 octobre 1961)

27 1. Country:

28 2. This public document

29 has been signed by

30 3. acting in the capacity of

31 4. bears the seal/stamp of

32 **CERTIFIED**

33 5. at

- 34 6. the
35 7. by
36 8. No.
37 9. Seal/Stamp
38 10. Signature:
39

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

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

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

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

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

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

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

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

- 26 (1) A judge, clerk, or deputy clerk of a court;
27 (2) A commissioned United States military officer on active duty;
28 (3) A foreign service or consular officer of the United States; or

29 **(4) Any other person authorized by federal law to perform notarial acts.**

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

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

40 **(1) A notary or other notarial officer;**

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

42 **(3) Any other person authorized by the law of that jurisdiction to perform notarial**
43 **acts.**

44 **8. The official seal or stamp of a person whose authority to perform notarial acts**
45 **shall be recognized by subsection 7 of this section shall be considered prima facie evidence**
46 **that the signature is genuine, that the person holds the indicated title, and, except in the**
47 **case of subdivision (3) of subsection 7 of this section, shall conclusively establish the**
48 **authority of a holder of that title to perform a notarial act.**

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

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

56 **11. A certificate of a foreign service or consular officer of the United States**
57 **stationed in the nation under whose jurisdiction the notarial act was performed, or a**
58 **certificate of a foreign service or consular officer of that nation stationed in the United**
59 **States, conclusively establishes any matter relating to the authenticity or validity of the**
60 **notarial act referenced in the certificate.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

486.795. 1. Except as provided in subsection 2 of this section, if 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 or her notary seals
4 so that they may not be misused; and

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

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

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

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

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

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

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

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

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

18 4. An employer of a notary shall be liable to the notary for all damages recovered
19 from the notary as a result of any violation of law by the notary that was coerced by threat
20 of the employer, if the threat, such as of demotion or dismissal, was made in reference to

21 the particular notarization or, impliedly, by the employer's previous action in at least one
22 similar transaction involving any notary employed by the employer. In addition, the
23 employer is liable to the notary for damages caused the notary by demotion, dismissal, or
24 other action resulting from the notary's refusal to engage in a violation of law or official
25 misconduct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 **(3) "Electronic notarial certificate", the part of, or attachment to, a notarized**
10 **electronic document that, in the performance of an electronic notarization, is completed**
11 **by the electronic notary, bears the notary's registered electronic signature and seal, and**
12 **states the date, 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 within a notarized**
15 **electronic document that includes the electronic notary's name, title, jurisdiction, and**
16 **commission expiration date;**

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (2) The following information:

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

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

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

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

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

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

22 2. Under this section, a notary public may register at the same or different times
23 one or more respective means for producing electronic signatures and electronic notary

24 seals, or single elements combining the required features of both, consistent with the
25 requirements cited elsewhere in this chapter.

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

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

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

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

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

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

2 (1) Acknowledgment;

3 (2) Jurat;

4 (3) Signature witnessing; and

5 (4) Copy certification;

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

8 (1) Acknowledgment; and

9 (2) Jurat.

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

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

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

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

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

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

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

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

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

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

- 16 (3) Appears to understand the nature of the transaction;
17 (4) Appears to be acting of his or her own free will;
18 (5) Communicates directly with the notary in a language both understand; and
19 (6) Reasonably establishes the electronic signature as his or her own.
- 20 3. An electronic notary public may perform a remote electronic notarization for a
21 principal who is located:
- 22 (1) In the state where the notary is commissioned;
23 (2) Outside of the state where the notary is commissioned but within the United
24 States; or
25 (3) Outside the United States if the act is not prohibited in the jurisdiction in which
26 the principal is physically located at the time of the act.
- 27 4. In performing electronic notarial acts, an electronic notary shall adhere to all
28 applicable laws governing notarial acts provided in this chapter.
- 29 5. A remote electronic notarization performed in accordance with sections 486.900
30 to 486.1025 satisfies any requirement of the law of this state relating to a notarial act that
31 requires a person to "appear before", "personally appear", or be "in the presence of" a
32 notary public.
- 486.935. 1. In performing an electronic notarial act or remote electronic notarial
2 act, the electronic notary shall properly complete an electronic notarial certificate.
- 3 2. A proper electronic notarial certificate shall contain:
- 4 (1) Completed wording appropriate to the particular electronic notarial act, as
5 prescribed in subsection 3 of this section;
- 6 (2) A registered electronic signature; and
7 (3) A registered electronic notary seal, which shall include:
- 8 (a) The name of the electronic notary fully and exactly as it is spelled on the
9 notary's commissioning document;
- 10 (b) The jurisdiction that commissioned and registered the electronic notary;
- 11 (c) The title "Electronic Notary Public";
- 12 (d) The commission or registration number of the electronic notary; and
13 (e) The commission expiration date of the electronic notary.
- 14 3. The wording of an electronic notarial certificate shall be in a form that:
- 15 (1) Is set forth in sections 486.740 to 486.750;
- 16 (2) Is otherwise prescribed by the law of this state;
- 17 (3) Is prescribed by a law, regulation, or custom of another jurisdiction, provided
18 it does not require actions by the electronic notary that are unauthorized by this state; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Records and archives the remote session;

