



HOUSE BILL No. 5575

February 13, 1996, Introduced by Rep. Brackenridge and referred to the Committee on Local Government.

A bill to amend sections 107 and 109 of chapter 14 of the Revised Statutes of 1846, entitled "Of county officers," section 107 as amended by Act No. 96 of the Public Acts of 1993 and section 109 as amended by Act No. 301 of the Public Acts of 1984, being sections 55.107 and 55.109 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 107 and 109 of chapter 14 of the
2 Revised Statutes of 1846, section 107 as amended by Act No. 96 of
3 the Public Acts of 1993 and section 109 as amended by Act No. 301
4 of the Public Acts of 1984, being sections 55.107 and 55.109 of
5 the Michigan Compiled Laws, are amended to read as follows:

6 Sec. 107. (1) The secretary of state may appoint 1 or more
7 individuals notaries public in each county of this state. ~~, who~~

1 NOTARIES PUBLIC shall hold their offices from the date of their
2 appointment until their birthday occurring not less than 4 years
3 or more than 5 years after the date of their appointment, unless
4 sooner removed by the secretary or state.

5 (2) ~~In order to~~ TO receive an appointment, an individual
6 shall be, at the time of application, 18 years of age, a resident
7 of the county of which he or she desires to be appointed notary
8 public, and a citizen of this state.

9 (3) The individual desiring to be appointed shall submit a
10 written application on a form distributed by the county clerk of
11 each county, stating the age of the applicant. The application
12 shall be indorsed by a member of the legislature or a circuit or
13 probate judge of the county, district, or circuit of which the
14 applicant is a resident, and be presented to the secretary of
15 state, accompanied by a fee of ~~\$3.00~~ \$5.00. The application
16 form shall not be indorsed in blank before completion and signa-
17 ture by the applicant.

18 (4) The secretary of state may revoke a commission issued to
19 a notary public upon presentation to him or her of satisfactory
20 evidence of official misconduct or incapacity. The secretary of
21 state shall revoke the commission issued to a notary public upon
22 presentation to him or her of satisfactory evidence of the nota-
23 rization of a paper or document before completion by the person
24 whose signature is notarized. The secretary of state shall
25 deposit fees collected pursuant to this section in the state
26 treasury to the credit of the general fund.

1 (5) A notary public whose name has been changed pursuant to
2 law after the issuance of a commission shall continue to use the
3 name set forth in the commission for all purposes authorized
4 under the commission until the expiration of the commission.

5 Sec. 109. (1) Before performing the duties of office and
6 within 90 days after receiving notice of appointment from the
7 county clerk, a person appointed as a notary public shall take
8 and file with the county clerk the oath prescribed by the
9 constitution. The county clerk shall file the oath thus taken in
10 the clerk's office and, on the last day of December, March, June,
11 and September in each year, shall transmit to the secretary of
12 state a written list containing the names of all persons to whom,
13 during each preceding quarter, the county clerk has delivered
14 commissions, the date of filing their oaths and bonds, and their
15 respective addresses with the clerk's certificate that such per-
16 sons have fully complied with the provisions of law in regard to
17 their qualification for the discharge of the duties of the office
18 of notary public.

19 (2) The county clerk, for all services required by this act,
20 shall be entitled to receive ~~the sum of \$1.00~~ A FEE OF \$10.00
21 from each person qualifying. THE COUNTY CLERK SHALL PAY THE FEE
22 INTO THE GENERAL FUND OF THE COUNTY. THE COUNTY BOARD OF COMMIS-
23 SIONERS SHALL ALLOCATE \$9.00 OF THE FEE FOR UPGRADING TECHNOLOGY
24 IN THE COUNTY CLERK'S OFFICE. A charter county with a population
25 of more than 2,000,000 may impose by ordinance a fee for the
26 county clerk's services different in amount than the fee
27 prescribed by this subsection. A charter county shall not impose

1 a fee which is greater than the cost of the service for which the
2 fee is charged.

3 (3) If the county clerk of any county is appointed to the
4 office of notary public, the oath of office required by the con-
5 stitution shall be filed with the judge of probate of that
6 county.