

REVISED STATUTES OF MISSOURI

**TITLE XXVIII. CONTRACTS AND CONTRACTUAL RELATIONS
CHAPTER 432. CONTRACTS REQUIRED TO BE IN WRITING**

432.250. Notarization and acknowledgment.

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

(L. 2003 H.B. 254)

**TITLE XXIX. OWNERSHIP AND CONVEYANCE OF PROPERTY
CHAPTER 442. TITLES AND CONVEYANCE OF REAL ESTATE**

442.150. Proof or acknowledgment, by whom taken.

The proof or acknowledgment of every conveyance or instrument in writing affecting real estate in law or equity, including deeds of married women, shall be taken by some one of the following courts or officers:

1. If acknowledged or proved within this state, by some court having a seal, or some judge, justice or clerk thereof, or a notary public; or
2. If acknowledged or proved without this state and within the United States, by any notary public or by any court of the United States, or of any state or territory, having a seal, or the clerk of any such court or any commissioner appointed by the governor of this state to take the acknowledgment of deeds;
3. If acknowledged or proved without the United States, by any court of any state, kingdom or empire having a seal or the mayor or chief officer of any city or town having an official seal or by any minister or consular officer of the United States or notary public having a seal.

(RSMo 1939 § 3408, A. 1949 S.B. 1124)

Prior revisions: 1929 § 3021; 1919 § 2181; 1909 § 2794

CROSS REFERENCES: Acknowledgment of deed of trust taken before trustee in said deed deemed valid, when, RSMo 443.030 Commissioners of deeds in sister states, appointment, oath, powers, RSMo 486.100 to 486.140

442.155. Acknowledgment of instruments not affecting lands--certificate--curative provision.

1. All officers within or without the state of Missouri now by the laws of this state authorized to take the proof or acknowledgment of any conveyance or other instrument in writing affecting real estate, shall have the power to take the proof or acknowledgment of any instrument in writing.

2. The certificate of the proof or acknowledgment shall be the same as now provided by law for the certificate of proof of acknowledgment to conveyances or other instruments in writing affecting real estate.

3. Any such proof or acknowledgment heretofore taken by any such officer of any instrument in writing not affecting real estate and which proof or acknowledgment was taken in conformity with the then existing law providing for the proof or

acknowledgment of conveyances or other instruments in writing affecting real estate, are hereby validated and legalized for all purposes from and after the effective date of this section. It shall not be necessary to rerecord any such instrument.

(L. 1951 p. 751 §§ 1, 2, 3)

442.160. Acknowledgments of instruments by persons in military service--form -- instruments previously acknowledged validated, when.

1. Any commissioned officer, other than a commissioned warrant officer, of any of the armed forces of the United States, whether or not on active duty, may take proof or acknowledgment of any instrument in writing, of any member of any of the armed forces of the United States, whether or not on active duty, with like effect as if the same were taken within the state of Missouri by a notary public. If any instrument in writing so acknowledged by such member of the armed forces of the United States be of such a nature as to require a joint or separate acknowledgment of his or her spouse, such officers may take the acknowledgment of such spouse.

2. Such officer shall certify the act, stating the time and place thereof, over his signature, setting forth his grade, serial number, branch of service (army, navy, etc.), and permanent mailing address. If such officer shall omit from his certificate the place thereof, serial number, branch of service, and permanent mailing address, or any of them, it shall be deemed to have been done for reasons of security and shall not invalidate such certificate. The signature of any such officer, together with his grade, shall be prima facie evidence of his authority.

3. Any form of acknowledgment complying with the requirements of this section may be used, and the following form shall be taken to satisfy all requirements of this section:

With the Armed Forces)
of the United States) ss
at)

On this day of, A.D. 19., before me, a commissioned officer of the armed forces of the United States, on active duty therewith, personally appeared, a member of the armed forces of the United States, on active duty therewith, (and, (his wife, her husband),) to me known to be the person described in and who executed the foregoing instrument, and acknowledged that executed the same as free act and deed. (The said declared to be single and unmarried.)

IN TESTIMONY WHEREOF, I have hereunto set my hand and grade (serial number, branch of service, and permanent mailing address).

(Signature) Serial Number

.....

(Grade) (Branch of Service: Army, Navy, etc.)

.....

(Permanent mailing address)

.....

4. All such proof or acknowledgment of any instrument in writing heretofore made and which was not in conformity with the requirements of the laws at that time, but are in conformity with the requirements of this section, are hereby validated and legalized for all purposes from and after June 12, 1991. It shall not be necessary to rerecord any such

instrument.

(RSMo 1939 § 3410, A.L. 1951 p. 749, A.L. 1991 S.B. 358)

Prior revisions: 1929 § 3023; 1919 § 2182

Effective 6-12-91

442.180. Certificate to be endorsed on conveyance.

Every court or officer taking the proof or acknowledgment of any conveyance or instrument of writing affecting real estate, or the relinquishment of the dower of a married woman, shall grant a certificate thereof, and cause the same to be endorsed on such conveyance or instrument of writing.

(RSMo 1939 § 3413)

Prior revisions: 1929 § 3026; 1919 § 2185; 1909 § 2796

442.190. Certificate, how made.--Such certificate shall be

1. When granted by a court, under the seal of the court;
2. When granted by the clerk of the court, under the hand of the clerk and seal of the court of which he is clerk;
3. When granted by an officer who has a seal of office, under the hand and official seal of such officer;
4. When granted by an officer who has no seal of office, under the hand of such officer.

(RSMo 1939 § 3414)

Prior revisions: 1929 § 3027; 1919 § 2186; 1909 § 2797

442.200. Identity of persons making acknowledgments, how ascertained.

No acknowledgment of any instrument in writing conveying real estate, or whereby any real estate may be affected, shall be taken, unless the persons offering to make such acknowledgment shall be personally known to at least one judge of the court, or to the officer taking the same, to be the person whose name is subscribed to such instrument as a party thereto, or shall be proved to be such by at least two credible witnesses.

(RSMo 1939 § 3415)

Prior revisions: 1929 § 3028; 1919 § 2187; 1909 § 2798

442.210. Certificate of acknowledgment--contents.

1. The certificate of acknowledgment shall state the act of acknowledgment, and that the person making the same was personally known to at least one judge of the court, or to the officer granting the certificate, to be the person whose name is subscribed to the instrument as a party thereto, or was proved to be such by at least two witnesses, whose names and places of residence shall be inserted in the certificate; and the following forms of acknowledgment may be used in the case of conveyances or other written instruments affecting real estate; and any acknowledgment so taken and certificate shall be sufficient to satisfy all requirements of law relating to the execution or recording of such instruments (begin in all cases by a caption, specifying the state and place where the acknowledgment is taken):

(1) In case of natural persons acting in their own right

On this ... day of ..., 19.., before me personally appeared A B (or A B and C D), to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that he (or they) executed the same as his (or their) free

act and deed.

(2) In the case of natural persons acting by attorney

On this ... day of ..., 19.., before me personally appeared A B, to me known to be the person who executed the foregoing instrument in behalf of C D, and acknowledged that he executed the same as the free act and deed of C D.

