1   # NOTARY PUBLIC QUALIFICATIONS

2   ## 2000 GENERAL SESSION

3   ## STATE OF UTAH

4   **Sponsor: Gene Davis**

5   AN ACT RELATING TO NOTARIZATION AND AUTHENTICATION OF DOCUMENTS;

6   REPEALING THE REQUIREMENTS THAT NOTARIES PUBLIC BE REGISTERED

7   VOTERS, THEMSELVES, OR ENDORSED BY REGISTERED VOTERS.

8   This act affects sections of Utah Code Annotated 1953 as follows:

9   AMENDS:

10   **46-1-3**, as last amended by Chapter 231, Laws of Utah 1999

11   *Be it enacted by the Legislature of the state of Utah:*

12   Section 1. Section **46-1-3** is amended to read:

13   **46-1-3. Qualifications -- Commissioning -- Jurisdiction and term.**

14   (1) Except as provided in Subsection (3), the director of the Division of Corporations and

15   Commercial Code shall commission as a notary any qualified person who submits an application

16   in accordance with this chapter.

17   (2) A person qualified for a notarial commission shall:

18   (a) be 18 years of age or older;

19   (b) lawfully reside in this state 30 days immediately preceding the filing for a notarial

20   commission and maintain permanent residency thereafter;

21   (c) be able to read, write, and understand English;

22   (d) submit an application to the Division of Corporations and Commercial Code

23   containing no significant misstatement or omission of fact and include at least:

24   (i) a statement of the applicant's personal qualifications, the applicant's residence address,

25   a business address in this state, Ş **AND** ş daytime telephone number Ş [, and voter precinct number] ş ;

26   (ii) the applicant's age and date of birth;

27   (iii) all criminal convictions of the applicant, including any pleas of admission and nolo

28   contendere;

29   (iv) all issuances, denials, revocations, suspensions, restrictions, and resignations of a

30   notarial commission or other professional license involving the applicant in this or any other state;

31   (v) the acknowledgment of a passing score by the applicant on a written examination

32   administered under Subsection (5);

33   (vi) a declaration by the applicant; and

34   (vii) an application fee determined under Section 63-38-3.2; <u>and</u>

35   (e) be a [registered voter in] Ş [↑] **Utah <u>RESIDENT</u>** ĥ **[AND]** ĥ [↑] ş or Ş [↑] **have permanent [↑]** ş

35a   resident Ş [↑] **status under Section 245 [↑]**

36   **of the Immigration and Nationality Act; and [↑] [** of the state. **]**

37   **[↑](f) be endorsed by two <u>RESIDENTS</u> [registered voters] of the state** ĥ <u>WHO ARE</u>

37a   <u>OVER THE AGE OF EIGHTEEN</u> ĥ **.** [↑] ş

38   (3) The director of the Division of Corporations and Commercial Code may deny an

39   application based on:

40   (a) the applicant's conviction for a crime involving dishonesty or moral turpitude;

41   (b) any revocation, suspension, or restriction of a notarial commission or professional

42   license issued to the applicant by this or any other state;

43   (c) the applicant's official misconduct while acting in the capacity of a notary; or

44   (d) the applicant's failure to pass the written examination.

45   (4) A person commissioned as a notary by the Division of Corporations and Commercial

46   Code may perform notarial acts in any part of this state for a term of four years, unless the person

47   resigned or the commission is revoked or suspended under Section 46-1-19.

48   (5) (a) Each applicant for a notarial commission shall take a written examination approved

49   by the division and submit the examination to a testing center designated by the division for

50   purposes of scoring the examination. The testing center designated by the division shall issue a

51   written acknowledgment to the applicant indicating whether the applicant passed or failed the

52   examination.

53   (b) The division shall make rules pursuant to Title 63, Chapter 46a, Utah Administrative

54   Rulemaking Act, to implement the examination process required by Subsection <u>(5)</u>(a).

House Floor Amendments 2-28-2000 kh/ecm
House Committee Amendments 2-15-2000 pb/mgt
- 2 -   Senate Committee Amendments 2-4-2000 rd/ecm

- 3 -

Legislative Review Note
    as of   1-11-00 1:52 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel