

NOTARY PUBLIC AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: Fred R Hunsaker

LONG TITLE

Committee Note:

The Government Operations and Political Subdivisions Interim Committee recommended this bill.

General Description:

This bill modifies the Notaries Public Reform Act by amending provisions related to information that must be included in a notarial certificate.

Highlighted Provisions:

This bill:

▶ provides that a notarial certificate shall include:

- a description of the type of notarial act; and
- other material information including the name and date of the person whose

signature is being certified; and

▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

46-1-16, as last amended by Laws of Utah 2008, Chapter 47



28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58

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

Section 1. Section **46-1-16** is amended to read:

46-1-16. Notarial acts -- Official signature -- Official seal -- Seal impression.

(1) In completing a notarial act, a notary shall:

(a) sign on the notarial certificate exactly and only the name indicated on the notary's commission[-]; and

(b) include on the notarial certificate:

(i) a description of the type of notarial act; and

(ii) other material information, including the date and the name of the person whose signature is being certified.

(2) (a) A notary shall keep an official notarial seal that is the exclusive property of the notary and that may not be used by any other person.

(b) Upon the resignation, revocation, or expiration of a notarial commission, the seal shall be destroyed.

(c) Each notarial seal obtained by a notary on or after July 1, 2003 shall use purple ink.

(3) (a) A new seal shall be obtained for any new commission or recommission.

(b) A new seal shall be obtained if the notary changes the notary's name of record at any time during the notary's commission.

(c) The seal impression shall be affixed near the notary's official signature on a notarial certificate and shall include a sharp, legible, and photographically reproducible ink impression of the notarial seal that consists of:

(i) the notary public's name exactly as indicated on the notary's commission;

(ii) the words "notary public," "state of Utah," and "my commission expires on (commission expiration date)";

(iii) for a notary seal issued on or after July 1, 2008, the notary's commission number, exactly as indicated on the notary's commission;

(iv) a facsimile of the great seal of the state; and

(v) a rectangular border no larger than one inch by two and one-half inches surrounding the required words and seal.

(4) An embossed seal impression that is not photographically reproducible may be used

59 in addition to, but not in place of, the photographically reproducible seal required in this
60 section.

61 (5) The notarial seal shall be affixed in a manner that does not obscure or render
62 illegible any information or signatures contained in the document or in the notarial certificate.

63 (6) A notary acknowledgment on an annexation, subdivision, or other map or plat is
64 considered complete without the imprint of the notary's official seal if:

65 (a) the notary signs the acknowledgment in permanent ink; and

66 (b) the following appear below or immediately adjacent to the notary's signature:

67 (i) the notary's full name and commission number appears exactly as indicated on the
68 notary's commission;

69 (ii) the words "A notary public commissioned in Utah"; and

70 (iii) the expiration date of the notary's commission.

71 (7) A notary acknowledgment on an electronic message or document is considered
72 complete without the imprint of the notary's seal if the following information appears
73 electronically within the message:

74 (a) the notary's full name and commission number appearing exactly as indicated on
75 the notary's commission; and

76 (b) the words "notary public," "state of Utah," and "my commission expires on _____
77 (date)".

Legislative Review Note
as of 11-18-09 12:17 PM

Office of Legislative Research and General Counsel

S.B. 22 - Notary Public Amendments

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