(3) In the case of corporations or joint stock associations

On this ... day of ..., 19.., before me appeared A B, to me personally known, who, being by me duly sworn (or affirmed) did say that he is the president (or other officer or agent of the corporation or association), of (describing the corporation or association), and that the seal affixed to foregoing instrument is the corporate seal of said corporation (or association), and that said instrument was signed and sealed in behalf of said corporation (or association) by authority of its board of directors (or trustees), and said A B acknowledged said instrument to be the free act and deed of said corporation (or association).

2. In case the corporation or association has no corporate seal, omit the words “the seal affixed to said instrument is the corporate seal of said corporation (or association), and that”, and add at the end of the affidavit clause the words “and that said corporation (or association) has no corporate seal”.

3. (In all cases add signature and title of the officer taking the acknowledgment.)

4. When a married woman unites with her husband in the execution of any such instrument, and acknowledges the same in one of the forms above sanctioned, she shall be described in the acknowledgment as his wife, but in all other respects her acknowledgment shall be taken and certified as if she were sole; and no separate examination of a married woman in respect to the execution of any release or dower, or other instrument affecting real estate, shall be required.

(RSMo 1939 § 3416)

Prior revisions: 1929 § 3029; 1919 § 2188; 1909 § 2799

442.220. Conveyances of bounty lands, how acknowledged.

Every instrument of writing executed out of this state, and within the United States, which conveys or affects military bounty lands in this state, and which is acknowledged or proved according to the laws and usages of the place where executed, shall be received and recorded in the county where such lands lie.

(RSMo 1939 § 3441)

Prior revisions: 1929 § 3054; 1919 § 2213; 1909 § 2824

442.230. Such instrument valid.

Every such instrument thus acknowledged or proved shall be as effectual and valid as if such acknowledgment or proof had been made in accordance with the laws of this state.

(RSMo 1939 § 3442)

Prior revisions: 1929 § 3055; 1919 § 2214; 1909 § 2825

442.260. Proof of execution of instruments.

The proof of the execution of any instrument in writing, conveying real estate, or whereby any real estate may be affected in law or equity, shall be:

1. By the testimony of a subscribing witness; or
2. When all the subscribing witnesses are dead or cannot be had, by evidence of the

handwriting of the party, and of at least one subscribing witness, given by at least two credible witnesses to each signature.

(RSMo 1939 § 3417)

Prior revisions: 1929 § 3030; 1919 § 2189; 1909 § 2800

442.270. When proof of subscribing witness shall be taken.

No proof by a subscribing witness shall be taken, unless such witness shall be personally known to at least one judge of the court, or to the officer taking the proof, to be the person whose name is subscribed to the instrument as a witness thereto or shall be proved to be such by at least two credible witnesses.

(RSMo 1939 § 3418)

Prior revisions: 1929 § 3031; 1919 § 2190; 1909 § 2801

442.280. What subscribing witness shall prove before certificate shall be granted.

No certificate of such proof shall be granted, unless such subscribing witness shall prove that the person whose name is subscribed thereto as a party is the person who executed the same; that such person executed the instrument, and that such witness subscribed his name as a witness thereof.

(RSMo 1939 § 3419)

Prior revisions: 1929 § 3032; 1919 § 2191; 1909 § 2802

442.290. What facts certificate of proof shall set forth.

The certificate of such proof shall set forth the following matters:

1. The fact that such subscribing witness was personally known to at least one judge of the court, or to the officer granting the certificate, to be the person whose name is subscribed to such instrument as a witness thereto or was proved to be such by at least two witnesses, whose names and places of residence shall be inserted in the certificate;

2. The proof given by such witnesses of the execution of such instrument, and of the facts that the person whose name is subscribed to such instrument as party thereto is the person who executed the same, and that such witness subscribed his name to such instrument as a witness thereof.

(RSMo 1939 § 3420)

Prior revisions: 1929 § 3033; 1919 § 2192; 1909 § 2803

442.300. Proof, when grantor and witnesses are dead.

No proof, by evidence of the handwriting of the party and of a subscribing witness, shall be taken, unless the court or officer taking the same shall be satisfied that all the subscribing witnesses to such instrument are dead or cannot be had to prove the execution thereof.

(RSMo 1939 § 3421)

Prior revisions: 1929 § 3034; 1919 § 2193; 1909 § 2804

442.310. Certificate of proof, when granted.

No certificate of any such proof shall be granted, unless at least two credible witnesses shall state, on oath or affirmation, that they personally knew the person whose name is subscribed thereto as a party, well know his signature, stating their means of knowledge, and believe the name of the person subscribed thereto as a party was subscribed by such person; nor unless at least two credible witnesses shall, in like manner, state that they personally knew the person whose name is subscribed in such instrument as a witness, well knew his signature, stating their means of knowledge, and believe the name

subscribed thereto as a witness was thereto subscribed by such person.

(RSMo 1939 § 3422)

Prior revisions: 1929 § 3035; 1919 § 2194; 1909 § 2805

442.320. Certificate to recite evidence required by section 442.310.

The certificate of such proof shall set forth the names of the witnesses examined, and their places of residence, the fact that such witnesses were sworn, and the evidence required by section 442.310 to be by them given.

(RSMo 1939 § 3423)

Prior revisions: 1929 § 3036; 1919 § 2195; 1909 § 2806

442.330. Subscribing witnesses, when and how summoned to prove execution of instrument.

Upon the application of any grantee in any instrument in writing required to be recorded or of any person claiming under such grantee, verified by the oath of the applicant, that any witness to such instrument residing in the county where such application is made refuses to appear and testify touching the execution thereof, and that such instrument cannot be proved without his evidence, any court or officer authorized to take the acknowledgment or proof of such instrument may issue a subpoena requiring such witness to appear before such court or officer and testify touching the execution thereof.

(RSMo 1939 § 3424)

Prior revisions: 1929 § 3037; 1919 § 2196; 1909 § 2807

442.350. Provisions relating to acknowledgment or proof not to extend to last wills and testaments.

None of the foregoing provisions in relation to the acknowledgment, proof or recording of instruments in writing, affecting real estate, shall be construed as extending to last wills and testaments.

(RSMo 1939 § 3440)

Prior revisions: 1929 § 3053; 1919 § 2212; 1909 § 2823

442.360. Powers of attorney, how acknowledged and proved.

Every letter of attorney or other instrument containing a power to convey real estate, as agent or attorney for the owner thereof, or to execute, as agent or attorney for another, any instrument in writing conveying real estate, or whereby real estate may be affected in law or equity, shall be acknowledged or proved, and certified and recorded, as other instruments in writing conveying or affecting real estate are required to be acknowledged or proved and certified and recorded.

