

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1404 of the Regular Session

1 State of Arkansas

As Engrossed: H3/24/09 H3/26/09 H3/30/09

2 87th General Assembly

A Bill

3 Regular Session, 2009

HOUSE BILL 2231

4 By: Representative Flowers

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7 **For An Act To Be Entitled**

8 *AN ACT TO AMEND ARKANSAS LAW CONCERNING NOTARY*
9 *PUBLIC BONDS; AND FOR OTHER PURPOSES.*

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11 **Subtitle**

12 *AN ACT TO AMEND ARKANSAS LAW CONCERNING*
13 *NOTARY PUBLIC BONDS.*

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

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18 *SECTION 1. Arkansas Code § 21-14-101 is amended to read as follows:*
19 *§ 21-14-101. Appointment and commission.*

20 *(a)(1) The Secretary of State may appoint and commission an individual*
21 *person as a notary public in this state.*

22 *(2) Effective January 1, 2006, a notary public may perform*
23 *notarial acts in any part of the state for a term of ten (10) years,*
24 *beginning on the date of commission or the date of renewal of a commission*
25 *issued by the Secretary of State.*

26 *(b) Every applicant for appointment and commission as a notary public*
27 *shall complete an application to be filed with the Secretary of State*
28 *stating:*

29 *(1) That he or she is:*

30 *(A) Either a:*

31 *(i) Bona fide citizen of the United States; or*

32 *(ii) Permanent resident alien who shall file with*
33 *his or her application a recorded Declaration of Domicile;*

34 *(B) A legal resident of Arkansas or an adjoining state and*
35 *employed in the State of Arkansas;*



1 (C) Eighteen (18) years of age or older; and

2 (D) Able to read and write English;

3 (2) The address of his or her business or residence in this
4 state; and

5 (3) That during the past ten (10) years, his or her commission
6 as a notary public has not been revoked.

7 (c) The application shall be sent to the Secretary of State with a fee
8 of twenty dollars (\$20.00) for the notary public commission.

9 (d) Every notary public shall file in the office of the recorder of
10 deeds for the county where the notary public resides or in the case of a
11 resident of an adjoining state, in the county in Arkansas where employed,
12 either:

13 (1) A surety bond executed by a surety insurer authorized to do
14 business in Arkansas to the state for the faithful discharge of the notary
15 public's duties in the sum of seven thousand five hundred dollars (\$7,500),
16 to be approved by the Secretary of State; or

17 (2) A surety contract guaranteeing the notary public's faithful
18 discharge of his or her duties executed to the State of Arkansas for not more
19 than an aggregate seven thousand five hundred dollars (\$7,500), issued by a
20 general business corporation validly organized and formed under the laws of
21 this state pertaining to domestic corporations and which:

22 (A) Has previously registered with the Insurance
23 Commissioner on forms prescribed by the commissioner evidencing the
24 corporation's purpose to issue only surety contracts for notaries public
25 pursuant to the provisions of this section;

26 (B) Has previously deposited and thereafter maintains with
27 the commissioner securities in the sum of not less than ten thousand dollars
28 (\$10,000) executed to the State of Arkansas that are issued by a
29 nonaffiliated corporate entity and are approved by the commissioner; and

30 (C) Is not otherwise transacting any insurance business in
31 this state that requires compliance with the provisions of the Arkansas
32 Insurance Code.

33 (e)(1) The obligation of an issuer of a bond required by subsection
34 (d) of this section:

35 (A) Shall be solely to the State of Arkansas; and

36 (B) Is solely for the benefit of the State of Arkansas.

1 (2) Under no circumstances shall the aggregate liability of the
2 issuer exceed the amount of the bond.

3 ~~(e)~~(f)(1) Every notary public shall sign the following declaration in
4 the presence of the circuit clerk for the county where the notary public
5 resides or if a resident of another state, the circuit clerk for the county
6 in Arkansas where employed:

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8 “I, (name of notary), solemnly swear or affirm that I have carefully read the
9 notary laws of this state, and I will uphold the Constitutions of the United
10 States and the State of Arkansas and will faithfully perform to the best of
11 my ability all notarial acts in accordance with the law.

12 (Signature of notary)

13 Subscribed and sworn to before me (name of circuit clerk), Circuit Clerk for
14 the County of (name of county), State of Arkansas, on this day of
15 _____, (year).

16 (Signature of circuit clerk)”

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19 (2) The notary public shall send an executed and signed original
20 of the declaration to the Secretary of State.

21 ~~(f)~~(g) Effective January 1, 2006, the Secretary of State shall issue a
22 commission number to each new notary public and to each notary public who
23 renews his or her commission.

24
25 /s/ Flowers

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27 **APPROVED: 4/9/2009**