

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

COMMISSIONERS OF DEEDS IN OTHER STATES

§ 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.

History

RSMo 1939 § 13382.

§ 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.

History

RSMo 1939 § 13383.

§ 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.

History

RSMo 1939 § 13384; A.L. 1957 p. 351.

§ 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.

History

RSMo 1939 § 13385.

§ 486.140. Fees

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

History

RSMo 1939 § 13386.

NOTARIES PUBLIC AND NOTARIAL ACTS

486.600. Definitions. — As used in this chapter, the following terms and phrases mean:

- (1) “Acknowledgment”, a notarial act in which an individual at a single time and place:
 - (a) Appears in person before the notary and presents a document;
 - (b) Is personally known to the notary or identified by the notary through satisfactory evidence; and
 - (c) Indicates to the notary that the signature on the document was voluntarily affixed by the individual for the purposes stated within the document and, if applicable, that the individual had due authority to sign in a particular representative capacity;
- (2) “Affirmation”, a notarial act, or part thereof, that is legally equivalent to an oath and in which an individual at a single time and place:
 - (a) Appears in person before the notary;
 - (b) Is personally known to the notary or identified by the notary through satisfactory

evidence; and

(c) Makes a vow of truthfulness or fidelity on penalty of perjury, based on personal honor and without invoking a deity or using any form of the word “swear”;

(3) “Commission”, both the granting of authority to perform notarial acts and the written evidence of the granting of authority to perform such acts;

(4) “Copy certification”, a notarial act in which a notary:

(a) Locates or is presented with a paper or an electronic document that is not a vital record, a public record, or a recorded document;

(b) Compares the document with a second paper or electronic document that is:

a. Presented to the notary;

b. Located by the notary; or

c. Copied from the first document by the notary; and

(c) Confirms through a visual or electronic comparison that the second document is an identical, exact, and complete copy of the image or text and, if applicable, metadata of the first document;

(5) “County”, any of the several counties of this state or the City of St. Louis;

(6) “County clerk”, any of the several county clerks of this state or the clerk of the circuit court in the City of St. Louis;

(7) “Credible witness”, an honest, reliable, and impartial person who personally knows an individual appearing before a notary and takes an oath or affirmation from the notary to vouch for that individual’s identity;

(8) “Journal of notarial acts” and “journal”, a permanently bound book to create and preserve a chronological record of notarizations that is maintained by the notary public who performed the same notarizations;

(9) “Jurat”, a notarial act in which an individual at a single time and place:

(a) Appears in person before the notary and presents a document;

(b) Is personally known to the notary or identified by the notary through satisfactory evidence;

(c) Signs the document in the presence of the notary; and

(d) Takes an oath or affirmation from the notary vouching for the truthfulness or accuracy of the signed document;

(10) “Notarial act” and “notarization”, any official act of certification, attestation, or administration that a notary public is empowered to perform pursuant to this chapter;

(11) “Notarial certificate” and “certificate”, the part of, or attachment to, a notarized document that, in the performance of the notarization, is completed by the notary, bears the notary’s official signature and seal, and states the date, venue, and facts attested by the notary in the particular notarial act;

(12) “Notary public” and “notary”, any person commissioned to perform notarial acts pursuant to this chapter;

(13) “Oath”, a notarial act, or part thereof, that is legally equivalent to an affirmation and in which an individual at a single time and place:

(a) Appears in person before the notary;

(b) Is personally known to the notary or identified by the notary through satisfactory evidence; and

(c) Makes a vow of truthfulness or fidelity on penalty of perjury while invoking a deity or using any form of the word “swear”;

(14) “Official misconduct”:

(a) A notary’s performance of any act prohibited, or failure to perform any act or duty mandated, by this chapter or by any other law in connection with a notarial act; or

(b) A notary’s performance of an official act or duty in a manner that is negligent, contrary to established norms of sound notarial practice, or against the public interest;

(15) “Official seal”:

(a) A device authorized by the secretary for affixing on a paper notarial certificate an image containing a notary’s name, title, jurisdiction, commission expiration date, and other information related to the notary’s commission; or

(b) The affixed image itself;

(16) “Official signature”, a handwritten signature made by a notary that uses the exact name appearing in the notary’s commission and is signed with the intent to perform a notarial act;

(17) “Personal knowledge of identity” and “personally knows”, familiarity with an individual resulting from interactions with that individual over a period of time sufficient to dispel any reasonable uncertainty that the individual has the identity claimed;

(18) “Principal”:

(a) A person whose signature is notarized; or

(b) A person, other than a credible witness, taking an oath or affirmation from the notary;

(19) “Regular place of work or business”, a stationary office or workspace where one spends all or some of one’s working or business hours;

(20) “Requester of fact”, a person who asks the notary public to perform a copy certification;

(21) “Satisfactory evidence”, evidence of identification of an individual based on:

(a) At least one current document issued by a federal, state, or tribal government in a language understood by the notary and bearing the photographic image of the individual’s face and signature and a physical description of the individual, or a properly stamped passport without a physical description; or

(b) The oath or affirmation of one credible witness disinterested in the document or transaction who is personally known to the notary and who personally knows the individual, or of two credible witnesses disinterested in the document or transaction who each personally knows the individual and shows to the notary documentary identification as described in paragraph (a) of this subdivision;

(22) “Secretary”, the secretary of state for the state of Missouri;

(23) “Signature witnessing”, a notarial act in which an individual at a single time and place:

(a) Appears in person before the notary and presents a document;

(b) Is personally known to the notary or identified by the notary through satisfactory evidence; and

(c) Signs the document in the presence of the notary.

(L. 2020 H.B. 1655)

486.605. Notary commission issued, qualifications — denial of application, when, appeal — rulemaking authority. — 1. Except as otherwise provided in subsection 3 of this section, the secretary shall issue a notary commission to any person who is qualified under subsection 2 of this section and who submits an application in accordance with this chapter.

2. In order to be qualified for a notary commission a person shall:

(1) Be at least eighteen years of age;

(2) Reside or have a regular place of work or business in the state of Missouri;

(3) Reside legally in the United States;

- (4) Read and write English; and
- (5) Pass the examination required in section 486.630.

3. (1) An applicant who is not a resident of the state may qualify to be a notary if he or she works in Missouri and will use the notary seal in the course of his or her employment in Missouri.

(2) Applicants qualifying as a nonresident notary shall authorize the secretary 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.

4. The secretary may deny an application based on:

(1) Submission of an application containing a material misstatement or omission of fact;

(2) The fact that the applicant has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, of any felony or any offense involving dishonesty or moral turpitude, provided that a commission shall not be issued to the applicant within five years after such conviction or plea;

(3) A finding or admission of liability against the applicant in a civil lawsuit based on the applicant's deceit;

(4) Revocation, suspension, restriction, or denial of a notarial commission or professional license by this or any other state or nation, provided that a commission shall not be issued to the applicant within five years after such disciplinary action; or

(5) An official finding that the applicant has previously engaged in official misconduct, regardless of whether disciplinary action resulted.

5. An applicant may appeal the denial of an application by filing the form required by the secretary pursuant to subsection 6 of this section with the secretary within thirty days after denial, except an applicant may not appeal if the secretary, within five years prior to the application, has:

(1) Denied or revoked for disciplinary reasons any previous application, commission, or license of the applicant; or

(2) Made a finding pursuant to section 486.810 that grounds for revocation of the applicant's commission existed.

6. The secretary shall promulgate rules providing for appeals from denials of applications, subject to the limitations in section 486.830.

(L. 2020 H.B. 1655)

486.610. Notary, term of commission — grandfather provision. — 1. A person commissioned as a notary may perform notarial acts in any part of this state, and only in this state, for a term of four years, unless the commission is earlier revoked under section 486.810 or resigned under section 486.790.

2. The existing bond, seal, length of commission term, and liability of current notaries commissioned before August 28, 2020, shall not be invalidated, modified, or terminated by this chapter, but notaries shall comply with this chapter beginning August 28, 2020, in performing notarizations and in applying for new commissions.

(L. 2020 H.B. 1655)

486.615. Commission effective, when, bond amount — surety duties — suspension of commission, when. — 1. A notary commission shall not become effective until an oath of office and a ten thousand dollar bond have been presented to the county clerk of the county in which a

person has been commissioned. The bond shall be executed by a licensed Missouri surety, for a term of four years commencing on the commission's issue date and terminating on its expiration date, with payment of bond funds to any person conditioned upon the notary's official misconduct.

2. The surety for a notary bond shall report all claims against the bond to the secretary.

3. If a notary bond has been exhausted by claims paid out by the surety, the secretary shall suspend the notary's commission until:

(1) A new bond is obtained by the notary; and

(2) The notary's fitness to serve the remainder of the commission term is determined by the secretary.

(L. 2020 H.B. 1655)

486.620. Secretary to prepare notary commission, duties — register of notaries. — 1. The secretary shall prepare a notary commission and forward the commission to the county clerk in the county of the applicant's residence or regular place of work or business.

2. Upon issuing a notary commission, the secretary shall:

(1) Notify the notary that he or she shall present the required bond to the county clerk;

(2) Provide an oath with the commission to be taken by the notary in the presence of the county clerk or their designee, within sixty days of the commission issue date;

(3) Require the oath and bond to be mailed by the notary to the secretary's office with a postmarked date not exceeding seven days from the date of the oath; and

(4) Once the oath and bond have been received, examined, and approved, update the notary's commissioned status.

3. Any commission issued that fails to qualify within sixty days shall be marked by the county clerk as not qualified and shall be returned to the secretary within fifteen days.

4. Any notary who fails to qualify within the sixty days may be required to reapply for a notary commission.

5. The county clerk shall keep a register of each person to whom they award a notary commission, as prescribed by the secretary.

(L. 2020 H.B. 1655)

486.625. Application, procedure. — 1. Every application for a notary commission shall be made in a paper or electronic format established by the secretary and shall include all information required by section 486.630 and any other information as the secretary may deem appropriate.

2. A current or former notary applying for a new notary commission shall submit a new completed application and comply anew with all of the provisions of this section and sections 486.605 and 486.615.

(L. 2020 H.B. 1655)

486.630. Application, contents — declaration — application fee. — 1. The application for a notary commission shall state or include, at least:

(1) The applicant's date of birth;

(2) The applicant's residence address and telephone number;

(3) The applicant's regular place of work or business address and telephone number, the mailing address of the regular place of work or business, if different, and the name of the applicant's employer, if any;

- (4) The applicant's county of residence or regular place of work or business;
- (5) A declaration that the applicant is a citizen of the United States or proof of the applicant's legal residency in the country;
- (6) A declaration that the applicant can read and write English;
- (7) All issuances, denials, revocations, suspensions, restrictions, and resignations of a notarial commission, professional license, or public office involving the applicant in this or any other state or nation;
- (8) All criminal convictions of the applicant, including any pleas of guilt or nolo contendere, in this or any other state or nation; and
- (9) All claims pending or disposed against a notary bond held by the applicant and all civil findings or admissions of fault or liability regarding the applicant's activities as a notary in this or any other state or nation.

2. Every applicant for a notary commission shall sign the following declaration:

Declaration of Applicant

I, _____(name of applicant), do solemnly swear or affirm under penalty of perjury that the personal information in this application is true, complete, and correct; that I understand the official duties and responsibilities of a Notary Public in Missouri, as explained in the notary public handbook; and that I will perform, to the best of my ability, all notarial acts in accordance with the law.

_____ (signature of applicant)

3. Every applicant for a notary commission shall:

- (1) Attest to having read the Missouri notary public handbook or having received training in a manner prescribed by the secretary; and
- (2) Receive a score of eighty percent or better on an examination administered by the secretary prior to being issued a commission.

4. The content of the training and the basis for the written examination required by subsection 3 of this section shall be based on notarial laws, procedures, and ethics.

5. Every applicant for a notary commission shall pay to the state of Missouri a nonrefundable application fee as stated in section 28.160.

(L. 2020 H.B. 1655)

486.635. Application records, limitations on disclosure. — 1. Records containing the information required by subdivision (7) of subsection 1 of section 486.630 shall be used by the secretary and his or her designated employees only for the purpose of performing official duties provided for in this chapter and shall not be disclosed to any person other than:

- (1) A government agent acting in an official capacity and duly authorized to obtain such information;
- (2) A person authorized by court order; or
- (3) The applicant or the applicant's duly authorized agent.

2. Records containing the information required by subdivision (7) of subsection 1 of section 486.630 shall be a closed record as defined in chapter 610 and subject to redaction as required in chapter 610.

