

House Bill 1075 (COMMITTEE SUBSTITUTE)

By: Representatives Hilton of the 48th, Gullett of the 19th, Persinger of the 119th, and New of the 64th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 17 of Title 45 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding notaries public, so as to provide that state agencies
3 shall accept certain notarial acts performed in another state; to provide for definitions; to
4 provide that a notarial act may be exercised in any county in this state; to provide for an
5 exception; to provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 17 of Title 45 of the Official Code of Georgia Annotated, relating to
9 general provisions regarding notaries public, is amended by revising Code Section 45-17-9,
10 relating to where notarial acts may be exercised, as follows:

11 "45-17-9.

12 ~~Notarial acts may be exercised in any county in the state.~~

13 (a) As used in this Code section, the term:

14 (1) 'Agency' means any officer, department, division, bureau, board, commission, or
15 agency of state government.

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16 (2) 'Another state' means a state other than this state, territory, or possession of the
17 United States, or the District of Columbia.

18 (b) Notarial acts may be exercised in any county in this state.

19 (c)(1) When a document is notarized by a notarial officer of another state, each agency
20 shall accept such document, provided that:

21 (A) The manner of notarization is authorized by such state;

22 (B) The individual performing the notarial act is authorized by law to perform such
23 notarial act in such state; and

24 (C) The signature and title of the individual performing the notarial act are attached to
25 or logically associated with the document.

26 (2) The signature and title of the individual performing the notarial act in another state
27 are prima-facie evidence that such signature is genuine, the individual holds the
28 designated title, and the individual had the authority to perform such act.

29 (d) A notarial act accepted pursuant to subsection (c) of this Code section is declared legal,
30 valid, and binding; and instruments, documents, oaths, affirmations, depositions, and
31 affidavits acknowledged, authenticated, sworn to, or otherwise notarized shall be
32 admissible in evidence and eligible to record in this state and shall have the same force and
33 effect as if it had been made before a notary public in this state.

34 (e) Nothing in this Code section shall apply to any security instrument or document
35 executed for the conveyance of real property located in this state, whether or not such
36 security instrument or document is recorded."

37 **SECTION 2.**

38 This Act shall become effective upon its approval by the Governor or upon its becoming law
39 without such approval.

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SECTION 3.

41 All laws and parts of laws in conflict with this Act are repealed.