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

- 9 **(3) Provides reasonable security measures to prevent unauthorized access to:**
10 **(a) The live transmission of the audio-video communication;**
11 **(b) A recording of the audio-video communication;**
12 **(c) The verification methods and credentials used to verify the identity of the**
13 **principal; and**
14 **(d) The electronic documents presented for electronic notarization;**
15 **(4) Utilizes video technology to be used in a remote electronic notarization session**
16 **that provides sufficient high-definition for the notary to reasonably assess the principal's**
17 **comprehension and volition;**
18 **(5) Permits the electronic notary to identify the principal to the electronic notary's**
19 **satisfaction through a form of authentication that complies with section 486.957;**
20 **(6) Permits the principal to identify the electronic notary to his or her satisfaction;**
21 **and**
22 **(7) Presents the document being notarized as an electronic record.**
23 **3. The secretary shall promulgate rules and regulations regarding the approval of**
24 **remote notarization software, subject to the limitations in section 486.1025.**
25 **4. Before being used by an electronic notary in this state, the secretary shall test**
26 **and certify remote notarization software. The expenses of any such testing shall be paid**
27 **by the vendor of the software.**

- 486.957. For the purposes of performing an electronic notarial act for a person**
2 **using audio-video communication, an electronic notary public has satisfactory evidence of**
3 **the identity of the person if the electronic notary public confirms the identity of the person**
4 **by:**
5 **(1) Personal knowledge of the identity;**
6 **(2) Each of the following if approved by rules or regulations adopted by the**
7 **secretary of state:**
8 **(a) Remote presentation by the person of a government-issued identification**
9 **credential that contains a photograph and the signature of the person;**
10 **(b) Credential analysis of the government-issued identification credential and the**
11 **data thereon; and**
12 **(c) A dynamic knowledge-based authentication assessment;**
13 **(3) Any other method that complies with any rules or regulations adopted by the**
14 **secretary of state; or**
15 **(4) A valid certificate that complies with any rules or regulations adopted by the**
16 **secretary of state.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (1) The act was completed; or

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

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

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

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

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

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

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

15 (Electronic seal and signature of secretary)

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

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

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

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

(1) Immediately notify the secretary;

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

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

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

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

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

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

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

486.995. 1. Except as provided in subsection 2 of this section, if the commission of an electronic notary public expires or is resigned or revoked, if registration as an electronic notary terminates, or if an electronic notary dies, the notary or the notary's duly authorized representative shall, within thirty business days, permanently erase or expunge the software, coding, disk, certificate, card, token, or program that is intended exclusively to produce registered electronic notary seals, registered single elements combining the

7 required features of an electronic signature and notary seal, or registered electronic
8 signatures that indicate status as a notary.

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

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

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

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

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

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

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

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

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

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

 486.1025. The secretary may promulgate rules that are reasonable and necessary
2 to accomplish the duties specifically delegated to the secretary in sections 486.605, 486.810,
3 486.815, and 486.955. Any rule or portion of a rule, as that term is defined in section
4 536.010, that is created under the authority delegated sections 486.605, 486.810, 486.815,
5 and 486.955 shall become effective only if it complies with and is subject to all of the
6 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536

7 are nonseverable, and if any of the powers vested with the general assembly pursuant to
8 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
9 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
10 proposed or adopted after January 1, 2020, shall be invalid and void.

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

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

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

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

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

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

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

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

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

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

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

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

- 2 ~~_____ (1) "County" means any of the several counties of this state or the city of~~
3 ~~St. Louis;~~
4 ~~_____ (2) "County clerk" means any of the several county clerks of this state or~~
5 ~~the clerk of the circuit court in the city of St. Louis;~~
6 ~~_____ (3) "Facsimile" means an exact copy preserving all the written or printed~~
7 ~~marks of the original;~~
8 ~~_____ (4) "Notarization" means the performance of a notarial act;~~
9 ~~_____ (5) "Notary public" and "notary" means any person appointed and~~
10 ~~commissioned to perform notarial acts, including any attorney licensed to~~
11 ~~practice law in this state;~~
12 ~~_____ (6) "Official misconduct" means the wrongful exercise of a power or the~~
13 ~~wrongful performance of a duty. The term "wrongful" as used in the definition~~
14 ~~of official misconduct means unauthorized, unlawful, abusive, negligent,~~
15 ~~reckless, or injurious.]~~
16