(L. 2020 H.B. 1655)

486.640. Notarial acts authorized to be performed by notary. — A notary may perform the following notarial acts:

- (1) Acknowledgments;

- (2) Oaths and affirmations;
- (3) Jurats;
- (4) Signature witnessings;
- (5) Copy certifications; and
- (6) Any other act authorized by the laws of Missouri.

(L. 2020 H.B. 1655)

486.645. Limitation on notarial acts, principal requirements — disqualification of notary, when — nonnotarial fee permitted, when. — 1. A notary shall perform a notarial act only if the principal:

- (1) Is in the presence of the notary at the time of notarization;
 - (2) Is personally known to the notary or identified by the notary through satisfactory evidence;
 - (3) Appears to understand the nature of the transaction requiring a notarial act;
 - (4) Appears to be acting of his or her own free will;
 - (5) Signs using letters or characters of a language that is understood by the notary; and
 - (6) Communicates directly with the notary in a language both understand.
2. A notary may certify the affixation of a signature by mark by a principal on a document presented for notarization if:

- (1) The mark is affixed in the presence of the notary and two witnesses disinterested in the document;
- (2) Both witnesses sign their own names beside the mark;
- (3) The notary writes below the mark: “Mark affixed by (name of signer by mark) in the presence of (names and addresses of two witnesses) and the undersigned notary pursuant to section 486.645, RSMo”; and
- (4) The notary notarizes the signature by mark through an acknowledgment, jurat, or signature witnessing.

3. A notary shall be disqualified from performing a notarial act if the notary:

- (1) Is a party to or named in the document that is to be notarized;
- (2) Will receive as a direct or indirect result any commission, fee, advantage, right, title, interest, cash, property, or other consideration exceeding in value the fees specified in section 486.685; or
- (3) Is a spouse, domestic partner, ancestor, descendant, or sibling of the principal, including in-law, step, and half relatives.

4. Notwithstanding subdivision (2) of subsection 3 of this section to the contrary, a notary may collect a nonnotarial fee for services as a signing agent if payment of such fee is not contingent upon the signing, initialing, or notarization of any document.

(L. 2020 H.B. 1655)

486.650. Refusal to perform notarial act prohibited, when — exceptions. — 1. A notary shall not refuse to perform a notarial act based on the characteristics protected from employment discrimination pursuant to section 213.055.

2. A notary shall perform any notarial act described in section 486.640 for any person requesting such a notarial act who tenders the appropriate fee specified in section 486.685, unless:

- (1) The notary knows or has a reasonable belief that the notarial act or the associated transaction is unlawful;

(2) The notarial act is prohibited in section 486.645 or subsection 1 of this section;

(3) The number or timing of the requested notarial act or acts practicably precludes completion at the time of the request, in which case the notary shall arrange for later completion of the requested act or acts without unreasonable delay; or

(4) In the case of a request to perform an electronic notarial act, the notary is not registered to notarize electronically in accordance with sections 486.900 to 486.1010.

(L. 2020 H.B. 1655)

486.655. Notary not to influence person on transaction — notary not to investigate

document or transaction. — 1. Except as otherwise provided in subsection 2 of section 486.650, a notary shall not influence a person either to enter into or avoid a transaction involving a notarial act by the notary.

2. A notary commission shall not authorize the notary to investigate, ascertain, or attest to the lawfulness, propriety, accuracy, or truthfulness of a document or transaction involving a notarial act.

(L. 2020 H.B. 1655)

486.660. Prohibited acts. — A notary shall not:

(1) Execute a notarial certificate containing information known or believed by the notary to be false;

(2) Affix an official signature or seal on a notarial certificate that is incomplete;

(3) Affix an official signature or seal on a notarial certificate other than at the time of notarization and in the presence of the principal; or

(4) Provide or send a signed or sealed notarial certificate to another person with the understanding that it will be completed or attached to a document outside of the notary's presence.

(L. 2020 H.B. 1655)

486.665. Signatures and photographs, prohibited acts. — 1. A notary shall not notarize a signature:

(1) On a blank or incomplete document; or

(2) On a document without notarial certificate wording.

2. A notary shall neither certify nor authenticate a photograph.

(L. 2020 H.B. 1655)

486.670. Intent to deceive or defraud prohibited — prohibited uses of title or seal. — 1. A notary shall not perform any notarial act with the intent to deceive or defraud.

2. A notary shall not use the official notary title or seal to endorse, promote, denounce, or oppose any product, service, contest, candidate for political office, ballot measure for any election, or other offering.

(L. 2020 H.B. 1655)

486.675. Nonattorney notaries, prohibited acts. — 1. A notary who is not an attorney shall not assist another person in drafting, completing, selecting, or understanding a document or transaction requiring a notarial act.

2. Subsection 1 of this section shall not preclude a notary who is duly qualified, trained, licensed, or experienced in a particular industry or professional field from selecting, drafting,

completing, or advising on a document or certificate related to a matter within that industry or field.

(L. 2020 H.B. 1655)

486.680. Limitation on notary making any claim not authorized — nonattorney notaries, services not in English, notice required — prohibited non-English terms. — 1. A notary shall not claim to have powers, qualifications, rights, or privileges that are not provided under this chapter, including the power to counsel on immigration issues.

2. A notary who is not an attorney who advertises notarial services in a language other than English shall include in the advertisement, notice, letterhead, or sign the following, prominently displayed in the same language:

(1) The statement: “I am not an attorney and have no authority to give advice on immigration or other legal matters”; and

(2) The fees for notarial acts specified in section 486.685.

3. A notary may not use the term “notario publico” or any equivalent non-English term in any business card, advertisement, notice, or sign.

(L. 2020 H.B. 1655)

486.685. Fees. — 1. For performing a notarial act, a notary may charge the maximum fee specified in this section, charge less than the maximum fee, or waive the fee.

2. The maximum fees that may be charged by a notary for performing notarial acts are:

(1) For an acknowledgment, five dollars per signature;

(2) For a jurat, five dollars per signature;

(3) For a signature witnessing, five dollars per signature;

(4) For a certified copy, one dollar per page certified with a minimum total charge of three dollars; and

(5) For an electronic notarization, as specified in section 486.960.

3. A notary may charge a travel fee to perform a notarial act if:

(1) The notary and the person requesting the notarial act agree upon the travel fee in advance of the travel; and

(2) The notary explains to the person requesting the notarial act that the travel fee is both separate from the notarial fee prescribed in subsection 2 of this section and neither specified nor mandated by law.

4. A notary shall not discriminate in the charging of fees for a notarial act based on the characteristics of the principal or requester of fact as set forth in subsection 1 of section 486.650, though a notary may waive or reduce fees for humanitarian or charitable reasons.

5. A notary shall not charge a fee for notarizing the signature on any absentee ballot or absentee voter registration.

6. A notary who charges for his or her notarial services shall conspicuously display in their regular place of work or business, or present to each principal outside their regular place of work or business, an English-language schedule of fees for notarial acts, as specified in this section. No part of any notarial fee schedule shall be printed in smaller than twelve-point type.

(L. 2020 H.B. 1655)

486.690. Fees, payment prior to services — nonrefundable, when. — 1. A notary may require payment of any fees specified in section 486.685 prior to performance of a notarial act.

2. Any fees paid to a notary prior to performance of a notarial act shall be nonrefundable if:

(1) The notarial act was completed; or

(2) In the case of travel fees paid in compliance with subsection 3 of section 486.685, the notarial act was not completed after the notary traveled to meet the principal because it was prohibited pursuant to section 486.645, or because the notary knew or had a reasonable belief that the notarial act or the associated transaction was unlawful.

(L. 2020 H.B. 1655)

486.695. Notary's employer may prohibit charging of fees, when. — 1. An employer may prohibit an employee who is a notary from charging for notarial acts performed on the employer's time, but shall not discriminate in the charging of fees based on the characteristics of the principal as set forth in subsection 1 of section 486.650.

2. A private employer shall not require an employee who is a notary to surrender or share fees charged for any notarial acts.

3. A governmental employer who has absorbed an employee's costs in becoming or operating as a notary shall require any fees for notarial acts performed on the employer's time either to be waived or surrendered as revenue of the employing governmental agency.

(L. 2020 H.B. 1655)

486.700. Journal to be maintained, requirements. — 1. A notary shall keep, maintain, protect, and provide for lawful inspection a chronological journal of notarial acts that is a permanently bound book with numbered pages.

2. A notary shall maintain only one active permanently bound journal at the same time.

3. A notary shall keep the permanently bound journal for a period of no less than ten years from the date of the last entry.

(L. 2020 H.B. 1655)

486.705. Journal contents. — 1. For every notarial act, the notary shall record in the journal at the time of notarization the following:

(1) The date and time of day of the notarial act;

(2) The type of notarial act;

(3) The type, title, or a description of the document or proceeding;

(4) The signature, printed name, and address of each principal;

(5) The printed name and address of each requester of fact;

(6) The evidence of identity of each principal in the form of either:

(a) A statement that the person is personally known to the notary;

(b) A notation of the type of identification document, its issuing agency, its serial or identification number, and its date of issuance or expiration; or

(c) The handwritten signature and the name and address of each credible witness swearing or affirming to the principal's identity, and for credible witnesses who are not personally known to the notary, a description of the identification documents relied on by the notary;

(7) The fee, if any, charged for the notarial act; and

(8) The address where the notarial act was performed, if not the address of the notary's regular place of work or business.

2. A notary shall not record a Social Security number or credit card number in the journal.

3. A notary may record in the journal the circumstances for not performing or completing any requested notarial act.

4. As required in subdivision (4) of subsection 2 of section 486.745, a notary shall append to

the pertinent entry in the journal a notation of the nature and date of the notary's correction of a completed notarial certificate corresponding to the entry.

(L. 2020 H.B. 1655)

486.710. Examination and copying of journal — fee for certified copy, exception. — 1. The journal may be examined and copied without restriction by a law enforcement officer in the course of an official investigation, subpoenaed by court order, pursuant to subpoena power as authorized by law, or surrendered at the direction of the secretary. Nothing in this section shall prevent a notary public from seeking appropriate judicial protective orders.

2. Upon complying with a request for copies pursuant to subsection 1 of this section, the notary shall charge not more than one dollar per copy. If a certified copy is requested, the fee shall be as specified in section 486.685.

3. A notary public shall, upon written request, furnish to the secretary certified copies of the notary's journal without cost.

(L. 2020 H.B. 1655)

486.715. Safeguarding of journal, requirements. — 1. A notary shall safeguard his or her journal and all other notarial records and surrender or destroy them only by court order or at the direction of the secretary.

2. If not in use, the journal shall be kept in a secure area under the exclusive control of the notary and shall not be used by any other notary, nor surrendered to an employer upon termination of employment.

3. Within ten days after a notary's journal is discovered to be stolen, lost, destroyed, damaged, or otherwise rendered unusable or unreadable, the notary, after informing the appropriate law enforcement agency in the case of theft or vandalism, shall notify the secretary by any means providing a tangible receipt, including certified mail and electronic transmission, and also provide a copy or identification number of any pertinent police report.

4. Upon resignation, revocation, or expiration of a notary commission, or death of the notary, the journal and notarial records shall be delivered to the secretary in accordance with section 486.795 or 486.800 by any means providing a tangible receipt, including certified mail and electronic transmission.

(L. 2020 H.B. 1655)

486.725. Paper documents, notarizing — signature and seal — lost or stolen seal — resignation, expiration, or death of notary, effect of — revocation, return of seal. — 1. In notarizing a paper document, a notary public shall affix an official signature and an official seal on the notarial certificate at the time the notarial act is performed.

2. The official seal of a notary shall not be used for any purpose other than performing notarial acts.

3. The official seal of a notary shall:

(1) Be the exclusive property of the notary;

(2) Not be affixed by any other person;

(3) Be kept secure and accessible only to the notary; and

(4) Not be surrendered to an employer upon termination of employment.

4. Within ten days after the official seal of a notary is discovered to be stolen, lost, damaged, or otherwise rendered incapable of affixing a legible image, the notary, after informing the appropriate law enforcement agency in the case of theft or vandalism, shall notify the secretary

by any means providing a tangible receipt, including certified mail and electronic transmission, and also provide a copy or number of any pertinent police report. Upon receipt of such notice, the secretary shall issue to the notary a new commission that shall be presented to a seal vendor in accordance with section 486.735.

5. As soon as reasonably practicable after resignation, or expiration of a notary commission, or death of the notary, the seal shall be destroyed or defaced so that it may not be misused.

6. For a commission that has been revoked, the notary shall forward their seal to the secretary's office for disposal. Failure to do so may be punishable by a fine of five hundred dollars, at the discretion of the secretary.

