

## SENATE AMENDMENTS TO HOUSE BILL 2085

By COMMITTEE ON EDUCATION AND GENERAL GOVERNMENT

May 13

- 1 On page 1 of the printed bill, line 2, after “ORS” insert “194.164, 194.166 and”.
- 2 On page 2, delete lines 18 through 20 and insert:
- 3 “**SECTION 2.** ORS 194.164 is amended to read:
- 4 “194.164. (1) The Secretary of State shall adopt by rule a schedule fixing the [*maximum*] fees that
- 5 a notary public may charge for performing notarial acts. **A fee may not exceed \$10 per notarial**
- 6 **act.** The schedule shall include, but **need** not be limited to, [*maximum*] fees for the following nota-
- 7 rial acts:
- 8 “(a) Acknowledgments.
- 9 “(b) Oaths or affirmations without a signature.
- 10 “(c) Verifications upon oath or affirmation.
- 11 “(d) Copy certifications.
- 12 “(e) Protesting commercial paper, except that [*no fees shall be allowed*] **a notary public may**
- 13 **not charge a fee** for protesting a check because of the insolvency of the financial institution upon
- 14 which the check was written.
- 15 “(2) A notary public may charge an additional fee for traveling to perform a notarial act if:
- 16 “(a) The notary explains to the person requesting the notarial act that the fee is in addition to
- 17 the fee specified under subsection (1) of this section and is not required by law; and
- 18 “(b) The person requesting the notarial act agrees in advance upon the amount of the additional
- 19 fee.
- 20 “(3) [*Notaries*] **A notary public** shall display an English-language schedule of fees for notarial
- 21 acts, as specified under subsection (1) of this section.
- 22 “(4) **A notary public who is employed by a private entity may enter into an agreement**
- 23 **with the entity under which fees collected by the notary under this section are collected by**
- 24 **and accrue to the entity.**
- 25 “(5) **For purposes of defraying costs incurred by the public body for providing notarial**
- 26 **services, a public body as defined in ORS 174.109 may collect the fees described in this section**
- 27 **for notarial acts performed in the course of employment by notaries public who are employed**
- 28 **by the public body.**
- 29 “**SECTION 3.** ORS 194.166 is amended to read:
- 30 “194.166. The Secretary of State may refuse to appoint any person as notary public or may re-
- 31 voke or suspend the commission of any notary public upon any of the following grounds:
- 32 “(1) Failure to meet or maintain the qualifications required under ORS 194.005 to 194.200 or
- 33 refusal of the consent described under ORS 194.024.
- 34 “(2) Substantial and material misstatement or omission of fact in the application submitted to
- 35 the Secretary of State.

- 1       “(3) Engaging in official misconduct.
- 2       “(4) Conviction of a felony, or of a lesser offense incompatible with the duties of a notary public.
- 3       “(5) Revocation, suspension, restriction or denial of a professional license issued by a govern-  
4 mental entity, if the revocation, suspension, restriction or denial was for misconduct, dishonesty or  
5 any cause substantially relating to the duties or responsibilities of a notary public.
- 6       “(6) When adjudged liable for damages in any suit grounded in fraud or misrepresentation or in  
7 any suit based upon a failure to discharge fully and faithfully the duties as notary public.
- 8       “(7) The use of false or misleading advertising wherein the notary public has represented that  
9 the notary public has powers, qualifications, rights or privileges that the office of notary does not  
10 have, including the power to counsel on immigration matters.
- 11       “(8) Engaging in the unauthorized practice of law.
- 12       “(9) Charging more than the [*maximum*] fees adopted by the Secretary of State by rule under  
13 ORS 194.164.
- 14       “(10) Failure to comply with ORS 194.162 (3) and (4).
- 15       “(11) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially  
16 benefit the notary public or another or substantially injure another.
- 17       “(12) Failure to complete an acknowledgment at the time the notary’s signature and official seal  
18 are affixed to the document.
- 19       “(13) Execution of any certificate as a notary public containing a statement known to the notary  
20 public to be false.
- 21       “(14) Using officially an official seal, seal embosser or other device making an imprint or im-  
22 pression that does not conform to ORS 194.031 or to the rules of the Secretary of State.
- 23       “(15) Failure to give notice of change of address as required under ORS 194.047 or apply for,  
24 or give notice of, a change of name as required under ORS 194.052.
- 25       “**SECTION 4. (1) The amendments to ORS 194.515 by section 1 of this 2009 Act apply to**  
26 **identification documents provided to or relied upon by a notarial officer on or after the ef-**  
27 **fective date of this 2009 Act.**
- 28       “**(2) The amendments to ORS 194.164 and 194.166 by sections 2 and 3 of this 2009 Act apply**  
29 **to fees charged or collected on or after the effective date of this 2009 Act.”.**
- 30
-