

HOUSE BILL No. 5379

October 30, 2007, Introduced by Reps. Constan, Gonzales, Scott, Kathleen Law, Vagnozzi, Polidori and Dean and referred to the Committee on Regulatory Reform.

A bill to amend 2003 PA 238, entitled
"Michigan notary public act,"
by amending section 25 (MCL 55.285), as amended by 2006 PA 426.

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
7 determine, either from personal knowledge or from satisfactory
8 evidence, that the person in the presence of the notary public and
9 making the acknowledgment is the person whose signature is on the

1 record.

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

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

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

17 (6) A notary public has satisfactory evidence that a person is
18 the person whose signature is on a record if that person is any of
19 the following:

20 (a) Personally known to the notary public.

21 (b) Identified upon the oath or affirmation of a credible
22 witness personally known by the notary public and who personally
23 knows the person.

24 (c) Identified on the basis of a current license,
25 identification card, or record issued by a federal or state
26 government that contains the person's photograph and signature.

27 (7) The fee charged by a notary public for performing a

1 notarial act shall not be more than \$10.00 for any individual
2 transaction or notarial act. A notary public shall either
3 conspicuously display a sign or expressly advise a person
4 concerning the fee amount to be charged for a notarial act before
5 the notary public performs the act. Before the notary public
6 commences to travel in order to perform a notarial act, the notary
7 public and client may agree concerning a separate travel fee to be
8 charged by the notary public for traveling to perform the notarial
9 act.

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

11 (9) The secretary shall prescribe the form that a notary
12 public shall use for a jurat, the taking of an acknowledgment, the
13 administering of an oath or affirmation, the taking of a
14 verification upon an oath or affirmation, the witnessing or
15 attesting to a signature, or any other act that a notary public is
16 authorized to perform in this state.

17 (10) A NOTARY PUBLIC SHALL KEEP, MAINTAIN, AND PROTECT, UNDER
18 HIS OR HER EXCLUSIVE CONTROL, A CHRONOLOGICAL PAPER OR ELECTRONIC
19 OFFICIAL JOURNAL OF NOTARIAL ACTS. THE JOURNAL SHALL CONTAIN THE
20 FOLLOWING ENTRIES FOR EACH NOTARIAL ACT:

21 (A) THE DATE AND TIME OF THE NOTARIAL ACT.

22 (B) THE TYPE OF NOTARIAL ACT.

23 (C) THE TYPE, TITLE, OR DESCRIPTION AND DATE OF EVERY RECORD
24 NOTARIZED.

25 (D) THE NAME, ADDRESS, SIGNATURE, AND, IN THE CASE OF REAL
26 ESTATE RECORDS, THE RIGHT THUMBPRINT OF EACH PERSON WHOSE SIGNATURE
27 IS NOTARIZED.

1 (E) A DESCRIPTION OF THE SATISFACTORY EVIDENCE RELIED UPON TO
2 IDENTIFY EACH PERSON WHOSE SIGNATURE IS NOTARIZED, INCLUDING 1 OR
3 MORE OF THE FOLLOWING:

4 (i) A STATEMENT THAT THE PERSON IS "PERSONALLY KNOWN" TO THE
5 NOTARY.

6 (ii) A NOTATION OF THE TYPE OF IDENTIFICATION DOCUMENT, ITS
7 ISSUING AGENCY, ITS SERIAL OR IDENTIFICATION NUMBER, AND ITS DATE
8 OF ISSUANCE OR EXPIRATION.

9 (iii) THE NAME, ADDRESS, AND SIGNATURE OF ANY CREDIBLE WITNESS.

10 (F) THE FEE, IF ANY, CHARGED FOR THE NOTARIAL ACT.

11 (11) ~~(10)~~—A county clerk may collect a processing fee of
12 \$10.00 for certifying a notarial act of a notary public.