(L. 2020 H.B. 1655)

486.730. Official seal, placement of, elements. — 1. Near the notary's official signature on each paper notarial certificate, the notary shall affix a sharp, legible, permanent, and photographically reproducible image of the official seal that shall include the following elements:

(1) The notary's name exactly as stated on the commission;

(2) The identification number of the notary's commission;

(3) The words "Notary Public", "Notary Seal", and "State of Missouri" and "My commission expires (commission expiration date)"; and

(4) A border in a rectangular or circular shape no larger than one sixteenth of an inch, surrounding the required words.

2. Illegible information within a seal impression may be typed or printed legibly by the notary adjacent to but not within the impression, or another impression may be legibly affixed nearby.

3. An embossed seal impression that is not photographically reproducible may be used in addition to, but not in place of, the official seal described in subsection 1 of this section.

4. A seal as described in subsection 1 of this section shall not be affixed over printed or written matter.

(L. 2020 H.B. 1655)

486.735. Selling or manufacturing notary seals, registration required — requirements for sale or manufacture — violation, penalty. — 1. A vendor or manufacturer shall register with the secretary prior to selling or manufacturing notary seals. The secretary shall maintain an internet site for the purpose of allowing vendors and manufacturers to confirm the current standing of any notary in the state.

2. A vendor or manufacturer shall not provide a notary seal to a purchaser claiming to be a notary, unless the purchaser presents a notary commission issued by the secretary, and unless:

(1) In the case of a purchaser appearing in person, the vendor or manufacturer identifies this individual as the person named in the commission, through either personal knowledge or satisfactory evidence of identity; or

(2) In the case of a purchaser ordering a seal by mail or delivery service, the vendor or manufacturer confirms the notary's standing as a commissioned notary through the internet site.

3. For each commission, a vendor or manufacturer shall make or sell only one seal and, if requested by the person presenting the commission, only one embossing seal.

4. After manufacturing or providing a notary seal, the vendor shall affix an image of all seals on a form as prescribed by the secretary and, within seven business days, send the completed form to the secretary, retaining a copy of the form and the commission for a period of five years.

5. A notary obtaining a seal as a result of a name change shall present a copy of the confirmation of notary's name or address change from the secretary in accordance with sections 486.780 and 486.785.

6. A vendor or manufacturer who fails to comply with this section shall be subject to a fine of one thousand dollars for each violation. For multiple violations, a vendor's permission to sell or manufacture notary seals may be withdrawn by the secretary. Such violation shall not preclude the civil liability of the vendor to parties injured by the vendor's failure to comply with this section. (L. 2020 H.B. 1655)

486.740. Notarial certificate required, contents, form. — 1. For every notarial act involving a document, a notary shall properly complete a notarial certificate that contains or states:

- (1) The official signature of the notary, in accordance with section 486.725;
- (2) An impression of the official seal of the notary, in accordance with section 486.725;
- (3) The venue of the notarial act where the notary is located, including the name of this state and of the pertinent county;
- (4) The date of the notarial act; and
- (5) The facts and particulars attested by the notary in performing the respective notarial act.

2. A notarial certificate shall be sufficient for a particular notarial act only if it meets the requirements of subsection 1 of this section and is in a form that:

- (1) Is set forth for that act in this chapter;
- (2) Is otherwise prescribed for that act by the laws of this state;
- (3) Is prescribed for that act by a law, regulation, or custom of another jurisdiction, provided it does not require actions by the notary that are unauthorized by the laws of this state; or
- (4) Describes the actions of the notary in such a manner as to meet the requirements of the particular notarial act.

3. A notarial certificate shall be worded and completed using only letters, characters, and a language that are read, written, and understood by the notary. (L. 2020 H.B. 1655)

486.745. Paper notarial certificates, requirements — correction or errors or omissions, when. — 1. A paper notarial certificate that is attached to a document during the notarization of the signature of a principal shall:

- (1) Be attached by staple or other method that leaves evidence of any subsequent detachment;
- (2) Be attached, signed, and sealed only by the notary and only at the time of notarization and in the presence of the principal;
- (3) Be attached immediately following the signature page if the certificate is the same size as that page, or to the front of the signature page if the certificate is smaller; and
- (4) Contain all of the elements described in section 486.740 on the same sheet of paper.

2. A notary may correct an error or omission made by that notary in a notarial certificate if:

- (1) The original certificate and document are returned to the notary;
- (2) The notary verifies the error by reference to the pertinent journal entry, the document itself, or to other determinative written evidence;
- (3) The notary legibly corrects the certificate and initials and dates the correction in ink, or replaces the original certificate with a correct certificate; and
- (4) The notary appends to the pertinent journal entry a notation regarding the nature and date of the correction.

(L. 2020 H.B. 1655)

486.750. Form of certificate. — A notary shall use a certificate in substantially the following form in notarizing the signature or mark of any person acknowledging on his or her own behalf or as a partner, corporate officer, attorney in fact, or in any other representative capacity:

State of Missouri

County (and/or City) of _____

On this _____ day of _____, 20 _____, before me, the undersigned notary, personally appeared _____ (name of document signer), (personally known to me)(proved to me through identification documents, which were _____,) (proved to me on the oath or affirmation of _____, who is personally known to me and stated to me that (he)(she) personally knows the document signer and is unaffected by the document,) (proved to me on the oath or affirmation of _____ and _____, whose identities have been proven to me through identification documents and who have stated to me that they personally know the document signer and are unaffected by the document,) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he)(she) signed it voluntarily for its stated purpose(.

(as partner for _____, a partnership.)

(as _____ for _____, a corporation.)

(as attorney in fact for _____, the principal.)

(as _____ for _____, (a)(the) _____)

_____ (official signature and seal of notary)

(L. 2020 H.B. 1655)

486.755. Jurat certificate form. — A notary shall use a jurat certificate in substantially the following form in notarizing a signature or mark on an affidavit or other sworn or affirmed written declaration:

State of Missouri

County (and/or City) of _____

On this _____ day of _____, 20 _____, before me, the undersigned notary, personally appeared _____ (name of document signer), (personally known to me) (proved to me through identification documents, which were _____,) (proved to me on the oath or affirmation of _____, who is personally known to me and stated to me that (he)(she) personally knows the document signer and is unaffected by the document,) (proved to me on the oath or affirmation of _____ and _____, whose identities have been proven to me through identification documents and who have stated to me that they personally know the document signer and are unaffected by the document,) to be the person who signed the preceding or attached document in my presence and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of (his)(her) knowledge and belief.

_____ (official signature and seal of notary)

(L. 2020 H.B. 1655)

486.760. Signature form. — A notary shall use a certificate in substantially the following form in notarizing a signature or mark to confirm that it was affixed in the notary's presence without administration of an oath or affirmation:

State of Missouri

County (and/or City) of _____

On this _____ day of _____, 20 _____, before me, the undersigned notary, personally appeared _____ (name of document signer), (personally known to me) (proved to me

through identification documents, which were _____,) (proved to me on the oath or affirmation of _____, who is personally known to me and stated to me that (he)(she) personally knows the document signer and is unaffected by the document,) (proved to me on the oath or affirmation of _____ and _____, whose identities have been proven to me through identification documents and who have stated to me that they personally know the document signer and are unaffected by the document,) to be the person who signed the preceding or attached document in my presence.

(L. 2020 H.B. 1655)

486.765. Certified copy form. — A notary shall use a certificate in substantially the following form in notarizing a certified copy:

State of Missouri

County (and/or City) of _____

On this _____ day of _____, 20 _____, I certify that the (attached or following paper document) (affixed, attached, or logically associated electronic document) has been (visually) (electronically) confirmed by me to be a true, exact, and complete copy of the image (or text) (and metadata) of _____ (description of original document), (presented/e-mailed to me by _____,) (found by me (online) at _____,) (held in my custody as a notarial record,) and that, to the best of my knowledge, the copied document is neither a vital record, a public record, nor a publicly recordable document, certified copies of which may be available from an official source other than a notary.

(L. 2020 H.B. 1655)

486.770. Notarized document sent out of state or country, form — certificate of authority form — apostille form, fee. — 1. On a notarized document sent to another state or nation, evidence of the authenticity of the official seal and signature of a notary commissioned pursuant to this chapter, if required, shall be in the form of:

(1) A certificate of authority from the secretary, authenticated as necessary by additional certificates from United States or foreign government agencies; or

(2) In the case of a notarized document to be used in a nation that has signed and ratified the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents of October 5, 1961, an apostille from the secretary or other federally designated official in the form prescribed by the Convention and described in subsection 3 of this section, with no additional authenticating certificates required.

2. A certificate of authority evidencing the authenticity of the official seal and signature of a notary commissioned pursuant to this chapter shall be substantially in the following form:

Certificate of Authority for a Notarial Act

I, _____ (name, title, jurisdiction of authenticating official), certify that _____ (name of notary), the person named in the seal and signature on the attached document, was a Notary Public for the state of Missouri and authorized to act as such at the time of the document's notarization.

To verify this Certificate of Authority for a Notarial Act, I have affixed below my signature and seal of office this _____ day of _____, 20 _____.

(Signature and seal of commissioning official)

3. An apostille prescribed by the Hague Convention Abolishing the Requirement of

Legalization for Foreign Public Documents of October 5, 1961, shall be in the form of a square with sides at least nine centimeters long and contain exactly the following wording:

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: _____
2. This public document has been signed by _____
3. acting in the capacity of _____
4. bears the seal/stamp of _____

CERTIFIED

5. at _____
6. the _____
7. by _____
8. No. _____
9. Seal/Stamp
10. Signature:

4. The secretary may charge a fee as set forth in section 28.160 for issuing a certificate of authority or an apostille.

(L. 2020 H.B. 1655)

486.775. Notarial act may be performed, when — seal, signature, title, prima facie evidence, when — reciprocity, when. —

1. A notarial act may be performed within this state by the following persons:

- (1) A notary of this state;
- (2) A judge, clerk, or deputy clerk of any court of this state; or
- (3) Any other person authorized by the law of this state to perform a specific notarial act.

2. The official signature, seal, and title of a person authorized by subsection 1 of this section to perform a notarial act shall be considered prima facie evidence that the signature and seal are genuine and that the person holds the indicated title.

3. A notarial act shall have the same effect under the law of this state as if performed by a notarial officer of this state if performed in another state, commonwealth, territory, district, or possession of the United States by any of the following persons:

- (1) A notary of that jurisdiction;
- (2) A judge, clerk, or deputy clerk of a court of that jurisdiction; or
- (3) Any other person authorized by the law of that jurisdiction to perform notarial acts.

4. The official signature, title, and, if required by law, seal of a person whose authority to perform notarial acts is recognized by subsection 3 of this section shall be considered prima facie evidence that the signature and seal are genuine and that the person holds the indicated title, and, except in the case of subdivision (3) of subsection 3 of this section, shall conclusively establish the authority of a holder of that title to perform a notarial act.

5. A notarial act shall have the same effect under the law of this state as if performed by a notarial officer of this state if performed anywhere by any of the following persons under authority granted by the law of the United States:

- (1) A judge, clerk, or deputy clerk of a court;
- (2) A commissioned United States military officer on active duty;
- (3) A foreign service or consular officer of the United States; or
- (4) Any other person authorized by federal law to perform notarial acts.

6. The official signature, title, and, if required by law, seal of a person whose authority to perform notarial acts is recognized by subsection 5 of this section shall be considered prima facie evidence that the signature and seal are genuine, that the person holds the indicated title, and, except in the case of subdivision (4) of subsection 5 of this section, shall conclusively establish the authority of a holder of that title to perform a notarial act.

7. A notarial act shall have the same effect under the law of this state as if performed by a notarial officer of this state if performed within the jurisdiction and under authority of a foreign nation or its constituent units or a multinational or international organization by any of the following persons:

- (1) A notary or other notarial officer;
- (2) A judge, clerk, or deputy clerk of a court of record; or
- (3) Any other person authorized by the law of that jurisdiction to perform notarial acts.

8. The official seal or stamp of a person whose authority to perform notarial acts shall be recognized by subsection 7 of this section shall be considered prima facie evidence that the signature is genuine, that the person holds the indicated title, and, except in the case of subdivision (3) of subsection 7 of this section, shall conclusively establish the authority of a holder of that title to perform a notarial act.

9. The authority of an officer to perform notarial acts shall be conclusively established if the title of the office and indication of authority to perform notarial acts appears either in a digest of foreign law or a list customarily used as a source for that information.

10. An apostille in the form prescribed by subsection 3 of section 486.770 shall conclusively establish that the signature and seal of the notarial officer referenced in the apostille are genuine and that the person holds the indicated office.

