

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 556

By: Newhouse

AS INTRODUCED

An Act relating to notaries public; amending 49 O.S. 2021, Sections 12 and 113, which relate to grounds to deny, refuse to renew, or revoke a commission and notarial acts; adding grounds for denial or revocation of a commission; requiring maintenance of record of certain notarial acts; specifying information to be included in certain record; creating misdemeanor offense; establishing punishment; updating statutory references; and providing an effective date.

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

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

Section 12. 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~~ this title; ~~or~~
3. Failure to comply with the requirements set forth in Section 2 of ~~Title 49 of the Oklahoma Statutes~~ this title; ~~or~~

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

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

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

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

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

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

1 D. In certifying or attesting a copy of a document or other
2 item, the notarial officer must determine that the proffered copy is
3 a full, true, and accurate transcription or reproduction of that
4 which was copied. In the case of official records, only the
5 custodian of the official records may issue an official certified
6 copy.

7 E. In making or noting a protest of a negotiable instrument the
8 notarial officer must determine the matters set forth in Section 3-
9 509 of the Uniform Commercial Code.

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

16 G. A notarial officer shall maintain a written or electronic
17 record of each notarial act performed under the provisions of
18 subsections A, B, or C of this section. Each record shall include a
19 statement of the notarial act performed, the date on which it
20 occurred, the name of the person appearing before the notarial
21 officer, and a statement of the means by which the notary made the
22 required determination of the identity of the person.

23 H. A notarial officer who performs a notarial act pursuant to
24 this section without first making in good faith the required

1 determination of the identity of the person appearing before the
2 notary shall be guilty of a misdemeanor and upon conviction be
3 subject to a fine not to exceed One Thousand Dollars (\$1,000.00), to
4 imprisonment in the county jail not to exceed ten (10) days, or both
5 such fine and imprisonment.

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

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