

HOUSE BILL NO. 4548

May 11, 2023, Introduced by Reps. Young, Dievendorf, MacDonell, Churches, Grant, Pohutsky, Morse, Skaggs, Meerman, Scott, Brenda Carter, Neeley, O'Neal and Aiyash and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 2003 PA 238, entitled
"Michigan law on notarial acts,"
by amending section 25 (MCL 55.285), as amended by 2018 PA 330.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 25. (1) A notary public may perform notarial acts that
2 include, but are not limited to, the following:
3 (a) Taking acknowledgments.
4 (b) Administering oaths and affirmations.
5 (c) Witnessing or attesting to a signature.
6 (2) In taking an acknowledgment, the notary public shall

1 determine, either from personal knowledge or from satisfactory
2 evidence, that the individual in the presence of the notary public
3 and making the acknowledgment is the individual whose signature is
4 on the record.

5 (3) In taking a verification upon oath or affirmation, the
6 notary public shall determine, either from personal knowledge or
7 from satisfactory evidence, that the individual in the presence of
8 the notary public and making the verification is the individual
9 whose signature is on the record being verified.

10 (4) In witnessing or attesting to a signature, the notary
11 public shall determine, either from personal knowledge or from
12 satisfactory evidence, that the signature is that of the individual
13 in the presence of the notary public and is the individual named in
14 the record.

15 (5) In all matters where the notary public takes a
16 verification upon oath or affirmation, or witnesses or attests to a
17 signature, the notary public shall require that the individual sign
18 the record being verified, witnessed, or attested in the presence
19 of the notary public.

20 (6) A notary public has satisfactory evidence that an
21 individual is the individual whose signature is on a record if that
22 individual is any of the following:

23 (a) Personally known to the notary public.

24 (b) Identified upon the oath or affirmation of a credible
25 witness personally known by the notary public and who personally
26 knows the individual.

27 (c) Identified on the basis of a current license,
28 identification card, or record issued by a federal or state
29 government that contains the individual's photograph and signature.

1 (d) With regard to a notarial act performed under section 26b,
2 identified and verified through an identity proofing process or
3 service that is part of a remote electronic notarization platform
4 approved under section 26b(1), and the person presents an identity
5 document described in subdivision (c) that is verified through a
6 credential analysis process or service that is part of a remote
7 electronic notarization platform approved under section 26b(1).

8 (7) ~~The~~ **Except as otherwise provided in this subsection, the**
9 fee charged by a notary public for performing a notarial act ~~shall~~
10 **must** not be more than \$10.00 for any individual transaction or
11 notarial act. **A notary public may charge an additional technology**
12 **fee for performing a notarial act using a remote electronic**
13 **notarization platform under section 26b if the notary public and**
14 **the individual who requests the notarial act agree on the**
15 **additional fee before the notarial act is performed and the notary**
16 **public explains to the individual that the technology fee is**
17 **separate from any notarial fee and is not specified or mandated by**
18 **law.** A notary public shall either conspicuously display a sign or
19 expressly advise an individual concerning the fee amount to be
20 charged for a notarial act before the notary public performs the
21 act. Before the notary public commences to travel in order to
22 perform a notarial act, the notary public and client may agree
23 concerning a separate travel fee to be charged by the notary public
24 for traveling to perform the notarial act.

25 (8) A notary public may refuse to perform a notarial act.

26 (9) The secretary shall prescribe the form that a notary
27 public shall use for a jurat, the taking of an acknowledgment, the
28 administering of an oath or affirmation, the taking of a
29 verification upon an oath or affirmation, the witnessing or

1 attesting to a signature, or any other act that a notary public is
2 authorized to perform in this state.

3 (10) A county clerk may collect a processing fee of \$10.00 for
4 certifying a notarial act of a notary public.