

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

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

87th General Assembly

A Bill

Regular Session, 2009

HOUSE BILL 2231

By: Representative Flowers

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 § 21-14-101 is amended to read as follows:

§ 21-14-101. 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22 as a notary public has not been revoked.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