

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

A Bill

SENATE BILL 176

For An Act To Be Entitled

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

Subtitle

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

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

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

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

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

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

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

21-14-202. Use of Facsimile Signatures and Seals Authorized -- Filing

1 Required. Any notary public may affix a notary certificate bearing the
2 notary public's facsimile signature and facsimile seal in lieu of the notary
3 public's manual signature and rubber or embossed seal on a Commercial
4 Document, after filing with the Secretary of State:

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

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

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

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

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

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

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

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

28 §21-14-205. Force and Effect. Notary certificates which are signed by
29 facsimile signature and sealed by facsimile seal under the provisions of this
30 act shall have the same force and effect as notary certificates signed by
31 manual signature and bearing a rubber or embossed seal for all purposes."
32

33 SECTION 2. All provisions of this act of a general and permanent
34 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
35 Code Revision Commission shall incorporate the same in the Code.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

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

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

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

1
2
3