11. A certificate of a foreign service or consular officer of the United States stationed in the nation under whose jurisdiction the notarial act was performed, or a certificate of a foreign service or consular officer of that nation stationed in the United States, conclusively establishes any matter relating to the authenticity or validity of the notarial act referenced in the certificate.

12. Nothing in this section shall be construed to permit a notary of this state to perform a notarial act outside of this state without meeting the legal requirements of the state, commonwealth, territory, district or possession of the United States, or foreign nation in which the notarial act is performed.

(L. 2020 H.B. 1655)

486.780. Change of address of notary, requirements. — 1. Within ten days after the change of a notary's residence, business, or mailing address, the notary shall send to the secretary by any means providing a tangible receipt, including certified mail and electronic transmission, a signed notice of the change, giving both old and new addresses, along with a fee of five dollars.

2. If the address of the regular place of work or business is changed, the notary shall not perform a notarial act until:

- (1) The notice described in subsection 1 of this section has been delivered or transmitted;
- (2) A confirmation of the notary's name or address change has been received from the secretary; and
- (3) The surety for the notary's bond has been informed in writing.

(L. 2020 H.B. 1655)

486.785. Change of notary's name, requirements. — 1. Within ten days after the change of a notary's name by court order or marriage, the notary shall send to the secretary by any means

providing a tangible receipt, including certified mail and electronic transmission, a signed notice of the change, giving both the former and the new name, with a copy of any official authorization for such change, along with a fee of five dollars.

2. A notary with a new name shall continue to use the former name in performing notarial acts until:

(1) The notice described in subsection 1 of this section has been delivered or transmitted;

(2) A confirmation of the notary's name or address change has been received from the secretary;

(3) A new seal bearing the new name exactly as in the confirmation has been obtained; and

(4) The surety for the notary's bond has been informed in writing.

3. Upon completing the requirements of subsection 2 of this section, the notary shall use his or her new name.

(L. 2020 H.B. 1655)

486.790. Resignation of notary commission. — 1. A notary who resigns his or her commission shall send to the secretary by any means providing a tangible receipt, including certified mail and electronic transmission, a signed notice indicating the effective date of resignation.

2. A notary who ceases to reside in or to maintain a regular place of work or business in this state, or who becomes permanently unable to perform their notarial duties, shall resign their commission.

(L. 2020 H.B. 1655)

486.795. Expiration, resignation, or revocation of notary commission, requirements. — 1. Except as provided in subsection 2 of this section, if a notary commission expires or is resigned or revoked, the notary shall:

(1) As soon as reasonably practicable, destroy or deface all of his or her notary seals so that they may not be misused; and

(2) Within thirty days after the effective date of resignation, revocation, or expiration of the commission, dispose of the journal and notarial records in accordance with subsection 4 of section 486.715.

2. A notary whose commission has expired, who intends to apply for a new commission, and whose previous commission or application was not revoked or denied by the secretary, shall not be required to dispose of his or her journal and notarial records within thirty days after commission expiration, but shall do so within three months after expiration unless recommissioned within that period.

(L. 2020 H.B. 1655)

486.800. Death of notary, personal representative duties. — If a notary dies during the term of commission or before fulfilling the requirements of this section, the notary's personal representative shall:

(1) Notify the secretary of the death in writing;

(2) As soon as reasonably practicable, forward all notary seals to the secretary; and

(3) Within thirty days after death, forward the journal and notarial records in accordance with subsection 4 of section 486.715.

(L. 2020 H.B. 1655)

486.805. Liability for damages by notary, surety, or employer of notary, when. — 1. A

notary shall be liable to any person for all damages proximately caused that person by the notary's negligence, intentional violation of law, or official misconduct in relation to a notarization.

2. A surety for a notary's bond shall be liable to any person for damages proximately caused that person by the notary's negligence, intentional violation of law, or official misconduct in relation to a notarization during the bond term, but this liability shall not exceed the dollar amount of the bond or of any remaining bond funds that have not been disbursed to other claimants. Regardless of the number of claimants against the bond or the number of notarial acts cited in the claims, a surety's aggregate liability shall not exceed the dollar amount of the bond.

3. An employer of a notary shall be liable to any person for all damages proximately caused that person by the notary's negligence, intentional violation of law, or official misconduct in performing a notarization during the course of employment, if the employer directed, expected, encouraged, approved, or tolerated the notary's negligence, violation of law, or official misconduct either in the particular transaction or, impliedly, by the employer's previous action in at least one similar transaction involving any notary employed by the employer.

4. An employer of a notary shall be liable to the notary for all damages recovered from the notary as a result of any violation of law by the notary that was coerced by threat of the employer, if the threat, such as of demotion or dismissal, was made in reference to the particular notarization or, impliedly, by the employer's previous action in at least one similar transaction involving any notary employed by the employer. In addition, the employer is liable to the notary for damages caused the notary by demotion, dismissal, or other action resulting from the notary's refusal to engage in a violation of law or official misconduct.

5. Notwithstanding any other provision in this chapter to the contrary, for the purposes of this section "negligence" shall not include any good-faith determination made by the notary pursuant to the obligations imposed by subdivision (3) of subsection 1 of section 486.645 or subdivision (4) of subsection 1 of section 486.645.

6. Recovery of damages against a notary, surety, or employer shall require that the notary's negligence, violation of law, or official misconduct be the proximate cause of the damages, although not required to be the sole cause.

7. This section shall also apply to electronic notaries performing electronic notarial acts and remote online notaries performing remote online notarial acts.
(L. 2020 H.B. 1655)

486.810. Revocation of commission, when — procedure. — 1. The secretary may revoke a notary commission for any ground on which an application for a commission may be denied pursuant to subsection 3 of section 486.605.

2. The secretary shall revoke the commission of any notary who fails:

- (1) To maintain a residence or a regular place of work or business in this state; and
- (2) To maintain status as a legal resident of the United States.

3. Prior to revocation of a notary commission, the secretary shall inform the notary of the basis for the revocation and that the revocation takes effect on a particular date unless a proper appeal is filed with the secretary before that date.

4. Resignation or expiration of a notary commission does not terminate or preclude an investigation into the notary's conduct by the secretary, who may pursue the investigation to a conclusion, whereupon it shall be made a matter of public record regardless of whether the finding would have been grounds for revocation.

5. The secretary shall promulgate rules providing for appeals from revocations, subject to the

limitations in section 486.830.

6. This section shall also apply to electronic notaries performing electronic notarial acts and remote online notaries performing remote online notarial acts.

(L. 2020 H.B. 1655)

486.815. Suspension of notary commission. — 1. The secretary may immediately suspend a notary commission 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 shall be entitled to hearing and adjudication as soon thereafter as is practicable.

2. The secretary shall promulgate rules providing for hearings and appeals on suspension of a notary commission, subject to the limitations in section 486.830.

3. This section shall also apply to electronic notaries performing electronic notarial acts and remote online notaries performing remote online notarial acts.

(L. 2020 H.B. 1655)

486.820. List of suspended or revoked commissions, publication of. — The secretary may regularly publish a list of persons whose notary commissions have been suspended or revoked by the secretary, including electronic notaries and remote online notaries.

(L. 2020 H.B. 1655)

486.825. Additional sanctions permitted. — The sanctions of this chapter shall not preclude any other sanctions or remedies provided by law.

(L. 2020 H.B. 1655)

486.830. Rulemaking authority. — The secretary may promulgate rules that are reasonable and necessary to accomplish the duties specifically delegated to the secretary in this chapter. Any rule or portion of a rule, as that term is defined in section 536.010, that is created pursuant to the authority delegated in this chapter 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 chapter 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, 2020, shall be invalid and void.

(L. 2020 H.B. 1655)

ELECTRONIC NOTARIES PUBLIC AND NOTARIAL ACTS

486.900. Definitions. — As used in sections 486.900 to 486.1010, the following terms and phrases mean:

(1) “Capable of independent verification”, any interested person may confirm the validity of an electronic notary’s identity and authority through a publicly accessible system;

(2) “Electronic”, relates to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(3) “Electronic document”, information that is created, generated, sent, communicated, received, or stored by electronic means;

(4) “Electronic journal of notarial acts” and “electronic journal”, a chronological electronic record of notarizations that is maintained by the notary public who performed the same

notarizations;

(5) “Electronic notarial act” and “electronic notarization”, an official act involving an electronic document that is performed in compliance with sections 486.900 to 486.1010 by an electronic notary public as a security procedure as defined in the uniform electronic transactions act, sections 432.200 to 432.295;

(6) “Electronic notarial certificate”, the part of, or attachment to, a notarized electronic document that, in the performance of an electronic notarization, is completed by the electronic notary, bears the notary’s registered electronic signature and seal, and states the date, venue, and facts attested to or certified by the notary in the particular electronic notarization;

(7) “Electronic notary public” and “electronic notary”, a notary public who has registered with the secretary the capability to perform electronic notarial acts;

(8) “Electronic notary seal” and “electronic seal”, information within a notarized electronic document that includes the electronic notary’s name, title, jurisdiction, and commission expiration date and generally corresponds to information in notary seals used on paper documents;

(9) “Electronic signature”, an electronic sound, symbol, or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the document;

(10) “Registered electronic notary seal”, an electronic notary seal produced by a notary in the performance of an electronic notarial act by a means that was registered with the secretary;

(11) “Registered electronic signature”, an electronic signature produced by a notary in the performance of an electronic notarial act by a means that was registered with the secretary;

(12) “Security procedure”, a procedure employed for the purpose of verifying that an electronic signature, document, or performance is that of a specific person or for detecting changes or errors in the information in an electronic document. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback, or other acknowledgment procedures.

(L. 2020 H.B. 1655)

486.902. Controlling law. — Sections 486.900 to 486.1010 supplement the provisions of sections 486.600 to 486.825 for in-person electronic notarial acts. To the extent sections 486.600 to 486.825 are inconsistent with sections 486.900 to 486.1010, the provisions of 486.900 to 486.1010 control regarding the performance of in-person electronic notarial acts.

(L. 2020 H.B. 1655)

486.905. Electronic notaries, commission, registration. — 1. Prior to performing electronic notarial acts, a person shall apply to be a commissioned notary for the state of Missouri.

2. A notary shall register the capability to perform electronic notarial acts with the secretary before notarizing electronically.

3. Upon recommissioning, a notary shall again register with the secretary before notarizing electronically.

4. A person may apply or reapply for a notary commission and register or reregister to perform electronic notarial acts at the same time.

(L. 2020 H.B. 1655)

486.910. Course of instruction required. — 1. Before initially registering the capability to perform electronic notarial acts, an electronic notary shall complete a course of instruction as approved by the secretary, in addition to the course required for commissioning as a notary, and

pass an examination based on the course.

2. The content of the course shall be notarial laws, procedures, and ethics pertaining to electronic notarization.

(L. 2020 H.B. 1655)

486.915. Term of registration. — The term of registration of an electronic notary public shall begin on the registration starting date set by the secretary and shall continue as long as the notary's commission remains in effect or until registration is terminated pursuant to subsection 1 of section 486.1005.

(L. 2020 H.B. 1655)

486.920. Electronic registration form, contents — denial of registration, when — confidentiality of records. — 1. To register the capability to perform electronic notarial acts, a notary shall electronically sign and submit to the secretary an electronic form prescribed by the secretary that includes:

(1) Proof of successful completion of the courses and examinations required by sections 486.630 and 486.910;

(2) The following information:

(a) A description of each separate means that will be used to produce electronic signatures and electronic notary seals;

(b) Any keys, codes, software, decrypting instructions, or graphics that will allow the electronic signatures and seals produced by the means described in paragraph (a) of this subdivision to be verified;

(c) The names of any licensed authorities issuing the means for producing the electronic signatures and seals, the source of each license, and the starting and expiration dates of each pertinent certificate, software, or process;

(d) An explanation of any revocation, annulment, or other premature termination of any certificate, software, or process ever issued or registered to the applicant to produce an electronic signature or seal; and

(e) A declaration that the notary public will use the means issued or authorized for issuance by the secretary for producing an electronic notary seal; and

(3) The access instructions that will allow the electronic journal of notarial acts as described in section 486.700 to be viewed, printed, and copied.

2. Pursuant to this section, a notary public may register at the same or different times one or more respective means for producing electronic signatures and electronic notary seals, or single elements combining the required features of both, consistent with the requirements cited elsewhere in this chapter.

3. The secretary shall deny registration to any applicant submitting an electronic registration form that contains a material misstatement or omission of fact.

4. Information in the registration form of an electronic notary public shall be used by the secretary and designated state employees only for the purpose of performing official duties, shall be a closed record as described in chapter 610, and shall not be disclosed to any person other than:

(1) A government agent acting in an official capacity and duly authorized to obtain such information;

(2) A person authorized by court order; or

(3) The registrant or the registrant's duly authorized agent.

