

By: Representative Simpson

To: Judiciary A

## HOUSE BILL NO. 916

1 AN ACT TO AMEND SECTION 25-33-1, MISSISSIPPI CODE OF 1972, TO  
2 REVISE BOND REQUIREMENTS FOR NOTARY PUBLICS; TO CREATE SECTION  
3 25-33-33, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SECRETARY  
4 OF STATE MAY PRESCRIBE FORMS AND ESTABLISH FEES; TO REQUIRE THE  
5 SECRETARY OF STATE TO ISSUE RULES REGARDING MISFEASANCE OR  
6 MALFEASANCE; AND FOR RELATED PURPOSES.

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

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

10 25-33-1. The Governor may appoint notaries public who may  
11 serve in any or all counties of this state. A notary public shall  
12 hold office for a term of four (4) years. Notaries public who are  
13 appointed and commissioned after July 1, 1988, shall give bond,  
14 with sufficient sureties, licensed by the Department of Insurance,  
15 in the penalty sum of Five Thousand Dollars (\$5,000.00). All such  
16 bonds shall be conditioned and approved by the Secretary of State.  
17 Notaries public shall not otherwise be considered as state  
18 officers. Each notary public shall take the oath of office  
19 prescribed by Section 268 of the Constitution. A notary public  
20 shall qualify by filing the oath and bond in the Office of the  
21 Secretary of State.

22 The bond requirements, unexpired appointments and commissions  
23 of notaries public issued prior to July 1, 1988, shall be  
24 sufficient, regardless of any jurisdictional limitations, to  
25 authorize notaries public appointed and commissioned prior to July  
26 1, 1988, to serve any or all counties of this state. Any notary  
27 public commission containing language limiting the jurisdiction of  
28 a notary public may be returned to the Secretary of State. The  
29 Secretary of State shall then issue a new certificate indicating

30 that such notary public may serve in any and all counties of this  
31 state.

32 The Secretary of State shall issue notary public commissions  
33 on behalf of the Governor to all qualified applicants. A notary  
34 public shall be at least eighteen (18) years of age, a citizen or  
35 legal resident of the United States and have resided in this state  
36 for a period of not less than thirty (30) days immediately  
37 preceding the date of the application and shall meet such other  
38 requirements as the Secretary of State may establish by rule.

39 **SECTION 2.** The following shall be codified as Section  
40 25-33-33, Mississippi Code of 1972:

41 25-33-33. The Secretary of State may prescribe forms and  
42 establish fees for services not otherwise provided by law.

43 Pursuant to the Administrative Procedures Law, the Secretary  
44 of State shall issue rules to implement this chapter including  
45 regulations providing for the suspension or revocation of a notary  
46 commission for misfeasance or malfeasance in office.

47 **SECTION 3.** This act shall take effect and be in force from  
48 and after July 1, 2007.