

Summary of Changes

Michigan Notary Public Act (PA 238 of 2003)

Effective Date: April 1, 2004

House Bill 4938, signed into law as the Michigan Notary Public Act (PA 238 of 2003)* marks the first comprehensive revision of Michigan's notary statute since 1846. The new law streamlines the application process by requiring the bond and oath before the application is submitted to the secretary of state; extends the length of new appointments by an additional two years; establishes statewide appointments (no need to reapply when moving within the state); revises fees; clarifies rules, responsibilities and restrictions; and creates new notary crimes, including sanctions for the notary's employer.

Under the new law, active Michigan notary publics retain their commissions and are not required to reapply until their commissions are about to expire. However beginning April 1, notaries must adhere to all the current laws including those regarding fees, restrictions and liability.

Listed below is a brief comparison of the previous and new requirements. For additional information, visit the Secretary of State Web site, www.michigan.gov/sos.

	<u>Previous</u>	<u>New</u>
Length of Commission	4-5 years	6-7 years
Filing fee at clerk's office	\$1	\$10
Application fee at state level	\$3	\$10
Charge to customer for notary act	\$2	Up to \$10
County clerk fee for certification of notary	varies	\$10**
Replacement of commission/duplicate	\$1	\$10
Surety Bond amount	\$10,000	\$10,000
Surety Bond filing	after commission is issued	before commission is issued
Receipt of commission	at county clerk's office	direct via US mail
Relocation to another county	must cancel and reapply	register change of address only
Legislative endorsement	required	not required
Driver's license or state ID #	not required	required
U.S. citizenship or proof of legal presence	not required	required***
Background check	none	allowed
Notary education & training fund	none	established
Quarterly reports from county to state	required	not required
Employer liability	none	yes, with knowledge of misconduct
Notarize for immediate family member	allowed	not allowed
Advertise in foreign language	allowed	not allowed

*to review the actual text of Public Act 238 of 2003, please visit the Legislative website at www.michigan.legislature.org.

**different in Wayne County

***arrangements made for out-of-state residents ID