

SENATE BILL No. 960

October 28, 2009, Introduced by Senators GEORGE, BIRKHOLZ, BASHAM, KAHN, PAPPAGEORGE and HARDIMAN and referred to the Committee on Judiciary.

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
10 record.

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

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

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

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

19 (a) Personally known to the notary public.

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

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

26 **(7) A NOTARY PUBLIC SHALL NOT PERFORM A NOTARIAL ACT IF HE OR**
27 **SHE BELIEVES, BASED UPON PERSONAL OBSERVATION, THAT THE PERSON**

1 MAKING THE ACKNOWLEDGMENT, OATH, AFFIRMATION, OR ATTESTATION DOES
2 NOT APPEAR TO OBJECTIVELY UNDERSTAND THE SUBSTANCE OF THE
3 TRANSACTION.

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

14 (9) ~~(8)~~—A notary public may refuse to perform a notarial act.

15 (10) ~~(9)~~—The secretary shall prescribe the form that a notary
16 public shall use for a jurat, the taking of an acknowledgment, the
17 administering of an oath or affirmation, the taking of a
18 verification upon an oath or affirmation, the witnessing or
19 attesting to a signature, or any other act that a notary public is
20 authorized to perform in this state.

21 (11) ~~(10)~~—A county clerk may collect a processing fee of
22 \$10.00 for certifying a notarial act of a notary public.