(L. 2020 H.B. 1655)

486.925. Electronic notarial acts authorized. — The following notarial acts may be performed electronically:

- (1) Acknowledgment;
- (2) Jurat;
- (3) Signature witnessing; and
- (4) Copy certification.

(L. 2020 H.B. 1655)

486.930. Electronic notarization, principal requirements. — 1. An electronic notary shall perform an electronic notarization only if the principal:

- (1) Is in the presence of the notary at the time of notarization;
- (2) Is personally known to the notary or identified by the notary through satisfactory evidence;
- (3) Appears to understand the nature of the transaction;
- (4) Appears to be acting of his or her own free will;
- (5) Communicates directly with the notary in a language both understand; and
- (6) Reasonably establishes the electronic signature as his or her own.

2. In performing electronic notarial acts, an electronic notary shall adhere to all applicable laws governing notarial acts provided in this chapter.

(L. 2020 H.B. 1655)

486.935. Electronic notarial certificate, contents, wording. — 1. In performing an electronic notarial act, the electronic notary shall properly complete an electronic notarial certificate.

2. A proper electronic notarial certificate shall contain:

(1) Completed wording appropriate to the particular electronic notarial act, as prescribed in subsection 3 of this section;

(2) A registered electronic signature; and

(3) A registered electronic notary seal, which shall include:

(a) The name of the electronic notary fully and exactly as it is spelled on the notary's commissioning document;

(b) The jurisdiction that commissioned and registered the electronic notary;

(c) The title "Electronic Notary Public";

(d) The commission or registration number of the electronic notary; and

(e) The commission expiration date of the electronic notary.

3. The wording of an electronic notarial certificate shall be in a form that:

(1) Is set forth in sections 486.740 to 486.750;

(2) Is otherwise prescribed by the law of this state;

(3) Is prescribed by a law, regulation, or custom of another jurisdiction, provided it does not require actions by the electronic notary that are unauthorized by this state; or

(4) Describes the actions of the electronic notary in such a manner as to meet the requirements of the particular notarial act, as defined in section 486.600 or 486.900.

4. An electronic notarial certificate shall be worded and completed using only letters, characters, and a language that are read, written, and understood by the electronic notary.

(L. 2020 H.B. 1655)

486.940. Electronic signature and seal, requirements — employers, restrictions. — 1. In notarizing an electronic document, the notary shall attach to, or logically associate with, the

electronic notarial certificate a registered electronic signature and a registered electronic notary seal, or a registered single element in conformity with subsection 2 of this section, in such a manner that the signature and the seal, or the single element, are attributed to the electronic notary as named on the commission.

2. A registered electronic signature shall be:

(1) Unique to the electronic notary;

(2) Capable of independent verification;

(3) Attached to or logically associated with an electronic notarial certificate in such a manner that any subsequent alteration of the certificate or underlying electronic document prominently displays evidence of the alteration; and

(4) Attached or logically associated by a means under the electronic notary's sole control.

3. At all times the means for producing registered electronic notary seals, or registered single elements as described in subsection 2 of this section, shall be kept under the sole control of the electronic notary.

4. An employer of an electronic notary shall not use or control the means for producing registered electronic signatures and notary seals, or registered single elements combining the required features of both, nor upon termination of a notary's employment retain any software, coding, disk, certificate, card, token, or program that is intended exclusively to produce a registered electronic signature, notary seal, or combined single element, regardless of whether the employer financially supported the employee's activities as a notary.

5. A registered electronic signature may be used by the electronic notary for lawful purposes other than performing electronic notarizations, provided that neither the title "notary" nor any other indication of status as a notarial officer is part of the signature.

6. Neither a registered electronic notary seal nor a combined single element containing the seal shall be used by the electronic notary for any purpose other than performing lawful electronic notarizations.

(L. 2020 H.B. 1655)

486.945. Journal of notarial acts, requirements. — 1. An electronic notary shall keep, maintain, protect, and provide for lawful inspection a chronological journal of notarial acts that is a permanently bound book with numbered pages.

2. If a notary is registered as an electronic notary:

(1) The notary shall keep an electronic journal of electronic notarial acts as described in section 486.950; and

(2) The notary shall keep a record of electronic notarial acts in the permanently bound journal.

3. A notary shall maintain only one active permanently bound journal at the same time, except that a backup of each active and inactive electronic journal shall be retained by the notary in accordance with subdivision (3) of subsection 1 of section 486.950 if each respective original electronic journal is retained.

4. A notary shall keep the permanently bound journal for a period of no less than ten years from the date of the last entry.

(L. 2020 H.B. 1655)

486.947. Journal recordings. — 1. For every electronic notarial act, the electronic notary shall record in the electronic journal at the time of notarization the following:

(1) The date and time of day of the electronic notarial act;

(2) The type of electronic notarial act;

- (3) The type, title, or a description of the document or proceeding;
 - (4) The signature, printed name, and address of each principal;
 - (5) The printed name and address of each requester of fact;
 - (6) The evidence of identity of each principal in the form of either:
 - (a) A statement that the person is personally known to the notary;
 - (b) A notation of the type of identification document, the issuing agency, the serial or identification number, and the date of issuance or expiration;
 - (c) The handwritten signature and the name and address of each credible witness swearing or affirming to the principal's identity, and for credible witnesses who are not personally known to the notary, a description of the identification documents relied on by the notary; or
 - (d) In the case of an electronic journal, a recognized biometric identifier, in accordance with subdivision (4) of subsection 1 of section 486.950;
 - (7) The fee, if any, charged for the electronic notarial act;
 - (8) The address where the electronic notarial act was performed, if not the address of the notary's regular place of work or business; and
 - (9) The name of any authority issuing or registering the means used to create the electronic signature that was notarized, the source of this authority's license, if any, and the expiration date of the electronic process.
2. An electronic notary shall not record a Social Security number or credit card number in the journal.
3. An electronic notary may record in the journal the circumstances for not performing or completing any requested electronic notarial act.
4. As required in subdivision (4) of subsection 2 of section 486.745, a notary shall append to the pertinent entry in the journal a notation of the nature and date of the notary's correction of a completed notarial certificate corresponding to the entry.
- (L. 2020 H.B. 1655)

486.950. Additional requirements for electronic journal of electronic notarial acts and electronic notaries. — 1. An electronic journal of electronic notarial acts shall:

- (1) Allow journal entries to be made, viewed, printed, and copied only after access is obtained by a procedure that uses two factors of authentication;
 - (2) Not allow a journal entry to be deleted or altered in content or sequence by the electronic notary or any other person after a record of the electronic notarization is entered and stored, except that an entry may be deleted if the retention period set forth in subsection 4 of this section has passed;
 - (3) Have a backup system in place to provide a duplicate record of electronic notarial acts as a precaution in the event of loss of the original record;
 - (4) Be capable of capturing and storing the image of a handwritten or electronic signature and the data related to one other type of recognized biometric identifier; and
 - (5) Be capable of printing and providing electronic copies of any entry, including images of handwritten signatures and the data related to the other selected type of recognized biometric identifier.
2. In maintaining an electronic journal of electronic notarial acts, an electronic notary public shall comply with the applicable prescriptions and prohibitions regarding the copying, security, surrender, and disposition of a journal as set forth in sections 486.710 to 486.715 and sections 486.795 to 486.800.
3. Every electronic notary public maintaining an electronic journal of electronic notarial acts

pursuant to section 486.945 shall:

(1) Provide to the secretary authorization on the registration form described in section 486.920 and the access instructions that allow journal entries to be viewed, printed, and copied in read-only access; and

(2) Notify the secretary of any subsequent change to the access instructions.

4. An electronic notary public maintaining an electronic journal of electronic notarial acts shall keep the entry for a period of no less than ten years from the date of the entry and shall also keep a record of electronic notarial acts in a permanently bound journal as set forth in sections 486.700 and 486.705.

(L. 2020 H.B. 1655)

486.955. Resignation, revocation, expiration, or death of electronic notary. — Upon resignation, revocation, or expiration of a notary commission, or death of the electronic notary:

(1) The journal and notarial records shall be delivered to the secretary in accordance with sections 486.795 to 486.800 by any means providing a tangible receipt, including certified mail and electronic transmission, allowing that an electronic journal may be delivered on disk, printed on paper, or transmitted electronically, in accordance with the requirements of the secretary; and

(2) In the case of an electronic journal and backup copy where disks or other physical storage media are not required to be surrendered, no further entries shall be made in the journal and backup. The journal and backup shall be safeguarded until both are erased or expunged after ten years from the date of the last entry by the notary or the notary's personal representative.

(L. 2020 H.B. 1655)

486.960. Fees. — 1. For performing an electronic notarial act, an electronic notary public may charge the maximum fee specified in this section, charge less than the maximum fee, or waive the fee.

2. The maximum fees that may be charged by an electronic notary public for performing an electronic notarial act are:

(1) For an acknowledgment, five dollars per signature;

(2) For a jurat, five dollars per signature; and

(3) For a signature witnessing, five dollars per signature.

3. An electronic notary may charge a travel fee to perform an electronic notarial act if:

(1) The notary and the person requesting the electronic notarial act agree upon the travel fee in advance of the travel; and

(2) The notary explains to the person requesting the notarial act that the travel fee is both separate from the notarial fee prescribed in subsection 2 of this section and neither specified nor mandated by law.

4. An electronic notary shall not discriminate in the charging of fees for an electronic notarial act based on the characteristics of the principal or requester of fact as set forth in subsection 1 of section 486.650, though an electronic notary may waive or reduce fees for humanitarian or charitable reasons.

5. The requirements relating to fees for an employee notary public that are prescribed in section 486.695 also apply to an electronic notary public in the performance of an electronic notarial act.

6. An electronic notary public who charges for performing electronic notarial acts shall conspicuously display in all of the notary's places of business and internet sites, or present to each principal or requester of fact if outside such places of business, an English-language

schedule of maximum fees for electronic notarial acts, as specified in subsection 2 of section 486.960. No part of any such notarial fee schedule shall appear or be printed in smaller than twelve-point type.

(L. 2020 H.B. 1655)

486.965. Fees, payment of prior to performance — nonrefundable, when. — 1. An electronic notary public may require payment of any fees specified in section 486.960 prior to performance of an electronic notarial act.

2. Any fees paid to an electronic notary prior to performance of an electronic notarial act are nonrefundable if:

(1) The electronic notarial act was completed; or

(2) In the case of travel fees paid in compliance with subsection 3 of section 486.960, the electronic notarial act was not completed after the notary traveled to meet the principal because it was prohibited pursuant to section 486.930 or because the notary knew or had a reasonable belief that the notarial act or the associated transaction was unlawful.

(L. 2020 H.B. 1655)

486.970. Notarized electronic documents transmitted to other states or nations — certificate of authority form. — 1. On a notarized electronic document transmitted to another state or nation, electronic evidence of the authenticity of the seal of an electronic notary public of this state and the registered electronic signature, if required, shall be in the form of an electronic certificate of authority signed by the secretary in conformance with any current and pertinent international treaties, agreements, and conventions subscribed by the government of the United States.

2. The electronic certificate of authority described in subsection 1 of this section shall be attached to or logically associated with the electronically notarized document in such a manner that any subsequent alteration of the notarized document, or removal or alteration of the electronic certificate of authority, produces evidence of the change.

3. An electronic certificate of authority evidencing the authenticity of the registered electronic signature and seal of an electronic notary public of this state shall be in substantially the following form:

Certificate of Authority for Electronic Notarial Act

I, _____ (name and title of commissioning official), certify that _____ (name of electronic notary public), the person named as Electronic Notary Public in the attached, associated, or accompanying electronic document, was registered as an Electronic Notary Public for the state of Missouri and authorized to act as such at the time of the document was electronically notarization. I also certify that the document bears no evidence of illegal or fraudulent alteration.

To verify this Certificate of Authority for an Electronic Notarial Act, I have included herewith my electronic seal and signature this ____ day of ____, 20 ____.

(Electronic seal and signature of secretary)

(L. 2020 H.B. 1655)

486.975. Fee for electronic certificate of authority. — For issuing an electronic certificate of authority for an electronic notarial act, including an electronic form of the apostille set forth in subsection 3 of section 486.770, the secretary may charge a maximum of ten dollars.

(L. 2020 H.B. 1655)

486.980. Electronic notary's e-mail address change, other changes, requirements. — 1.

Within five business days after the change of an electronic notary public's e-mail address, the notary shall electronically transmit to the secretary a notice of the change secured by a registered electronic signature of the notary.

