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

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

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

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

Sec. 2. K.S.A. 53-102 is hereby amended to read as follows: 53-102.

(a) Every person, before entering upon the duties of a notary public, shall
file with the secretary of state:

1. An application for appointment as a
notary public, which
shall also include an oath of office
and
2. a
good and sufficient bond to the state of Kansas in the sum of $7,500, with
one or more sureties to be approved by the secretary of state;

3. proof
of successful completion of a notary public education course. The bond
shall be conditioned upon the faithful performance of all notarial acts in
accordance with law.

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

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

1. Substantial or material misstatement or omission in the
application submitted to the secretary of state;

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

3. revocation, suspension or denial of a professional license, if such
revocation, suspension or denial was for misconduct, dishonesty or any cause substantially relating to the duties or responsibilities of a notary public;

(4) cessation of United States citizenship;

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

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

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

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

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

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

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

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

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