



**House
Legislative
Analysis
Section**

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NOTARY PUBLIC

**House Bills 5004 and 5005
Sponsor: Rep. Ilona Varga
Committee: Regulatory Affairs**

Complete to 10-25-95

A SUMMARY OF HOUSE BILLS 5004 AND 5005 AS INTRODUCED 9-12-95

The bills would make several changes to the laws regulating notaries public, such as allowing a notary public to sign for another person under certain circumstances and to set the fee for a notary public's service into statute. Specifically, the bills would do the following:

House Bill 5004. According to the Uniform Recognition of Acknowledgments Act (MCL 565.262), notaries public are required to have "satisfactory evidence" that a person having a document notarized is the person who is described in and executed the document. The bill would add a definition for the term "satisfactory evidence" to the act. "Satisfactory evidence" would be defined as "evidence upon which reliance is placed" on "the sworn word of a credible witness who is personally known to the notary public and who personally knows the signer" or a current state- or federally-issued picture identification card that contains the bearer's signature (such as a driver's license or passport).

House Bill 5005. The bill would amend a chapter of the Revised Statutes of 1846 entitled "Of County Officers" (MCL 55.113 et al.) to allow a notary public to sign the name of a person who, because of his or her physical condition, is unable to sign or mark a document that has been submitted for notarization as long as 1) the notary public was verbally directed to do so by the person and, 2) that the notary public inscribed "signature affixed pursuant to section 55.113(2) of the Michigan Compiled Laws" underneath the signature.

In addition, a notary public would be required, for each notarial act, to make a record of the signature, printed name, and address of each person whose signature was notarized and of each witness; the type of identification presented; the type, date, and time of day of a notarial act; and the title or type and date of a document or proceeding. The bill would also set the fee for a notary public's service at \$2.00 or less for each service performed.

Currently, if a notary public dies, an executor or administrator must deposit the notary public's records with the county clerk's office within three months of being appointed, or face a civil fine. The bill would delete the reference to an executor or administrator and replace it with a "personal representative" of a deceased notary public.

House Bills 5004 and 5005 (10-25-95)