

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1858, Page 3, Section 400.9-516, Line 75,
2 by inserting after all of said section and line the following:

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

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

11 486.285. 1. (1) A manufacturer of a notary public's seal shall register with the secretary of
12 state and communicate to the secretary of state when it has issued a seal to a person in this state.
13 After such communication, the secretary of state shall approve any seal issued by the manufacturer
14 within ten days.

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

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

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

24 [2.] 3. The indentations made by the seal embosser or printed by the black inked rubber
25 stamp seal shall not be applied on the notarial certificate or document to be notarized in a manner
26 that will render illegible or incapable of photographic reproduction any of the printed marks or
27 writing on the certificate or document.

28 [3.] 4. Every notary shall keep an official notarial seal that is the exclusive property of the
29 notary and the seal may not be used by any other person or surrendered to an employer upon
30 termination of employment.

31 486.305. 1. Any notary public who loses or misplaces his or her journal of notarial acts or
32 official seal shall [forthwith mail or deliver] immediately provide written notice of the fact to the
33 secretary of state. For a lost or misplaced official seal, upon receipt of the written notice, the
34 secretary of state shall issue the notary a new commission number for the notary to order a new seal.
35 The secretary of state may post notice on the secretary of state's website notifying the general public
36 that the lost or misplaced notary seal and commission number of such notary is invalid and is not an

Standing Action Taken _____ Date _____

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1 acceptable notary commission number.

2 2. If a notary public's official seal is destroyed, broken, damaged, or otherwise rendered
 3 inoperable, the notary shall immediately provide written notice of that fact to the secretary of state.
 4 Upon receipt of the written notice, the secretary of state shall issue the notary a new commission
 5 number for the notary to order a new seal. The secretary of state may post notice on the secretary of
 6 state's website notifying the general public that the destroyed, broken, damaged, or otherwise
 7 inoperable notary seal and commission number of such notary is invalid and is not an acceptable
 8 notary commission number.

9 486.310. 1. If any notary public no longer desires to be a notary public, he or she shall
 10 forthwith mail or deliver to the secretary of state a letter of resignation and his or her notary seal,
 11 and his or her commission shall thereupon cease to be in effect. The secretary of state may post
 12 notice on the secretary of state's website notifying the general public that the notary is no longer a
 13 commissioned notary public in the state of Missouri. If a notary public resigns following the receipt
 14 of a complaint by the secretary of state regarding the notary public's conduct, the secretary of state
 15 may deny any future applications by such person for appointment and commission as a notary
 16 public.

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

20 486.375. Any person who acts as, or otherwise willfully impersonates, a notary public while
 21 not lawfully appointed and commissioned to perform notarial acts is guilty of a [misdemeanor and
 22 punishable upon conviction by a fine not exceeding five hundred dollars or by imprisonment for not
 23 more than six months or both] class D felony."; and

24
 25 Further amend said bill, Page 6, Section 570.095, Line 121, by inserting after all of said section and
 26 line the following:

27
 28 "Section 1. 1. If a law requires a signature or record to be notarized, acknowledged, verified
 29 or made under oath, the requirement is satisfied if the electronic signature of the person authorized
 30 to perform those acts, together with all other information required to be included by other applicable
 31 law, is attached to or logically associated with the signature or record.

32 2. The secretary of state is hereby authorized to promulgate rules and regulations
 33 establishing procedures for an electronic notarization."; and

34
 35 Further amend said bill by amending the title, enacting clause, and intersectional references
 36 accordingly.

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