



Senate Fiscal Agency
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Senate Bills 719 and 720 (as reported without amendment)
Sponsor: Senator Jason E. Allen (S.B. 719)
Senator Wayne Kuipers (S.B. 720)
Committee: Judiciary

(as enrolled)

Date Completed: 10-23-09

RATIONALE

Court documents, which often must be copied and delivered to various interested parties, must have the court's seal affixed to them. According to law, a seal may be impressed directly upon the document, upon an adhesive substance affixed to the document, or upon paper that is then affixed to the document by an adhesive substance. For efficiency and cost effectiveness, many courts reportedly are preparing and delivering electronic copies, rather than paper copies, of documents. To accommodate this practice, it has been suggested that the law should allow a seal to be affixed electronically either upon a hard copy of a document or upon an electronic document.

CONTENT

The bills would amend separate statutes that pertain to sealing written instruments, to allow a seal required on certain documents to be affixed electronically.

The bills are described below.

Senate Bill 719

Public Act 198 of 1895 relates to the sealing of deeds and other written instruments. It provides that a seal of a court, public officer, or corporation may be impressed directly upon the instrument or writing to be sealed; upon wafer, wax, or other adhesive substance affixed to the instrument or writing; or upon paper or other similar substance affixed to the instrument or writing by an adhesive substance. Under

the bill, a seal of a court, public officer, or corporation also could be affixed electronically either upon the instrument or writing or upon an electronic document.

Senate Bill 720

Chapter 1 of the Revised Statutes of 1846 is entitled, "Of the statutes". It provides that in all cases in which the seal of any court or public office is required to be affixed to any paper, the word "seal" must be construed to mean the impression of the seal on the paper alone as well as the impression of the seal affixed to it by means of a wafer or wax. Under the bill, "seal" also would mean the seal affixed electronically on the paper or affixed to an electronic document.

MCL 565.232 (S.B. 719)
8.3n (S.B. 720)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Many counties are going to electronic, digitized formats for court records. While original paper copies of records routinely are signed and stored, the documents can be shared much more efficiently when they are electronically transmitted to parties, attorneys, and other courts. This saves the time and money that would be spent on mailing documents to all parties involved. When a document requires a seal, however, Michigan law allows only for an imprint on

the document, on wax or another adhesive attached to the document, or on paper or a similar substance attached to the document by an adhesive. In order to use current digital technology most efficiently, courts would like to be able to affix their seals electronically. The bills would provide the statutory authorization necessary for that practice.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would result in indeterminate savings to the State and local units of government. No statewide data are available.

Fiscal Analyst: Bill Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.