

Legislative Analysis



ATTORNEYS AS NOTARIES PUBLIC

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 1266 as passed by the Senate
Sponsor: Sen. Mike Bishop
House Committee: Judiciary
Senate Committee: Local, Urban and State Affairs

Complete to 12-11-06

A SUMMARY OF SENATE BILL 1266 AS PASSED BY THE SENATE 12-5-06

The bill would amend the Michigan Notary Public Act (MCL 55.271 et al.) to exempt an attorney licensed to practice law in this state from the requirement of filing a bond. The bill would also require the Secretary of State to send a reappointment application form to a licensed attorney granted an appointment as a notary public at least 90 days before the expiration of the current notary appointment. The application for reappointment would have to contain a certification to be completed by the applicant certifying that he or she was still a member in good standing of the State Bar of Michigan. An applicant would have to otherwise comply with the requirements for appointment as a notary public as described in Section 15 of the act.

The bill would take effect April 1, 2007.

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local units of government.

BACKGROUND INFORMATION:

The Michigan Notary Public Act requires a person applying for a notary public commission to file a surety bond as part of the application process. Since attorneys are officers of the court and also subject to licensing requirements, some feel that an attorney in good standing with the State Bar who is applying for an appointment as a notary public should not have to post a surety bond.

POSITIONS:

The State Bar of Michigan supports the bill. (12-6-06)

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Viola Bay Wild

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.