2. Any change or addition to the data on the electronic registration form described in section 486.920, including any change to an electronic journal's access instructions, shall be reported within ten days to the secretary.

(L. 2020 H.B. 1655)

486.985. Production of electronic signature or seal, compromise of, requirements. — 1.

Upon becoming aware that the status, functionality, or validity of the means for producing a registered electronic signature, notary seal, or single element combining the signature and seal, has changed, expired, terminated, or become compromised, the notary shall:

(1) Immediately notify the secretary;

(2) Cease producing seals or signatures in electronic notarizations using that means;

(3) Perform electronic notarizations only with a currently registered means or another means that has been registered within thirty days; and

(4) Dispose of any software, coding, disk, certificate, card, token, or program that has been rendered defunct, in the manner described in subsection 1 of section 486.995.

2. Pursuant to subsection 1 of this section, the secretary shall immediately suspend the electronic status of a notary who has no other currently registered means for producing electronic signatures or notary seals and, if such means is not registered within thirty days, electronic status shall be terminated.

(L. 2020 H.B. 1655)

486.990. Termination of registration upon termination of commission as an electronic notary. — 1.

Any revocation, resignation, expiration, or other termination of the commission of a notary public immediately terminates any existing registration as an electronic notary.

2. A notary's decision to terminate registration as an electronic notary shall not automatically terminate the underlying commission of the notary.

3. A notary who terminates registration as an electronic notary shall notify the secretary in writing and dispose of any pertinent software, coding, disk, certificate, card, token, or program as described in subsection 1 of section 486.995.

(L. 2020 H.B. 1655)

486.995. Notary representative's duties upon termination of electronic notary commission. — 1.

Except as provided in subsection 2 of this section, if the commission of an electronic notary public expires or is resigned or revoked, if registration as an electronic notary terminates, or if an electronic notary dies, the notary or the notary's duly authorized representative shall, within thirty business days, permanently erase or expunge the software, coding, disk, certificate, card, token, or program that is intended exclusively to produce registered electronic notary seals, registered single elements combining the required features of an electronic signature and notary seal, or registered electronic signatures that indicate status as a notary.

2. A former electronic notary public whose previous commission expired shall not be subject to subsection 1 of this section if such electronic notary public, within three months after expiration, is recommissioned and reregistered as an electronic notary public using the same registered means for producing electronic notary seals and signatures.

(L. 2020 H.B. 1655)

486.1000. Improper performance of electronic notarial acts — liabilities, sanctions, and remedies. — The liability, sanctions, and remedies for the improper performance of electronic notarial acts by an electronic notary public are the same as described and provided in section 486.805 for the improper performance of nonelectronic notarial acts.
(L. 2020 H.B. 1655)

486.1005. Secretary to terminate electronic notary’s registration, when — procedure. — 1. The secretary shall terminate an electronic notary public’s registration for any of the following reasons:

- (1) Submission of an electronic registration form containing a material misstatement or omission of fact;
- (2) Failure to maintain the capability to perform electronic notarial acts, except as allowed in subdivision (3) of subsection 1 of section 486.985; or
- (3) The electronic notary’s performance of official misconduct.

2. Prior to terminating an electronic notary’s registration, the secretary shall inform the notary of the basis for the termination and that the termination shall take place on a particular date unless a proper appeal is filed with the secretary before that date.

3. Neither resignation nor expiration of a notary commission or of an electronic notary registration precludes or terminates an investigation by the secretary into the electronic notary’s conduct. The investigation may be pursued to a conclusion, whereupon it shall be made a matter of public record regardless of whether the finding would have been grounds for termination of the commission or registration of the electronic notary.
(L. 2020 H.B. 1655)

486.1010. Impersonating or improperly influencing an electronic notary, penalties. — The criminal penalties for impersonating an electronic notary public and for soliciting, coercing, or improperly influencing an electronic notary to commit official misconduct in performing notarial acts are the same penalties described in subsection 6 of section 578.700 in regard to performing nonelectronic notarial acts.
(L. 2020 H.B. 1655)

REMOTE ONLINE NOTARIAL ACTS

486.1100. Definitions. — As used in sections 486.1100 to 486.1205, the following terms and phrases mean:

- (1) “Appears in person before the notary” or “personally appear before the notary” or “in the presence of the notary”, includes, in the case of a remote online notarization, a principal and any required witness appearing by remote means in accordance with sections 486.1100 to 486.1205;
- (2) “Communication technology”, an electronic device or process that allows a notary public physically located in this state and a remotely located individual to communicate with each other simultaneously by sight and sound, and which, as necessary, makes reasonable accommodations for individuals with vision, hearing, or speech impairments;
- (3) “Credential analysis”, a process or service that meets the standards established by the secretary of state through which a third person affirms the validity of an identification credential;
- (4) “Electronic”, relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;
- (5) “Electronic document”, information that is created, generated, sent, communicated,

received, or stored by electronic means;

(6) “Electronic notary seal” and “electronic seal”, information within a notarized electronic document that includes the remote online notary’s name, title, jurisdiction, and commission expiration date and generally corresponds to information in notary seals used on paper documents;

(7) “Electronic signature”, an electronic sound, symbol, or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the document;

(8) “Identity proofing”, a process or service operating according to standards established by the secretary of state by rule;

(9) “Outside the United States”, outside the geographic boundaries of a state or commonwealth of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States;

(10) “Remote online notarization” or “remote online notarial act”, an electronic notarial act performed by means of communication technology that meets the standards as provided in sections 486.1100 to 486.1205;

(11) “Remote online notary public”, a notary public physically located in this state who has registered with the secretary of state to perform remote online notarizations pursuant to sections 486.1100 to 486.1205;

(12) “Remote presentation”, transmission to the remote online notary public through communication technology of an image of an identification credential that is of sufficient quality to enable the remote online notary public to:

(a) Identify the individual seeking the remote online notary public’s services; and

(b) Perform credential analysis;

(13) “Remotely located individual”, an individual who is not in the physical presence of the notary public.

(L. 2020 H.B. 1655)

486.1105. Controlling law. — Sections 486.1100 to 486.1205 supplement the provisions of sections 486.600 to 486.820 and sections 486.900 to 486.1010 for remote online notarial acts. To the extent sections 486.600 to 486.820 and 486.900 to 486.1010 are inconsistent with sections 486.1100 to 486.1205, the provisions of 486.1100 to 486.1205 control regarding remote online notarial acts.

(L. 2020 H.B. 1655)

486.1110. Rulemaking authority. — The secretary of state is authorized to adopt rules necessary to implement sections 486.1100 to 486.1205, including rules to facilitate remote online notarizations, subject to the limitations in section 486.830.

(L. 2020 H.B. 1655)

486.1115. Standards for remote online notarization, secretary’s duties. — 1. The secretary of state by rule shall develop and maintain standards for remote online notarization in accordance with sections 486.1100 to 486.1205, including, but not limited to, standards for credential analysis and identity proofing. Such rules shall be subject to the limitations in section 486.830.

2. In developing standards for remote online notarization, the secretary of state shall review and consider standards established by the National Association of Secretaries of State (NASS) or

its successor agency, and national standard setting bodies, such as the Mortgage Industry Standards and Maintenance Organization (MISMO).

3. Before use by remote online notaries in this state, the secretary shall approve the software to be used in remote online notarial acts. The secretary may only approve remote online notarization software that, at a minimum:

- (1) Records and archives the remote online session;
- (2) Provides sufficient audio clarity and video resolution to enable the remote online notary and the principal to see and communicate to each other simultaneously through live, real time transmission;
- (3) Provides reasonable security measures to prevent unauthorized access to:
 - (a) The live transmission of the audio-video communication;
 - (b) A recording of the audio-video communication;
 - (c) The verification methods and credentials used to verify the identity of the principal; and
 - (d) The electronic documents presented for electronic notarization;
- (4) Utilizes video technology to be used in a remote electronic notarization session that provides sufficient high-definition for the notary to reasonably assess the principal's comprehension and volition;
- (5) Permits the remote online notary to identify the principal to the remote online notary's satisfaction through a form of authentication that complies with section 486.1145;
- (6) Permits the principal to identify the remote online notary to his or her satisfaction; and
- (7) Presents the document being notarized as an electronic document.

4. Before being used by a remote online notary in this state, the secretary shall test and certify remote online notarization software. The expenses of any such testing shall be paid by the vendor of the software.

(L. 2020 H.B. 1655)

486.1120. Notary commission and registration required. — 1. Prior to performing remote online notarial acts, a person shall apply to be a commissioned notary for the state of Missouri.

2. A remote online notary shall register the capability to perform remote online notarial acts with the secretary before performing remote online notarial acts.

3. Upon recommissioning, a notary shall again register with the secretary before performing remote online notarizations.

4. A person may apply or reapply for a notary commission and register or reregister to perform remote online notarial acts at the same time.

(L. 2020 H.B. 1655)

486.1125. Course of instruction required, content. — 1. Before initially registering the capability to perform remote online notarial acts, a notary shall complete a course of instruction as approved by the secretary, in addition to the course required for commissioning as a notary, and pass an examination based on the course.

2. The content of the course shall be notarial laws, procedures, and ethics pertaining to remote online notarization.

(L. 2020 H.B. 1655)

486.1130. Registration form, contents — denial of registration, when — confidentiality of information. — 1. To register the capability to perform remote online notarial acts, a notary shall electronically sign and submit to the secretary an electronic form prescribed by the

secretary that includes:

(1) The information required in subsection 1 of section 486.920;

(2) The technology that the remote online notary public will use, which shall conform to any rules or adopted by the secretary of state; and

(3) Any other information, evidence, or declaration required by the secretary of state.

2. The secretary shall deny registration to any applicant submitting an electronic registration form that contains a material misstatement or omission of fact.

3. Information in the registration form of an electronic notary public shall be used by the secretary and designated state employees only for the purpose of performing official duties, shall be a closed record as described in chapter 610, and shall not be disclosed to any person other than:

(1) A government agent acting in an official capacity and duly authorized to obtain such information;

(2) A person authorized by court order; or

(3) The registrant or the registrant's duly authorized agent.

(L. 2020 H.B. 1655)

486.1135. Term of registration. — The term of registration of an electronic notary public shall begin on the registration starting date set by the secretary and shall continue as long as the notary's commission remains in effect or until registration is terminated.

(L. 2020 H.B. 1655)

486.1140. Permissible remote online notarial acts. — The following remote online notarial acts may be performed using communication technology in accordance with sections 486.1100 to 486.1205, and by no other method:

(1) Acknowledgment; and

(2) Jurat.

(L. 2020 H.B. 1655)

486.1145. Audio-video communication, use of, requirements. — 1. For the purposes of performing a remote online notarial act for a person using audio-video communication, a remote online notary public has satisfactory evidence of the identity of the person if the remote online notary public confirms the identity of the person by:

(1) Personal knowledge of the identity;

(2) Each of the following, if approved by rules adopted by the secretary of state:

(a) Remote presentation by the person of an identification credential, including a passport or driver's license, that contains a photograph and the signature of the person;

(b) Credential analysis; and

(c) Identity proofing of the person described in paragraph (a) of this subdivision;

(3) Any other method that complies with any rules adopted by the secretary of state; or

(4) A valid certificate that complies with any rules adopted by the secretary of state.

2. Such rules shall be subject to the limitations in section 486.830.

(L. 2020 H.B. 1655)

486.1150. Principal requirements for remote online notarization. — A remote online notary shall perform a remote online notarization only if the principal:

(1) Is in the presence of the notary utilizing live audio-video conferencing technology at the

time of notarization;

(2) Is personally known to the notary or identified by the notary through satisfactory evidence as set forth in section 486.1145;

(3) Appears to understand the nature of the transaction;

(4) Appears to be acting of his or her own free will;

(5) Communicates directly with the notary in a language both understand; and

(6) Reasonably establishes the electronic signature as his or her own.

(L. 2020 H.B. 1655)

486.1155. Remote online notary required to be physically located within this state for performance of remote online notarial acts. — 1. A remote online notary public shall perform a remote online notarization authorized in sections 486.1100 to 486.1205 only while the remote online notary public is physically located within this state.

2. A remote online notary public may perform a remote online notarization for a remotely located individual who is physically located:

(1) In this state;

(2) Outside this state but within the United States; or

(3) Outside the United States if the electronic notarization is not prohibited in the jurisdiction in which the principal is physically located at the time of the remote online notarial act.

3. The validity of a remote online notarization performed by a remote online notary public of this state in accordance with sections 486.1100 to 486.1205 shall be governed by the laws of this state.

