

FIRST REGULAR SESSION

# HOUSE BILL NO. 1055

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCCANN BEATTY

0426H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 486.225, 486.260, and 486.285, RSMo, and to enact in lieu thereof three new sections relating to notaries public, with existing penalty provisions.

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

Section A. Sections 486.225, 486.260, and 486.285, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 486.225, 486.260, and 486.285, to read as follows:

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

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

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

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

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

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.

17           6. Prior to submitting an application to the secretary of state, each new applicant or  
18 renewal for appointment and commission as a notary public shall read the Missouri notary public  
19 handbook and complete a computer-based notary training or other notary training in a manner  
20 prescribed by the secretary of state. Each new applicant or renewal applicant shall attest to  
21 reading such handbook and receiving such training pursuant to this subsection at the time of  
22 submitting the application for appointment and commission as a notary public.

23           **7. Each applicant for appointment and commission as a notary public shall submit**  
24 **to fingerprinting and a criminal background check. Applicants shall submit to the**  
25 **secretary of state fingerprint images and related information for the purpose of obtaining**  
26 **information as to the existence and content of any record of state or federal arrests for**  
27 **which the person is free on bail, on his or her own recognizance, pending trial, or appeal.**  
28 **The secretary of state shall charge a fee sufficient to cover the cost of processing such**  
29 **fingerprints as required in this subsection.**

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

8           **2. If the document to be notarized is a deed, quitclaim deed, deed of trust or other**  
9 **document affecting real property, or a power of attorney document, the notary public shall**  
10 **require the party signing the document to place his or her right thumbprint in the journal,**  
11 **and the notary public shall place his or her right thumbprint on the original document.**  
12 **If the right thumbprint is not available, then his or her left thumbprint may be used, or**  
13 **any available finger, which shall be indicated in the journal or on the original document.**  
14 **If the party signing the document or notary public is physically unable to provide a**  
15 **thumbprint or fingerprint, it shall be indicated in the journal or on the original document**  
16 **and the journal or original document shall also provide an explanation of such physical**  
17 **condition. The provisions of this subsection shall not apply to a trustee's deed resulting**  
18 **from a decree of foreclosure, a nonjudicial foreclosure, or a deed of reconveyance.**

19           **3. A notary public may refuse to act as notary for any individual who will not**  
20 **provide the identification information required in this section.**

21           **4. No notary public shall enter an individual's Social Security number or credit**  
22 **card number in his or her journal.**

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

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

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

15 **4. Beginning January 1, 2016, all manufacturers of notary seals shall be required**  
16 **to register with the secretary of state.**

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