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

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

4 ~~[486.215. Each notary public may perform notarial acts for a term of four~~
5 ~~years from the date of his commission, unless sooner removed.]~~
6

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

- 4 ~~_____ (1) Be at least eighteen years of age;~~
5 ~~_____ (2) Be a registered voter of the county within and for which he is~~
6 ~~commissioned; or a resident alien of the United States;~~
7 ~~_____ (3) Have a residence address in the county within and for which he is~~
8 ~~commissioned;~~
9 ~~_____ (4) Be able to read and write the English language; and~~
10 ~~_____ (5) Not have had his commission revoked during the past ten years; or~~
11 ~~_____ (6) In lieu of the requirements contained in subdivisions (1) to (5) of this~~
12 ~~subsection, a person who is appointed and commissioned a notary public~~
13 ~~pursuant to subsection 2 of this section may be appointed and commissioned~~
14 ~~pursuant to this subsection upon becoming a resident of Missouri.~~

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

- 17 ~~_____ (1) Is at least eighteen years of age;~~
18 ~~_____ (2) Works in Missouri and will use the notary seal in the course of his~~
19 ~~employment in Missouri;~~
20 ~~_____ (3) Has a work address in the county within and for which he is~~
21 ~~commissioned;~~
22 ~~_____ (4) Is able to read and write the English language;~~
23 ~~_____ (5) Has not had a notary commission revoked in any state during the past~~
24 ~~ten years; and~~
25 ~~_____ (6) Authorizes the secretary of state as the agent and representative of~~
26 ~~such person to accept service of any process or service of any notice or demand~~
27 ~~required or permitted by law to be served upon such person.~~
28 ~~_____ 3. A notary public is not a public officer within the meaning of Article~~
29 ~~VII of the Missouri Constitution.]~~
30

- 2 ~~[486.225. 1. Upon a form prepared by the secretary of state, each~~
3 ~~applicant for appointment and commission as a notary public shall swear, under~~
4 ~~penalty of perjury, that the answers to all questions on the application are true and~~
5 ~~complete to the best of the applicant's knowledge and that the applicant is~~
6 ~~qualified to be appointed and commissioned as a notary public. The completed~~
7 ~~application form shall be filed with the secretary of state.~~
8 ~~_____ 2. With the person's application, each applicant for appointment and~~
9 ~~commission as a notary public shall submit to the secretary of state a commission~~
10 ~~fee of fifteen dollars.~~
11 ~~_____ 3. Each applicant for appointment and commission as a notary public~~
12 ~~shall state in the application whether or not the applicant has ever been convicted~~
13 ~~of or pled guilty or nolo contendere to any felony, or to any misdemeanor~~
14 ~~incompatible with the duties of a notary public and if so, shall attach a list of such~~
15 ~~convictions or pleas of guilt or nolo contendere.~~
16 ~~_____ 4. Each applicant for a renewal appointment and commission as a notary~~
17 ~~public may apply for such renewal appointment in a manner prescribed by the~~
18 ~~secretary of state.~~
19 ~~_____ 5. The secretary of state may prohibit, for a period not less than thirty~~
20 ~~days and not more than one year, a new applicant or renewal from reapplying for~~
21 ~~an appointment and commission as a notary public following the rejection of~~
22 ~~such applicant's application by the secretary of state.~~
23 ~~_____ 6. Prior to submitting an application to the secretary of state, each new~~
24 ~~applicant or renewal for appointment and commission as a notary public shall~~
25 ~~read the Missouri notary public handbook and complete a computer-based notary~~
26 ~~training or other notary training in a manner prescribed by the secretary of state.~~
27 ~~Each new applicant or renewal applicant shall attest to reading such handbook~~
28 ~~and receiving such training pursuant to this subsection at the time of submitting~~
29 ~~the application for appointment and commission as a notary public.]~~

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

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

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

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

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

~~_____ (signature of applicant)~~

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

~~_____ (signature of county clerk)~~

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

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

~~[486.240. If the person for whom a commission is issued fails to appear and qualify within ninety days after the commission is issued, the county clerk shall note the failure on the commission and return it within thirty days of such failure to the secretary of state. The secretary of state shall immediately cancel and annul the commission. The secretary of state may prohibit, for a period not less than thirty days and not more than one year, such person from reapplying for~~

7 ~~an appointment and commission as a notary public following the failure to appear~~
8 ~~and qualify within ninety days after the commission is issued.]~~
9

10 ~~[486.245. 1. The county clerk shall keep a register, listing the name and~~
1 ~~address of each person to whom he awards a notary commission and the date~~
2 ~~upon which he awards the commission. Within thirty days after receiving a bond,~~
3 ~~signature and oath, the county clerk shall forward the bond, signature and oath~~
4 ~~to the secretary of state by certified mail. All such bonds, signatures and oaths~~
5 ~~shall be preserved permanently by the secretary of state.~~