(L. 2020 H.B. 1655)

486.1160. Additional transaction fee. — In addition to the other fees allowed by section 486.960, a remote online notary may charge a remote online notary transaction fee if the notary and the principal agree upon the fee in advance of the notarial act being performed and the notary explains to the person requesting the notarial act that the remote online transaction fee is separate from the notarial fee prescribed in subsection 2 of section 486.960 and is not mandated by law.

(L. 2020 H.B. 1655)

486.1165. Remote online notarial certificate, contents, wording. — 1. In performing a remote online notarial act, the remote online notary shall properly complete a remote online notarial certificate.

2. A proper remote online notarial certificate shall contain:

(1) Completed wording appropriate to the particular remote online notarial act, as prescribed in subsection 3 of this section;

(2) A registered electronic signature; and

(3) A registered electronic notary seal, which shall include:

(a) The name of the remote online notary fully and exactly as it is spelled on the notary's commissioning document;

(b) The jurisdiction that commissioned and registered the remote online notary;

(c) The title "Electronic Notary Public";

(d) The commission or registration number of the remote online notary; and

(e) The commission expiration date of the remote online notary.

3. The wording of a remote online notarial certificate shall be in a form that:

- (1) Is set forth in section 486.1175;
 - (2) Is otherwise prescribed by the law of this state;
 - (3) Is prescribed by a law, regulation, or custom of another jurisdiction, provided it does not require actions by the remote online notary that are unauthorized by this state; or
 - (4) Describes the actions of the remote online notary in such a manner as to meet the requirements of the particular notarial act, as defined in section 486.600, 486.900 or 486.1100.
4. A remote online notarial certificate shall be worded and completed using only letters, characters, and a language that are read, written, and understood by the remote online notary. (L. 2020 H.B. 1655)

486.1170. Registered electronic signature, seal, or single element required, when — employer restrictions — limitations on use of registered signature and seal. — 1. In notarizing an electronic document, the remote online notary shall attach to, or logically associate with, the remote online notarial certificate a registered electronic signature and a registered electronic notary seal, or a registered single element in conformity with subsection 2 of this section, in such a manner that the signature and the seal, or the single element, are attributed to the electronic notary as named on the commission.

2. A registered electronic signature shall be:

- (1) Unique to the electronic notary;
- (2) Capable of independent verification;
- (3) Attached to or logically associated with an electronic notarial certificate in such a manner that any subsequent alteration of the certificate or underlying electronic document prominently displays evidence of the alteration; and
- (4) Attached or logically associated by a means under the electronic notary’s sole control.

3. At all times the means for producing registered electronic notary seals, or registered single elements as described in subsection 2 of this section, shall be kept under the sole control of the electronic notary.

4. An employer of an electronic notary shall not use or control the means for producing registered electronic signatures and notary seals, or registered single elements combining the required features of both, nor upon termination of a notary’s employment retain any software, coding, disk, certificate, card, token, or program that is intended exclusively to produce an electronic notary’s registered electronic signature, notary seal, or combined single element, regardless of whether the employer financially supported the employee’s activities as a notary.

5. A registered electronic signature may be used by the electronic notary for lawful purposes other than performing electronic notarizations, provided that neither the title “notary” nor any other indication of status as a notarial officer is part of the signature.

6. Neither a registered electronic notary seal nor a combined single element containing the seal shall be used by the electronic notary for any purpose other than performing lawful electronic notarizations.

(L. 2020 H.B. 1655)

486.1175. Jurat certificate form — signature form. — 1. A remote online notary shall use a jurat certificate in substantially the following form in notarizing a signature or mark on an affidavit or other sworn or affirmed written declaration:

State of Missouri

County (and/or City) of _____

On this _____ day of _____, 20 _____, before me, the undersigned notary, personally

appeared by remote online means _____ (name of document signer), (personally known to me) (proved to me through identification documents, which were _____,) (proved to me on the oath or affirmation of _____, who is personally known to me and stated to me that (he)(she) personally knows the document signer and is unaffected by the document,) (proved to me on the oath or affirmation of _____ and _____, whose identities have been proven to me through identification documents and who have stated to me that they personally know the document signer and are unaffected by the document,) to be the person who signed the preceding or attached document in my presence and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of (his)(her) knowledge and belief.

_____(official signature and seal of notary)

2. A remote online notary shall use a certificate in substantially the following form in notarizing the signature or mark of any person acknowledging on his or her own behalf or as a partner, corporate officer, attorney in fact, or in any other representative capacity who appears remotely:

State of Missouri

County (and/or City) of _____

On this _____ day of _____, 20 _____, before me, the undersigned notary, personally appeared by remote online means _____ (name of document signer), (personally known to me) (proved to me through identification documents, which were _____,) (proved to me on the oath or affirmation of _____, who is personally known to me and stated to me that (he)(she) personally knows the document signer and is unaffected by the document,) (proved to me on the oath or affirmation of _____ and _____, whose identities have been proven to me through identification documents and who have stated to me that they personally know the document signer and are unaffected by the document,) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he)(she) signed it voluntarily for its stated purpose(.

(as partner for _____, a partnership.)

(as _____ for _____, a corporation.)

(as attorney in fact for _____, the principal.)

(as _____ for _____, (a)(the) _____)

_____(official signature and seal of notary)

(L. 2020 H.B. 1655)

486.1180. Electronic journals. — 1. If a notary is registered as a remote online notary:

(1) The notary shall keep an electronic journal of remote online notarial acts as described in section 486.1190; and

(2) The notary shall also keep a record of remote online notarial acts in the permanently bound journal.

2. A notary shall maintain only one active permanently bound journal at the same time, except that a backup of each active and inactive electronic journal shall be retained by the notary in accordance with subdivision (3) of subsection 1 of section 486.1190 as long as each respective original electronic journal is retained.

3. A notary shall keep the permanently bound journal for a period of no less than ten years from the date of the last entry.

(L. 2020 H.B. 1655)

486.1185. Electronic journal recording requirements. — 1. For every remote online notarial act, the remote online notary shall record in the electronic journal at the time of notarization the

following:

- (1) The date and time of day of the remote online notarial act;
 - (2) The type of remote online notarial act;
 - (3) The type, title, or a description of the document or proceeding;
 - (4) The electronic signature, printed name, and address of each principal;
 - (5) The printed name and address of each requester of fact;
 - (6) The evidence of identity of each principal in the form of either:
 - (a) A statement that the person is personally known to the notary;
 - (b) A notation of the type of identification document, its issuing agency, its serial or identification number, and its date of issuance or expiration;
 - (c) The electronic signature, printed name, and address of each credible witness swearing or affirming to the principal's identity, and for credible witnesses who are not personally known to the notary, a description of the identification documents relied on by the notary; or
 - (d) In the case of an electronic journal, a recognized biometric identifier, in accordance with subdivision (4) of subsection 1 of section 486.1190;
 - (7) The fee, if any, charged for the remote online notarial act;
 - (8) The address where the remote online notarial act was performed, if not the address of the notary's regular place of work or business; and
 - (9) The name of the program or software any authority issuing or registering the means used to create the electronic signature that was notarized and the source of this authority's license, if any.
2. A remote online notary shall not record a Social Security number or credit card number in the journal.
 3. A remote online notary may record in the journal the circumstances for not performing or completing any requested remote online notarial act.
- (L. 2020 H.B. 1655)

486.1190. Additional requirements for electronic journal of remote online notarial acts and remote online notaries. — 1. An electronic journal of remote online notarial acts shall:

- (1) Allow journal entries to be made, viewed, printed, and copied only after access is obtained by a procedure that uses two factors of authentication;
 - (2) Not allow a journal entry to be deleted or altered in content or sequence by the remote online notary or any other person after a record of the remote online notarization is entered and stored, except that an entry may be deleted if the retention period set forth in subsection 4 of this section has passed;
 - (3) Have a backup system in place to provide a duplicate record of remote online notarial acts as a precaution in the event of loss of the original record;
 - (4) Be capable of capturing and storing the image of a handwritten or electronic signature and the data related to one other type of recognized biometric identifier; and
 - (5) Be capable of printing and providing electronic copies of any entry, including images of handwritten signatures and the data related to the other selected type of recognized biometric identifier.
2. In maintaining an electronic journal of remote online notarial acts, a remote online notary public shall comply with the applicable prescriptions and prohibitions regarding the copying, security, surrender, and disposition of a journal as set forth in sections 486.710 to 486.715 and sections 486.795 to 486.800.
 3. Every remote online notary public maintaining an electronic journal of electronic notarial

acts pursuant to section 486.1180 shall:

(1) Provide to the secretary authorization on the registration form described in section 486.1130 and the access instructions that allow journal entries to be viewed, printed, and copied in read-only access; and

(2) Notify the secretary of any subsequent change to the access instructions.

4. A remote online notary public maintaining an electronic journal of remote online notarial acts shall keep the entry for a period of no less than ten years from the date of the entry and shall also keep a record of remote online notarial acts in a permanently bound journal as set forth in sections 486.700 and 486.705.

(L. 2020 H.B. 1655)

486.1195. Audio and video recording of performance of notarial acts, when, requirements.

— 1. The remote online notary public shall create an audio and video recording of the performance of the notarial act.

2. The recording required by this section shall be maintained for at least ten years after the date of the transaction or proceeding.

3. The secretary of state shall promulgate rules establishing standards for the retention of a video and audio recording of the performance of the notarial act. Such rules shall be subject to the limitations in section 486.830.

4. (1) The remote online notary public may designate as custodian of the recording and the electronic journal:

(a) The employer of the remote online notary public if evidenced by a record signed by the remote online notary public and the employer; or

(b) A repository meeting the standards established by the secretary of state.

(2) An employer or other repository acting as the custodian of a recording or an electronic journal under this subsection shall comply with all statutory requirements regarding retention and disclosure of recordings and electronic journals applicable to notaries.

(L. 2020 H.B. 1655)

486.1200. Safeguarding electronic documents, signature, and seal. — 1. A remote online notary public shall keep the remote online notary public's electronic document, electronic signature, and electronic seal secure and under the remote online notary public's exclusive control, which requirement may be satisfied by password-controlled access. The remote online notary public shall not allow another person to use the remote online notary public's electronic document, electronic signature, or electronic seal.

2. A remote online notary public shall attach the remote online notary public's electronic signature and seal to the electronic notarial certificate of an electronic document in a manner that is capable of independent verification and renders any subsequent change or modification to the electronic document evident.

(L. 2020 H.B. 1655)

486.1205. Remote online notary — resignation, revocation, expiration, or death — procedure. — Upon resignation, revocation, or expiration of a notary commission, or death of the remote online notary:

(1) The journal and notarial records shall be delivered to the secretary in accordance with section 486.795 or 486.800 by any means providing a tangible receipt, including certified mail and electronic transmission, allowing that an electronic journal may be delivered on disk, printed

on paper, or transmitted electronically, in accordance with the requirements of the secretary; and

(2) In the case of an electronic journal and its backup copy whose disks or other physical storage media are not required to be surrendered, no further entries shall be made in the journal and its backup, both of which shall be safeguarded until both shall be erased or expunged after ten years from the date of the last entry by the notary or the notary's personal representative. (L. 2020 H.B. 1655)

CODE OF STATE REGULATIONS

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

30-100.005 Notary Complaint Process

PURPOSE: This rule lays out the process for filing a complaint against a notary.

(1) A complaint may be filed by an individual or by the Notary Commission Unit. All complaints must be—

(A) In writing and signed;

(B) Submitted to the Notary Commission Unit either by mail to commissions@sos.mo.gov or PO Box 784, Jefferson City, MO 65101;

(C) At a minimum, the complaint must contain the following information:

1. Circumstances surrounding the situation; and

2. The notary's name, commission number (if known), and the county in which the alleged wrong doing allegedly took place;

(D) The complaint should include, if known, the names and contact information of any witnesses or parties; including addresses and telephone number, all documents related to the transaction; including copies of the notarized document in question, and any police report filed or investigative information if referred by another agency, and any contact information for legal representative;

(E) Upon receipt of the complaint the Notary Commission Unit will review the matter and determine if further action is required;

(F) If further action is required, the Notary Commission Unit will notify the notary and may request additional information from the notary;

(G) A notary has thirty (30) days from receipt of such notification from the Notary Commission Unit in which to respond. Failure to respond shall constitute grounds for suspension of the notary commission until compliance with the request is met;

(H) The Notary Commission Unit will review the response from the notary, and if necessary, make follow-up request for information;

(I) Upon completion of their review, the Notary Commission Unit will forward the matter to the Director of Business Services or their designee who will review the matter to determine appropriate action;

(J) Upon a decision by the Director of Business Services or their designee, the complainant and notary shall be notified of the decision made; and

(K) If the action taken by the Director of Business Services or their designee is to suspend or revoke the notary's commission, the notary may appeal such decision as outlined under the rules.

