

SUMMARY OF CHANGES TO THE MICHIGAN NOTARY PUBLIC ACT

Michigan's previous Notary Public Act was replaced by 2003 PA 238, effective April 1, 2004. In 2006, the Michigan Legislature made additional changes to the Michigan Notary Public Act by enacting three separate amendatory acts. Those acts and their effective dates are:

- 2006 PA 155, effective May 26, 2006
- 2006 PA 426, effective October 5, 2006
- 2006 PA 510, effective April 1, 2007

This document highlights the changes to the Act as a result of this amendatory legislation.

2006 PA 155 – Effective May 26, 2006

MCL 55.287

Section 27(2) of the Act was amended to eliminate the previous requirement that all notarial certificates include the statement "Acting in the county of _____", when performing a notarial act in the notary's county of commission. Section 27(2) was also amended to require the notarial certificate to include the date the notarial act was performed.

With these changes, the notarial certificate must include:

- (a) The name of the notary public exactly as it appears on his or her application for commission as a notary public.
- (b) The statement: "Notary public, State of Michigan, County of _____".
- (c) The statement: "My commission expires _____".
- (d) If performing a notarial act in a county other than the county of commission, the statement: "Acting in the County of _____".
- (e) The date the notarial act was performed."

MCL 55.289

Section 29, which authorized but did not require the use of certain notary forms pertaining to acknowledgements by employees or personal representatives of corporations, partnerships, companies, etc., was repealed.

MCL 55.307

Changed language in Section 47(2) to indicate that a court may invalidate any notarial act not *performed* in compliance with this act, versus not *notarized* in compliance with this act.

2006 PA 426 – Effective October 5, 2006

MCL 55.265

Section 5 added definitions for "lineal ancestor" (to include parents and grandparents) and "lineal descendant" (to include children and grandchildren). Together with Section 31(8), this clarified that a notary may not perform notarial acts for these family members.

MCL 55.271

In Section 11, concerning qualifications of a notary, clarifies that the surety bond be filed with and the oath of office be taken at the county clerk's office in the county of residence or expected appointment (if an out-of-state resident) prior to application with the secretary of state. This section covers requirements for filing with the secretary of state.

MCL 55.273

Section 13 covers requirements for filing with the county clerk, including the timeframe, bond, oath and fee.

MCL 55.275

Section 15 eliminated the requirement of filing a surety bond with the secretary of state, only proof from the county clerk that the filing had been made with that office.

MCL 55.277

Changes to Section 17 raised the fiscal year closing balance of the notary education and training fund from \$85,000 to \$150,000, with any remainder lapsing into the general fund.

MCL 55.279

Section 19 changed the term “service charge” to “processing fee” for filing with the secretary of state.

MCL 55.281

Section 21 changed the term “fee” to “processing fee” for issuance of a duplicate certificate.

MCL 55.285

Amending Section 25 changed the fee a county clerk may collect from a “service charge fee” to a “processing fee”.

MCL 55.291

Section 31(8) clarified that a notary public may not perform notarial acts for family members, including siblings, in-laws, steps or half-relatives. Section 31(9), which previously stated that a notary could not perform a notarial act on a record containing a blank space, was repealed.

MCL 55.295

Section 35 allows the secretary of state to request and inspect notarial records, if the notary public maintains such records.

MCL 55.311

Section 51(2) provides that processing or filing fees paid to the secretary of state or county clerk are not refundable.

MCL 55.313

Provides that notarial act records, if created, must be maintained for 5 years (Section 53).

2006 PA 510 – Effective April 1, 2007**Again amended MCL 55.271**

Section 11(1)(f) adds a new provision allowing applicants for a notary public commission, who are licensed attorneys in Michigan, to not have to file a surety bond with the county clerk.

Again amended MCL 55.273

Changes to Section 13(3) state that a bond must be filed with the county clerk only if applicable. (Licensed Michigan attorneys are exempt from filing a bond.)

Again amended MCL 55.275

Section 15(1)(c) states that the secretary of state receive proof that the oath was administered and, if applicable, a bond was filed with the county clerk.

Again amended MCL 55.279

A new Section 19(3) was added which requires the secretary of state to send a reappointment application form to licensed attorneys who are notaries public at least 90 days before the expiration of their current appointment. By certifying their continued status as licensed attorneys, they are exempt from filing a bond and taking an oath with the county clerk, and may file directly with the secretary of state for a new notary public commission.