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

10 ~~[486.250. Each notary public is empowered to~~

1 ~~(1) Take acknowledgments;~~

2 ~~(2) Administer oaths and affirmations;~~

3 ~~(3) Certify that a copy of a document is a true copy of another document;~~

4 ~~and~~

5 ~~(4) Perform any other act permitted by law.]~~
6

7 ~~[486.255. 1. For the purposes of this chapter, a notary public has a~~
8 ~~disqualifying interest in a transaction in connection with which notarial services~~
9 ~~are requested if he is named, individually, as a party to the transaction.~~

10 ~~2. No notary who has a disqualifying interest in a transaction may legally~~
1 ~~perform any notarial act in connection with the transaction.]~~
2

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

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

7 acts, except as herein provided. The journal is the exclusive property of the
8 notary.]
9

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

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

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

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

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

- 5 (1) His or her name exactly as it appears on the commission;
6 (2) The words "Notary Public", "State of Missouri", and "My commission
7 expires _____ (commission expiration date)";
8 (3) The name of the county within which he or she is commissioned; and
9 (4) A commission number, provided that the notary public has been
10 issued a commission number by the secretary of state. Effective August 28,
11 2004, the secretary of state shall issue a commission number for all new and
12 renewal notary appointments.]
13

2 [486.285. 1. (1) A manufacturer of a notary public's seal shall register
with the secretary of state and communicate to the secretary of state when it has

3 issued a seal to a person in this state. After such communication, the secretary
4 of state shall approve any seal issued by the manufacturer within ten days.

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

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

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

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

22 ~~4. Every notary shall keep an official notarial seal that is the exclusive~~
23 ~~property of the notary and the seal may not be used by any other person or~~
24 ~~surrendered to an employer upon termination of employment.]~~
25

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

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

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

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

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

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

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

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

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

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

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

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

~~(1) By an Individual:~~

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

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

~~(2) By a Partner:~~

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

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

~~_____ (official signature and official seal of notary)~~

~~(3) By a Corporate Officer:~~

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

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

~~_____ (official signature and official seal of notary)~~

~~(4) By an Attorney in Fact for Principal or Surety:~~

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

~~On this _____ day of _____, in the year _____ before me, _____ (name of notary), a Notary Public in and for said state, personally appeared _____ (name of attorney in fact), Attorney in Fact for _____ (name of principal~~

35 or surety), known to me to be the person who executed the within _____ (type
36 of document) in behalf of said principal (or surety), and acknowledged to me that
37 he or she executed the same for the purposes therein stated.

38 _____ (official signature and official seal of notary)

39 _____ (5) By a Public Officer, Deputy, Trustee, Administrator, Guardian or
40 Executor:

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

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

48 _____ (official signature and official seal of notary)

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

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

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

59 _____ (7) By An Individual Who Cannot Write His or Her Name:

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

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

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

68 _____ (official signature and official seal of notary)

69 _____ (8) By a Manager or Member:

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

71 _____ On this _____ day of _____ in the year _____ before me, _____
72 (name of notary), a Notary Public in and for said state, personally appeared
73 _____ (name of manager or member) of _____ (name of limited liability
74 company), known to me to be the person who executed the within _____ (type
75 of document) in behalf of said limited liability company and acknowledged to me
76 that he or she executed the same for the purposes therein stated.

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

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

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

~~"Subscribed and affirmed before me this _____ day of _____, 20____"~~

~~_____ (official signature and official seal of notary):~~

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

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

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

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

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

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

~~_____ (signature of executing witness)~~

~~Subscribed and affirmed before me this _____ day of _____, 20____~~

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

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

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

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

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

~~I, _____ (name of notary), a Notary Public in and for said state, do certify that on _____ (date) I carefully compared the attached facsimile of~~

13 _____ (type of document) and the facsimile I now hold in my possession. They
14 are complete, full, true and exact facsimiles of the document they purport to
15 reproduce.

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

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

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

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

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

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

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

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

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

2 [486.355. A notary public and the surety or sureties on his bond are liable
to the persons involved for all damages proximately caused by the notary's
3 official misconduct.]
4

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

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

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

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

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

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

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

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

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

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

7 ~~(2) Is convicted of any felony or official misconduct under this chapter;~~

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

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

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

19 ~~(6) Engages in the unauthorized practice of law;~~

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

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

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

25 ~~_____ (10) Becomes incapable of reading or writing the English language;~~

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

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

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

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

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

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

15 ~~_____ In testimony whereof, I have affixed my signature and seal of this office~~
16 ~~this _____ day of _____, 20_____~~

17 ~~_____ (secretary of state's signature, title, jurisdiction, address and the~~
18 ~~seal affixed near the signature)]~~

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

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

Section B. Section A of this act shall become effective on January 1, 2020.