(RSMo 1939 § 3433)

Prior revisions: 1929 § 3046; 1919 § 2205; 1909 § 2816

CROSS REFERENCE: Letters of attorney other than for the conveyance of real estate--how acknowledged and proved--read in evidence, when, RSMo 490.570

TITLE XXXII. COURTS

CHAPTER 486. COMMISSIONERS OF DEEDS AND NOTARIES PUBLIC

486.100. Appointment--powers generally.

The governor may appoint and commission in any other state, in the District of

Columbia, in each of the territories of the United States, and in any foreign country, one or more commissioners, who shall continue in office during the pleasure of the governor, and shall have authority to take relinquishments of dower of married women, the acknowledgment or proof of the execution of any deed or other conveyance, or lease of any lands lying in this state, or of any contract, letters of attorney, or of any other writing, under seal or note, to be used and recorded in this state; and such commissioners appointed for any foreign country shall also have authority to certify to the official character, signature or seal of any officer within their district, who is authorized to take acknowledgments or declarations under oath.

(RSMo 1939 § 13382)

Prior revisions: 1929 § 11760; 1919 § 2138; 1909 § 2701

486.110. Official oath.

Every such commissioner, before performing any duty or exercising any power in virtue of his appointment, shall take and subscribe an oath or affirmation before some judge or clerk of any United States court of record or before some judge or clerk of any court of record in and of the state of Missouri, or before a judge or clerk of one of the courts of record of the district, territory, state or county in which said commissioner shall reside, well and faithfully to execute and perform all the duties of such commissioner, under and by virtue of the laws of the state of Missouri; which oath, and a description of his seal of office, if there be one, together with his signature thereto, shall be filed in the office of the secretary of state of this state within six months after the date of his appointment.

(RSMo 1939 § 13383)

Prior revisions: 1929 § 11761; 1919 § 2139; 1909 § 2702

486.120. Effect of authentication by commissioner.

An acknowledgment or proof so taken according to the laws of this state, and certified to by any such commissioner, under his seal of office, if there is one annexed to or endorsed on the instrument, has the same force and effect as if the same had been made before a judge or associate circuit judge, or any other officer authorized to perform the act in this state.

(RSMo 1939 § 13384, A.L. 1957 p. 351)

Prior revisions: 1929 § 11762; 1919 § 2140; 1909 § 2703

486.130. Additional powers--oaths--depositions.

Every commissioner shall have power to administer any oath which may be lawfully required in this state, to any person willing to take it; and to take and certify all depositions to be used in any of the courts of this state, in conformity to the laws thereof, either on interrogatories proposed under commission from a court of this state, or by consent of parties, or on legal notice given to the opposite party; and all such acts may be as valid as if done and certified according to law by an associate circuit judge in this state.

(RSMo 1939 § 13385)

Prior revisions: 1929 § 11763; 1919 § 2141; 1909 § 2704

486.140. Fees.

Commissioners shall for like services be allowed the same fees as clerks of courts of

record.

(RSMo 1939 § 13386)

Prior revisions: 1929 § 11764; 1919 § 2142; 1909 § 2705

486.200. Definitions.

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.

(L. 1977 H.B. 513 § 1, 2005 S.B. 420 § 1.)

Effective 1-1-78

486.205. Notary public, how appointed.

Upon application, the secretary of state may appoint and commission individual persons as notaries public* in each of the several counties in this state. The secretary of state may not appoint and commission as a notary public any person who submits an application containing substantial and material misstatement or omission of fact.

(L. 1977 H.B. 513 § 2)

Effective 1-1-78

*Words “notary publics” appear in original rolls.

486.210. Notary’s authority to be statewide.

Each notary public may perform notarial acts anywhere within this state.

(L. 1977 H.B. 513 § 3)

Effective 1-1-78

486.215. Term of office.

Each notary public may perform notarial acts for a term of four years from the date of his commission, unless sooner removed.

(L. 1977 H.B. 513 § 4)

Effective 1-1-78

486.220. Qualifications for notary.

1. Each person appointed and commissioned as a notary public shall, except as provided for in subsection 2 of this section:

(1) Be at least eighteen years of age;

(2) Be a registered voter of the county within and for which he is commissioned; or a resident alien of the United States;

(3) Have a residence address in the county within and for which he is commissioned;

(4) Be able to read and write the English language; and

(5) Not have had his commission revoked during the past ten years; or

(6) In lieu of the requirements contained in subdivisions (1) to (5) of this subsection, a

person who is appointed and commissioned a notary public pursuant to subsection 2 of this section may be appointed and commissioned pursuant to this subsection upon becoming a resident of Missouri.

2. Any person who does not qualify under subsection 1 of this section may nonetheless be appointed and commissioned as a notary public provided that person:

(1) Is at least eighteen years of age;

(2) Works in Missouri and will use the notary seal in the course of his employment in Missouri;

(3) Has a work address in the county within and for which he is commissioned;

(4) Is able to read and write the English language;

(5) Has not had a notary commission revoked in any state during the past ten years; and

(6) Authorizes the secretary of state as the agent and representative of such person to accept service of any process or service of any notice or demand required or permitted by law to be served upon such person.

3. A notary public is not a public officer within the meaning of article VII of the Missouri Constitution.

(L. 1977 H.B. 513 § 5, A.L. 1988 S.B. 425, A.L. 1991 H.B. 570)

486.225. Application, form of, fee--renewal.

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.

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

(L. 1977 H.B. 513 § 6, A.L. 1988 H.B. 1068, A.L. 1991 H.B. 570, A.L. 1997 S.B. 361, A.L. 2004 H.B. 1193)

486.230. Commission to be issued, when--contents.

Upon receipt of a completed application, proper endorsements and the correct fee, the secretary of state, if satisfied the applicant is qualified to be appointed and commissioned as a notary public, shall prepare a notary commission for the applicant and forward the commission to the county clerk in the county of the applicant’s residence. Each commission shall contain the applicant’s name, the county within and for which he is to be commissioned, the date upon which the commission takes effect and the date upon which it expires.

(L. 1977 H.B. 513 § 7)

Effective 1-1-78

486.235. Bond required--oath, form of.

1. During his or her term of office each notary public shall maintain a surety bond in the sum of ten thousand dollars with, as surety thereon, a company qualified to write surety bonds in this state. The bond shall be conditioned upon the faithful performance of all notarial acts in accordance with this chapter. Each notary public shall notify the secretary of state of changes on or riders to the bond.

2. Before receiving his or her commission, each applicant shall submit to the county clerk of the county within and for which he or she is to be commissioned, an executed bond commencing at least ninety days after the date he or she submitted the application to the secretary of state with a term of four years, which shall consist of the dates specified on the applicant’s commission.

3. Before receiving his or her commission, each applicant shall take the following oath in the presence of the county clerk: I, (name of applicant), solemnly swear, under the penalty of perjury, that I have carefully read the notary law of this state, and if appointed and commissioned as a notary public, I will uphold the Constitution of the United States and of this state and will faithfully perform to the best of my ability all notarial acts in conformance with the law.(signature of applicant) Subscribed and sworn to before me this day of, 20... .
.....(signature of county clerk)

4. Before receiving his or her commission, each applicant shall submit to the county clerk a handwritten specimen of the applicant’s official signature which contains his or her surname and at least the initial of the applicant’s first name.

