

HOUSE BILL No. 4809

June 17, 1999, Introduced by Rep. Kowall and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1846 RS 14, entitled
"Of county officers,"
by amending section 107 (MCL 55.107), as amended by 1997 PA 60.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 107. (1) The secretary of state may appoint 1 or more
2 individuals notaries public in each county of this state, who
3 shall hold their offices from the date of their appointment until
4 their birthday occurring not less than 4 years or more than 5
5 years after the date of their appointment, unless sooner removed
6 by the secretary of state.

7 (2) In order to receive an appointment, an individual shall
8 be, at the time of application, at least 18 years of age, a resi-
9 dent of the county of which he or she desires to be appointed
10 notary public, and a citizen of this state. In the case of a
11 person who does not reside in the state of Michigan, an

1 application for appointment as a notary public shall demonstrate
2 that his or her principal place of business is located in the
3 county in which he or she requests appointment and shall indicate
4 that he or she is engaged in an activity in which he or she is
5 likely to be required to perform notarial acts as that term is
6 defined in section 2 of 1969 PA 57, MCL 565.262. A PERSON WHO IS
7 SERVING A TERM OF IMPRISONMENT IN A STATE CORRECTIONAL FACILITY
8 OR JAIL IN THIS OR ANY OTHER STATE, OR IN A FEDERAL CORRECTIONAL
9 FACILITY, SHALL NOT BE APPOINTED AS A NOTARY PUBLIC.

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

19 (4) The secretary of state may revoke a commission issued to
20 a notary public upon presentation to him or her of satisfactory
21 evidence of official misconduct or incapacity. The secretary of
22 state shall revoke the commission issued to a notary public upon
23 presentation to him or her of satisfactory evidence of the nota-
24 rization of a paper or document before completion by the person
25 whose signature is notarized. IF A PERSON HOLDING OFFICE AS A
26 NOTARY PUBLIC IS SENTENCED TO A TERM OF IMPRISONMENT IN A STATE
27 CORRECTIONAL FACILITY OR JAIL IN THIS OR ANY OTHER STATE, OR IN A

1 FEDERAL CORRECTIONAL FACILITY, THAT PERSON'S COMMISSION AS A
2 NOTARY PUBLIC IS REVOKED AUTOMATICALLY ON THE DAY ON WHICH THE
3 PERSON BEGINS SERVING THE SENTENCE IN THE JAIL OR CORRECTIONAL
4 FACILITY.

5 (5) The secretary of state shall deposit fees collected pur-
6 suant to this section in the state treasury to the credit of the
7 general fund.

8 (6) ~~(5)~~ A notary public whose name has been changed pursu-
9 ant to law after the issuance of a commission shall continue to
10 use the name set forth in the commission for all purposes autho-
11 rized under the commission until the expiration of the
12 commission.