

SENATE BILL No. 440

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-16-2-1.

Synopsis: Notary publics. Changes the term of a notary public commission from ten years to six years. Allows the secretary of state to prescribe a notary public application form that may be submitted to the secretary of state by computer or other electronic device. Allows the oath of office of a notary public to be self administered and certified under penalty of perjury on an application form.

Effective: July 1, 1998.

Paul, Bray

January 13, 1998, read first time and referred to Committee on Governmental and Regulatory Affairs.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 440

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-16-2-1, AS AMENDED BY P.L.34-1997,
2 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 1. (a) Any applicant for a commission as a notary
4 public must:

5 (1) be at least eighteen (18) years of age; and
6 (2) be a legal resident of Indiana.
7 (b) A notary public shall be appointed and commissioned by the
8 governor. A notary public shall hold office for ~~ten (10)~~ **six (6)** years. A
9 notary public, when so qualified, shall be authorized to act throughout
10 Indiana.

11 (c) A person may request an application to become a notary public
12 from the secretary of state. The ~~application form shall be prescribed by~~
13 ~~the secretary of state and shall prescribe a written application form~~
14 **on which a person may apply for a commission as a notary public.**
15 **The secretary of state may provide an applicant with enhanced**
16 **access (as defined in IC 5-14-3-2) to an application form that may**
17 **be completed and submitted to the secretary of state by means of**

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1 **an electronic device. IC 4-5-10 applies to an application form**
 2 **provided by enhanced access under this section. The application**
 3 **form must** include the applicant's county of residence, oath of office,
 4 and official bond. The application ~~shall~~ **must** also contain any
 5 additional information necessary for the efficient administration of this
 6 chapter.

7 (d) The applicant shall:

8 (1) personally appear with an application form before an officer,
 9 authorized by law to administer oaths, who shall administer an
 10 oath of office to the applicant; or

11 (2) **certify on an application form under penalty of perjury**
 12 **that the applicant will abide by the terms of the oath.**

13 **The secretary of state shall prescribe the manner in which an**
 14 **applicant may complete a certification authorized under**
 15 **subdivision (2).**

16 ~~(e)~~ (e) The applicant shall secure an official bond, with freehold or
 17 corporate security, to be approved by the secretary of state in the sum
 18 of five thousand dollars (\$5,000). The official bond shall be
 19 conditioned upon the faithful performance and discharge of the duties
 20 of the office of notary public, in all things according to law, for the use
 21 of any person injured by a breach of the condition. The completed
 22 application shall be forwarded to the secretary of state. The secretary
 23 of state shall forward each commission issued by the governor to the
 24 applicant or the applicant's surety company.

25 ~~(f)~~ (f) The secretary of state shall charge and collect the following
 26 fees:

27 (1) For each commission to notaries public, ten dollars (\$10).

28 (2) For each duplicate commission to notaries public, five dollars
 29 (\$5).

30 SECTION 2. [EFFECTIVE JULY 1, 1998] **IC 33-16-2-1, as**
 31 **amended by this act, applies only to applicants applying for a**
 32 **commission as a notary public after June 30, 1998.**

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