AUTHORITY: sections 486.815.1 and 486.830, RSMo Supp. 2020.

* Emergency rule filed Aug. 31, 2020, effective Sept. 15, 2020, expired March 13, 2021.
Original rule filed Aug. 31, 2020, effective Feb. 28, 2021.
*Original authority: 486.815, RSMo 2020 and 486.830, RSMo 2020.

30-100.010 Approval, Revocation and 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.

(3) An individual who has been convicted of a felony involving dishonesty or moral turpitude, committed in the last five (5) years, will be denied approval to be a commission.

AUTHORITY: sections 486.605 and 486.815.1, RSMo Supp. 2020.

*Original rule filed Dec. 16, 1985, effective April 11, 1986.

Amended: Filed April 17, 2017, effective Oct. 30, 2017.

Emergency amendment filed Aug. 31, 2020, effective Sept. 15, 2020, expired March 13, 2021.

Amended: Filed Aug. 31, 2020, effective Feb. 28, 2021.

*Original authority: 486.605, RSMo 2020 and 486.815, RSMo 2020.

30-100.015 Request for Hearing on Suspension or an Appeal on a Denial of an Application.

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 30-100.010, 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 30-100.060.

(5) An applicant who has been denied a notary commission may appeal the denial to the Director of Business Services or his or her designee. This appeal does not include a right to a hearing.

AUTHORITY: section 486.815.1, RSMo Supp. 2020.

* Original rule filed April 17, 2017, effective Oct. 30, 2017.

Emergency amendment filed Aug. 31, 2020, effective Sept. 15, 2020, expired March 13, 2021.

Amended: Filed Aug. 31, 2020, effective Feb. 28, 2021.

*Original authority: 486.815, RSMo 2020.

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 authority: 486.385, RSMo 1977, amended 2004.

Original rule filed Dec. 16, 1985, effective April 11, 1986.

Amended: Filed April 17, 2017, effective Oct. 30, 2017.

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 authority: 486.385, RSMo 1977, amended 2004.

Original rule filed Dec. 16, 1985, effective April 11, 1986.

Amended: Filed April 17, 2017, effective Oct. 30, 2017.

30-100.040 Prehearing Conference

Statutory Authority

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.

(Rescinded October 30, 2017)

30-100.050 Subpoenas

Statutory Authority

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.

(Rescinded October 30, 2017)

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.

Statutory Authority

AUTHORITY: section 486.385.2, RSMo 2016.*

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

Original rule filed Dec. 16, 1985, effective April 11, 1986.
Amended: Filed April 17, 2017, effective Oct. 30, 2017.

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.

Statutory Authority

AUTHORITY: sections 486.310 and 486.385.2, RSMo 2016.*

*Original authority: 486.310, RSMo 1977, amended 2004, 2016 and 486.385, RSMo 1977, amended 2004.

Original rule filed Dec. 16, 1985, effective April 11, 1986.

Amended: Filed April 17, 2017, effective Oct. 30, 2017.

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.

Statutory Authority

AUTHORITY: section 486.385.2, RSMo 2016.*

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

Original rule filed Dec. 16, 1985, effective April 11, 1986.

Amended: Filed April 17, 2017, effective Oct. 30, 2017.

CHAPTER 110 – ELECTRONIC NOTARIZATION

30-110.010 Electronic Notary Definitions

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 June 30, 2017.

Rescinded: Filed Aug. 31, 2020, effective Feb. 28, 2021.

30-110.020 Electronic Signatures and Seals

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 June 30, 2017.

Rescinded: Filed Aug. 31, 2020, effective Feb. 28, 2021.

30-110.030 Remote Online Notarization (RON) Approval

PURPOSE: This emergency rule provides the process that vendors must go through to have their software approved for use by electronic notaries in Missouri.

(1) Vendors wishing to have their software approved for use by electronic notaries in Missouri make an application to do so to the Commission Unit. The information on the application must include:

- (A) Name of the vendor's company;
- (B) Name of the software to be used;
- (C) Name of contact to perform demonstration of software;
- (D) Contact information for customer inquiries; and
- (E) List of other states the software is approved in.

(2) Upon filing of an application, the Commission Unit will review the software for compliance.

(3) Each software requesting approval must undergo a live demonstration by the Commission Unit.

(4) Once the Commission Unit has determined the software meets compliance, a certificate of acceptability will be issued to the vendor.

(5) A list of all approved software will be published on the Missouri Secretary of State's (SOS) website.

AUTHORITY: section 486.1110, RSMo Supp. 2020.

* Emergency rule filed Aug. 31, 2020, effective Sept. 15, 2020, expired March 13, 2021.

Original rule filed Aug. 31, 2020, effective Feb. 28, 2021.

*Original authority: 486.1110, RSMo 2020.

30-110.040 Remote Online Notarization (RON) Criteria

PURPOSE: This emergency rule states the criteria that remote online notary (RON) must meet for use by electronic notaries in Missouri.

(1) Remote online notary (RON) must meet the following RON Credential Analysis and Authentication to be approved for use in Missouri:

(A) The software must allow for at least two (2) types of the following authentications as described in section 110.050, RSMo:

- 1. Credential Analysis of Government Issued Identification;
- 2. Dynamic Knowledge-Based Authentication; and
- 3. Biometrics;

(B) The software must provide for a live session using audio-video communication integrated with electronic document processing as described in section 110.060, RSMo;

(C) The software must be able to capture the necessary details for the notary to keep an accurate record of the transaction as described in section 110.070, RSMo; and

(D) The software must provide an audit trail for each session as described in section 110.080,

AUTHORITY: section 486.1110, RSMo Supp. 2020.

* Emergency rule filed Aug. 31, 2020, effective Sept. 15, 2020, expired March 13, 2021.

Original rule filed Aug. 31, 2020, effective Feb. 28, 2021.

*Original authority: 486.1110, RSMo 2020.

30-110.050 Remote Online Notarization (RON) Credentials

PURPOSE: This emergency rule sets out the credentials that remote online notary (RON) must meet for use by electronic notaries in Missouri.

(1) Remote Online Notarization (RON) providers must use automated software processes to aid the notary in verifying each principal's identity.

(2) The credential must pass an authenticity test, consistent with sound commercial practices that—

(A) Uses appropriate technology to confirm the integrity of visual, physical, or cryptographic security features;

(B) Uses appropriate technology to confirm that the credential is not fraudulent or inappropriately modified;

(C) Uses information held or published by the issuing source or authenticity source(s), as available, to confirm the validity of credential details; and

(D) Provides the output of the authenticity to the notary.

(3) The credentials analysis procedure must enable the notary to visually compare both of the following for consistency:

(A) The information and photo on the presented credential image; and

(B) The principal as viewed by the notary in real time through the audio/video system.

(4) Credentials must be a government issued document meeting the requirements of the state that issued the document, may be imaged, photographed, and video recorded under state and federal law, and can be subject to credential analysis.

(5) The credential image capture procedure must confirm that—

(A) The principal is in possession of that credential at the time of the notarial act;

(B) That the credential image submitted for analysis has not been manipulated; and

(C) The credential image matches the credential in the principals possession.

(6) The following general principles should be considered in the context of image resolution:

(A) The captured image resolution should be sufficient for the service provider to perform credential analysis per the requirements above;

(B) The image resolution should be sufficient to enable visual inspection by the notary, including legible text and clarity of photographs, barcodes, and other credential features; and

(C) All images necessary to perform visual inspection and credential analysis must be captured - e.g. U.S. Passport requires identity page; state driver's license requires front and back.

(7) A Dynamic Knowledge-Based Authentication (KBA) procedure must meet the following requirements:

(A) Each principal must answer questions and achieve a passing score from—

1. At least five (5) questions drawn from public or private data sources;

2. A minimum of five (5) possible answer choices per question;

3. At least four (4) of the five (5) questions answered correctly to pass (a passing score of eighty percent (80%)); and

4. All five (5) questions answered within two (2) minutes.

(B) Each principal must be provided a reasonable number of attempts per signing session.

1. If a principal fails their first quiz, they may attempt up to two (2) additional quizzes within forty-eight (48) hours from the first failure.

2. During any quiz retake a minimum of forty percent (40%), or two (2), of the prior questions must be replaced;

(C) The RON system provider must not include the KBA procedure as part of the video recording or as part of the system provided person-to-person video interaction between the notary and the signatory; and must not store the data or information presented in the KBA questions and answers. However, the output of the KBA assessment procedure must be provided

to the notary.

(D) Biometric sensing technology includes, but is not limited to, facial, voice, and fingerprint recognition.

AUTHORITY: section 486.1110, RSMo Supp. 2020.

* Emergency rule filed Aug. 31, 2020, effective Sept. 15, 2020, expired March 13, 2021.

Original rule filed Aug. 31, 2020, effective Feb. 28, 2021.

*Original authority: 486.1110, RSMo 2020.

30-110.060 Audio and Video Quality

PURPOSE: This emergency rule sets out the requirements for audio/video quality used by electronic notaries in Missouri.

(1) A reliable Remote Online Notarization (RON) operating model should consist of continuous, synchronous audio and video feeds with good clarity such that all participants can be clearly seen and understood at all times during the notarial act.

(2) Inherent in online audio/video technology is the presence of temporary surges or spikes in quantitative measures like bitrate and/or frequency of communications and no simple technical limits are practical or prudent. Rather, a sounder approach to ensuring reliable real-time communications is to rely on the judgment of the notary to determine the adequacy of the communications and provide direction to terminate the session if those conditions are not met.

(3) The audio/video recording must include the person-to-person interaction required as part of the Notarial Act as defined by the state, must be logically associated to the electronic Audit Trail, and must be capable of being viewed and heard using broadly available audio/video players.

(4) Video capture of documents or credentials that contain non-public personal information during the RON is not required as part of these standards.

AUTHORITY: section 486.1110, RSMo Supp. 2020.

* Emergency rule filed Aug. 31, 2020, effective Sept. 15, 2020, expired March 13, 2021.

Original rule filed Aug. 31, 2020, effective Feb. 28, 2021.

*Original authority: 486.1110, RSMo 2020.

30-110.070 Storage and Retention of Notarial Records

PURPOSE: This emergency rule sets out the requirements for storage and retention of notarial records used by electronic notaries in Missouri.

(1) Remote Online Notarization (RON) systems.

(A) RON must—

1. Facilitate the process of collecting the required notarial records;
2. Provide a method by which a notary can access and/or export the notarial records; and
3. Provide automated backup of the notarial records and audio/video recording to ensure redundancy.

(B) RON technology solution must employ data protection safeguards consistent with generally accepted information security standards.

(C) Retention of the audio/video recording and notarial records by either the notary or their designated third party, as directed by the notary, must adhere to the laws, directives, rules, and regulations of the state.

(2) A notary must retain an electronic journal and an audio-visual recording created under Chapter 486, RSMo in a computer or other electronic storage device that protects the journal and recording against unauthorized access by password or cryptographic process.

(A) The recording must be created in an industry standard audiovisual file format and must not include images of any electronic record on which the remotely located individual executed an electronic signature.

(B) An electronic journal must be retained for at least ten (10) years after the last notarial act chronicled in the journal. An audiovisual recording must be retained for at least the ten (10) years after the recording is made.

(C) A notary must take reasonable steps to ensure that a backup of the electronic journal and audio-visual recording exists and is secure from unauthorized use.

AUTHORITY: sections 486.1110 and 486.1195, RSMo Supp. 2020.

* Emergency rule filed Aug. 31, 2020, effective Sept. 15, 2020, expired March 13, 2021.

Original rule filed Aug. 31, 2020, effective Feb. 28, 2021.

*Original authority: 486.1110, RSMo 2020 and 486.1195, RSMo 2020.

30-110.080 Audit Trail

PURPOSE: This emergency rule states the requirements for the remote online notarization (RON) audit trail for use by electronic notaries in Missouri.

(1) Significant actions completed as part of a RON signing session should be recorded in an audit trail. Each entry in this audit trail should clearly indicate the action performed (e.g. addition of an electronic signature), the date/time of its performance (e.g., Coordinated Universal Time, 2018-08-21 01:14:22 UTC), the name of the party performing the action (e.g. John Doe), and the IP address of the party performing the action.

(2) Each document completed as part of a RON should be electronically signed and rendered Tamper-Evident.

AUTHORITY: section 486.1110, RSMo Supp. 2020.

* Emergency rule filed Aug. 31, 2020, effective Sept. 15, 2020, expired March 13, 2021.

Original rule filed Aug. 31, 2020, effective Feb. 28, 2021.

*Original authority: 486.1110, RSMo 2020.