

Legislative Analysis



REVISIONS TO NOTARY PUBLIC ACT

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House Bill 6197

Sponsor: Rep. Kevin Elsenheimer

Committee: Local Government and Urban Policy

Complete to 9-6-06

A SUMMARY OF HOUSE BILL 6197 AS INTRODUCED 6-14-06

The bill would make numerous editorial and technical revisions to the Michigan Notary Public Act (MCL 55.265 et al.). The proposed changes include the following:

- Define "lineal ancestor" to mean an individual in the direct line of ascent including, but not limited to, a parent or grandparent.
- Define "lineal descendant" to mean an individual in the direct line of descent including, but not limited to, a child or grandchild.
- In regards to the fee that must accompany an application for a certificate of appointment as a notary public, replace the term "service charge" with "processing fee."
- Specify that a processing or filing fee paid to the secretary of state or county clerk under the act would not be refundable.
- Require the county of the person's commission to be included on the certificate of appointment.
- Include in the list of persons for which a notary public is prohibited from performing a notarial act a lineal ancestor and lineal descendant.
- Delete the prohibition on a notary public from performing a notarial act on a record containing a blank space.
- Clarify that it is a validated copy of the filing of the bond and oath certificate received from the county clerk that must be included with an application for appointment as a notary public.
- Clarify that the application for appointment must contain a statement describing the date and circumstances of any felony or misdemeanor conviction within the preceding ten years.
- Currently, the secretary of state is permitted to inspect his or her notary public records, contracts, or other information pertaining to the official acts of a notary public. The bill would specify that this is permitted if those records, contracts, or other information was maintained by the notary public.
- Currently, a person or the personal representative of a person who is deceased who performed a notarial act while commissioned as a notary public must maintain all the records of the that notarial act for at least five years. The bill would apply the record keeping requirement to both persons who performed a notarial act and created a record of the act performed.

FISCAL IMPACT:

The bill would have no fiscal impact.

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