

Act No. 4
Public Acts of 1997
Approved by the Governor
May 2, 1997
Filed with the Secretary of State
May 5, 1997

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1997

Introduced by Rep. Varga

Reps. Bodem, Brackenridge, Brater, Callahan, Cassis, DeHart, DeVuyst, Dobb, Gagliardi, Geiger, Gire, Goschka, Hammerstrom, Jansen, Jelinek, Kelly, Law, Leland, Llewellyn, Mans, McBryde, Murphy, Parks, Perricone, Richner, Schroer, Scott, Scranton, Vaughn and Voorhees named co-sponsors

ENROLLED HOUSE BILL No. 4142

AN ACT 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:

Sec. 113. (1) In the courts of this state, the certificate of a notary public of official acts performed in the capacity of notary public, under the seal of office, is presumptive evidence of the facts contained in the certificate, except that the certificate is not evidence of notice of nonacceptance or nonpayment in any case in which a defendant attaches to his or her pleadings an affidavit denying the fact of having received that notice of nonacceptance or nonpayment.

(2) A notary public may sign the name of a person whose physical characteristics limit his or her capacity to sign or make a mark on a document presented for notarization if all of the following circumstances exist:

(a) The notary public is orally, verbally, or through electronic or mechanical means provided by the person directed to do so by that person.

(b) The person is in the physical presence of the notary public.

(c) The notary public inscribes beneath the signature: "signature affixed pursuant to section 55.113(2) of the Michigan Compiled Laws."

Sec. 114. (1) If the office of any notary public becomes vacant, the records of that notary public and all the papers relating to his or her office shall be deposited in the office of the clerk of the proper county.

(2) A notary public who, upon his or her resignation or removal from office, neglects to deposit within 3 months after resignation or removal such records and papers, and a personal representative of a deceased notary public who neglects to deposit such records and papers within 3 months after his or her appointment as those records and papers are discovered or come into his or her possession, is liable for a civil fine of not less than \$50.00 or more than \$200.00.

Sec. 117. (1) A notary public shall reside in the county for which he or she is appointed and may act as a notary public in any part of this state.

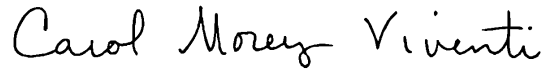
(2) A notary public shall receive for his or her services in notarizing an acknowledgment or jurat not more than \$2.00 per acknowledgment or jurat.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4143 of the 89th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved -----

Governor.