5. Immediately after receiving the bond and official signature and witnessing the oath, the county clerk shall award to the applicant his or her commission as a notary public.

(L. 1977 H.B. 513 §§ 8, 9, A.L. 1981 H.B. 388, A.L. 2004 H.B. 1193)

486.240. Failure of applicant to appear and qualify, effect of.

If the person for whom a commission is issued fails to appear and qualify within ninety days after the commission is issued, the county clerk shall note the failure on the commission and return it within thirty days of such failure to the secretary of state. The secretary of state shall immediately cancel and annul the commission. The secretary of state may prohibit, for a period not less than thirty days and not more than one year, such person from reapplying for an appointment and commission as a notary public following the failure to appear and qualify within ninety days after the commission is issued.

(L. 1977 H.B. 513 § 10, A.L. 2004 H.B. 1193)

486.245. Register of notaries to be kept--bond, signature and oath to secretary of state.

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

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

(L. 1977 H.B. 513 § 11, A.L. 2016 S.B. 932 § A)

486.250. Powers of notary.

Each notary public is empowered to

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

(L. 1977 H.B. 513 § 12)

Effective 1-1-78

486.255. Notary disqualified, when.

1. For the purposes of this chapter, a notary public has a disqualifying interest in a transaction in connection with which notarial services are requested if he is named, individually, as a party to the transaction.

2. No notary who has a disqualifying interest in a transaction may legally perform any notarial act in connection with the transaction.

(L. 1977 H.B. 513 § 13)

Effective 1-1-78

486.260. Notary to keep journal--exceptions.

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

(L. 1977 H.B. 513 § 14, A.L. 2004 H.B. 1193)

486.265. Certified copy of notary record, when given, fee--journal to be kept.

Every notary shall keep a true and perfect record of his or her official acts in a permanently bound journal, except those connected with judicial proceedings, and those for whose public record the law provides and the public record as defined in section 610.010, RSMo, is publicly filed within ninety days of execution. Every notary shall make and keep an exact minute, in a permanently bound journal kept by him or her for that purpose, of each of his or her official acts, except as herein provided. The journal is

the exclusive property of the notary.
(L. 1977 H.B. 513 § 15, A.L. 2004 H.B. 1193)

486.270. Copies of notarial acts furnished on court order--fee.

Each notary public, upon written court order, shall furnish facsimiles of entries made in his journal of notarial acts or any other papers or copies relating to his notarial acts, upon receipt of a fee of one dollar per 8 1/2 x 11 inch page or part of a page.

(L. 1977 H.B. 513 § 16)
Effective 1-1-78

486.275. Signature of notary required, when--electronic signature.

1. At the time of notarization a notary public shall sign his official signature on each notary certificate.

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

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

(L. 1977 H.B. 513 § 17, A.L. 2016 S.B. 932 § A)

486.280. Printed information required on notary certificate.

On every notary certificate, a notary public shall indicate clearly and legibly, in print not smaller than eight-point type and by means of rubber stamp, typewriting or printing, so that it is capable of photographic reproduction:

- (1) His or her name exactly as it appears on the commission;
- (2) The words “Notary Public”, “State of Missouri”, and “My commission expires (commission expiration date)”;
- (3) The name of the county within which he or she is commissioned; and
- (4) A commission number, provided that the notary public has been issued a commission number by the secretary of state. Effective August 28, 2004, the secretary of state shall issue a commission number for all new and renewal notary appointments.

(L. 1977 H.B. 513 § 18, A.L. 2004 H.B. 1193)

486.285. Seal, registration, contents, form--application--property of notary.

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

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

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

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

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

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

(L. 1977 H.B. 513 § 19, A.L. 1991 H.B. 570, A.L. 2004 H.B. 1193, A.L. 2016 S.B. 932 § A)

486.290. Illegibility of certificate, effect of.

The illegibility of any of the information required by sections 486.280, 486.285 and 486.290 does not affect the validity of the transaction.

(L. 1977 H.B. 513 § 20)

Effective 1-1-78

486.295. Change of address, notice of, effect of.

Any notary public who changes the address of his or her residence in the county within and for which he or she is commissioned shall forthwith mail or deliver within thirty days of such change a notice of the fact to the secretary of state including his or her old address and current address. The notary's commission shall remain in effect until its expiration date, unless sooner revoked.

(L. 1977 H.B. 513 § 21, A.L. 1981 H.B. 388, A.L. 2004 H.B. 1193)

486.300. Change of name by notary, notice to secretary of state, procedure, fee-- signature, how signed.

Any notary public who lawfully changes his or her name shall forthwith request within thirty days of such change an amended commission from the secretary of state and shall send to the secretary of state five dollars, his or her current commission, and a notice of change form provided by the secretary of state, which shall include his or her new name and contain a specimen of his or her official signature. The secretary of state shall issue an amended commission to the notary public in his or her new name and shall notify the clerk of the county within and for which the notary is commissioned. After requesting an amended commission, the notary may continue to perform notarial acts in his or her former name, until he or she receives the amended commission.

(L. 1977 H.B. 513 § 22, A.L. 1981 H.B. 388, A.L. 2004 H.B. 1193)

486.305. Loss of seal or journal, notice to secretary of state.

1. Any notary public who loses or misplaces his or her journal of notarial acts or

official seal shall immediately provide 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 shall 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 such notary is invalid and is not an acceptable notary commission number.

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

(L. 1977 H.B. 513 § 23, A.L. 2016 S.B. 932 § A)

Effective 1-1-78

486.310. Resignation, how effective.

1. If any notary public no longer desires to be a notary public, he or she shall forthwith mail or deliver to the secretary of state a letter of resignation and his or her notary seal, and his or her commission shall thereupon 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 a notary public resigns following the receipt of a complaint by the secretary of state regarding the notary public's conduct, the secretary of state may deny any future applications by such person for appointment and commission as a notary public.

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

(L. 1977 H.B. 513 § 24, A.L. 2004 H.B. 1193, A.L. 2016 S.B. 932 § A)

486.315. Removal from county of residence, effect of--amended commission, when, procedure, fee.

If a notary public has ceased to have a residence address in the county within and for which he or she is commissioned, the commission shall thereupon cease to be in effect, unless the secretary of state issues an amended commission. When a notary public, who has established a residence address in a county of the state other than the county in which he or she was first commissioned, requests an amended commission within thirty days of changing the notary's county of residence, delivers his or her current commission, notice of change form, and five dollars to the secretary of state, the secretary of state shall issue an amended commission to the notary public, for the county in which his or her new residence is located and shall notify the county clerk of the county where the notary's new address is located. After requesting an amended commission within thirty days of changing the notary's county of residence, the notary may continue to perform notarial acts with certificates showing the county within and for which he or she is commissioned, until the notary receives his or her amended commission.

(L. 1977 H.B. 513 § 25, A.L. 1981 H.B. 388, A.L. 2004 H.B. 1193)

486.320. Notice of revocation of commission, compliance with.

If any notary public receives notice from the secretary of state that his commission has been revoked, the person whose commission is revoked shall forthwith mail or deliver to

the secretary of state his commission.

