

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Bearden**

A Bill

ACT 200 OF 1995
SENATE BILL 176

For An Act To Be Entitled

8 "AN ACT TO ALLOW FACSIMILE SIGNATURES AND SEALS TO BE USED
9 BY NOTARIES PUBLIC ON CERTAIN COMMERCIAL DOCUMENTS; AND
10 FOR OTHER PURPOSES."

Subtitle

13 "AN ACT TO ALLOW FACSIMILE SIGNATURES
14 AND SEALS TO BE USED BY NOTARIES PUBLIC
15 ON CERTAIN COMMERCIAL DOCUMENTS."

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19 SECTION 1. Chapter 14 of Title 21 of the Arkansas Code is amended by
20 adding a new subchapter 2 to read as follows::

21 "21-14-201. Definitions. As used in this subchapter:

22 (a) `Facsimile signature' means the reproduction by engraving,
23 imprinting, stamping, or other means of a manual signature of a notary public.

24 (b) `Facsimile seal' means the reproduction by engraving, imprinting,
25 stamping, or other means of the seal of office of a notary public, containing
26 the information described in §21-14-107(2).

27 (c) `Commercial Document' means any instrument, certificate, report,
28 billing, affidavit, or other document which is required to bear a notary
29 certificate by the terms of a purchase order, contract, bid specification,
30 construction standard, testing standard, or other commercial standard,
31 specification, or practice. The term Commercial Document shall not include
32 any deed or other instrument in writing for the conveyance of any real estate,
33 or by which any real estate may be affected in law or equity.

34 21-14-202. Use of Facsimile Signatures and Seals Authorized -- Filing
35 Required. Any notary public may affix a notary certificate bearing the notary
36 public's facsimile signature and facsimile seal in lieu of the notary public's

1 manual signature and rubber or embossed seal on a Commercial Document, after
2 filing with the Secretary of State:

3 (a) The notary public's manual signature certified by the notary public
4 under oath;

5 (b) A general description of the type(s) of Commercial Document(s) to
6 be notarized by facsimile signature and seal;

7 (c) The name and manual signature of any other person or persons
8 signing the Commercial Document(s) by manual or facsimile signature; and

9 (d) The written consent of any other person or persons signing the
10 Commercial Document(s) to the use of the notary public's facsimile signature
11 and facsimile seal on the Commercial Document(s).

12 §21-14-203. Expiration. Any filing by a notary public with the
13 Secretary of State under the terms of this subchapter shall remain in effect
14 until the earlier of:

15 (a) The date on which the notary public's commission in effect on the
16 date of filing expires; or

17 (b) The filing is cancelled by the notary public by subsequent written
18 filing with the Secretary of State.

19 §21-14-204. Duties of Notary Public. A notary public shall have the
20 same duties when affixing a notary certificate with the notary public's
21 facsimile signature and facsimile seal on a Commercial Document as when
22 signing a notary certificate with the notary public's manual signature and
23 rubber or embossed seal, and nothing in this act shall remove any duty or
24 responsibility imposed on a notary public by law, except as specifically
25 provided in this act.

26 §21-14-205. Force and Effect. Notary certificates which are signed by
27 facsimile signature and sealed by facsimile seal under the provisions of this
28 act shall have the same force and effect as notary certificates signed by
29 manual signature and bearing a rubber or embossed seal for all purposes."
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31 SECTION 2. All provisions of this act of a general and permanent nature
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
33 Revision Commission shall incorporate the same in the Code.

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35 SECTION 3. If any provision of this act or the application thereof to

1 any person or circumstances is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

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6 SECTION 4. All laws and parts of laws in conflict with this act are
7 hereby repealed.

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9 SECTION 5. Emergency. Many commercial documents are required to
10 include a notary certificate to comply with terms imposed by purchase orders,
11 business contracts, construction standards, testing standards and other
12 commercial practices. Where such documents are produced by computer and
13 subscribed by an affiant in facsimile form, substantial time and expense is
14 required for a notary public to manually sign, seal and affix notary
15 certificates as required by present law, which increases operating costs,
16 makes Arkansas business less competitive and costs Arkansas jobs. Arkansas
17 law presently permits authorized officers to sign and seal public securities
18 and instruments of payment by facsimile signature and seal under similar
19 circumstances, following a filing with the secretary of state (Ark. Code Ann.
20 §21-10-101 et seq.), but has no similar provision for notaries public on
21 commercial documents. Operating costs may be reduced and expensive business
22 equipment may be more fully utilized by allowing notaries public to affix
23 notary certificates bearing facsimile signatures and seals under appropriate
24 circumstances. Therefore, an emergency is declared to exist and this act
25 being necessary for the preservation of the public peace, health, and safety,
26 shall be in full force and effect from and after its passage and approval.

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APPROVED: 2-9-95

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