Senate Engrossed

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
Senate
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2007

CHAPTER 177

SENATE BILL 1639

AN ACT

AMENDING SECTION 41-312, ARIZONA REVISED STATUTES; RELATING TO NOTARIES PUBLIC.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 41-312, Arizona Revised Statutes, is amended to read:

41-312. Appointment; term; oath and bond

A. The secretary of state may appoint notaries public in each county to hold office for four years who shall have jurisdiction in the county in which they reside and in which they are appointed. Acknowledgments of documents may be taken and executed and oaths may be administered by a notary public in any county of the state although the commission is issued to the notary public in and for another county.

B. The secretary of state shall transmit the commission of the person appointed as notary public to the clerk of the superior court in the county for which the notary was appointed. The clerk shall give notice of the appointment to the person appointed who shall take, within twenty days after receiving such notice, the oath prescribed by law and give a bond to the state, with sureties approved by the clerk, in an amount prescribed by the secretary of state and file it with the clerk. Upon filing the official oath and bond the clerk shall deliver the commission to such person and give notice to the secretary of state of the time and filing of the oath and bond.

C. A notary public is a public officer commissioned by this state and the following apply without regard to whether the notary public's employer or any other person has paid the fees and costs for the commissioning of the notary public, including costs for the official seal and journals:

1. A notary public's official seal and commission and any journal that contains only public record entries remain the property of the notary public.

2. A notary public may perform notarizations outside the workplace of the notary's employer except during those times normally designated as the notary public's hours of duty for that employer. All fees received by a notary public for notarial services provided while not on duty remain the property of the notary public.

3. An employer of a notary public shall not limit the notary public's services to customers or other persons designated by the employer.

D. A notary public shall continue to serve until the notary public's commission expires, the notary public resigns the commission, the notary public dies or the secretary of state revokes the commission. An employer may not cancel the notary bond or notary commission of any notary public who is an employee and who leaves that employment.

E. A notary public shall comply with all of the following:

1. Be at least eighteen years of age.

2. BE A CITIZEN OR A LEGAL PERMANENT RESIDENT OF THE UNITED STATES.

~~2.~~ 3. Be a resident of this state for income tax purposes and claim the individual's residence in this state as the individual's primary residence on state and federal tax returns.

~~3.~~ 4. Except as provided in section 41-330, subsection A, paragraph 2, never have been convicted of a felony.

~~4.~~ 5. Keep as a reference a manual that is approved by the secretary of state that describes the duties, authority and ethical responsibilities of notaries public.

F. An applicant for appointment and commission as a notary public shall complete an application form prescribed by the secretary of state. Except for the applicant's name and business address, all information on the application is confidential and may not be disclosed to any person other than the applicant, the applicant's personal representative or an employee or officer of the federal, state or local government who is acting in an official capacity. The secretary of state shall use the information contained on the application only for carrying out the purposes of this article.

G. The state or any of its political subdivisions may pay the fees and costs for the commissioning of a notary public who is an employee of this state or any of its political subdivisions and who performs notarial services in the course of the notary public's employment or for the convenience of public employees.

APPROVED BY THE GOVERNOR MAY 1, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2007.