

SENATE BILL No. 1201

November 27, 2018, Introduced by Senator BIEDA and referred to the Committee on Banking and Financial Institutions.

A bill to amend 2003 PA 238, entitled "Michigan notary public act," by amending sections 11 and 13 (MCL 55.271 and 55.273), as amended by 2006 PA 510.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) The secretary may appoint as a notary public a
2 ~~person~~**AN INDIVIDUAL** who applies to the secretary and meets all of
3 the following qualifications:

- 4 (a) Is at least 18 years of age.
- 5 (b) Is a resident of this state or maintains a principal place
6 of business in this state.
- 7 (c) Reads and writes in the English language.
- 8 (d) ~~Is free of any~~**HAS NO** felony convictions, misdemeanor

1 convictions, ~~and~~ ~~OR~~ violations as described in section 41.

2 (e) For ~~a person~~ **AN INDIVIDUAL** who does not reside in the
3 state of Michigan, demonstrates that his or her principal place of
4 business is located in the county in which he or she requests
5 appointment and indicates that he or she is engaged in an activity
6 in which he or she is likely to be required to perform notarial
7 acts, as that ~~word~~ **TERM** is defined in section 2 of the uniform
8 recognition of acknowledgments act, 1969 PA 57, MCL 565.262.

9 (f) If applicable, has filed with the county clerk of his or
10 her county of residence or expected appointment a ~~proper~~ surety
11 bond and ~~an oath taken as prescribed by the constitution~~ **UNDER**
12 **SECTION 13**, in a format acceptable to the secretary. The
13 requirement of filing a bond does not apply to an applicant ~~that~~
14 **WHO** demonstrates, in a manner acceptable to the secretary,
15 licensure as an attorney at law in this state.

16 (2) The secretary shall, on a monthly basis, notify the county
17 clerk's office of the appointment of any notaries.

18 Sec. 13. (1) Within 90 days before filing an application for a
19 notary public appointment, ~~a person~~ **AN INDIVIDUAL** shall file with
20 the county clerk of his or her residence or expected appointment a
21 ~~proper~~ surety bond and ~~an oath taken as~~ **THAT MEETS THE REQUIREMENTS**
22 **OF SUBSECTION (2) AND SHALL TAKE AND SUBSCRIBE THE OATH OF OFFICE**
23 **prescribed by the constitution OF THIS STATE AND FILE IT WITH THAT**
24 **COUNTY CLERK.**

25 (2) The bond shall be in the sum of \$10,000.00, with good and
26 sufficient surety by a surety licensed to do business in this
27 state. The bond shall be conditioned ~~upon~~ **ON** indemnifying or

1 reimbursing a person, financing agency, or governmental agency for
2 monetary loss caused through the official misconduct of the notary
3 public in the performance of a notarial act **AT ANY TIME FROM THE**
4 **DATE OF APPOINTMENT TO THE DATE OF EXPIRATION OF THE NOTARY**
5 **PUBLIC'S COMMISSION.** The surety is required to indemnify or
6 reimburse only after a judgment based on official misconduct has
7 been entered in a court of competent jurisdiction against the
8 notary public. The aggregate liability of the surety shall not
9 exceed the sum of the bond. The surety on the bond may cancel the
10 bond 60 days after the surety notifies the notary, the secretary,
11 and the county clerk of the cancellation. The surety is not liable
12 for a breach of a condition occurring after the effective date of
13 the cancellation. The county clerk shall not accept the personal
14 assets of an applicant as security for a surety bond under this
15 act.

16 (3) Each ~~person~~**INDIVIDUAL** who files an oath **OF OFFICE** and, if
17 applicable, a bond with a county clerk as required ~~in~~**UNDER**
18 subsection (1) shall pay a \$10.00 filing fee to the county clerk.
19 Upon receipt of the filing fee, the county clerk shall give an oath
20 certificate of filing and a bond, if applicable, to the person as
21 ~~prescribed~~**REQUIRED** by the secretary. A charter county with a
22 population of more than 2,000,000 may impose by ordinance a fee for
23 the county clerk's services **THAT IS** different than the amount
24 ~~prescribed by~~**REQUIRED UNDER** this subsection. Two dollars of each
25 fee collected under this subsection shall be deposited into the
26 notary education and training fund established in section 17 on a
27 schedule determined by the secretary.

1 Enacting section 1. This amendatory act takes effect 90 days
2 after the date it is enacted into law.