



30 46-1-19, as last amended by Laws of Utah 2003, Chapter 136

31 ENACTS:

32 46-1-3.5, Utah Code Annotated 1953

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

35 Section 1. Section 46-1-3 is amended to read:

36 **46-1-3. Qualifications -- Commissioning -- Jurisdiction and term.**

37 (1) Except as provided in Subsection (3), the lieutenant governor shall commission as  
38 a notary any qualified person who submits an application in accordance with this chapter.

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

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

41 (b) lawfully reside in this state 30 days immediately preceding the filing for a notarial  
42 commission and maintain permanent residency thereafter;

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

44 (d) submit an application to the lieutenant governor containing no significant  
45 misstatement or omission of fact and include at least:

46 (i) a statement of the applicant's personal qualifications, the applicant's residence  
47 address, a business address in this state, and daytime telephone number;

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

49 (iii) all criminal convictions of the applicant, including any pleas of admission and  
50 nolo contendere;

51 (iv) all issuances, denials, revocations, suspensions, restrictions, and resignations of a  
52 notarial commission or other professional license involving the applicant in this or any other  
53 state;

54 (v) ~~[the acknowledgment of a passing score by the applicant on a written examination~~  
55 ~~administered]~~ a signed statement that the person has read the information provided under  
56 Subsection (5);

57 (vi) a declaration by the applicant; and

58 (vii) an application fee determined under Section 63J-1-504;

59 (e) be a Utah resident or have permanent resident status under Section 245 of the

60 Immigration and Nationality Act; and

61 (f) be endorsed by two residents of the state who are over the age of 18.

62 (3) The lieutenant governor may deny an application based on:

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

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

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

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

67 (d) the applicant's failure to ~~[pass the written examination]~~ include the statement

68 required by Subsection (2)(d)(v).

69 (4) A person commissioned as a notary by the lieutenant governor may perform

70 notarial acts in any part of this state for a term of four years, unless the person resigned or the

71 commission is revoked or suspended under Section 46-1-19.

72 (5) (a) The lieutenant governor shall provide to an applicant:

73 (i) a copy of the law governing a notary; and

74 (ii) answers to frequently asked questions.

75 (b) Each applicant for a notarial commission shall ~~[take a written examination~~

76 ~~approved]~~ read the information provided by the lieutenant governor ~~[and submit the~~

77 ~~examination to a testing center designated by the lieutenant governor for purposes of scoring~~

78 ~~the examination. The testing center designated by the lieutenant governor shall issue a written~~

79 ~~acknowledgment to the applicant indicating whether the applicant passed or failed the~~

80 ~~examination]~~ under Subsection (5)(a).

81 Section 2. Section **46-1-3.5** is enacted to read:

82 **46-1-3.5. Attorney commissioned to perform notarial acts -- Requirements.**

83 The lieutenant governor shall:

84 (1) by request, provide a person licensed to practice law in this state with the

85 information described in Subsection 46-1-3(5)(a); and

86 (2) commission a person licensed to practice law in this state for a term of four years if  
87 the person:

88 (a) is a resident of this state;

89 (b) submits to the lieutenant governor:

90 (i) a valid certificate of admission to the Utah State Bar; and

91 (ii) a signed statement that the person has read the information provided under

92 Subsection (1);

93 (c) files the bond as required by Section 46-1-4; and

94 (d) pays an application fee determined under Section 63J-1-504.

95 Section 3. Section **46-1-9** is amended to read:

96 **46-1-9. False or incomplete certificate.**

97 (1) A notary may not:

98 [(+)] (a) execute a certificate containing a statement known by the notary to be false or  
99 materially incomplete; or

100 [(2)] (b) perform any notarial act with intent to deceive or defraud.

101 (2) A notary may perform a notarial act if:

102 (a) the notarial certificate being completed by the notary contains:

103 (i) the name of each person whose signature is being notarized, if applicable; and

104 (ii) the date of the signing, if applicable; or

105 (b) the notary legibly writes the information required by Subsection (2)(a) as part of  
106 the notarial certificate.

107 Section 4. Section **46-1-19** is amended to read:

108 **46-1-19. Revocation or suspension.**

109 [The] (1) Except as provided by Subsection (2), the lieutenant governor may revoke or  
110 suspend a [notarial] commission on any ground for which an application for a [notarial]  
111 commission may be denied under Section 46-1-3.

112 (2) For a commission issued under Section 46-1-3.5, the lieutenant governor may  
113 report a violation of this chapter to the Utah State Bar.

