Notary Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Calvin R. Musselman

House Sponsor: Jake Sawyer

LONG TITLE

General Description:

This bill amends provisions of the Notaries Public Reform Act.

Highlighted Provisions:

This bill:

- defines terms;
- modifies requirements for providing satisfactory evidence of identity;
- for a notary who, on or after May 6, 2026, receives a notary commission, or receives a new notary commission:
  - implements a requirement for the notary to keep a journal; and
  - modifies requirements for the content of a journal;
- modifies requirements relating to the retention of a journal or an electronic recording of a remote notarization;
- provides that a journal or an electronic recording of a remote notarization are not records under the Government Records Access and Management Act;
- describes the circumstances under which a journal may be inspected;
- makes it a crime to, without legal authority, use, forge, or take certain other actions in relation to a notarization, a journal, an official seal, or other items relating to notarization;
- describes the action that a notary is required to take upon discovery of:
  - a crime described in this bill; or
  - the loss, damage, or destruction of a journal or related items;
- exempts attorneys, law firms, and title agencies from certain requirements relating to a journal; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

46-1-2, as last amended by Laws of Utah 2025, First Special Session, Chapter 16

46-1-3.6, as last amended by Laws of Utah 2024, Chapter 391

46-1-3.7, as last amended by Laws of Utah 2024, Chapter 391

46-1-6, as last amended by Laws of Utah 2019, Chapter 192

46-1-13, as last amended by Laws of Utah 2019, Chapter 192

46-1-14, as last amended by Laws of Utah 2024, Chapter 391

46-1-15, as last amended by Laws of Utah 2019, Chapter 192

46-1-16, as last amended by Laws of Utah 2019, Chapter 192

ENACTS:

46-1-14.1, Utah Code Annotated 1953

REPEALS:

46-1-1, as repealed and reenacted by Laws of Utah 1988, Chapter 222

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

Section 1. Section **46-1-2** is amended to read:

46-1-2 . Definitions.

As used in this chapter:

(1) "Acknowledgment" means a notarial act in which a notary certifies that a signer, whose identity is personally known to the notary or proven on the basis of satisfactory evidence, has admitted, in the presence of the notary, to voluntarily signing a document for the document's stated purpose.

(2) "Before me" means that an individual appears in the presence of the notary.

(3) "Commission" means:

(a) to empower to perform notarial acts; or

(b) the written document that gives authority to perform notarial acts, including the Certificate of Authority of Notary Public that the lieutenant governor issues to a notary.

(4) "Copy certification" means a notarial act in which a notary certifies that a photocopy is

an accurate copy of a document that is neither a public record nor publicly recorded.

(5) "Electronic journal" means an electronic journal of notarial acts that a remote notary is required to keep under Subsection 46-1-13(1)(c) or (2)(b).

[~~(5)~~] (6) "Electronic notarization" means:

(a) a remote notarization; or

(b) a notarization:

(i) in an electronic format;

(ii) of a document that may be recorded electronically under Subsection 17-71-402(2); and

(iii) that conforms with rules made under Section 46-1-3.7.

[~~(6)~~] (7) "Electronic recording of a remote notarization" means [~~the~~] an audio and video recording[~~, described in Subsection 46-1-3.6(3),~~] of the performance of a remote notarization.

[~~(7)~~] (8) "Electronic seal" means an electronic version of the seal described in Section 46-1-16, that conforms with rules made under Subsection 46-1-3.7(1)(d), that a notary may attach to a notarial certificate to complete an electronic notarization.

[~~(8)~~] (9) "Electronic signature" means the same as that term is defined in Section 46-4-102.

[~~(9)~~] (10) "In the presence of the notary" means that an individual:

(a) is physically present with the notary in close enough proximity to see and hear the notary; or

(b) communicates with a remote notary by means of an electronic device or process that:

(i) allows the individual and remote notary to communicate with one another simultaneously by sight and sound; and

(ii) complies with rules made under Section 46-1-3.7.

(11)(a) "Journal" means:

(i) a physical journal of notarial acts that a notary keeps under Subsection 46-1-13(1)(a) or (2)(a); or

(ii) an electronic journal.

(b) "Journal" does not include an electronic recording of a remote notarization.

[~~(10)~~] (12) "Jurat" means a notarial act in which a notary certifies:

(a) the identity of a signer who:

(i) is personally known to the notary; or

(ii) provides the notary satisfactory evidence of the signer's identity;

(b) that the signer affirms or swears an oath attesting to the truthfulness of a document;

and

(c) that the signer voluntarily signs the document in the presence of the notary.

[~~(11)~~] (13) "Notarial act"[~~ or "notarization"~~] means[~~ an act that a notary is authorized to perform under Section 46-1-6.~~] :

(a) a jurat;

(b) an acknowledgment;

(c) a signature witnessing;

(d) a copy certification; or

(e) an oath or affirmation.

[~~(12)~~] (14) "Notarial certificate" means the affidavit described in Section 46-1-6.5 that is:

(a) a part of or attached to a notarized document; and

(b) completed by the notary and bears the notary's signature and official seal.

(15) "Notarization" means the performance of a notarial act.

(16) "Notarized" means that a notarial act or notarization is completed for a record or proceeding.

[~~(13)~~] (17)(a) "Notary" means an individual commissioned to perform notarial acts under this chapter.

(b) "Notary" includes a remote notary.

(18) "Notary public" means the same as notary.

[~~(14)~~] (19) "Oath" or "affirmation" means a notarial act in which a notary certifies that a person made a vow or affirmation in the presence of the notary on penalty of perjury.

[~~(15)~~] (20) "Official misconduct" means a notary's performance of any act prohibited or failure to perform any act mandated by this chapter or by any other law in connection with a notarial act.

