



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5811 (Substitute H-1 as reported without amendment)

Sponsor: Representative Diana Farrington

House Committee: Financial Services

Senate Committee: Banking and Financial Institutions

CONTENT

The bill would amend the Michigan Notary Public Act to do the following:

- Require the Secretary of State (SOS) and the Department of Technology, Management, and Budget (DTMB) to review, and permit the SOS and the DTMB to approve, remote electronic notarization platforms for the performance of electronic notarizations in the State.
- Require the SOS and the DTMB, at least every four years, to review the standards for approving remote electronic notarization platforms, and whether currently approved platforms remained sufficient for the electronic performance of notarial acts.
- Allow a notary public to perform notarial acts using a remote electronic notarization platform if certain conditions were met.
- Prohibit a notary public from recording by audio or visual means a notarial act performed using a remote electronic notarization platform, unless certain conditions were met.
- Require a notary public to maintain a journal of notarial acts he or she performed using a remote electronic notarization platform, and require him or her to record the notarial acts contemporaneously.
- Permit a notary public to designate a custodian to maintain a journal and/or retain an audio or visual recording of a notarial act on the notary public's behalf.
- Require a person applying to be a notary public to include on his or her application, the person's e-mail address and any other information required by the SOS.
- Permit a notary public to consult the Internet Criminal History Access Tool when determining whether an individual met the qualifications to be appointed as a notary public.

MCL 55.275 et al.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would create marginal but indeterminate costs for both the Department of State and the Department of Technology, Management, and Budget. The Department of State likely would incur minimal costs to acquire licenses and software for a remote notarization platform; however, those costs are yet to be determined. Additionally, both the Department of State and the DTMB would incur some costs related to the evaluation and procurement process as prescribed in the bill. Although the costs are indeterminate and would depend on the costs of licenses, software, etc., they should be minimal and each Department's annual appropriations should be able to absorb the costs.

Date Completed: 6-6-18

Fiscal Analyst: Joe Carrasco

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Bill Analysis @ www.senate.michigan.gov/sfa

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