(L. 1977 H.B. 513 § 26)

Effective 1-1-78

486.325. Automatic reappointment prohibited.

1. No person may be automatically reappointed as a notary public.

2. Each notary public who is an applicant for reappointment as a notary public shall recomply with the provisions of sections 486.225 and 486.235.

(L. 1977 H.B. 513 § 27)

Effective 1-1-78

486.330. Form of acknowledgments.

Except as otherwise provided in section 442.210, RSMo, certificates of acknowledgment shall be in print not smaller than eight- point type and in substantially the following form:

(1) By an Individual.

State of, County (and/or City) of, On this day of in the year before me, (name of notary), a Notary Public in and for said state, personally appeared (name of individual), known to me to be the person who executed the within (type of document), and acknowledged to me that (he/she) executed the same for the purposes therein stated.

(2) By a Partner.

State of, County (and/or City) of, On this day of in the year before me, (name of notary), a Notary Public in and for said state, personally appeared (name of partner) of (name of partnership), known to me to be the person who executed the within (type of document) in behalf of said partnership and acknowledged to me that he or she executed the same for the purposes therein stated.

..... (official signature and official seal of notary.)

(3) By a Corporate Officer.

State of, County (and/or City) of, On this day of in the year before me, (name of notary), a Notary Public in and for said state, personally appeared (name of officer), (title of person, president, vice president, etc.), (name of corporation), known to me to be the person who executed the within (type of document) in behalf of said corporation and acknowledged to me that he or she executed the same for the purposes therein stated.

..... (official signature and official seal of notary.)

(4) By an Attorney in Fact for Principal or Surety.

State of, County (and/or City) of, On this day of, in the year before me, (name of notary), a Notary Public in and for said state, personally appeared (name of attorney in fact), Attorney in Fact for (name of principal or surety), known to me to be the person who executed the within (type of document) in behalf of said principal (or surety), and acknowledged to me that he or she executed the same for the purposes therein stated.

..... (official signature and official seal of notary.)

(5) By a Public Officer, Deputy, Trustee, Administrator, Guardian or Executor.

State of, County (and/or City) of, On this day of, in the year, before me (name of notary), a Notary Public in and for said state, personally appeared (name of person),, (person's official title) known to me to be the person who executed the

within (type of document) in behalf of (public corporation, agency, political subdivision or estate) and acknowledged to me that he or she executed the same for the purposes therein stated.

..... (official signature and official seal of notary.)

(6) By a United States Citizen Who is Outside of the United States. (description or location of place where acknowledgment is taken)

On this day of, in the year, before me (name and title of person acting as a notary and refer to law or authority granting power to act as a notary), personally appeared (name of citizen) known to me to be the person who executed the within (type of document) and acknowledged to me that (he/she) executed the same for the purposes therein stated.

..... (official signature and official seal of person acting as a notary and refer to law or authority granting power to act as a notary).

(7) By An Individual Who Cannot Write His or Her Name.

State of, County (and/or City) of

On this day of in the year, before me (name of notary), a Notary Public in and for said state, personally appeared (name of individual), known to me to be the person who, being unable to write his or her name, made his or her mark in my presence. I signed his or her name at his or her request and in that person's presence on the within (type of document) and he or she acknowledged to me that he or she made his or her mark on the same for the purposes therein stated.

..... (official signature and official seal of notary.)

(8) By a Manager or Member.

State of, County (and/or City) of

On this day of in the year before me, (name of notary), a Notary Public in and for said state, personally appeared (name of manager or member) of (name of limited liability company), known to me to be the person who executed the within (type of document) in behalf of said limited liability company and acknowledged to me that he or she executed the same for the purposes therein stated.

..... (official signature and official seal of notary.)

(L. 1977 H.B. 513 § 28, A.L. 1997 H.B. 655 merged with S.B. 170, A.L. 2004 H.B. 1193)

486.335. Affirmations, form of.

Affirmations shall be in type not smaller than eight-point and in substantially the following form:

(1) If the affirmation to be administered by the notary public is in writing and the person who took the affirmation has signed his or her name thereto, the notary public shall write or print under the text of the affirmation the following:

“Subscribed and affirmed before me this day of, 20....” (official signature and official seal of notary.)

(2) If the affirmation to be administered by the notary public is not in writing, the notary public shall address the affirmant substantially as follows:

“You do solemnly affirm, under the penalty of perjury, that the testimony you shall give in the matter in issue, pending between and, shall be the truth, the whole truth, and nothing but the truth.”

(L. 1977 H.B. 513 § 29, A.L. 2004 H.B. 1193)

486.340. Executing witness defined--form of affidavit of executing witness.

1. As used in this section, the words “executing witness” means an individual who acts in the place of a notary.

2. An executing witness may not be related by blood or marriage or have a disqualifying interest as defined in section 486.255.

3. The affidavit of executing witness for acknowledgment by an individual who does not appear before a notary shall be in type not smaller than eight-point and in substantially the following form:

I, (name of executing witness), do solemnly affirm under the penalty of perjury, that (name of person who does not appear before a notary), personally known to me, has executed the within (type of document) in my presence, and has acknowledged to me that (he/she) executed the same for the purposes therein stated and requested that I sign my name on the within document as an executing witness.

..... (signature of executing witness)

Subscribed and affirmed before me this day of, 20....

..... (official signature and official seal of notary.)

(L. 1977 H.B. 513 § 30, A.L. 2004 H.B. 1193)

486.345. Facsimile may be certified--form of certification.

1. A notary public may certify a facsimile of a document if he or she receives a signed written request stating that a certified copy or facsimile, preparation of a copy, or certification of a copy of the document does not violate any state or federal law.

2. Each notary public shall retain a facsimile of each document he or she has certified as a facsimile of another document, together with other papers or copies relating to his or her notarial acts.

3. The certification of a facsimile shall be in type not smaller than eight-point and in substantially the following form:

State of County (and/or City) of

I, (name of notary), a Notary Public in and for said state, do certify that on (date) I carefully compared the attached facsimile of (type of document) and the facsimile I now hold in my possession. They are complete, full, true and exact facsimiles of the document they purport to reproduce.

..... (official signature and official seal of notary.)

(L. 1977 H.B. 513 § 31, A.L. 2004 H.B. 1193)

486.350. Maximum fees--overcharges or charge for absentee ballots, effect of--travel fee charged, when.

1. The maximum fee in this state for notarization of each signature and the proper recording thereof in the journal of notarial acts is two dollars for each signature notarized.

2. The maximum fee in this state for certification of a facsimile of a document, and the proper recordation thereof in the journal of notarial acts is two dollars for each 8 1/2 x 11 inch page retained in the notary’s file.

3. The maximum fee in this state is one dollar for any other notarial act performed.

4. No notary shall charge or collect a fee for notarizing the signature on any absentee ballot or absentee voter registration.

