

## Subchapter 2 — Facsimile Signatures and Seals.

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**Effective Dates.** Acts 1995, No. 200, § 5: Feb. 9, 1995. Emergency clause provided: “Many commercial documents are required to include a notary certificate to comply with terms imposed by purchase orders, business contracts, construction standards, testing standards and other commercial practices. Where such documents are produced by computer and subscribed by an affiant in facsimile form, substantial time and expense is required for a notary public to manually sign, seal and affix notary certificates as required by present law, which increases operating costs, makes Arkansas business less competitive and costs Arkansas jobs. Arkansas law presently permits authorized officers to sign and seal public securities and instruments of payment by facsimile signature and seal under similar circumstances, following a filing with the secretary of state (Ark. Code Ann. § 21-10-101 et seq.), but has no similar provision for notaries public on commercial documents. Operating costs may be reduced and expensive business equipment may be more fully utilized by allowing notaries public to affix notary certificates bearing facsimile signatures and seals under appropriate circumstances. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.” Acts 2001, No. 1274, § 8: Apr. 4, 2001. Emergency clause provided: “It is found and determined by the General Assembly that the notary public law needs to be updated and reformed immediately. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.”

### **21-14-201. Definitions.**

As used in this subchapter:

(1) “Facsimile signature” means the reproduction by engraving, imprinting, stamping, or other means of a manual signature of a notary public;

(2) “Facsimile seal” means the reproduction by engraving, imprinting, stamping, or other means of the seal of office of a notary public, containing the information described in § 21-14-107(b)(2); and

(3) (A) “Commercial document” means any instrument, certificate, report, billing, affidavit, or other document which is required to bear a notary certificate by the terms of a purchase order, contract, bid specification, construction standard, testing standard, or other commercial standard, specification, or practice.

(B) The term “commercial document” shall not include any deed or other instrument in writing for the conveyance of any real estate or by which any real estate may be affected in law or equity.

**History.** Acts 1995, No. 200, § 1.

### **21-14-202. Use of facsimile signatures and seals authorized — Filing required.**

Any notary public may affix a notary certificate bearing the notary public's facsimile signature and facsimile seal in lieu of the notary public's manual signature and rubber or embossed seal on a commercial document, after filing with the Secretary of State:

(1) The notary public's manual signature certified by the notary public under oath;

(2) A general description of the types of commercial documents to be notarized

by facsimile signature and seal;

(3) The name and manual signature of any other person or persons signing the commercial documents by manual or facsimile signature; and

(4) The written consent of any other person or persons signing the commercial documents to the use of the notary public's facsimile signature and facsimile seal on the commercial documents.

**History.** Acts 1995, No. 200, § 1.

#### **21-14-203. Expiration and resignation.**

(a) Any filing by a notary public with the Secretary of State under the terms of this subchapter shall remain in effect until the earlier of:

(1) The date on which the notary public's commission in effect on the date of filing expires;

(2) The filing is cancelled by the notary public by subsequent written filing with the Secretary of State; or

(3) The filing is cancelled pursuant to § 21-14-113.

(b) (1) A notary public shall send a signed letter of resignation to the Secretary of State and shall return his or her certificate of notary public commission when the notary public:

(A) Wishes to resign his or her commission;

(B) Does not maintain legal residence or employment in this state during the entire term of appointment; or

(C) Is required to resign pursuant to a court order of this state or any other state.

(2) The resigning notary public shall destroy his or her official seal immediately upon resignation.

**History.** Acts 1995, No. 200, § 1; 2001, No. 1274, § 7.

**Amendments.** The 2001 amendment added "and resignation" in the section heading; and added (a)(3) and (b) and made related changes.

#### **21-14-204. Duties of notary public.**

A notary public shall have the same duties when affixing a notary certificate with the notary public's facsimile signature and facsimile seal on a commercial document as when signing a notary certificate with the notary public's manual signature and rubber or embossed seal, and nothing in this subchapter shall remove any duty or responsibility imposed on a notary public by law, except as specifically provided in this subchapter.

**History.** Acts 1995, No. 200, § 1.

#### **21-14-205. Force and effect.**

Notary certificates which are signed by facsimile signature and sealed by facsimile seal under the provisions of this subchapter shall have the same force and effect as notary certificates signed by manual signature and bearing a rubber or embossed seal for all purposes.

**History.** Acts 1995, No. 200, § 1.