

1 SB54
2 126131-2
3 By Senators Irons and Orr
4 RFD: Judiciary
5 First Read: 01-MAR-11
6 PFD: 02/28/2011

1 SB54

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4 ENROLLED, An Act,

5 Relating to notaries public; to add Article 4,
6 commencing with Section 36-20-70, to Chapter 20, Title 36,
7 Code of Alabama 1975, to eliminate the distinction between
8 county and at-large notaries public; to preserve the
9 functions, powers, and commissions of existing notaries
10 public; to repeal Article 1, commencing with Section 36-20-1,
11 Chapter 20, Title 36, Code of Alabama 1975, relating to the
12 employment of notaries public by counties, and Article 2,
13 commencing with Section 36-20-30, Chapter 20, Title 36, Code
14 of Alabama 1975, relating to the employment of notaries public
15 for the state at large; and in connection therewith to have as
16 its purpose or effect the requirement of a new or increased
17 expenditure of local funds within the meaning of Amendment 621
18 of the Constitution of Alabama of 1901, now appearing as
19 Section 111.05 of the Official Recompilation of the
20 Constitution of Alabama of 1901, as amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Article 4, commencing with Section
23 36-20-70, is added to Chapter 20 of Title 36 of the Code of
24 Alabama 1975, to read as follows:

25 §36-20-70.

1 (a) A competent number of notaries public for the
2 state at large shall be appointed and commissioned by the
3 judges of probate of the several counties of the state and
4 shall hold office for four years from the date of their
5 commission. Such notaries public shall perform all the acts
6 and exercise all authority under the general laws of the State
7 of Alabama. The jurisdiction of such notaries public shall not
8 be limited to the counties of their residence and shall extend
9 to any county of the state. The judges of probate shall
10 collect a fee of ten dollars (\$10) for each notary commission
11 issued. The judges of probate shall also report to the
12 Secretary of State the name, county of residence, date of
13 issuance, and date of expiration of the commission of each
14 notary public appointed and commissioned under this
15 subsection.

16 (b) All existing notaries public functioning on the
17 effective date of this article shall continue to function
18 pursuant to their existing authority for the remainder of
19 their existing commission.

20 §36-20-71.

21 (a) Notaries public shall give bond with sureties,
22 to be approved by the judge of probate of the county of their
23 residence, in the sum of twenty-five thousand dollars
24 (\$25,000), payable to the State of Alabama and conditioned to
25 faithfully discharge the duties of such office so long as they

1 may continue therein or discharge any of the duties thereof.
2 Such bond shall be executed, approved, filed, and recorded in
3 the office of the judge of probate of the county of their
4 residence, before they enter on the duties of such office.

5 (b) All existing notaries public functioning on the
6 effective date of this article shall continue to function
7 pursuant to their existing bond for the remainder of their
8 existing commission.

9 §36-20-72.

10 For the authentication of his or her official acts,
11 each notary shall provide a seal of office, which shall
12 present, by its impression or stamp, the name, office, and the
13 state for which he or she was appointed.

14 §36-20-73.

15 Notaries public may do all of the following:

16 (1) Administer oaths in all matters incident to the
17 exercise of their office.

18 (2) Take the acknowledgment or proof of instruments
19 of writing relating to commerce or navigation and certify the
20 same and all other of their official acts under their seal of
21 office.

22 (3) Demand acceptance and payment of bills of
23 exchange, promissory notes, and all other writings which are
24 governed by the commercial law as to days of grace, demand,
25 and notice of nonpayment and protest the same for

1 nonacceptance or nonpayment and to give notice thereof as
2 required by law.

3 (4) Exercise such other powers, according to
4 commercial usage or the laws of this state, as may belong to
5 notaries public.

6 §36-20-74.

7 Notaries public are entitled to the sum of five
8 dollar (\$5) for carrying out any of the enumerated powers in
9 Section 36-20-73.

10 §36-20-75.

11 Any person who, having been a notary, willfully
12 performs or assumes the authority to perform a notarial act
13 after his or her commission expires, with knowledge that his
14 or her commission has expired, or any person who without a
15 notary's commission assumes the authority and performs a
16 notarial act shall be guilty of a Class C misdemeanor.

17 Section 2. All laws or parts of laws which conflict
18 with this act are repealed. Specifically, Article 1,
19 consisting of Sections 36-20-1 to 36-20-11, inclusive, of
20 Chapter 20 of Title 36, Code of Alabama 1975, relating to the
21 employment of notaries public by counties, and Article 2,
22 consisting of Sections 36-20-30 to 36-20-32, inclusive, of
23 Chapter 20 of Title 36, Code of Alabama 1975, relating to the
24 employment of notaries public for the state at large, are
25 repealed.

1 Section 3. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621, now
5 appearing as Section 111.05 of the Official Recompilation of
6 the Constitution of Alabama of 1901, as amended, because the
7 bill defines a new crime or amends the definition of an
8 existing crime.

9 Section 4. This act shall become effective on
10 January 1, 2012, following its passage and approval by the
11 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB54

Senate 09-MAR-11

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris
Secretary

House of Representatives
Amended and passed 05-MAY-11

Senate concurred in House amendment 24-MAY-11

By: Senator Irons