

HB 1056 -- NOTARY PUBLICS

SPONSOR: McCann Beatty

This bill specifies that a notary public cannot have been convicted of, found guilty of, pled guilty to, or pled nolo contendere to a crime involving fraud, deceit, or coercion, or to a felony or official misconduct as specified.

Any applicant for a notary public that knowingly provides false or fraudulent information on their application or fails to disclose a conviction, plea, finding of guilt, or plea of nolo contendere to any crime involving fraud, deceit, or coercion, or to a felony or official misconduct as specified, is guilty of a class B misdemeanor and his or her application to be a notary will be rejected.

A person, business, or governmental entity is prohibited from making, manufacturing, or otherwise producing a notary's seal unless the notary public presents his or her original or amended certificate of appointment, a certified copy of his or her original or amended certificate of appointment, or a letter of commission issued by the Secretary of State's office to that person, business, or governmental entity. A current or former notary public whose seal is produced in violation of this provision or a person who is defrauded through the use of a seal produced in violation of this provision may file an action against the person who improperly obtained the seal or the maker, manufacturer, or producer of that seal seeking appropriate equitable relief or damages including an order declaring the seal ineffective and reasonable attorney fees.

Any notary public who loses or misplaces their journal of notarial acts or official seal must 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 is required to 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 that notary is invalid and is not an acceptable notary commission number.

If a notary public's official seal is destroyed, broken, damaged, or otherwise rendered inoperable, the notary must immediately provide written notice of that fact to the Secretary of State. Upon receipt of the written notice, the Secretary of State is required to 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

destroyed, broken, damaged, or otherwise inoperable notary seal and commission number of that notary is invalid and is not an acceptable notary commission number.

If any notary public no longer desires to be a notary public, he or she must mail or deliver to the Secretary of State a letter of resignation and their notary seal, and their commission will 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 any notary public seeks to amend their commission, they are required to mail or deliver to the Secretary of State their notary seal unless a person, business, or manufacturer alters the existing seal as specified.