ENGROSSED SENATE
BILL NO. 215 By: Griffin of the Senate

and

Grau of the House

An Act relating to notary public commissions; amending 49 O.S. 2011, Sections 1.1, 2 and 3, which relate to application and appointment requirements; requiring certain information to be included on specified application; requiring certain filing within specified time period; modifying term of certain bond; prohibiting performance of certain acts; requiring availability of certain information on specified website; establishing grounds for certain denial, refusal or revocation; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 49 O.S. 2011, Section 1.1, is amended to read as follows:

Section 1.1. The application for a notary commission shall set forth:

1. The ~~printed~~ name of the applicant, printed exactly as the applicant will sign documents as a notary public;

2. Former names of the applicant, if ~~applicable~~ any;

3. If a resident of this state, the county of residence and street address of the applicant;

4. If a resident of another state, the county and street address of the applicant's place of employment in Oklahoma and the applicant's residence address;

5. Daytime phone number of the applicant;

6. Electronic mail address of the applicant;

7. A statement that the applicant is at least eighteen (18) years of age;

~~6.~~ 8. A designation of new, renewal or expired commission including an expiration date if applicable; ~~and~~

9. A statement that the applicant is a citizen of the United States;

10. A statement that the applicant has never been convicted of a felony;

11. A statement that the applicant is able to read and write in English; and

~~7.~~ 12. Signature of the applicant, exactly as the applicant will sign documents as a notary public.

SECTION 2. AMENDATORY 49 O.S. 2011, Section 2, is amended to read as follows:

Section 2. A. Before entering upon the duties of his or her office and not more than sixty (60) days after issuance of a notary commission, every notary public so appointed and commissioned shall file in the office of the Secretary of State, the notary's oath of office, the notary's loyalty oath, the notary's official signature,

an impression of 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), to be approved by the Secretary of State, conditioned for the faithful performance of the duties of the notary's office.

B. The bond required by subsection A of this section shall be signed by:

1. An insurance agent licensed by the State of Oklahoma;

2. An attorney-in-fact on behalf of an insurance company with a power of attorney attached; or

3. One or more individual sureties who are property owners in the county of residence of the notary, or if a nonresident, the county of employment of the notary.

C. The bond required by subsection A of this section shall be issued for a term ~~of four (4) years commencing~~ that commences on the ~~commission's~~ bond's effective date and ~~terminating~~ terminates on ~~its~~ the commission's expiration date. Upon the filing of his or her bond with the Secretary of State, every notary public shall pay to the Secretary of State the sum of Ten Dollars ($10.00) to be deposited to the credit of the Revolving Fund for the Office of the Secretary of State.

~~B. Upon the receipt of a final judgment against an Oklahoma notary public for performing a false or fraudulent notarial act from an Oklahoma District Court or its equivalent from a foreign~~

~~jurisdiction, the Secretary of State shall revoke the appointment of said notary.~~

D. A notary public shall not perform any notarial act until his or her bond, official seal, oath of office and loyalty oath, as required by subsection A of this section, has been received and approved by the Secretary of State.

SECTION 3. AMENDATORY 49 O.S. 2011, Section 3, is amended to read as follows:

Section 3. Blanks for bonds and oath of office shall be ~~furnished with the commission by~~ made available on the website of the Secretary of State.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12 of Title 49, unless there is created a duplication in numbering, reads as follows:

A. The Secretary of State may deny, refuse to renew, or revoke a commission as a notary public for a:

1. Conviction of any felony;

2. Failure to meet the qualifications and application requirements set forth in Sections 1 and 1.1 of Title 49 of the Oklahoma Statutes; or

3. Failure to comply with the requirements set forth in Section 2 of Title 49 of the Oklahoma Statutes.

B. Upon receipt of a final judgment from a district court in this state or its equivalent in a foreign jurisdiction against a

notary public in this state for performing a false or fraudulent notarial act, the Secretary of State shall revoke the appointment of the notary public.

SECTION 5. This act shall become effective November 1, 2015.

Passed the Senate the 10th day of March, 2015.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2015.

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Presiding Officer of the House of Representatives