



p 517-346-6300

p 800-968-1442

f 517-482-6248

www.michbar.org

306 Townsend Street

Michael Franck Building

Lansing, MI

48933-2012

April 2, 2010

The Honorable Tom George  
State Senator  
State Capitol  
P.O. Box 30036  
Lansing, MI 48909-7536

**RE: SB 0960 – Notary Public**

Dear Senator George:

At its March 26, 2010 meeting, the State Bar of Michigan's Board of Commissioners unanimously voted to **oppose SB 0960**. In making its decision the Board reviewed recommendations from the State Bar's Administration Law Section, Justice Policy Initiative and Real Property Law Section.

The primary concern regarding the bill was the expansion of responsibilities for a notary from the current law that only requires a notary to confirm that the person signing is in fact the person identified in the instrument. The statutory change would require a notary to determine matters that are not easily determinable (i.e. competency and understanding of the substance of the transaction). The statutory change would also requires a notary to apply a subjective standard in determining competency and understanding, which may be beyond a notary's training and expertise and thus allowing for irregularity in application of the law.

The statutory change could lead to inadvertent disclosure of confidential information to a person who is not a party to the transaction.

There was also a concern that disabled persons could be discriminated against by a notary who believes that, because of the person's disability, the person is unable to understand the transaction.

If you would like to discuss this position in further detail or have questions, please contact me directly at your convenience.

Sincerely,

Elizabeth K. Lyon  
Director of Governmental Relations  
Direct dial: (517) 346-6325  
Email: [elyon@mail.michbar.org](mailto:elyon@mail.michbar.org)

CC. Charles R. Toy, President  
Nell Kuhnmuensch, Governmental Consultant Services, Inc.