

# HOUSE BILL NO. 5900

July 30, 2024, Introduced by Rep. Aragona and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 2003 PA 238, entitled  
"Michigan law on notarial acts,"  
by amending sections 25 and 27 (MCL 55.285 and 55.287), section 25  
as amended by 2018 PA 330 and section 27 as amended by 2018 PA 360.

**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.

1 (c) Witnessing or attesting to a signature.

2 (2) In taking an acknowledgment, the notary public shall  
3 determine, either from personal knowledge or from satisfactory  
4 evidence, that the individual in the presence of the notary public  
5 and making the acknowledgment is the individual whose signature is  
6 on the record.

7 (3) In taking a verification upon oath or affirmation, the  
8 notary public shall determine, either from personal knowledge or  
9 from satisfactory evidence, that the individual in the presence of  
10 the notary public and making the verification is the individual  
11 whose signature is on the record being verified.

12 (4) In witnessing or attesting to a signature, the notary  
13 public shall determine, either from personal knowledge or from  
14 satisfactory evidence, that the signature is that of the individual  
15 in the presence of the notary public and is the individual named in  
16 the record.

17 (5) In all matters where the notary public takes a  
18 verification upon oath or affirmation, or witnesses or attests to a  
19 signature, the notary public shall require that the individual sign  
20 the record being verified, witnessed, or attested in the presence  
21 of the notary public.

22 (6) A notary public has satisfactory evidence that an  
23 individual is the individual whose signature is on a record if that  
24 individual is any of the following:

25 (a) Personally known to the notary public.

26 (b) Identified upon the oath or affirmation of a credible  
27 witness personally known by the notary public and who personally  
28 knows the individual.

29 (c) Identified on the basis of a current license,

1 identification card, or record issued by a federal or state  
2 government that contains the individual's photograph and signature.

3 (d) With regard to a notarial act performed under section 26b,  
4 identified and verified through an identity proofing process or  
5 service that is part of a remote electronic notarization platform  
6 approved under section 26b(1), and the ~~person~~**individual** presents  
7 an identity document described in subdivision (c) that is verified  
8 through a credential analysis process or service that is part of a  
9 remote electronic notarization platform approved under section  
10 26b(1).

11 (7) ~~The fee charged by a~~**Except as otherwise provided in**  
12 **subsection (8), a notary public shall not charge a fee that is more**  
13 **than \$15.00** for performing a~~any individual transaction or~~ notarial  
14 act. ~~shall not be more than \$10.00 for any individual transaction~~  
15 ~~or notarial act.~~**Except as otherwise provided in this subsection, a**  
16 **notary public shall not charge any additional fee, cost, or expense**  
17 **related to any individual transaction or notarial act.** A notary  
18 public shall either conspicuously display a sign or expressly  
19 advise an individual concerning the fee amount to be charged for a  
20 notarial act before the notary public performs the act. Before the  
21 notary public commences to travel ~~in order~~ to perform a notarial  
22 act, the notary public and client may agree concerning a separate  
23 travel fee to be charged by the notary public for traveling to  
24 perform the notarial act.

25 (8) **A notary public who performs a notarial act under section**  
26 **26b shall not charge a fee of more than \$45.00 for the initial**  
27 **notarial act performed during a transaction and shall not charge a**  
28 **fee of more than \$15.00 for any subsequent notarial acts performed**  
29 **during the same transaction. Any fees incurred by the notary public**

1 that are related to the use of a remote electronic notarization  
 2 platform must not be charged to the individual for whom the  
 3 notarial act was performed.

4 (9) ~~(8)~~—A notary public may refuse to perform a notarial act.

5 (10) ~~(9)~~—The secretary shall prescribe the form that a notary  
 6 public shall use for a jurat, the taking of an acknowledgment, the  
 7 administering of an oath or affirmation, the taking of a  
 8 verification upon an oath or affirmation, the witnessing or  
 9 attesting to a signature, or any other act that a notary public is  
 10 authorized to perform in this state.

11 (11) A notary public shall keep, maintain, and protect, under  
 12 the notary public's exclusive control, a chronological paper or  
 13 electronic official journal of every notarial act that the notary  
 14 public performs. The journal must contain the following entries for  
 15 each notarial act:

16 (a) The date and time of the notarial act.

17 (b) The type of notarial act.

18 (c) The type, title, or description and date of every record  
 19 notarized.

20 (d) The name, address, and signature of each individual whose  
 21 signature is notarized.

22 (e) A description of the satisfactory evidence relied on to  
 23 identify each individual whose signature is notarized, including 1  
 24 or more of the following:

25 (i) A statement that the individual is personally known to the  
 26 notary public, if applicable.

27 (ii) A notation of the type of identification document, its  
 28 issuing agency, and its date of issuance or expiration.

29 (iii) The name, address, and signature of any credible witness.

1 (f) **The fee, if any, charged for the notarial act.**

2 (12) ~~(10)~~ A county clerk may collect a processing fee of  
3 \$10.00 for certifying a notarial act of a notary public.

4 Sec. 27. (1) A notary public shall place ~~his or her~~ **the notary**  
5 **public's** signature on every record ~~upon~~ **on** which ~~he or she~~ **the**  
6 **notary public** performs a notarial act. The notary public shall sign  
7 ~~his or her~~ **the notary public's** name exactly as ~~his or her~~ **the**  
8 **notary public's** name appears on ~~his or her~~ **the notary public's**  
9 application for commission as a notary public.

10 (2) On each record that a notary public performs a notarial  
11 act and immediately near the notary public's signature, as is  
12 practical, the notary public shall ~~print, type, stamp, or~~  
13 ~~otherwise imprint mechanically or electronically~~ sufficiently clear  
14 and legible to be read by the secretary and in a manner capable of  
15 photographic reproduction all of the following in this format or in  
16 a similar format that conveys all of the same information:

17 (a) The name of the notary public exactly as it appears on ~~his~~  
18 ~~or her~~ **the notary public's** application for commission as a notary  
19 public.

20 (b) The statement: "Notary public, State of Michigan, County  
21 of \_\_\_\_\_."

22 (c) The statement: "My commission expires \_\_\_\_\_."

23 (d) If performing a notarial act in a county other than the  
24 county of commission, the statement: "Acting in the County of  
25 \_\_\_\_\_."

26 (e) The date the notarial act was performed.

27 (f) If applicable, whether the notarial act was performed  
28 using an electronic notarization system under section 26a or  
29 performed using a remote electronic notarization platform under

1 section 26b.

2 (3) A notary public may use a stamp ~~, seal, or electronic~~  
3 ~~process~~ that contains all of the information required under  
4 subsection (2). However, the notary public shall not use the stamp  
5 ~~, seal, or electronic process~~ in a manner that renders anything  
6 illegible on the record being notarized. A notary public shall not  
7 use an embosser alone or use any other method that cannot be  
8 reproduced.

9 (4) The illegibility of the statements required under  
10 subsection (2) does not affect the validity of the transaction or  
11 record that was notarized.

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