

By: Representative Moak

To: Judiciary A

HOUSE BILL NO. 540

1 AN ACT TO AMEND SECTIONS 25-33-9 AND 25-33-11, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT A NOTARY PUBLIC MAY FILE AN
3 AFFIDAVIT REGARDING THE TRUTH OF AN ATTESTATION IN QUESTION; AND
4 FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 25-33-9, Mississippi Code of 1972, is
7 amended as follows:

8 25-33-9. Every notary public shall have the power of
9 administering oaths and affirmations in all matters incident to
10 his notarial office, and he shall be further qualified and
11 empowered to administer oaths and affirmations for the purpose of
12 taking oral testimony under oath or affirmation within the state
13 at large. If an attestation of a notary public is questioned as
14 to its authenticity or correctness of language, the notary public
15 may file an affidavit regarding the truth of the attestation in
16 question along with any corrected language and may file such with
17 the land records in the office of the Chancery Clerk where such
18 land is located, properly indexed, if such authenticity or
19 correctness of language affects real property. Such affidavit
20 shall be a rebuttable presumption that the attestation is true and
21 correct.

22 **SECTION 2.** Section 25-33-11, Mississippi Code of 1972, is
23 amended as follows:

24 25-33-11. Every notary public shall have power to receive
25 the proof or acknowledgment of all instruments of writing relating
26 to commerce or navigation, such as bills of sale, bottomries,
27 mortgages, and hypothecations of ships, vessels or boats, charter
28 parties of affreightment, letters of attorney, and such other



29 writings as are commonly proved or acknowledged before notaries;
30 and to perform all other duties required of notaries by commercial
31 usage, and also to make declarations, including the filing of an
32 affidavit as provided in Section 25-33-9, and certify the truth
33 thereof, under his seal of office, concerning all matters done by
34 him in virtue of his office.

35 **SECTION 3.** This act shall take effect and be in force from
36 and after July 1, 2002.

