

# HOUSE BILL No. 6216

September 22, 2004, Introduced by Rep. Ward and referred to the Committee on Local Government and Urban Policy.

A bill to amend 2003 PA 238, entitled  
"Michigan notary public act,"  
by amending section 31 (MCL 55.291).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 31. (1) A notary public shall not certify or notarize  
2 that a record is either of the following:  
3       (a) An original.  
4       (b) A true copy of another record.  
5       (2) A notary public shall not do any of the following:  
6       (a) Perform a notarial act upon any record executed by  
7 himself or herself.  
8       (b) Notarize his or her own signature.  
9       (c) Take his or her own deposition or affidavit.  
10       (3) A notary public shall not claim to have powers,  
11 qualifications, rights, or privileges that the office of notary

1 does not provide, including the power to counsel on immigration  
2 matters.

3 (4) A notary public shall not, in any document,  
4 advertisement, stationery, letterhead, business card, or other  
5 comparable written material describing the role of the notary  
6 public, literally translate from English into another language  
7 terms or titles including, but not limited to, notary public,  
8 notary, licensed, attorney, lawyer, or any other term that  
9 implies the person is an attorney.

10 (5) A notary public who is not a licensed attorney and who  
11 advertises notarial services in a language other than English  
12 shall include in the document, advertisement, stationery,  
13 letterhead, business card, or other comparable written material  
14 the following, prominently displayed in the same language:

15 (a) The statement: "I am not an attorney and have no  
16 authority to give advice on immigration or other legal matters".

17 (b) The fees for notarial acts as specified by statute.

18 (6) A notary public may not use the term "notario publico" or  
19 any equivalent non-English term in any business card,  
20 advertisement, notice, or sign.

21 (7) A notary public shall not perform any notarial act in  
22 connection with a transaction if the notary public has a conflict  
23 of interest. As used in this subsection, "conflict of interest"  
24 means either or both of the following:

25 (a) The notary public has a direct financial or beneficial  
26 interest, other than the notary public fee, in the transaction.

27 (b) The notary public is named, individually, as a grantor,

1 grantee, mortgagor, mortgagee, trustor, trustee, beneficiary,  
2 vendor, vendee, lessor, or lessee or as a party in some other  
3 capacity to the transaction.

4 ~~(8) A notary public shall not perform a notarial act for a~~  
5 ~~spouse, domestic partner, descendant, or sibling including~~  
6 ~~in-laws, steps, or half-relatives.~~

7 (8) ~~-(9)-~~ A notary public shall not perform any notarial act  
8 on a record that contains a blank space.

9 (9) ~~-(10)-~~ A notary public who is a stockholder, director,  
10 officer, or employee of a bank or other corporation may take the  
11 acknowledgment of a party to a record executed to or by the  
12 corporation, or to administer an oath to any other stockholder,  
13 director, officer, employee, or agent of the corporation. A  
14 notary public shall not take the acknowledgment of a record by or  
15 to a bank or other corporation of which he or she is a  
16 stockholder, director, officer, or employee, under circumstances  
17 where the notary public is named as a party to the record, either  
18 individually or as a representative of the bank or other  
19 corporation and the notary public is individually a party to the  
20 record.

21 (10) ~~-(11)-~~ For purposes of subsection (7), a notary public  
22 has no direct financial or beneficial interest in a transaction  
23 where the notary public acts in the capacity of an agent,  
24 employee, insurer, attorney, escrow, or lender for a person  
25 having a direct financial or beneficial interest in the  
26 transaction.