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PUBLIC OFFICERS AND EMPLOYEES Notaries Public: Amend Powers and Duties

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PUBLIC OFFICERS AND EMPLOYEES

Notaries Public: Amend Powers and Duties

CODE SECTION: O.C.G.A. § 45-17-8 (new)
BILL NUMBER: HB 618
ACT NUMBER: 733
SUMMARY: The Act amends the Code relating to the powers and duties of notaries public to provide that the certification or signature of a notary public is not evidence of the notary's knowledge of the contents of the document with certain exceptions.
EFFECTIVE DATE: July 1, 1987

History

In 1986, O.C.G.A. § 45-17-8 was amended to include within the subsection listing powers and duties of notaries the duty to deny notarization if the notary suspected fraud, coercion, or any illegality associated with the document.¹ The amendment further provided that the notary should confirm, through personal knowledge or satisfactory evidence, the identity of all persons involved in the execution of the document.²

Soon after the 1986 amendment, a notary was charged with knowledge of the contents of a loan agreement which he notarized prior to the note entering default.³ The force behind HB 618 stemmed from a perceived overly expansive reading of the duties and potential liability of a notary public.⁴

HB 618

HB 618 limits the notaries' liability based on improper acts in the execution of the document, rather than any substantive information contained therein.⁵ Also, a notary is not held to have knowledge of the contents of those documents which he certifies as being a certified copy of an

1. O.C.G.A. § 45-17-8(b) (Supp. 1987). The Code subsection also was expanded to include attestation and verification as being within the powers and duties of notaries. *Notaries Public: Notarial Acts: Change Requirement*, 2 GA. ST. U.L. REV. 232 (1986).

2. O.C.G.A. § 45-17-8(e) (Supp. 1987).

3. Telephone interview with Representative W. G. Hasty, House District No. 8 (Apr. 30, 1987).

4. *Id.*

5. O.C.G.A. § 45-17-8(f) (Supp. 1987).

original.⁶ HB 618 not only substantially limits the potential liability of notaries, but it reduces the notarial act to a perfunctory operation. This change should allow notaries to expedite their work flow and concentrate on the acts which relate to the execution of documents.

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6. *Id.*