

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.

State of Arkansas  
87th General Assembly  
Regular Session, 2009  
By: Representative Flowers

As Engrossed: H3/24/09

## A Bill

HOUSE BILL 2231

### For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING LICENSE,  
PERMIT, AND NOTARY PUBLIC BONDS; AND FOR OTHER  
PURPOSES.

### Subtitle

TO AMEND ARKANSAS LAW CONCERNING  
LICENSE, PERMIT, AND NOTARY PUBLIC  
BONDS.

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

*SECTION 1. Arkansas Code Title 14, Chapter 36 is amended to add an additional section to read as follows:*

14-36-101. Bonds – liability.

(a) If an incorporated municipality imposes the requirement of a bond upon a person or entity seeking to obtain a professional, occupational, or business license or permit from the municipality, the bond shall be executed to the municipality.

(b)(1) The obligation of an issuer of a bond required by subsection (a) of this section:

(A) Shall be solely to the incorporated municipality; and

(B) Is solely for the benefit of the incorporated municipality.

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

*SECTION 2. Arkansas Code § 21-4-101 is amended to read as follows:*

*21-4-101. Appointment and commission.*



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

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

7           (b) Every applicant for appointment and commission as a notary public  
8 shall complete an application to be filed with the Secretary of State  
9 stating:

10                 (1) That he or she is:

11                         (A) Either a:

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

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

15                         (B) A legal resident of Arkansas or an adjoining state and  
16 employed in the State of Arkansas;

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

18                         (D) Able to read and write English;

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

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

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

25           (d) Every notary public shall file in the office of the recorder of  
26 deeds for the county where the notary public resides or in the case of a  
27 resident of an adjoining state, in the county in Arkansas where employed,  
28 either:

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

33                         (2) A surety contract guaranteeing the notary public's faithful  
34 discharge of his or her duties executed to the State of Arkansas for not more  
35 than an aggregate seven thousand five hundred dollars (\$7,500), issued by a  
36 general business corporation validly organized and formed under the laws of

1 this state pertaining to domestic corporations and which:

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

6 (B) Has previously deposited and thereafter maintains with  
7 the commissioner securities in the sum of not less than ten thousand dollars  
8 (\$10,000) executed to the State of Arkansas that are issued by a  
9 nonaffiliated corporate entity and are approved by the commissioner; and

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

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

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

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

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

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

23  
24 "I, (name of notary), solemnly swear or affirm that I have carefully read the  
25 notary laws of this state, and I will uphold the Constitutions of the United  
26 States and the State of Arkansas and will faithfully perform to the best of  
27 my ability all notarial acts in accordance with the law.

28 (Signature of notary)

29 Subscribed and sworn to before me (name of circuit clerk), Circuit Clerk for  
30 the County of (name of county), State of Arkansas, on this . . . . day of  
31 \_\_\_\_\_, (year).

32 (Signature of circuit clerk)"

33  
34  
35 (2) The notary public shall send an executed and signed original  
36 of the declaration to the Secretary of State.

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

/s/ Flowers