

House Bill 1617

By: Representatives Moraitakis of the 42nd, Post 4, Thomas of the 43rd, Post 1, Ashe of the 42nd, Post 2, and Willard of the 40th

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 17 of Title 45 of the Official Code of Georgia Annotated, relating to notaries public, so as to provide for additional qualifications of a notary; to change certain provisions relating to the notary's application; to change certain provisions relating to fees of notaries; to change certain provisions relating to a notary's obligation to advise the clerk of superior court of certain changes in personal information; to amend Code Section 15-6-77 of the Official Code of Georgia Annotated, relating to superior court fees, so as to change the fee for issuing certificates of appointment and reappointment to notaries public; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 17 of Title 45 of the Official Code of Georgia Annotated, relating to notaries public, is amended by striking Code Section 45-17-2, relating to qualifications of notaries, and inserting in lieu thereof the following:

"45-17-2.

(a) Any individual applying for appointment to be a notary public ~~must be~~ shall:

(1) ~~At~~ Be at least 18 years old;

(2) ~~A~~ Be a resident of this state;

(3) ~~A~~ Be a resident of the county from which such individual is appointed; ~~and~~

(4) Have an operating residential telephone number; and

~~(4) Able~~ (5) Be able to read and write the English language.

(b) The qualifications of paragraphs (2) and (3) of subsection (a) of this Code section shall not apply to any individual applying for appointment as a notary public under the provisions of Code Section 45-17-7."

SECTION 2.

Said title is further amended by striking in its entirety Code Section 45-17-2.1, relating to the notary's application, and inserting in lieu thereof the following:

"(a) Any individual desiring to be a notary public shall submit application to the clerk of superior court of the county in which the individual resides or, when applying under the provisions of Code Section 45-17-7, to the clerk of superior court of the county in which the individual works or has a business. Except for applicants applying under the provisions of Code Section 45-17-7, the applicant shall submit proof to the clerk of superior court that he or she resides in the county in which the applicant is applying. The applicant shall sign and swear or affirm as outlined in paragraph (2) of subsection (b) of this Code section to the truthfulness of the application which shall state:

(1) That the applicant resides or works or has a business in the county of application and the address of the residence or business. The applicant shall not use a post office box number for purposes of the application and may only use a business address for the application if the applicant is applying pursuant to the provisions of Code Section 45-17-7;

(2) That the applicant is at least 18 years old;

(3) That the applicant can read and write the English language;

(4) That the applicant has an operating residential telephone number;

~~(4)~~(5) All denials, revocations, suspensions, restrictions, or resignations of a notary commission held by the applicant; and

~~(5)~~(6) All criminal convictions of the applicant, including any plea of nolo contendere, except minor traffic violations.

(b) In addition to the application required in subsection (a) of this Code section, every applicant for appointment as notary public shall also submit to the clerk of superior court of the county in which the individual makes application:

(1) Endorsements from two persons who are not relatives of the applicant, who are at least 18 years old, ~~and~~ who reside in the county in which the individual makes application, and who have known the applicant for at least one year. The endorsement shall be in the following form:

I, _____ (name of endorser), being 18 years of age or older and a resident of _____ (name of county), believe the applicant for a notary public commission, _____ (name of applicant), who is not related to myself, to be a person of integrity, of good moral character, and capable of performing notarial acts. I have known the applicant for one year or more.

(Signature of endorser)

(Date)

(Address of endorser)

(Telephone number of endorser)

(2) A declaration of applicant which shall have been signed in the presence of a commissioned notary public of this state. The declaration of applicant shall be in the following form:

I, _____ (name of applicant) _____, do solemnly swear or affirm under penalty of perjury that the personal information I have written in this application is true, complete, and correct.

(Signature of applicant)

State of _____

County of _____

On this ____ day of _____, _____, before me appeared, _____, the person who signed the preceding declaration of applicant in my presence and who swore or affirmed that _____ (he/she) _____ understood the document and freely declared it to be truthful.

(Official signature of the notary)

(Official seal of the notary)"

SECTION 3.

Said title is further amended by striking Code Section 45-17-11, relating to fees of notaries, and inserting in lieu thereof the following:

"45-17-11.

(a) The fees of notaries public shall be as follows:

(1) Administering an oath in any case \$ ~~2.00~~ 5.00

(2) Each attendance on any person to make proof as a notary public and certifying to same ~~2.00~~ 5.00

(3) Every other certificate ~~2.00~~ 5.00

(b) It shall not be lawful for any notary public to charge a greater sum than ~~\$4.00~~ \$10.00 for each service performed. Said sum shall include a fee of ~~\$2.00~~ \$5.00 for performing the notarial act and a fee of ~~\$2.00~~ \$5.00 for an attendance to make proof as a notary public and certifying to same if such certification, which shall be issued by the clerk of superior court of the county in which the notary public was appointed or the Georgia Superior Court Clerks' Cooperative Authority, is required. Registering shall be paid for by the party who has the service performed. The fee for all official acts which the notary may perform shall be the same as those prescribed for other officers who are likewise permitted to perform them.

(c) A notary public need not charge fees for notarial acts.

(d) A notary public shall inform the person requesting any notarial act, prior to performing the act, the fees permitted for each act."

SECTION 4.

Said title is further amended by striking subsection (a) of Code Section 45-17-13, relating to a notary's obligation to advise the clerk of superior court of certain changes in personal information, and inserting in lieu thereof the following:

"(a) Every notary public shall notify in writing the appointing clerk of superior court, with a copy to the Georgia Superior Court Clerks' Cooperative Authority, of any change in the notary's residence or business address, whichever was used for the purpose of appointment, and of any change in the notary's residential telephone number. The notice shall contain both the old and new addresses and must be received by the clerk of superior court within 30 days of the change."

SECTION 5.

Code Section 15-6-77 of the Official Code of Georgia Annotated, relating to superior court fees, is amended by striking paragraph (9) of subsection (g) of said Code Section and inserting in lieu thereof the following:

"(9) Issuing certificate of appointment and reappointment to notaries public,
as provided by Code Section 45-17-4 ~~13.00~~ 20.00"

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.