

SENATE BILL No. 143

By Committee on Financial Institutions and Insurance

2-2

1 AN ACT concerning notaries public; relating to notary errors; pertaining to
2 powers of the secretary of state; requiring a training and education
3 program; amending K.S.A. 53-102 and K.S.A. 2016 Supp. 53-118 and
4 repealing the existing sections.

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6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) The secretary of state shall develop, create and
8 administer a notary public education course. Such course may be
9 administered online via the internet or through in-person classes. Proof of
10 successful completion of such course shall be a requirement for any person
11 seeking appointment as a notary public.

12 (b) The secretary of state shall adopt any rules and regulations
13 necessary to administer the provisions of this section.

14 Sec. 2. K.S.A. 53-102 is hereby amended to read as follows: 53-102.
15 (a) Every person, before entering upon the duties of a notary public, shall
16 file with the secretary of state: (1) An application for appointment as a
17 notary public, ~~which~~ *that* shall also include an oath of office ~~and~~; (2) a
18 good and sufficient bond to the state of Kansas in the sum of \$7,500, with
19 one or more sureties to be approved by the secretary of state; *and (3) proof*
20 *of successful completion of a notary public education course.* The bond
21 shall be conditioned upon the faithful performance of all notarial acts in
22 accordance with law.

23 (b) Every person, before receiving appointment as a notary public,
24 shall also file with the secretary of state the official signature and an
25 impression of the seal to be used by the notary public.

26 Sec. 3. K.S.A. 2016 Supp. 53-118 is hereby amended to read as
27 follows: 53-118. (a) The secretary of state may refuse to appoint any
28 person as a notary public or may revoke the appointment of any notary
29 public upon any of the following grounds:

30 (1) Substantial or material misstatement or omission in the
31 application submitted to the secretary of state;

32 (2) conviction of a felony or of a lesser offense involving moral
33 turpitude or of a nature incompatible with the duties of a notary public. A
34 conviction after a plea of nolo contendere is deemed to be a conviction
35 within the meaning of this subsection;

36 (3) revocation, suspension or denial of a professional license, if such

1 revocation, suspension or denial was for misconduct, dishonesty or any
2 cause substantially relating to the duties or responsibilities of a notary
3 public;

4 (4) cessation of United States citizenship;

5 (5) incapacitation to such a degree that the person is incapable of
6 reading or writing the English language;

7 (6) failure to exercise the powers and duties of a notary public in
8 accordance with this act; ~~or~~

9 (7) *incompetence in the performance of the powers and duties of a*
10 *notary public demonstrated by three verified reports made to the secretary*
11 *of state of errors or infractions committed in the performance of the*
12 *powers and duties of the notary public within a 12-month period; or*

13 ~~(7)~~ (8) violation of K.S.A. 2016 Supp. 53-121, and amendments
14 thereto.

15 (b) (1) *A notary public who has received written notification from the*
16 *secretary of state that the notary public had three reports made to the*
17 *secretary of state of errors or infractions committed in the performance of*
18 *such notary public's powers and duties shall be required to: (A)*
19 *Immediately cease the performance of all powers and duties of a notary*
20 *public; and (B) retake the notary public education course and submit*
21 *proof of successful completion to the secretary of state. Failure or refusal*
22 *of the notary public to successfully complete the notary public education*
23 *course shall result in revocation of the notary public's appointment.*

24 (2) Any person whose notary public appointment has been removed
25 pursuant to subsection (a)(1) through (a)~~(6)~~(7) may not apply for an
26 appointment until the expiration of four years from the date of removal of
27 such appointment. Any person whose notary public appointment has been
28 removed pursuant to subsection (a)~~(7)~~(8) may not apply or receive an
29 appointment for such person's lifetime.

30 (3) *The secretary of state shall adopt any rules and regulations*
31 *necessary to administer the provisions of this section.*

32 Sec. 4. K.S.A. 53-102 and K.S.A. 2016 Supp. 53-118 are hereby
33 repealed.

34 Sec. 5. This act shall take effect and be in force on and after January
35 1, 2018, and its publication in the statute book.