

# HOUSE BILL NO. 5898

July 30, 2024, Introduced by Rep. DeBoyer 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 11 and 19 (MCL 55.271 and 55.279), section 11  
as amended by 2018 PA 361 and section 19 as amended by 2006 PA 510.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 11. (1) The secretary may appoint **an individual** as a  
2       notary public ~~an individual~~ who applies to the secretary and meets  
3       all of the following qualifications:  
4       (a) Is ~~at least~~ **not less than** 18 years of age.  
5       (b) Is a resident of this state or maintains a principal place

1 of business in this state.

2 (c) Reads and writes in the English language.

3 (d) Has not been convicted of a felony ~~, misdemeanor, or~~  
 4 ~~violation described in section 41.~~**as that term is defined in**  
 5 **section 41(5) or a specified misdemeanor as defined in section**  
 6 **41(2) .**

7 (e) For an applicant who does not reside in ~~the~~**this** state, ~~of~~  
 8 ~~Michigan,~~ demonstrates that ~~his or her~~**the applicant's** principal  
 9 place of business is located in the county in which ~~he or she~~**the**  
 10 **applicant** requests appointment and indicates that ~~he or she~~**the**  
 11 **applicant** is engaged in an activity in connection with that  
 12 business in which ~~he or she~~**the applicant** is likely to be required  
 13 to perform **a notarial acts-act.**

14 (f) If applicable, has filed with the county clerk of ~~his or~~  
 15 ~~her~~**the applicant's** county of residence or expected appointment a  
 16 surety bond and an oath under section 13, in a format acceptable to  
 17 the secretary. The requirement of filing a bond does not apply to  
 18 an applicant ~~that~~**who** demonstrates, in a manner acceptable to the  
 19 secretary, licensure as an attorney at law in this state.

20 (g) **Beginning June 1, 2025, completes a course of instruction**  
 21 **from a notary public school licensed under the notary public**  
 22 **education licensure act.**

23 (h) **Beginning June 1, 2025, passes an examination administered**  
 24 **under section 5 of the notary public education licensure act.**

25 (2) The secretary shall, on a monthly basis, notify the county  
 26 clerk's office of the appointment of any notaries in that county.

27 Sec. 19. (1) The secretary shall not automatically reappoint  
 28 **an individual as a notary public when the individual's commission**  
 29 **as a notary public expires.**

1       (2) ~~A person desiring~~ **An individual who is seeking** another  
 2 notary public appointment may apply to the secretary, in a format  
 3 prescribed by the secretary, for an original appointment as a  
 4 notary public. ~~The application may be submitted~~ **individual shall**  
 5 **submit the application** not more than 60 days before the expiration  
 6 of ~~his or her current~~ **the individual's** notary public commission.

7       (3) ~~In the case of~~ **If** a licensed attorney **is** granted an  
 8 appointment as a notary public under this act, ~~and after the~~  
 9 ~~initial application under section 15,~~ the secretary shall send a  
 10 reappointment application form to the licensed attorney ~~at least~~  
 11 **not less than** 90 days before the expiration of the ~~current~~ **licensed**  
 12 **attorney's** notary appointment. The application for reappointment  
 13 ~~shall~~ **must** contain a certification to be completed by the applicant  
 14 certifying that ~~he or she~~ **the applicant** is still a member in good  
 15 standing in the ~~state bar~~ **State Bar** of Michigan. The applicant  
 16 shall otherwise comply with the requirements for appointment as a  
 17 notary public as described in section 15.

18       (4) The secretary shall automatically cancel the notary public  
 19 commission of any ~~person~~ **individual** who makes, draws, utters, or  
 20 delivers any check, draft, or order for the payment of a processing  
 21 fee under this act that is not honored by the bank, financial  
 22 institution, or other depository expected to pay the check, draft,  
 23 or order for payment ~~upon~~ **on** its first presentation.

24       (5) **Beginning June 1, 2025, the secretary shall not reappoint**  
 25 **an individual as a notary public under this section unless the**  
 26 **individual meets both of the following:**

27       (a) **Completes a course of instruction from a notary public**  
 28 **school licensed under the notary public education licensure act.**

29       (b) **Passes an examination administered under section 5 of the**

**1 notary public education licensure act.**

**2** Enacting section 1. This amendatory act does not take effect  
**3** unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5899 (request no.  
**4** 04899'23) of the 102nd Legislature is enacted into law.