

SECOND REGULAR SESSION

HOUSE BILL NO. 1738

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MERIDETH (80).

5007H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 486.200, 486.250, and 486.275, RSMo, and to enact in lieu thereof three new sections relating to notaries public.

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

Section A. Sections 486.200, 486.250, and 486.275, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 486.200, 486.250, and 486.275, to read as follows:

486.200. As used in sections 486.200 to 486.405:

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

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

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

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

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

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

(7) "Personally appeared" or "before me" means in the same physical location or by two-way live video and audio conference communication.

486.250. 1. Each notary public is empowered to:

(1) Take acknowledgments;

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.

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

6 **2. The secretary of state shall develop standards for electronic notarization and**
7 **standards for any two-way live video and audio conferencing communication.**

8 **3. The secretary of state shall promulgate rules to implement the provisions of this**
9 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
10 **created under the authority delegated in this section shall become effective only if it**
11 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
12 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
13 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
14 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
15 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2018,**
16 **shall be invalid and void.**

486.275. [4-] At the time of notarization a notary public shall sign his or her official
2 signature on each notary certificate.

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

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

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