

HB 2068 -- NOTARIES PUBLIC

SPONSOR: McCann Beatty

This bill prohibits an individual who has been convicted of a crime involving fraud, deceit, or coercion, or a felony or official misconduct under Chapter 486, RSMo, from being a notary public. Any individual who applies to be a notary public and knowingly provides false or fraudulent information on his or her application or fails to disclose a conviction of any crime involving fraud, deceit, or coercion, or a felony or official misconduct under Chapter 486, is guilty of a class B misdemeanor and will have his or her application rejected.

The bill prohibits any person, business, or governmental entity from making, manufacturing, or otherwise producing a notary's seal unless the notary public presents his or her original or amended certificate of appointment or a certified copy of his or her original or amended certificate of appointment, or a letter of commission issued by the Office of the Secretary of State to that person, business, or governmental entity. A current or former notary public whose seal is produced in violation of this subsection or a person who is defrauded through the use of a seal produced in violation of this subsection 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 but not limited to an order declaring the seal ineffective and reasonable attorney fees.

If a notary public loses or misplaces his or her journal of notarial acts or official seal, or if his or her official seal is destroyed, broken, damaged, or otherwise rendered inoperable, he or she must immediately provide written notice of the fact to the Secretary of State. Upon receipt of this written notice, the Secretary of State must issue the notary a new commission number for the notary to order a new seal. The Secretary of State may post a notice on the secretary of state's website notifying the general public that the lost or misplaced notary seal and commission number of the notary is invalid and is not an acceptable notary commissions number.

Any applicant who knowingly provides false or fraudulent information on his or her application or fails to disclose a guilty conviction for any crime involving fraud, deceit, or coercion, or to a felony or official misconduct under Chapter 486 is guilty of a class B misdemeanor and must have his or her application rejected.

If any notary public seeks to amend his or her commission, he or she must 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 Section 486.285.4