

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/3/99

A Bill

Act 1187 of 1999
SENATE BILL 469

5 By: Senator Kennedy
6
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For An Act To Be Entitled

9 "AN ACT TO ESTABLISH THE REVOCATION OF A NOTARY
10 PUBLIC'S COMMISSION; AND FOR OTHER PURPOSES."

Subtitle

13 "TO ESTABLISH THE REVOCATION OF A NOTARY
14 PUBLIC'S COMMISSION."
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. (a) The Secretary of State may deny the application of any
20 person for appointment or reappointment, or revoke the commission of any
21 notary public during such notary's term of appointment if the notary public:

22 (1) Submits an application for commission and appointment that
23 contains substantial and material misstatement or omission of fact;

24 (2) If convicted of official misconduct under the provisions of
25 Arkansas Code 21-14-111;

26 (3) Knowingly uses false or misleading advertising in which such
27 notary represents that such notary has powers, duties, rights, or privileges
28 that such notary does not possess by law;

29 (4) Is found by a court of this state to have engaged in the
30 unauthorized practice of law; or

31 (5) Is found by a court to have improperly notarized documents
32 according to the law.

33 (b) The Secretary of State may investigate possible violations of this
34 article upon a signed complaint from any person.

35 (c) After a notary public receives notice from the Secretary of State
36 that such notary's commission has been revoked, and unless such revocation has

1 been enjoined, such notary shall immediately send or have delivered to the
2 Secretary of State such notary's journal of notarial acts, all other papers
3 and copies relating to such notary's notarial acts, and such notary's official
4 seal.

5 (d) A person whose notary commission has been revoked pursuant to the
6 provisions of this section may subsequently apply for commission and
7 appointment as a notary after three (3) years have elapsed from the date of
8 such revocation.

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10 SECTION 2. (a) If the Secretary of State revokes a notary commission
11 he shall serve the notary with written notice that explains the reason or
12 reasons for the revocation.

13 (b) The notary may appeal the revocation to the Pulaski County Circuit
14 Court within thirty (30) days after service of the notice of revocation is
15 perfected. The notary shall appeal by the petitioning the court to set aside
16 the revocation attaching to the petition copies of the Secretary of State's
17 Certificate of revocation and the written notice of revocation.

18 (c) The Court may summarily order the Secretary of State to reinstate
19 the notary or take other action the court considers appropriate.

20 (d) The Court's final decision may be appealed as in other civil
21 proceedings.

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23 SECTION 3. All provisions of this act of a general and permanent nature
24 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
25 Revision Commission shall incorporate the same in the Code.

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27 SECTION 4. If any provision of this act or the application thereof to
28 any person or circumstance is held invalid, such invalidity shall not affect
29 other provisions or applications of the act which can be given effect without
30 the invalid provision or application, and to this end the provisions of this
31 act are declared to be severable.

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33 SECTION 5. All laws and parts of laws in conflict with this act are
34 hereby repealed.

35 /s/ Kennedy

36 APPROVED: 4/7/1999