

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1119

By: Representative Dotson

By: Senator J. English

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE APPOINTMENT AND COMMISSION OF A NOTARY PUBLIC; TO ALLOW A NONRESIDENT SPOUSE OF A UNITED STATES MILITARY SERVICE MEMBER TO BE A NOTARY PUBLIC; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE APPOINTMENT AND COMMISSION OF A NOTARY PUBLIC; AND TO ALLOW A NONRESIDENT SPOUSE OF A UNITED STATES MILITARY SERVICE MEMBER TO BE A NOTARY PUBLIC.

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

SECTION 1. Arkansas Code § 21-14-101(b), concerning the appointment and commission of a notary public, is amended to read as follows:

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

(1) That he or she is:

(A) ~~Either a~~ One (1) of the following:

(i) ~~Bona~~ A bona fide citizen of the United States;

~~or~~

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



- ~~(B)~~(iii) A legal resident of Arkansas;
- (iv) ~~or an~~ A legal resident of an adjoining state and employed or operating a business in the State of Arkansas; or
- (v)(a) Nonresident spouse of a United States military service member employed or operating a business in Arkansas;
- (b) One (1) copy of a United States Department of Defense DD Form 1173 or a United States Department of Defense DD Form 1173-1, otherwise known as a Uniformed Services Identification and Privilege Card, shall be included with his or her application under this subsection;
- ~~(C)~~(B) Eighteen (18) years of age or older; and
- ~~(D)~~(C) Able to read and write English;
- (2) The address of his or her place of employment, business, or residence in this state;
- (3) That during the past ten (10) years, his or her commission as a notary public has not been revoked; and
- (4) That he or she has not been convicted of a felony.

SECTION 2. Arkansas Code § 21-14-101(e), concerning the appointment and commission of a notary public, is amended to read as follows:

(e) Every notary public shall file in the office of the recorder of deeds for the county where the notary public resides or in the case of a resident of an adjoining state or nonresident spouse of a United States military service member, in the county in Arkansas ~~where employed~~ of his or her place of employment or business, either:

- (1) A surety bond executed by a surety insurer authorized to do business in Arkansas to the state for the faithful discharge of the notary public's duties in the sum of seven thousand five hundred dollars (\$7,500), to be approved by the Secretary of State; or
- (2) A surety contract guaranteeing the notary public's faithful discharge of his or her duties executed to the State of Arkansas for not more than an aggregate seven thousand five hundred dollars (\$7,500), issued by a general business corporation validly organized and formed under the laws of this state pertaining to domestic corporations and which:
- (A) Has previously registered with the Insurance Commissioner on forms prescribed by the commissioner evidencing the corporation's purpose to issue only surety contracts for notaries public

pursuant to the provisions of this section;

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

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

SECTION 3. Arkansas Code § 21-14-101(g)(1), concerning the appointment and commission of a notary public, is amended to read as follows:

(g)(1) Every notary public shall sign the following declaration in the presence of the circuit clerk for the county where the notary public resides or if a resident of another state or a nonresident spouse of a United States military service member, the circuit clerk for the county in Arkansas ~~where employed~~ of his or her place of employment or business:

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

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

_____(Signature of circuit clerk)”.

SECTION 4. Arkansas Code § 21-14-102 is amended to read as follows:
21-14-102. Change of residence.

(a)(1) Upon receiving notification of a change of residency, the Secretary of State shall transfer a notary public’s appointment and commission to the new county of residence in instances in which a person appointed and commissioned a notary public under § 21-14-101 changes residence to a county within this state other than the county where the notary public resided on the date of commission.

(2) Upon receiving notification of a change in place of employment, the Secretary of State shall transfer a notary public’s

appointment and commission to the new county of employment in the case of a resident of an adjoining state or a nonresident spouse of a United States military service member changing his or her place of employment to a county within this state other than the county where the notary public was employed on the date of commission.

(b) The original bond or certified copy of the original bond from the original county of residence shall also be filed by the notary public in the new county of residence or if the notary public is a resident of an adjoining state or a nonresident spouse of a United States military service member, in the new county of employment in Arkansas.

APPROVED: 2/27/19