5. A notary public who charges more than the maximum fee specified or who charges or collects a fee for notarizing the signature on any absentee ballot or absentee voter

registration is guilty of official misconduct.

6. A notary public may charge a travel fee, not to exceed the approved federal mileage rate and may charge an expedited convenience service fee not to exceed twenty-five dollars, when traveling to perform a notarial act, provided that:

(1) The notary explains to the person requesting the notarial act that the travel fee is separate from the notarial fee and is not specified or mandated by law; and

(2) The notary and the person requesting the notarial act agree upon his or her fees in advance of the notary affixing his or her official seal.

(L. 1977 H.B. 513 § 32, A.L. 2004 H.B. 1193)

486.355. Liable in damages, when.

A notary public and the surety or sureties on his bond are liable to the persons involved for all damages proximately caused by the notary's official misconduct.

(L. 1977 H.B. 513 § 33)

Effective 1-1-78

(1987) Notary public in failing to witness the signing of a bill of sale of business notarized by him may be liable pursuant to this section to plaintiffs for damages for their not being able to enforce a note that was entered into at time of transfer of business where the bill of sale referenced the note. Means v. Clardy, 735 S.W.2d 6 (Mo.App. W.D.).

486.360. Employer of a notary public liable, when.

The employer of a notary public is also liable to the persons involved for all damages proximately caused by the notary's official misconduct, if:

(1) The notary public was acting within the scope of his employment at the time he engaged in the official misconduct; and

(2) The employer consented to the notary public's official misconduct.

(L. 1977 H.B. 513 § 34)

Effective 1-1-78

486.365. Sole cause not necessary to establish notary's liability.

It is not essential to a recovery of damages that a notary's official misconduct be the only proximate cause of the damages.

(L. 1977 H.B. 513 § 35)

Effective 1-1-78

486.370. Penalty for notary's misconduct.

1. A notary public who knowingly and willfully commits any official misconduct is guilty of a misdemeanor and is punishable upon conviction by a fine not exceeding five hundred dollars or by imprisonment for not more than six months or both.

2. A notary public who recklessly or negligently commits any official misconduct is guilty of a misdemeanor and is punishable upon conviction by a fine not exceeding one hundred dollars.

(L. 1977 H.B. 513 § 36)

Effective 1-1-78

486.375. Impersonation of a notary, penalty for.

Any person who acts as, or otherwise willfully impersonates, a notary public while not lawfully appointed and commissioned to perform notarial acts is guilty of a misdemeanor and punishable upon conviction by a fine not exceeding five hundred dollars or by

imprisonment for not more than six months or both, unless such act results in a fraudulent act involving property, such person shall be guilty of a class E felony.

(L. 1977 H.B. 513 § 37, A.L. 2016 S.B. 932 § A)

486.380. Unlawful possession of notary seal, journal or papers a misdemeanor, penalty.

Any person who unlawfully possesses a notary's journal, official seal or any papers or copies relating to notarial acts, is guilty of a misdemeanor and is punishable upon conviction by a fine not exceeding five hundred dollars.

(L. 1977 H.B. 513 § 38)

Effective 1-1-78

486.385. Grounds for revocation of commission.

1. The secretary of state may reject an application or revoke the commission of any notary public who prior to being commissioned or during the current term of appointment:

- (1) Submits an application for commission and appointment as a notary public which contains substantial and material misstatement of facts;
- (2) Is convicted of any felony or official misconduct under this chapter;
- (3) Fails to exercise the powers or perform the duties of a notary public in accordance with this chapter, or fails otherwise to comply with the provisions of this chapter;
- (4) Is adjudged liable or agrees in a settlement to pay damages in any suit grounded in fraud, misrepresentation, impersonation, or violation of the state regulatory laws of this state, if his or her liability is not solely by virtue of his or her agency or employment relationship with another who engaged in the act for which the suit was brought;
- (5) Uses false or misleading advertising wherein he or she represents or implies, by virtue of the title of notary public, that he or she has qualifications, powers, duties, rights, or privileges that he or she does not possess by law;
- (6) Engages in the unauthorized practice of law;
- (7) Ceases to be a citizen of the United States;
- (8) Ceases to be a registered voter of the county within and for which he or she is commissioned;
- (9) Ceases to have a residence address in the county within and for which he or she is commissioned, unless he or she has been issued an amended commission;
- (10) Becomes incapable of reading or writing the English language;
- (11) Fails to maintain the surety bond required by section 486.235.

2. A notary's commission may be revoked under the provisions of this section if action is taken subject to the rights of the notary public to notice, hearing, adjudication and appeal. The secretary of state shall have further power and authority as is reasonably necessary to enable the secretary of state to administer this chapter efficiently and to perform the duties therein imposed upon the secretary of state, including immediate suspension of a notary upon written notice sent by certified mail if the situation is deemed to have a serious unlawful effect on the general public; provided, that the notary public shall be entitled to hearing and adjudication as soon thereafter as is practicable.

(L. 1977 H.B. 513 § 39, A.L. 1981 H.B. 388, A.L. 2004 H.B. 1193)

486.390. Unauthorized practice of law by notary, remedy for.

1. Upon his own information or upon complaint of any person, the attorney general,

or his designee, may maintain an action for injunctive relief in the circuit court of Cole County against any notary public who renders, offers to render, or holds himself out as rendering any service constituting the unauthorized practice of the law. Any organized bar association in this state may intervene in the action, at any stage of the proceeding, for good cause shown. The action may also be maintained by an organized bar association in this state.

2. The remedies provided in subsection 1 of this section are in addition to, and not in substitution for, other available remedies.

(L. 1977 H.B. 513 § 40)

Effective 1-1-78

486.395. Certification of notary’s authority by the secretary of state, fee, form.

Upon the receipt of a written request, the notarized document and a fee of ten dollars payable to the director of revenue, the secretary of state shall provide a certificate of authority in type not smaller than eight point and in substantially the following form:

I, (appointing state official, or local or district office designated by appointing state official, name and title) of the State of (name of state) which office is an office of record having a seal, certify that (notary’s name), by whom the foregoing or annexed document was notarized, was, at the time of the notarization of the same, a Notary Public authorized by the laws of this State to act in this State and to notarize the within (type of document), and I further certify that the Notary’s signature on the document is genuine to the best of my knowledge, information, and belief and that such notarization was executed in accordance with the laws of this State.

In testimony whereof, I have affixed my signature and seal of this office this day of, 20....

..... (secretary of state’s signature, title, jurisdiction, address and the seal affixed near the signature.)

(L. 1977 H.B. 513 § 41, A.L. 1988 H.B. 1068, A.L. 2004 H.B. 1193)

486.396. Notary seal stolen, procedure.

If the notary’s notary seal has been stolen, the notary shall immediately notify the secretary of state in writing to report the theft. Upon receipt of the written documentation, the secretary of state shall 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 web site notifying the general public that the notary seal of such notary with the stolen commission number is invalid and is not an acceptable notary commission number.

