

EHB 1971

1 THE STATE SENATE
2 Wednesday, February 27, 2002

3 ENGROSSED

4 House Bill No. 1971

5 As Amended

6 ENGROSSED HOUSE BILL NO. 1971 - By: WELLS of the House and MORGAN of
7 the Senate.

8 An Act relating to notaries public; **amending 49 O.S. 2001,**
9 **Section 1, which relates to application fees; requiring**
10 **additional application fee for "same day filing service";**
11 amending 49 O.S. 2001, Section 5, which relates to
12 authentication of documents; adding certain requirement for
13 authentication of documents; specifying failure to furnish
14 certain information will not invalidate recordability or
15 notice of such recording; and providing an effective date.

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

17 **SECTION 1. AMENDATORY 49 O.S. 2001, Section 1, is**
18 **amended to read as follows:**

19 Section 1. The Secretary of State shall appoint and commission
20 in this state notaries public, who shall hold their office for four
21 (4) years. An applicant for a notary commission shall be eighteen
22 (18) years of age or older, a citizen of the United States, and
23 employed within this state or a legal resident of this state. All
24 notary commissions shall run in the name and by the authority of the
25 State of Oklahoma, be signed by the Secretary of State, and sealed
26 with the Great Seal of the State of Oklahoma. Commissions shall not
27 be attested. Any person filing an application for a new notary

1 commission shall pay Twenty-five Dollars (\$25.00) to the Secretary
2 of State with the application. Any person requiring "same day
3 filing service" shall pay Twenty-five Dollars (\$25.00) to the
4 Secretary of State in addition to the applicable filing fee. Any
5 person filing an application for a renewal of a notary commission
6 shall pay Twenty Dollars (\$20.00) to the Secretary of State with the
7 application. These funds shall be deposited in the Revolving Fund
8 created for the Secretary of State pursuant to the provisions of
9 Section 276.1 of Title 62 of the Oklahoma Statutes.

10 SECTION 2. AMENDATORY 49 O.S. 2001, Section 5, is
11 amended to read as follows:

12 Section 5. Every notary shall obtain a notarial seal containing
13 the words "State of Oklahoma" and "Notary Public", the notary's
14 name, and county of residence or county of employment if the notary
15 is a ~~non-resident~~ nonresident. This seal may be either a metal seal
16 which leaves an embossed impression or a rubber stamp used in
17 conjunction with a stamp pad and ink. Each notary shall
18 authenticate all official acts, attestations, and instruments with
19 this seal; and shall add to the notary's official signature, the
20 commission number of the notary and the date of expiration of his or
21 her the commission as such of the notary public. ~~If a rubber stamp~~
22 ~~is used, this~~ Failure to add the commission number or the date of
23 expiration of the commission shall not affect the recordability of

1 the instrument or the notice given by such recording. **This** date **and**
2 **commission number** may be a part of the stamp **or seal.** If any notary
3 public shall neglect or refuse to attach to the notary's official
4 signature the date of expiration of the notary's commission, the
5 notary shall be deemed guilty of a misdemeanor, and upon conviction
6 thereof shall be fined in any sum not exceeding Fifty Dollars
7 (\$50.00). The maximum fee a notary may charge and collect for each
8 notarial act is Five Dollars (\$5.00).

9 SECTION 3. This act shall become effective November 1, 2002.

10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-26-02 - DO
11 PASS, As Amended.