Enrolled Copy	S.B. 166
zmonea cop.	5.2.1

NOTARY PUBLIC AMENDMENTS
2007 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Ross I. Romero
House Sponsor: David Litvack
LONG TITLE
General Description:
This bill addresses criminal liability of a notary public.
Highlighted Provisions:
This bill:
▶ makes it a class B misdemeanor for a notary public to engage in certain conduct,
including providing legal advice if the notary is not an attorney; and
makes technical changes.
Monies Appropriated in this Bill:
None
Other Special Clauses:
None
Utah Code Sections Affected:
AMENDS:
46-1-11, as repealed and reenacted by Chapter 287, Laws of Utah 1998
46-1-18, as repealed and reenacted by Chapter 287, Laws of Utah 1998
Be it enacted by the Legislature of the state of Utah:
Section 1. Section 46-1-11 is amended to read:
46-1-11. Prohibited acts Advertising.
(1) A nonattorney notary may not provide advice or counsel to another person
concerning legal documents or legal proceedings, including immigration matters.
(2) (a) (i) A nonattorney notary who advertises notarial services in any language other

S.B. 166 Enrolled Copy

30	than English shall include in the advertisement a notice that the notary public is not an
31	attorney.
32	(ii) The notice <u>under Subsection (2)(a)(i)</u> must include the fees that a notary may
33	charge pursuant to Section 46-1-12 and the following statement:
34	"I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN UTAH AND
35	MAY NOT GIVE LEGAL ADVICE ABOUT IMMIGRATION OR ANY OTHER LEGAL
36	MATTER OR ACCEPT FEES FOR LEGAL ADVICE."
37	(b) (i) The notice required by Subsection (2)(a) shall be in English and in the language
38	of the advertisement and in letters of a conspicuous size.
39	(ii) If the advertisement is by radio or television, the statement may be modified, but
40	must include substantially the same message.
41	(c) (i) Literal translation of the phrase "Notary Public" into any language other than
12	English is prohibited if the literal translation implies that the notary is a licensed attorney.
43	(ii) In this Subsection (2)(c), "literal translation" means the translation of a word or
14	phrase without regard to the true meaning of the word or phrase in the language that is being
45	translated.
46	Section 2. Section 46-1-18 is amended to read:
1 7	46-1-18. Liability.
48	(1) A notary may be liable to any person for any damage to that person proximately
19	caused by the notary's misconduct in performing a notarization.
50	(2) (a) A surety for a notary's bond may be liable to any person for damages
51	proximately caused to that person by the notary's misconduct in performing a notarization, but
52	the surety's liability may not exceed the penalty of the bond or of any remaining bond funds
53	that have not been expended to other claimants.
54	(b) Regardless of the number of claimants <u>under Subsection (2)(a)</u> , a surety's total
55	liability may not exceed the penalty of the bond.
56	(3) It is a class B misdemeanor, if not otherwise a criminal offense under this code, for
57	(a) a notary to perform an act in violation of Section 46-1-9 or Section 46-1-11: or

Enrolled Copy S.B. 166

(b) the employer of a notary to solicit the notary to perform a notarial act in violation ofthis chapter.