

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 908

A bill to amend 2003 PA 238, entitled
"Michigan notary public act,"
by amending sections 27 and 47 (MCL 55.287 and 55.307); and to
repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 27. (1) A notary public shall place his or her signature
2 on every record upon which he or she performs a notarial act. The
3 notary public shall sign his or her name exactly as his or her name
4 appears on his or her **APPLICATION FOR COMMISSION AS A** notary
5 public. ~~certificate of appointment received from the secretary.~~
6 (2) On each record that a notary public performs a notarial
7 act and immediately near the notary public's signature, as is
8 practical, the notary public shall print, type, stamp, or otherwise
9 imprint mechanically or electronically ~~clearly and legibly~~

1 **SUFFICIENTLY CLEAR AND LEGIBLE TO BE READ BY THE SECRETARY** and in a
 2 manner capable of photographic reproduction all of the following **IN**
 3 **THIS FORMAT OR IN A SIMILAR FORMAT THAT CONVEYS ALL OF THE SAME**
 4 **INFORMATION:**

5 (a) The name of the notary public exactly as it appears on his
 6 or her **APPLICATION FOR COMMISSION AS A** notary public. ~~certificate~~
 7 ~~of appointment.~~

8 (b) The statement: "Notary public, State of Michigan, County
 9 of _____."

10 (c) The statement: "My commission expires _____."

11 (d) ~~The~~ **IF PERFORMING A NOTARIAL ACT IN A COUNTY OTHER THAN**
 12 **THE COUNTY OF COMMISSION, THE** statement: "Acting in the County of
 13 _____."

14 **(E) THE DATE THE NOTARIAL ACT WAS PERFORMED.**

15 (3) A notary public may use a stamp, seal, or electronic
 16 process that contains ~~—at a minimum—~~ all of the information
 17 required by subsection (2). However, the **STAMP**, seal, or **ELECTRONIC**
 18 process shall not be used in a manner that renders anything
 19 illegible on the record being notarized. An embosser alone or any
 20 other method that cannot be reproduced shall not be used.

21 (4) The illegibility of the statements required in subsection
 22 (2) does not affect the validity of the transaction or record that
 23 was notarized.

24 Sec. 47. (1) Subject to subsection (2) and in the courts of
 25 this state, the certificate of a notary public of official acts
 26 performed in the capacity of a notary public, under the seal of
 27 office, is presumptive evidence of the facts contained in the

1 certificate except that the certificate is not evidence of a notice
2 of nonacceptance or nonpayment in any case in which a defendant
3 attaches to his or her pleadings an affidavit denying the fact of
4 having received that notice of nonacceptance or nonpayment.

5 (2) Notwithstanding subsection (1), the court may invalidate
6 any ~~document not notarized~~ **NOTARIAL ACT NOT PERFORMED** in
7 compliance with this act.

8 Enacting section 1. Section 29 of the Michigan notary public
9 act, 2003 PA 238, MCL 55.289, is repealed.