

Legislative Analysis



NOTARY AMENDMENTS

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Senate Bill 908 (Substitute H-1)

Sponsor: Sen. Bev Hammerstrom

House Committee: Local Government and Urban Policy

Senate Committee: Local, Urban and State Affairs

Complete to 5-4-05

A SUMMARY OF SENATE BILL 908 (H-1) AS REPORTED BY HOUSE COMMITTEE

Senate Bill 908 amends the Michigan Notary Public Act (MCL 55.287 and 307) in the following ways.

** On each record for which a notary public performs a "notarial act," the notary public must list both the county in which he or she is commissioned and the county in which the notarial act is being performed. (A notary public can perform a notarial act anywhere in the state but is officially commissioned in one county.) The bill would no longer require filling out the line on the form indicating where the notarial act was being performed if the notarial act was being performed in the home county.

** The record would also have to contain the date the notarial act was performed.

** Information on the record currently must be printed, typed, stamped, or otherwise imprinted mechanically or electronically "clearly and legibly." The bill, instead, would require information to be "sufficiently clear and legible to be read" by the Secretary of State.

** Currently, the act allows a court to invalidate any document not notarized in compliance with [the] act. The bill would, instead, say that the court could invalidate any notarial act not performed in compliance with the act.

** Section 29 of the act would be repealed. That section allows the use of a plain English notary form.

FISCAL IMPACT:

There is no fiscal impact on the State of Michigan or its local units of government.

POSITIONS:

Among those who indicated support for the bill to the House Committee on Local Government and Urban Policy were: The Department of State; the Michigan Association of County Clerks; and the Michigan Bankers Association

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Fiscal Analyst: Richard Child

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.