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ARTICLE 3.

CIVIL LAW NOTARIES.

§ 36-20-50. Definitions.

For purposes of this article, the following terms shall have the following meanings:

(1) AUTHENTIC ACT. An instrument executed by a civil law notary refer-
encing this article, which includes the particulars and capacities to act of
transacting parties, a confirmation of the full text of any necessary instru-
ment, the signatures or their legal equivalent thereof of any transacting
parties, the signature and seal of a civil law notary, and such other
information prescribed by the Secretary of State.

(2) BREVET. A private document in which the civil law notary attests to
the authenticity of the signature or signatures, a fact or a contract.
Brevets may be used, among other things, to certify signatures, prescribe
oaths, certify a translation or a copy of a document that is not part of the
civil law notaries protocol, or certify the identity of any object or thing.

(3) CIVIL LAW NOTARY. A person who is admitted to the practice of law in
this state, who has practiced law in a United States jurisdiction for at least
five years, and who is appointed by the Secretary of State as a civil law
notary.

(4) MINUTE. An authentic act written by a civil law notary which contains
the exact narration of a finding of fact or facts influencing the rights of
private parties of which the civil law notary has personal knowledge and
that due to the nature of the authentic act does not constitute a contract or
juridical business. The types of minutes include, but may not be limited to,
the following:

a. General Minutes. A minute providing a certification of general
facts known to the civil law notary.

b. Minutes of Notoriety. A minute providing a certification that a
fact is generally known by the people who have a direct or close relation-
ship with the factual situation or its consequences, or who belong to the
social or economic environment of the person affected by a particular fact.

c. Minutes of Correction. A minute for the purpose of rectifying
minor errors in form or omissions made by the civil law notary in prior
authentic acts.

d. Minutes of Addition. A minute for the purpose of including a
document in the civil law notary's protocol in order to provide for
preservation of the document; limited memorialization of domestic pri-
vate documents and/or execution of foreign legal documents.

(5) NOTARIAL DEED. An authentic act in which contains a contract, transac-
tion or other juridical act and which may also include the certification of
facts. Notarial deeds may involve either a single party, as in the case of a

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9, p. 1041, § 1; Act

United States" following
division (3), redesignated
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sion (3), as so redesignat-
LAW NOTARY" for "ALABAMA
", inserted "in a United
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Editor's Notes:

Commissioner in subdivi-
inserted "NOTARIAL" for
t a misspelling.

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(4) Refrain from representing any party in any matter arising from or related to the civil law notary's authentic act. (Act 99-449, p. 1041, § 2; Act 2001-967, 3rd Sp. Sess. p. 861, § 1.)

HISTORY

Amendment notes:

The 2001 amendment, effective September 26, 2001, rewrote this section.

Code Commissioner's Notes

In 2001, the Code Commissioner in the first sentence of subsection (b) inserted "notarial"

for "notorial" and in the second sentence inserted "make" for "maker" to correct spelling errors. Also in 2001, the Code Commissioner in the first sentence of subsection (d), after "prejudice to his" inserted "or her" to correct a typographical error.

§ 36-20-52. Rules of procedure.

The Secretary of State may adopt rules prescribing all of the following:

(1) The form and content of authentic acts, oaths, acknowledgments, and signatures and seals or their legal equivalents.

(2) Procedures for the permanent archiving of authentic acts, maintaining records of acknowledgments and oaths, and procedures for the administration of oaths and taking of acknowledgments.

(3) The charging of reasonable fees to be retained by the Secretary of State for the purpose of administering this article.

(4) Educational requirements and procedures for testing applicants' knowledge of all matters relevant to the appointment, authority, duties or legal or ethical responsibilities of a civil law notary.

(5) Procedures for the disciplining of civil law notaries, including, but not limited to, the suspension and revocation of appointments for failure to comply with the requirements of this article or the rules of the Secretary of State, or for misrepresentation or fraud regarding the civil law notary's authority, the effect of the civil law notary's authentic acts, or the identities or acts of the parties to a transaction.

(6) Bonding or errors and omissions insurance requirements, or both, for civil law notaries.

(7) Other matters necessary for administering this article. (Act 99-449, p. 1041, § 3; Act 2001-967, 3rd Sp. Sess., p. 861, § 1.)

HISTORY

Amendment notes:

The 2001 amendment, effective September 26, 2001, in subdivision (1) inserted "authentic acts, oaths, acknowledgments, and", deleted "for authentication instruments" following "equivalents", in subdivision (2) substituted "authentic acts, maintaining records of acknowledgments, and oaths, and procedures for the administration of oaths and taking of acknowledgments" for "authentication instruments", in subdivision (4) substituted "all matter: relevant to the appointment, authority, duties or legal or ethical responsibilities of a

civil law notary" for "the effects and consequences associated with authentication instruments in jurisdictions outside the United States", in subdivision (5) substituted "civil law notaries" for "Alabama international notaries", inserted ", but not limited to.", inserted "failure to comply with the requirements of this article or the rules of the Secretary of State, or for", substituted "civil law notary's" for "Alabama international notary's", substituted "civil law notary's authentic acts" for "Alabama international notary's authentication instruments", redesignated subdivision (6) as subdivision (7), and added subdivision (6).

§ 36-20-53

PUBLIC OFFICERS AND EMPLOYEES

§ 36-20-55

§ 36-21-7

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§ 36-20-53. Discipline, etc., relating to practice of law. Repealed by Act 2001-967, 3rd Sp. Sess., p. 861, § 2, effective September 26, 2001.

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36-21-68. Eligibility f
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§ 36-20-54. Powers of civil law notaries; construction of article.

(a) The powers of civil law notaries include, but are not limited to, all of the powers of a notary public under the laws of this state.

(b) This article shall not be construed as abrogating the provisions of any other act relating to notaries public, attorneys, or the practice of law in this state. (Act 99-449, p. 1041, § 5; Act 2001-967, 3rd Sp. Sess., p. 861, § 1.)

HISTORY

Amendment notes:

The 2001 amendment, effective September 26, 2001, designated subsection (b) and added subsection (a).

§ 36-20-55. Certification by Secretary of State.

If certification of a civil law notary's authority is necessary for a particular document or transaction, it must be obtained from the Secretary of State. Upon receipt of a written request from a civil law notary and the fee prescribed by the Secretary of State, the Secretary of State shall issue a certification of the civil law notary's authority, in a form prescribed by the Secretary of State, which shall include a statement explaining the legal qualifications and authority of a civil law notary in this state. The fee prescribed for the issuance of the certification under this section or an apostille shall not exceed twenty dollars (\$20) per document. The Secretary of State may adopt rules to implement this section. (Act 2001-967, 3rd Sp. Sess., p. 861, § 3.)

HISTORY

Effective date:

The act which added this section is effective September 26, 2001.

CHAPTER 21.

LAW ENFORCEMENT OFFICERS GENERALLY.

ARTICLE 1.

Sec.

forcement officers and investiga-
tors.

GENERAL PROVISIONS.

ARTICLE 3.

Sec.

36-21-7. Reimbursement by new employer for training expenses.

PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION.

36-21-8. Badge and pistol as part of retirement benefits for certain law en-

36-21-40. Definitions.

§ 36-21-7. Reim

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Amendment notes:

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§ 36-21-8. Badge
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