

2023 Kansas Statutes

53-5a24. Grounds to deny, refuse to renew, revoke, suspend or impose a condition on a commission of notary public. (a) The secretary of state may deny, refuse to renew, revoke, suspend or impose a condition on a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence or reliability to act as a notary public, including:

- (1) Failure to comply with this act;
 - (2) a fraudulent, dishonest, deceitful, misstatement or omission in the application for a commission as a notary public submitted to the secretary of state;
 - (3) a conviction of the applicant or notary public of any felony or a crime involving fraud, dishonesty or deceit, including entering into a diversion agreement in lieu of further criminal proceedings for such crime;
 - (4) a finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty or deceit;
 - (5) failure by the notary public to discharge any duty required of a notary public, whether by this act, rules and regulations of the secretary of state or any federal or state law;
 - (6) use of false or misleading advertising or representation by the notary public representing that the notary has a duty, right or privilege that the notary does not have;
 - (7) violation by the notary public of a rule and regulation of the secretary of state regarding a notary public;
 - (8) denial, refusal to renew, revocation, suspension or conditioning of a notary public commission in another state;
 - (9) failure of the notary public to maintain an assurance as provided in K.S.A. 2023 Supp. 53-5a22(d), and amendments thereto;
 - (10) denial, revocation or suspension of a professional license, if such denial, revocation or suspension was for fraud, dishonesty, deceit or any cause substantially relating to the duties or responsibilities of a notary public;
 - (11) cessation of United States citizenship;
 - (12) incapacitation to such a degree that the person is incapable of reading or writing the English language;
 - (13) violation of K.S.A. 2023 Supp. 53-5a25(b), (c) or (d), and amendments thereto;
- or
- (14) violation of K.S.A. 2023 Supp. 53-5a25(a), (e), (f), (g) or (h), and amendments thereto.

(b) An individual whose commission as a notary public has been revoked for a reason described in subsections (a)(1) through (a)(13) may not apply for a new commission until the expiration of four years from the date of such revocation. An individual whose commission as a notary public has been revoked for the reason described in subsection (a)(14) may not apply for or receive a new commission for such individual's lifetime.

(c) The authority of the secretary of state to deny, refuse to renew, suspend, revoke or impose conditions on a commission as a notary public does not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.

(d) This section shall take effect on and after January 1, 2022.

History: L. 2021, ch. 64, § 24; July 1.