

MICHIGAN NOTARY PUBLIC ACT (EXCERPT)
Act 238 of 2003

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

55.265.amended Definitions; J to R.

Sec. 5. As used in this act:

(a) "Jurat" means a certification by a notary public that a signer, whose identity is personally known to the notary public or proven on the basis of satisfactory evidence, has made in the presence of the notary public a voluntary signature and taken an oath or affirmation vouching for the truthfulness of the signed record.

(b) "Lineal ancestor" means an individual who is in the direct line of ascent including, but not limited to, a parent or grandparent.

(c) "Lineal descendant" means an individual who is in the direct line of descent including, but not limited to, a child or grandchild.

(d) "Notarial act" means any of the following:

(i) An act, whether performed with respect to a tangible or electronic record, that a notary public commissioned in this state is authorized to perform including, but not limited to, taking an acknowledgment, administering an oath or affirmation, taking a verification upon oath or affirmation, or witnessing or attesting a signature performed in compliance with this act.

(ii) An act described in subparagraph (i) that is performed in another jurisdiction and meets the requirements of section 25a.

(e) "Notify" means to communicate or send a message by a recognized mail, delivery service, or electronic means.

(f) "Official misconduct" means 1 or more of the following:

(i) The exercise of power or the performance of a duty that is unauthorized, unlawful, abusive, negligent, reckless, or injurious.

(ii) The charging of a fee that exceeds the maximum amount authorized by law.

(g) "Person" means an individual or a corporation, business trust, statutory trust, estate, partnership, trust, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(h) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(i) "Remote electronic notarization platform" means any combination of technology that enables a notary public to perform a notarial act remotely; that allows the notary public to communicate by sight and sound with the individual for whom he or she is performing the notarial act, and witnesses, if applicable, by means of audio and visual communication; and that includes features to conduct credential analysis and identity proofing.

(j) "Revocation" means the termination of a notary public's commission to perform notarial acts.

History: 2003, Act 238, Eff. Apr. 1, 2004;—Am. 2006, Act 426, Imd. Eff. Oct. 5, 2006;—Am. 2018, Act 360, Eff. Mar. 12, 2019.