

Report on Public Policy Position**Name of section:**

Real Property Law Section

Contact person:

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Bill Number:

[SB 0960](#) (George) Occupations; notaries public; procedure for notary public when witnessing the signature of certain individuals; revise. Amends sec. 25 of [2003 PA 238](#) (MCL [55.285](#)).

Date position was adopted:

January 13, 2010

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

16

Number who voted in favor and opposed to the position:

13 Voted for position

0 Voted against position

0 Abstained from vote

3 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

- 1) The statutory change expands a notary's duties far beyond that which exists today. Currently, a notary is only required to confirm that the person signing is in fact the person named in the instrument.
- 2) The statutory change would require a notary to determine matters which are not easily determinable (i.e., competency and understanding of the substance of the transaction).
- 3) The statutory change would make it more difficult to find notaries willing to notarize documents, and may lead to notary shopping.

- 4) The statutory change would lead to inadvertent disclosure of confidential information to a person who is not a party to the transaction.
- 5) Disabled persons could be discriminated against by a notary who believes that, because of the person's disability (i.e.: blindness or physical limitations), the person is unable to understand the transaction.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report. <http://legislature.mi.gov/doc.aspx?2009-SB-0960>