

SHORT TITLE: Notaries public; allowing non-resident to become notary public; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 438

By: Dickerson

AS INTRODUCED

An Act relating to notaries public; amending 49 O.S. 1991, Sections 1, 2, 5 and 9, which relate to appointment, oath, fees, official seal, and vacancy of office of notaries public; allowing non-resident to become notary public under certain circumstances; modifying language; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 49 O.S. 1991, Section 1, is amended to read as follows:

Section 1. The Secretary of State shall appoint and commission in this state notaries public, who shall hold their office for four (4) years. An applicant for a notary commission shall be eighteen (18) years of age or older, a citizen of the United States, and employed within this state or a legal resident of ~~the~~ this state. All notary commissions shall run in the name and by the authority of the State of Oklahoma, be signed by the Secretary of State, and sealed with the Great Seal of the State of Oklahoma. ~~Said~~ ~~commissions~~ Commissions shall not be attested. Any person filing an application for a new notary commission shall pay Twenty-five Dollars (\$25.00) to the Secretary of State with the application. Any person filing an application for a renewal of a notary commission shall pay Twenty Dollars (\$20.00) to the Secretary of

State with the application. These funds shall be deposited in the Revolving Fund created for the Secretary of State pursuant to the provisions of Section 276.1 of Title 62 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 49 O.S. 1991, Section 2, is amended to read as follows:

Section 2. A. Before entering upon the duties of his or her office every notary public so appointed and commissioned shall file in the office of the court clerk, in his or her capacity as clerk of the district court, of the county in which such notary resides or is employed, if the notary is a non-resident, at the time he or she is commissioned, the commission issued to him or her, ~~his~~ the notary's oath of office, ~~his~~ the notary's official signature, an impression of ~~his~~ the notary's official seal, and a good and sufficient bond to the State of Oklahoma, in the sum of One Thousand Dollars (\$1,000.00), with one or more sureties to be approved by the court clerk, conditioned for the faithful performance of the duties of ~~his~~ the notary's office.

B. Such commission, bond, and oath shall be recorded in the office of such court clerk, as clerk of the district court. The commission shall be returned to the notary. The bond and oath shall be transmitted by the court clerk to the Secretary of State to be filed and recorded in ~~his~~ that office. The filing of such commission, bond, official signature, and impression of official seal in the office of the court clerk shall be deemed sufficient evidence to enable the court clerk to certify that the person so commissioned is a notary public, duly commissioned and acting as such, during the time such commission is in force. Upon the filing of his or her commission with the court clerk, every notary public shall pay to the court clerk the sum of Five Dollars (\$5.00) to be held and accounted for by the court clerk as fees of ~~his~~ that office.

C. The Secretary of State shall record and file the bond and oath of each notary of this state.

D. The court clerk shall charge a fee of Three Dollars (\$3.00) for authenticating a notary commission.

SECTION 3. AMENDATORY 49 O.S. 1991, Section 5, is amended to read as follows:

Section 5. Every notary shall provide a notarial seal containing ~~his~~ the notary's name and county of residence or county of employment, if the notary is a non-resident. This seal may be either a metal seal which leaves an embossed impression or a rubber stamp used in conjunction with a stamp pad and ink. Each notary shall authenticate all ~~his~~ official acts, attestations and instruments with this seal; and ~~he~~ shall add to ~~his~~ the notary's official signature the date of expiration of his or her commission as such notary public. If a rubber stamp is used, this date may be a part of the stamp. If any notary public shall neglect or refuse to attach to ~~his~~ the notary's official signature the date of expiration of ~~his~~ the notary's commission ~~he,~~ the notary shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding Fifty Dollars (\$50.00).

SECTION 4. AMENDATORY 49 O.S. 1991, Section 9, is amended to read as follows:

Section 9. If any notary die, resign, be disqualified ~~or,~~ remove from the county, ~~his~~ or terminate employment within the county, if the notary is a non-resident, the notary's record and official and public papers of his or her office, shall, within thirty (30) days be delivered to the clerk of the county.

SECTION 5. This act shall become effective November 1, 1997.

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