

**NOTARY PUBLIC AMENDMENTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ross I. Romero**

House Sponsor: \_\_\_\_\_

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**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 the unauthorized practice of law; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**46-1-18**, as repealed and reenacted by Chapter 287, Laws of Utah 1998

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

Section 1. Section **46-1-18** is amended to read:

**46-1-18. Liability.**

(1) A notary [~~may be~~] is liable to any person for any damage to that person proximately caused by the notary's misconduct in performing a notarization.



28           (2) (a) A surety for a notary's bond [~~may be~~] is liable to any person for damages  
29 proximately caused to that person by the notary's misconduct in performing a notarization, but  
30 the surety's liability may not exceed the penalty of the bond or of any remaining bond funds  
31 that have not been expended to other claimants.

32           (b) Regardless of the number of claimants under Subsection (2)(a), a surety's total  
33 liability may not exceed the penalty of the bond.

34           (3) It is a class B misdemeanor, if not otherwise a criminal offense under this code, for:

35           (a) a notary to perform an act in violation of Section 46-1-9 or Section 46-1-11; or

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

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**Legislative Review Note**  
**as of 1-23-07 6:18 PM**

**Office of Legislative Research and General Counsel**

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**S.B. 166 - Notary Public Amendments**

**Fiscal Note**

2007 General Session  
State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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*1/29/2007, 10:43:11 AM, Lead Analyst: Eckersley, S.*

**Office of the Legislative Fiscal Analyst**