

House Bill 1617 (COMMITTEE SUBSTITUTE) (AM)

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

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 17 of Title 45 of the Official Code of Georgia Annotated,  
2 relating to notaries public, so as to provide for additional qualifications of a notary; to change  
3 certain provisions relating to the notary's application; to change certain provisions relating  
4 to a notary's obligation to advise the clerk of superior court of certain changes in personal  
5 information; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "45-17-2.

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

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

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

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

16 (4) Be a citizen of the United States;

17 (5) Have an operating telephone number; and

18 ~~(4) Able~~ (6) Be able to read and write the English language.

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

22 **SECTION 2.**

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

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

9 (1) That the applicant resides or works or has a business in the county of application and  
 10 the address of the residence or business. The applicant shall use his or her residential  
 11 address for purposes of the application and may only use a business address for the  
 12 application if the applicant is applying pursuant to the provisions of Code Section  
 13 45-17-7;

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

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

16 (4) That the applicant is a citizen of the United States;

17 (5) That the applicant has an operating telephone number;

18 ~~(4)~~(6) All denials, revocations, suspensions, restrictions, or resignations of a notary  
 19 commission held by the applicant; and

20 ~~(5)~~(7) All criminal convictions of the applicant, including any plea of nolo contendere,  
 21 except minor traffic violations.

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

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

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

1 \_\_\_\_\_  
2 (Signature of endorser)

\_\_\_\_\_ (Date)

3 \_\_\_\_\_  
4 (Address of endorser)

5 \_\_\_\_\_  
6 (Telephone number of endorser)

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

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

13 \_\_\_\_\_  
14 (Signature of applicant)

15 State of \_\_\_\_\_

16 County of \_\_\_\_\_

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

21 \_\_\_\_\_  
22 (Official signature of the notary)  
23 (Official seal of the notary)"

24 **SECTION 3.**

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

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

1 **SECTION 4.**

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