

HOUSE BILL No. 4142

January 29, 1997, Introduced by Rep. Varga and referred to the Committee on Regulatory Affairs.

A bill to amend 1846 RS 14, entitled
"Of county officers,"
by amending sections 113, 114, and 117 (MCL 55.113, 55.114, and 55.117).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 113. (1) In ~~all~~ the courts of this state, the cer-
2 tificate of a notary public OF OFFICIAL ACTS PERFORMED IN THE
3 CAPACITY OF NOTARY PUBLIC, under ~~his hand and~~ THE seal of
4 office, ~~of official acts done by him as such notary, shall be~~
5 ~~received as~~ IS presumptive evidence of the facts contained in
6 ~~such~~ THE certificate, ~~but such~~ EXCEPT THAT THE certificate
7 ~~shall~~ IS not ~~be~~ evidence of notice of ~~non-acceptance or~~
8 ~~non-payment~~ NONACCEPTANCE OR NONPAYMENT in any case in which a
9 defendant ~~shall annex~~ ATTACHES to his ~~plea,~~ OR HER PLEADINGS

1 an affidavit denying the fact of having received ~~such~~ THAT
2 notice OF NONACCEPTANCE OR NONPAYMENT.

3 (2) A NOTARY PUBLIC MAY SIGN THE NAME OF A PERSON WHOSE
4 PHYSICAL CHARACTERISTICS LIMIT HIS OR HER CAPACITY TO SIGN OR
5 MAKE A MARK ON A DOCUMENT PRESENTED FOR NOTARIZATION UNDER ALL OF
6 THE FOLLOWING CIRCUMSTANCES:

7 (A) THE NOTARY PUBLIC IS ORALLY, VERBALLY, OR THROUGH ELEC-
8 TRONIC OR MECHANICAL MEANS PROVIDED BY THE PERSON DIRECTED TO DO
9 SO BY THAT PERSON.

10 (B) THE PERSON IS IN THE PHYSICAL PRESENCE OF THE NOTARY
11 PUBLIC.

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

15 Sec. 114. (1) ~~Whenever~~ IF the office of any notary public
16 ~~shall become~~ BECOMES vacant, the records of ~~such~~ THAT notary
17 PUBLIC and all the papers relating to his OR HER office ~~,~~ shall
18 be deposited in the office of the clerk of the proper county. ~~→~~
19 ~~and any~~

20 (2) A notary PUBLIC who, ~~on~~ UPON his OR HER resignation or
21 removal from office, ~~shall neglect for the space of 3 months~~
22 NEGLECTS to deposit WITHIN 3 MONTHS AFTER RESIGNATION OR REMOVAL
23 such records and papers, and ~~any executor or administrator~~ A
24 PERSONAL REPRESENTATIVE of ~~any~~ A deceased notary public ~~,~~ who
25 ~~shall neglect for the space of~~ NEGLECTS TO DEPOSIT SUCH RECORDS
26 AND PAPERS WITHIN 3 months after his OR HER appointment ~~,~~ to
27 ~~deposit with said clerk all such records and papers as shall come~~

1 ~~to his hands, shall forfeit and pay a sum not less than 50~~
2 ~~dollars, nor more than 200 dollars~~ AS THOSE RECORDS AND PAPERS
3 ARE DISCOVERED OR COME INTO HIS OR HER POSSESSION, IS LIABLE FOR
4 A CIVIL FINE OF NOT LESS THAN \$50.00 OR MORE THAN \$200.00.

5 Sec. 117. (1) ~~Notaries~~ A NOTARY public shall reside in
6 the county for which ~~they are~~ HE OR SHE IS appointed ~~, but~~
7 ~~they~~ AND may act as ~~such notaries~~ A NOTARY PUBLIC in any part
8 of this state. ~~;/ and they~~

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

13 Enacting section 1. This amendatory act does not take
14 effect unless Senate Bill No. _____ or House Bill No. _____
15 (request no. 01793'97 a) of the 89th Legislature is enacted into
16 law.