

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 888, Page 1, In the Title, Line 3, by  
2 deleting the phrase "the protection of citizens' personal information" and inserting in lieu thereof the  
3 "information regulated by the office of the secretary of state"; and

4  
5 Further amend said bill and page, Section 313.303, Line 7, by inserting immediately after all of said  
6 section and line the following:

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

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

15 486.275. 1. At the time of notarization a notary public shall sign his or her official  
16 signature on each notary certificate.

17 2. If a signature or record is required to be notarized, acknowledged, verified, or made  
18 under oath, notwithstanding the provisions of section 486.285 to the contrary, the requirement is  
19 satisfied if the electronic signature of the person authorized to perform such acts, together with all  
20 other information required to be included, is attached to or logically associated with the signature or  
21 record.

22 3. The secretary of state shall promulgate rules to implement the provisions of this section.  
23 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the  
24 authority delegated in this section shall become effective only if it complies with and is subject to  
25 all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter  
26 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter  
27 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held  
28 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
29 August 28, 2016, shall be invalid and void.

30 486.285. 1. (1) A manufacturer of a notary public's seal shall register with the secretary of  
31 state and communicate to the secretary of state when it has issued a seal to a person in this state.  
32 After such communication, the secretary of state shall approve any seal issued by the manufacturer  
33 within ten days.

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

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

Standing Action Taken \_\_\_\_\_ Date \_\_\_\_\_

Select Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

7           [2.] 3. The indentations made by the seal embosser or printed by the black inked rubber  
8 stamp seal shall not be applied on the notarial certificate or document to be notarized in a manner  
9 that will render illegible or incapable of photographic reproduction any of the printed marks or  
10 writing on the certificate or document.

11           [3.] 4. Every notary shall keep an official notarial seal that is the exclusive property of the  
12 notary and the seal may not be used by any other person or surrendered to an employer upon  
13 termination of employment.

14           486.305. 1. Any notary public who loses or misplaces his or her journal of notarial acts or  
15 official seal shall [forthwith mail or deliver] immediately provide written notice of the fact to the  
16 secretary of state. For a lost or misplaced official seal, upon receipt of the written notice, the  
17 secretary of state shall issue the notary a new commission number for the notary to order a new seal.  
18 The secretary of state may post notice on the secretary of state's website notifying the general public  
19 that the lost or misplaced notary seal and commission number of such notary is invalid and is not an  
20 acceptable notary commission number.

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

23           486.310. 1. If any notary public no longer desires to be a notary public, he or she shall  
24 forthwith mail or deliver to the secretary of state a letter of resignation and his or her notary seal,  
25 and his or her commission shall thereupon cease to be in effect. The secretary of state may post  
26 notice on the secretary of state's website notifying the general public that the notary is no longer a  
27 commissioned notary public in the state of Missouri. If a notary public resigns following the receipt  
28 of a complaint by the secretary of state regarding the notary public's conduct, the secretary of state  
29 may deny any future applications by such person for appointment and commission as a notary  
30 public.

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

34           486.375. Any person who acts as, or otherwise willfully impersonates, a notary public while  
35 not lawfully appointed and commissioned to perform notarial acts is guilty of a misdemeanor and  
36 punishable upon conviction by a fine not exceeding five hundred dollars or by imprisonment for not  
37 more than six months or both. If such an act results in a fraudulent act involving property, it shall  
38 be a class E felony."; and

39  
40 Further amend said bill by amending the title, enacting clause, and intersectional references  
41 accordingly.