(L. 2004 H.B. 1193)

486.405. Term of notary not to be diminished, exception.

Nothing in sections 486.200 to 486.405 shall be construed in any way as interfering with or discontinuing the term of office of any person now serving as a notary public until the term for which he was commissioned has expired, or until he has been removed pursuant to the provisions of sections 486.200 to 486.405.

(L. 1977 H.B. 513 § 43)

Effective 1-1-78

MISSOURI REGULATIONS

TITLE 15. ELECTED OFFICIALS DIVISION 30. SECRETARY OF STATE CHAPTER 100. SECRETARY OF STATE-NOTARY COMMISSIONS

15 CSR 30-100.010 Revocation and/or Suspension of Notary Commission

PURPOSE: This rule sets out the general nature of how a notary commission may be revoked or suspended.

(1) Before a notary's commission may be revoked, the notary shall receive written notice alleging why the notary's commission should be revoked and of the right to a hearing. The notary may request a hearing on the revocation as provided in 15 CSR 30-100.020. If the notary fails to request a hearing as provided in 15 CSR 30-100.020, the notary thereby waives his/her right to a hearing and the revocation shall proceed. If a notary's commission is ordered revoked after a hearing, the notary shall have the right to appeal the revocation order.

(2) The secretary of state's office may immediately suspend a notary's commission upon written notice sent to the notary by certified mail when the secretary of state's office deems the situation has a serious unlawful effect on the general public. The notary may request a hearing on the suspension as provided in 15 CSR 30-100.015.

AUTHORITY: section 486.385.2, RSMo 2016.* Original rule filed Dec. 16, 1985, effective April 11, 1986. Amended: Filed April 17, 2017, effective Oct. 30, 2017.

*Original authority: 486.385, RSMo 1977, amended 2004.

15 CSR 30-100.015 Request for Hearing on Suspension

PURPOSE: This rule provides the manner by which a notary may request a hearing when the notary has received a notice of suspension.

(1) When a notary has received a notice of suspension as provided in 15 CSR 30100.010, the notary may request a hearing on the suspension. A request for hearing on the suspension must be received by the secretary of state's office no later than ten (10) business days after the notary receives the written notice of suspension, or the notary will have waived his/her right to a hearing on the suspension.

(2) A request for hearing must be signed by the notary or his/her attorney, contain the name, mailing address, and telephone number(s) of the notary, and, if applicable, the notary's attorney's name, Missouri bar number, address, telephone number, facsimile number, and electronic mail address, if any, and shall be filed with the Office of the Secretary of State, Commissions Division, PO Box 784, Jefferson City, MO 65102.

(3) If the notary desires the hearing on the suspension to be conducted by telephone, the notary must include that request in his/her request for hearing and provide the telephone number that the notary will use during the hearing.

(4) Hearings held under this regulation will be subject to the requirements of 15 CSR 30100.060.

AUTHORITY: section 486.385.2, RSMo 2016. * Original rule filed April 17, 2017, effective Oct. 30, 2017.

*Original authority: 486.385, RSMo 1977, amended 2004.

15 CSR 30-100.020 Notice of Revocation and Request for a Hearing

PURPOSE: This rule sets out how notice of revocation will be given, the contents of the notice, and how a notary can request a hearing.

(1) Upon receipt of a complaint and a decision to seek revocation of a notary commission, written notice shall be mailed by certified mail to the notary at the address on file with the secretary of state's office. The notice shall contain the following information:

(A) The notary's name and address;

(B) The date the notary's commission was granted and the expiration date of that commission;

(C) The specific allegations stating what grounds exist for revoking the notary's commission. The allegations shall indicate the notary's alleged misconduct, the date and place of the misconduct (if applicable and known), and the name(s) of potential witnesses on behalf of the secretary of state; and

(D) Instructions for requesting a hearing on the revocation.

(2) When a notary has received a notice of revocation, the notary may request a hearing on the revocation.

(A) A request for hearing on the revocation must be received by the secretary of state's office no later than thirty (30) calendar days after the notary receives the written notice of revocation, or the notary will have waived his/her right to a hearing on the revocation.

(B) A request for hearing must be signed by the notary or his/her attorney, contain the name, mailing address, and telephone number(s) of the notary, and, if applicable, the notary's attorney's name, Missouri bar number, address, telephone number, facsimile number, and electronic mail address, if any, and shall be filed with the Office of the Secretary of State, Commissions Division, PO Box 784, Jefferson City, MO 65102.

(C) If the notary desires the hearing on the revocation to be conducted by telephone, the notary must include that request in his/her request for hearing and provide the telephone number that the notary will use during the hearing.

(D) Hearings held under this regulation will be subject to the requirements of 15 CSR 30-100.060.

AUTHORITY: section 486.385.2, RSMo 2016.* Original rule filed Dec. 16, 1985, effective April 11, 1986. Amended: Filed April 17, 2017, effective Oct. 30, 2017.

*Original authority: 486.385, RSMo 1977, amended 2004.

15 CSR 30-100.030 Response to Notice of Revocation

PURPOSE: This rule describes the form and content of the response and how it shall be filed.

(1) Response.

(A) A notary may file a response to a notice of revocation.

(B) Any response shall be in writing and shall contain a short and concise statement of the facts which the notary believes are true and relevant to the issues raised in the notice of revocation. The response must be signed by the notary or his/her attorney, contain the name, mailing address, and telephone number of the notary, and, if applicable, the attorney's name, Missouri bar number, address, telephone number,

facsimile number, and electronic mail address, if any, and shall be filed with the Office of the Secretary of State, Commissions Division, PO Box 784, Jefferson City, MO 65102.

(C) All responses shall be filed with the notary's request for hearing as provided in 15 CSR 30-100.020.

AUTHORITY: section 486.385.2, RSMo 2016.* Original rule filed Dec. 16, 1985, effective April 11, 1986. Amended: Filed April 17, 2017, effective Oct. 30, 2017.

15 CSR 30-100.040 Prehearing Conference

(Rescinded October 30, 2017)

AUTHORITY: section 486.385.2, RSMo 1986. Original rule filed Dec. 16, 1985, effective April 11, 1986. Rescinded: Filed April 17, 2017, effective Oct. 30, 2017.

15 CSR 30-100.050 Subpoenas

(Rescinded October 30, 2017)

AUTHORITY: section 486.385.2, RSMo 1986. Original rule filed Dec. 16, 1985, effective April 11, 1986. Rescinded: Filed April 17, 2017, effective Oct. 30, 2017.

15 CSR 30-100.060 Hearings

PURPOSE: This rule describes the nature of the hearing to revoke a notary public's commission.

