

HOUSE BILL No. 5809

March 19, 2002, Introduced by Rep. Mortimer and referred to the Committee on Regulatory Reform.

A bill to amend 1846 RS 14, entitled
"Of county officers,"
by amending section 107 (MCL 55.107), as amended by 2000 PA 116.

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 the uniform recognition of acknowledg-
7 ments act, 1969 PA 57, MCL 565.262. A person who is serving a
8 term of imprisonment in a state correctional facility or jail in
9 this or any other state, or in a federal correctional facility,
10 shall not be appointed as, or serve as, a notary public.

11 (3) The individual desiring to be appointed shall submit a
12 written application on a form distributed by the county clerk of
13 each county, stating the age of the applicant. The application
14 shall be indorsed by a member of the legislature or a circuit or
15 probate judge of the county, district, or circuit of which the
16 applicant is a resident, and be presented to the secretary of
17 state, accompanied by a fee of ~~-\$3.00-~~ \$8.00. The application
18 form shall not be indorsed in blank before completion and signa-
19 ture by the applicant.

20 (4) The secretary of state may revoke a commission issued to
21 a notary public upon presentation to him or her of satisfactory
22 evidence of official misconduct or incapacity. The secretary of
23 state shall revoke the commission issued to a notary public upon
24 presentation to him or her of satisfactory evidence of the nota-
25 rization of a paper or document before completion by the person
26 whose signature is notarized. If a person holding office as a
27 notary public is sentenced to a term of imprisonment in a state

1 correctional facility or jail in this or any other state, or in a
2 federal correctional facility, that person's commission as a
3 notary public is revoked automatically on the day on which the
4 person begins serving the sentence in the jail or correctional
5 facility.

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

9 (6) A notary public whose name has been changed pursuant to
10 law after the issuance of a commission shall continue to use the
11 name set forth in the commission for all purposes authorized
12 under the commission until the expiration of the commission.