

HB 2260 -- NOTARIES PUBLIC

SPONSOR: McCann Beatty

This bill specifies that each applicant for appointment and commission as a notary public must submit to fingerprinting and a criminal background check. Applicants must submit to the Secretary of State fingerprint images and related information for the purpose of obtaining information as to the existence and content of any record of state or federal arrests for which the person is free on bail, on his or her own recognizance, pending trial, or appeal. The Secretary of State is required to charge a fee sufficient to cover the cost of processing the fingerprints.

If the document to be notarized is a deed, quitclaim deed, deed of trust or other document affecting real property, or a power of attorney document, the notary public must require the party signing the document to place his or her right thumbprint in the journal, and the notary public must place his or her right thumbprint on the original document. If the right thumbprint is not available, then his or her left thumbprint may be used, or any available finger, which must be indicated in the journal or on the original document. If the party signing the document or notary public is physically unable to provide a thumbprint or fingerprint, it must be indicated in the journal or on the original document and must also provide an explanation of the physical condition. These provisions do not apply to a trustee's deed resulting from a decree of foreclosure, a nonjudicial foreclosure, or a deed of reconveyance.

A notary public may refuse to act as notary for any individual who will not provide the identification information required. A notary public is prohibited from entering an individual's Social Security number or credit card number in his or her journal. Beginning January 1, 2015, all manufacturers of notary seals are required to register with the Secretary of State.