(1) A revocation or suspension hearing will be conducted in the following manner:

(A) All hearings will be open to the public. All parties have a right to be present and to be represented by counsel, if they so desire. Notice of the hearing will be posted prominently in the Office of the Secretary of State, Commissions Division, 600 W. Main Street, Jefferson City, MO 65101;

(B) All hearings will be audio recorded. Upon request, and at the expense of a party to the proceeding making the request, the secretary of state's office will cause the hearing to be transcribed by a court reporter present for the hearing. Any other party may obtain a copy of the transcript upon the payment of the costs of preparation;

(C) If the hearing is not transcribed, the audio record will contain—

1. A listing of all materials filed in connection with the hearing;
2. A listing of all documents and exhibits submitted as evidence;
3. All matters officially noticed; and
4. All offers of proof, objections, and rulings;

(D) Evidence shall be received in the following manner:

1. Oral evidence shall be taken only on oath or affirmation;
2. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not subject to the direct examination, to impeach any witness regardless of which party first called him/her to testify, and to rebut the evidence against him/her; and

3. Copies of writings, documents, and records shall be admissible without proof that the originals thereof cannot be produced if it appears by testimony or otherwise that the copy offered is a true copy of the original; and

(E) The order in which evidence will be presented is as follows:

1. The secretary of state's representative shall present evidence first;

2. The notary shall then have the opportunity to present his/her evidence in the same manner;

3. Each party has the right to rebut the evidence presented; and

4. Closing statements may be made by each party in the order evidence was presented; and

(F) The burden of proof will be on the secretary of state's representative, and the standard of proof shall be a preponderance of the evidence.

(2) Notice of the date, time, and place of the hearing will be sent by certified mail to the notary at the address on file with the secretary of state's office.

(3) A revocation hearing may be conducted by telephone upon request of the notary as set forth in 15 CSR 30-100.015 (suspension) or 15 CSR 30-100.020 (revocation).

(A) The telephone hearing will be scheduled with notice sent by certified mail to the notary at the address on file with the secretary of state.

(B) Telephone hearings shall have the following additional requirements:

1. The attorney and any witnesses for the secretary of state may be present in person while the notary is present by telephone;

2. Parties to telephone hearings shall mail copies of potential exhibits to the other party in sufficient time for the exhibit to reach those locations prior to the hearing;

3. A notary or his/her attorney shall mail potential exhibits to the Office of the Secretary of State, Commissions Division, PO Box 784, Jefferson City, MO 65102; and

4. Each potential exhibit shall be designated as a potential exhibit and paginated.

(C) Telephone hearings are evidentiary proceedings conducted for the convenience of the notary, and the parties have the following responsibilities:

1. The connection must be of sufficient quality that the persons participating can be clearly heard, and the call will not be unintentionally disconnected (due to things such as poor cellular reception);

2. The hearing shall not be subject to interruptions by the parties to attend to nonhearing matters;

3. The parties should be in a location where there will not be unreasonable background noise.

(D) Any witnesses participating by telephone are subject to the same requirements as in subsection (3)(C).

(E) If a party or witness leaves the phone for any reason, or the connection is disconnected, all such action shall be considered voluntary, and the hearing shall proceed without such party or witness.

AUTHORITY: section 486.385.2, RSMo 2016.* Original rule filed Dec. 16, 1985, effective April 11, 1986. Amended: Filed April 17, 2017, effective Oct. 30, 2017.

*Original authority: 486.385, RSMo 1977, amended 2004.

15 CSR 30-100.070 Surrender of Commission

PURPOSE: This rule states how a notary public may surrender his/her commission.

(1) A notary may surrender his/her commission at any time after receiving notice of revocation and prior to adjudication. This surrender shall be executed in writing and need not admit or deny the allegations in the notice of revocation, but shall state that the notary voluntarily agrees to surrender his/her commission and will not seek to obtain another commission for a period of three (3) years.

AUTHORITY: sections 486.310 and 486.385.2, RSMo 2016.* Original rule filed Dec. 16, 1985, effective April 11, 1986. Amended: Filed April 17, 2017, effective Oct. 30, 2017.
*Original authority: 486.310, RSMo 1977, amended 2004, 2016 and 486.385, RSMo 1977, amended 2004.

15 CSR 30-100.080 Appeal

PURPOSE: This rule describes how a notary public may appeal a decision revoking his/her commission.

(1) A notary who has received findings of fact, conclusions of law, and decision from the secretary of state's office (final adjudication) revoking his/her commission may seek judicial review as provided in Chapter 536.

AUTHORITY: section 486.385.2, RSMo 2016.* Original rule filed Dec. 16, 1985, effective April 11, 1986. Amended: Filed April 17, 2017, effective Oct. 30, 2017.

*Original authority: 486.385, RSMo 1977, amended 2004.

CHAPTER 110. NOTARY USE OF ELECTRONIC SIGNATURES AND SEALS

30-110.010 Electronic Notary Definitions

PURPOSE: This rule provides definitions pertaining to the use of electronic signatures and seals by notaries.

(1) The following definitions, except where inconsistent with Chapter 486, RSMo, shall mean:

(A) "Capable of independent verification" means that any interested person may confirm the validity of a notary public's identity and authority through a publicly accessible system;

(B) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(C) "Electronic signature" means a symbol that is executed with technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities and is attached to or logically associated with an electronic record and is executed or adopted by a person with the intent to sign the record;

(D) "Electronic seal" means an electronic representation of a notary's seal;

(E) "Electronic notarial certificate" means the portion of a notarized electronic document that is completed by the notary public, bears the notary public's electronic signature and electronic seal, and meets all other statutory requirements of this state regarding notarial certificates;

(F) "Principal" means an individual whose signature is notarized, or an individual, other than a witness required for the electronic notarization, taking an oath or affirmation from the notary public;

(G) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

(H) "Sole control" means at all times being in the direct physical custody of the notary public or safeguarded by the notary with a password or other secure means of authentication.

AUTHORITY: section 486.275, RSMo 2016.* Emergency rule filed Dec. 21, 2016,

effective Dec. 31, 2016, expired June 28, 2017. Original rule filed Dec. 21, 2016, effective June30, 2017.

*Original authority: 486.275, RSMo 1977, amended 2016.

30-110.020 Electronic Signatures and Seals

PURPOSE: This rule describes the process for notary use of electronic signatures and seals.

(1) A notary may use an electronic seal in the performance of a notarial act.

(2) In using an electronic signature and seal in the performance of a notarial act, the notary public must adhere to all applicable laws of this state that apply to notaries public.

(3) When a notarial act requires an electronic record to be signed, the principal must appear in person before the notary public.

(4) A notary public must keep in the sole control of the notary any system used to produce the notary's electronic signature and seal.

(5) The electronic signature and seal of a notary public shall contain the notary's name exactly as indicated on the notary's commission, and the electronic seal must contain all elements of a notary seal required by law and meet all other statutory requirements of this state regarding notary seals.

(6) If an electronic signature or seal is used in the performance of a notarial act, a notary public shall complete an electronic notarial certificate that is attached or logically associated with the notary's electronic signature and seal.

(7) The secretary of state shall publish on the secretary's website the name of duly commissioned notaries and commission number of notaries for the purposes of being capable of independent verification.

Statutory Authority

AUTHORITY: section 486.275, RSMo 2016. *Emergency rule filed Dec. 21, 2016, effective Dec. 31, 2016, expired June 28, 2017. Original rule filed Dec. 21, 2016, effective June30, 2017.

*Original authority: 486.275, RSMo 1977, amended 2016.