



HOUSE BILL No. 5005

September 12, 1995, Introduced by Rep. Varga and referred to the Committee on Regulatory Affairs.

A bill to amend sections 113, 114, and 117 of chapter 14 of the Revised Statutes of 1846, entitled "Of county officers," being sections 55.113, 55.114, and 55.117 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 113, 114, and 117 of chapter 14 of the
2 Revised Statutes of 1846, being sections 55.113, 55.114, and
3 55.117 of the Michigan Compiled Laws, are amended to read as
4 follows:

5 Sec. 113. (1) In ~~all~~ the courts of this state, the cer-
6 tificate of a notary public OF OFFICIAL ACTS PERFORMED IN THE
7 CAPACITY OF NOTARY PUBLIC, under ~~his hand and~~ THE seal of
8 office, ~~of official acts done by him as such notary, shall be~~
9 ~~received as~~ IS presumptive evidence of the facts contained in

1 ~~such~~ THE certificate, ~~but such~~ EXCEPT THAT THE certificate
 2 ~~shall~~ IS not ~~be~~ evidence of notice of ~~non-acceptance or~~
 3 ~~non-payment~~ NONACCEPTANCE OR NONPAYMENT in any case in which a
 4 defendant ~~shall annex~~ ATTACHES to his ~~plea,~~ OR HER PLEADINGS
 5 an affidavit denying the fact of having received ~~such~~ THAT
 6 notice OF NONACCEPTANCE OR NONPAYMENT.

7 (2) A NOTARY PUBLIC MAY SIGN THE NAME OF A PERSON WHOSE
 8 PHYSICAL CHARACTERISTICS LIMIT HIS OR HER CAPACITY TO SIGN OR
 9 MAKE A MARK ON A DOCUMENT PRESENTED FOR NOTARIZATION UNDER THE
 10 FOLLOWING CIRCUMSTANCES:

11 (A) THE NOTARY PUBLIC IS VERBALLY DIRECTED TO DO SO BY THAT
 12 PERSON.

13 (B) THE NOTARY PUBLIC INSCRIBES BENEATH THE SIGNATURE:
 14 "SIGNATURE AFFIXED PURSUANT TO SECTION 55.113(2) OF THE MICHIGAN
 15 COMPILED LAWS."

16 Sec. 114. (1) FOR EACH NOTARIAL ACT, A NOTARY PUBLIC SHALL
 17 MAKE A RECORD OF THE FOLLOWING:

18 (A) THE SIGNATURE, PRINTED NAME, AND ADDRESS OF EACH PERSON
 19 WHOSE SIGNATURE IS NOTARIZED AND OF EACH PERSON WHO WITNESSES THE
 20 SIGNATURE.

21 (B) THE METHOD OF IDENTIFICATION OF EACH SIGNER.

22 (C) THE TYPE, DATE, AND TIME OF DAY OF THE NOTARIAL ACT.

23 (D) THE TITLE OR TYPE AND DATE OF THE DOCUMENT OR
 24 PROCEEDING.

25 (2) ~~Whenever~~ IF the office of any notary public ~~shall~~
 26 ~~become~~ BECOMES vacant, the records of ~~such~~ THAT notary PUBLIC
 27 and all the papers relating to his OR HER office ~~—~~ shall be

1 deposited in the office of the clerk of the proper county. →

2 ~~and any~~

3 (3) A notary PUBLIC who, ~~on~~ UPON his OR HER resignation or
 4 removal from office, ~~shall neglect for the space of 3 months~~
 5 NEGLECTS to deposit WITHIN 3 MONTHS AFTER RESIGNATION OR REMOVAL
 6 such records and papers, and ~~any executor or administrator~~ A
 7 PERSONAL REPRESENTATIVE of ~~any~~ A deceased notary public → who
 8 ~~shall neglect for the space of~~ NEGLECTS TO DEPOSIT SUCH RECORDS
 9 AND PAPERS WITHIN 3 months after his OR HER appointment → to
 10 ~~deposit with said clerk all such records and papers as shall come~~
 11 ~~to his hands, shall forfeit and pay a sum not less than 50 dol-~~
 12 ~~lars, nor more than 200 dollars~~ AS THOSE RECORDS AND PAPERS ARE
 13 DISCOVERED OR COME INTO HIS OR HER POSSESSION, IS LIABLE FOR A
 14 CIVIL FINE OF NOT LESS THAN \$50.00 OR MORE THAN \$200.00.

15 Sec. 117. (1) ~~Notaries~~ A NOTARY public shall reside in
 16 the county for which ~~they are~~ HE OR SHE IS appointed →, ~~but~~
 17 ~~they~~ AND may act as ~~such notaries~~ A NOTARY PUBLIC in any part
 18 of this state. →, ~~and they~~

19 (2) A NOTARY PUBLIC shall receive for ~~their~~ HIS OR HER
 20 services ~~such fees as are provided by law~~ IN NOTARIZING AN
 21 ACKNOWLEDGMENT OR JURAT NOT MORE THAN \$2.00 PER ACKNOWLEDGMENT OR
 22 JURAT.

23 Section 2. This amendatory act shall not take effect unless
 24 Senate Bill No. _____ or House Bill No. 5004 (request
 25 no. 04963'95 a) of the 88th Legislature is enacted into law.