

MICHIGAN NOTARY PUBLIC ACT (EXCERPT)
Act 238 of 2003

***** 55.263.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 12, 2019 *****

55.263.amended Definitions; A to I.

Sec. 3. As used in this act:

(a) "Acknowledgment" means a declaration by an individual in the presence of a notary public that he or she has signed a record for the purposes stated in the record and, if the record is signed in a representative capacity, that he or she signed the record with the proper authority and signed it as the act of the person identified in the record.

(b) "Cancellation" means the nullification of a notary public commission due to an error or defect or because the notary public is no longer entitled to the commission.

(c) "Credential analysis" means a process or service by which a third party affirms the validity of an identity document described in section 25(6)(c) through a review of public and proprietary data sources conducted remotely.

(d) "Department" means the department of state.

(e) "Electronic" means relating to technology that has electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(f) "Electronic notarization system" means a set or system of applications, programs, hardware, software, or technologies designed to enable a notary public to perform electronic notarizations.

(g) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

(h) "Identity proofing" means a process or service by which a third party provides a notary public with a reasonable means to verify the identity of an individual through a review of personal information from public or proprietary data sources conducted remotely.

(i) "Information" includes data, text, images, sounds, codes, computer programs, software, and databases.

(j) "In a representative capacity" means any of the following:

(i) For and on behalf of a corporation, limited liability company, partnership, trust, association, or other legal entity as an authorized officer, manager, agent, partner, trustee, or other representative of the entity.

(ii) As a public officer, personal representative, guardian, or other representative in the capacity recited in the record.

(iii) As an attorney in fact for a principal.

(iv) In any other capacity as an authorized representative of another person.

(k) "In the presence of" means either of the following:

(i) In the same physical location with and close enough to see, hear, communicate with, and exchange tangible identification credentials with another individual.

(ii) Interacting with another individual by means of audio and visual communication technology that is part of a remote electronic notarization platform approved under section 26b.

History: 2003, Act 238, Eff. Apr. 1, 2004;—Am. 2018, Act 360, Eff. Mar. 12, 2019.