

1 **SENATE FLOOR VERSION**

2 February 28, 2023

3 **AS AMENDED**

4 SENATE BILL NO. 556

By: Haste of the Senate

and

Sims of the House

6
7 An Act relating to notaries public; amending 49 O.S.
8 2021, Sections 12 and 113, which relate to grounds to
9 deny, refuse to renew, or revoke a commission and
10 notarial acts; adding grounds for denial or
11 revocation of a commission; creating misdemeanor
12 offense; establishing punishment; updating statutory
13 references; and providing an effective date.

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

15 SECTION 1. AMENDATORY 49 O.S. 2021, Section 12, is
16 amended to read as follows:

17 Section 12. A. The Secretary of State may deny, refuse to
18 renew, or revoke a commission as a notary public for a:

19 1. Conviction of any felony;

20 2. Failure to meet the qualifications and application
21 requirements set forth in Sections 1 and 1.1 of ~~Title 49 of the~~
22 ~~Oklahoma Statutes~~ this title; ~~or~~

23 3. Failure to comply with the requirements set forth in Section
24 2 of ~~Title 49 of the Oklahoma Statutes~~ this title; ~~or~~

 4. Failure to comply in good faith with the requirements set
forth in Section 113 of this title.

1 B. Upon receipt of a final judgment from a district court in
2 this state or its equivalent in a foreign jurisdiction against a
3 notary public in this state for performing a false or fraudulent
4 notarial act, the Secretary of State shall revoke the appointment of
5 the notary public.

6 SECTION 2. AMENDATORY 49 O.S. 2021, Section 113, is
7 amended to read as follows:

8 Section 113. A. In taking an acknowledgment, the notarial
9 officer must determine, either from personal knowledge or from
10 satisfactory evidence, that the person appearing before the officer
11 and making the acknowledgment is the person whose true signature is
12 on the instrument.

13 B. In taking a verification upon oath or affirmation, the
14 notarial officer must determine, either from personal knowledge or
15 from satisfactory evidence, that the person appearing before the
16 officer and making the verification is the person whose true
17 signature is on the statement verified.

18 C. In witnessing or attesting a signature the notarial officer
19 must determine, either from personal knowledge or from satisfactory
20 evidence, that the signature is that of the person appearing before
21 the officer and named therein.

22 D. In certifying or attesting a copy of a document or other
23 item, the notarial officer must determine that the proffered copy is
24 a full, true, and accurate transcription or reproduction of that

1 which was copied. In the case of official records, only the
2 custodian of the official records may issue an official certified
3 copy.

4 E. In making or noting a protest of a negotiable instrument the
5 notarial officer must determine the matters set forth in Section 3-
6 509 of the Uniform Commercial Code.

7 F. A notarial officer has satisfactory evidence that a person
8 is the person whose true signature is on a document if that person
9 is personally known to the notarial officer, is identified upon the
10 oath or affirmation of a credible witness personally known to the
11 notarial officer or is identified on the basis of identification
12 documents.

13 G. A notarial officer who performs a notarial act pursuant to
14 this section without first making in good faith the required
15 determination of the identity of the person appearing before the
16 notary shall be guilty of a misdemeanor and upon conviction be
17 subject to a fine not to exceed One Thousand Dollars (\$1,000.00), to
18 imprisonment in the county jail not to exceed ten (10) days, or both
19 such fine and imprisonment.

20 SECTION 3. This act shall become effective November 1, 2023.

21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
22 February 28, 2023 - DO PASS AS AMENDED
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