

1 HB22
2 195880-1
3 By Representatives Blackshear, Harbison and Stadthagen
4 RFD: State Government
5 First Read: 05-MAR-19
6 PFD: 01/10/2019

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8 SYNOPSIS: Under existing law, a notary public in the
9 State of Alabama must be a resident of the state.

10 This bill would allow a person who is a
11 resident of a state bordering on the State of
12 Alabama who carries on a business, profession, or
13 who is regularly employed in the State of Alabama
14 to be commissioned as a notary public by the judge
15 of probate of the county in which the person
16 carries on his or her profession, business, or
17 employment.

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19 A BILL
20 TO BE ENTITLED
21 AN ACT
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23 Relating to notaries public; to amend Sections
24 36-20-70 and 36-20-71, Code of Alabama 1975, relating to the
25 appointment of and bonds for notaries public; to allow a
26 person who is a resident of a state bordering on the State of
27 Alabama who carries on a business, profession, or who is

1 regularly employed in the State of Alabama to be commissioned
2 as a notary public by the judge of probate.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 36-20-70 and 36-20-71, Code of
5 Alabama 1975, are amended to read as follows:

6 "§36-20-70.

7 "(a) (1) A competent number of notaries public for
8 the state at large shall be appointed and commissioned by the
9 judges of probate of the several counties of the state and
10 shall hold office for four years from the date of their
11 commission.

12 "(2) Notaries public shall perform all the acts and
13 exercise all authority under the general laws of the State of
14 Alabama.

15 "(3) The jurisdiction of the notaries public shall
16 ~~not be limited to the counties of their residence and shall~~
17 extend to any county of the state.

18 "(4) The judges of probate shall collect a fee of
19 ten dollars (\$10) for each notary commission issued.

20 "(5) The judges of probate shall ~~also~~ report to the
21 Secretary of State the name, state and county of residence,
22 date of issuance, and date of expiration of the commission of
23 each notary public appointed and commissioned under this
24 subsection.

25 "(b) All existing notaries public functioning on
26 January 1, 2012, shall continue to function pursuant to their

1 existing authority for the remainder of their existing
2 commission.

3 "(c) Any person who is a resident of a state
4 bordering on the State of Alabama who carries on a business or
5 profession in the State of Alabama or who is regularly
6 employed in the State of Alabama and who meets all of the
7 other requirements necessary to be appointed a notary public
8 may be commissioned as a notary public by the judge of probate
9 of the county in which the person carries on his or her
10 profession, business, or employment.

11 "§36-20-71.

12 "(a) (1) Notaries public shall give bond with
13 sureties, to be approved by the judge of probate of the county
14 of their residence, profession, business, or employment, in
15 the sum of twenty-five thousand dollars (\$25,000), payable to
16 the State of Alabama, and conditioned to faithfully discharge
17 the duties of ~~such~~ their office so long as they may continue
18 therein or discharge any of the duties thereof.

19 "(2) ~~Such~~ The bond shall be executed, approved,
20 filed, and recorded in the office of the judge of probate of
21 the county of their residence, profession, business, or
22 employment, before they enter on the duties of ~~such~~ the
23 office.

24 "(b) All existing notaries public functioning on
25 January 1, 2012, shall continue to function pursuant to their
26 existing bond for the remainder of their existing commission."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.