[~~(16)~~] (21)(a) "Official seal" means the seal described in Section 46-1-16 that a notary may attach to a notarial certificate to complete a notarization.

(b) "Official seal" includes an electronic seal.

[~~(17)~~] (22) "Personally [~~known~~] knows" means familiarity with an individual resulting from interactions with that individual over a period of time sufficient to eliminate every reasonable doubt that the individual has the identity claimed.

[~~(18)~~] (23) "Remote notarization" means a notarial act performed by a remote notary in accordance with this chapter for an individual who is not in the physical presence of the remote notary at the time the remote notary performs the notarial act.

[~~(19)~~] (24) "Remote notary" means a notary that holds an active remote notary certification

under Section 46-1-3.5.

[~~(20)(a) "Satisfactory evidence of identity" means:~~]

[~~(i) for both an in-person and remote notarization, identification of an individual based on:~~]

[~~(A) subject to Subsection (20)(b), valid personal identification with the individual's photograph, signature, and physical description that the United States government, any state within the United States, or a foreign government issues;~~]

[~~(B) subject to Subsection (20)(b), a valid passport that any nation issues; or~~]

[~~(C) the oath or affirmation of a credible person who is personally known to the notary and who personally knows the individual; and~~]

[~~(ii) for a remote notarization only, a third party's affirmation of an individual's identity in accordance with rules made under Section 46-1-3.7 by means of:~~]

[~~(A) dynamic knowledge-based authentication, which may include requiring the individual to answer questions about the individual's personal information obtained from public or proprietary data sources; or~~]

[~~(B) analysis of the individual's biometric data, which may include facial recognition, voiceprint analysis, or fingerprint analysis.~~]

[~~(b) "Satisfactory evidence of identity," for a remote notarization, requires the identification described in Subsection (20)(a)(i)(A) or passport described in Subsection (20)(a)(i)(B) to be verified through public or proprietary data sources in accordance with rules made under Section 46-1-3.7.~~]

[~~(c) "Satisfactory evidence of identity" does not include:~~]

[~~(i) a driving privilege card under Subsection 53-3-207(12); or~~]

[~~(ii) another document that is not considered valid for identification.~~]

(25)(a) "Satisfactory evidence of identity" means:

(i) for both in-person and remote notarization, identification of an individual based on:

(A) unexpired personal identification that:

(I) includes the individual's photograph, signature, and physical description; and

(II) is issued by the United States government, the government of a state, district, territory, or possession of the United States, a federally-recognized tribal government, or a foreign government;

(B) an unexpired passport issued by any nation;

164 (C) the oath or affirmation of a credible individual whom the notary personally
165 knows and who personally knows the individual seeking the notarial act; or
166 (D) the oath or affirmation of a credible individual who:
167 (I) personally knows the individual seeking the notarial act;
168 (II) the notary does not personally know; and
169 (III) provides the notary with the credible individual's identification described
170 in Subsection (25)(a)(i)(A) or (B); and
171 (ii) for a remote notarization only, in addition to a method of identification described
172 in Subsection (25)(a)(i), secondary authentication of identity of:
173 (A) except as provided in Subsection (25)(a)(ii)(B), the individual seeking the
174 notarial act; or
175 (B) the credible individual described in Subsection (25)(a)(i)(D), if the individual
176 seeking the notarial act is identified under the method of identification
177 described in Subsection (25)(a)(i)(D).
178 (b) "Satisfactory evidence of identity" does not include:
179 (i) a driving privilege card under Subsection 53-3-207(12); or
180 (ii) a document other than a document described in Subsection (25)(a)(i)(A) or (B).
181 (26) "Secondary authentication of identity" means a third party's verification of an
182 individual's identity, in accordance with rules made under Section 46-1-3.7, by means of:
183 (a) dynamic knowledge-based authentication, which may include requiring the
184 individual to answer questions about the individual's personal information obtained
185 from public or proprietary data sources; or
186 (b) analysis of the individual's biometric data, which may include facial recognition,
187 voiceprint analysis, or fingerprint analysis.
188 [~~(21)~~] (27) "Signature witnessing" means a notarial act in which an individual:
189 (a) appears in the presence of the notary and presents a document;
190 (b) provides the notary satisfactory evidence of the individual's identity, or is personally
191 known to the notary; and
192 (c) signs the document in the presence of the notary.
193 (28) "Title agency" means a person that provides title insurance, as defined in Section
194 31A-1-301.
195 Section 2. Section **46-1-3.6** is amended to read:
196 **46-1-3.6 . Remote notarization procedures.**
197 (1) A remote notary who receives a remote notary certification under Section 46-1-3.5 may

perform a remote notarization if the remote notary is physically located in this state.

(2) A remote notary that performs a remote notarization for an individual that is not personally known to the remote notary shall, at the time the remote notary performs the remote notarization, establish satisfactory evidence of identity for the individual by:

(a) communicating with the individual using an electronic device or process that:

(i) allows the individual and remote notary to communicate with one another simultaneously by sight and sound; and

(ii) complies with rules made under Section 46-1-3.7; and

(b) requiring the individual to transmit to the remote notary an image of a form of identification described in Subsection [~~46-1-2(20)(a)(i)(A) or passport described in Subsection 46-1-2(20)(a)(i)(B)~~] 46-1-2(25)(a)(i)(A) or (B) that is of sufficient quality for the remote notary to establish satisfactory evidence of identity.

(3)(a) A remote notary shall create an [~~audio and video recording of the performance~~] electronic recording of each remote notarization and store the recording in accordance with Sections [~~46-1-14~~] 46-1-41.1 and 46-1-15.

(b) A remote notary shall take reasonable steps, consistent with industry standards, to ensure that any non-public data transmitted or stored in connection with a remote notarization performed by the remote notary is secure from unauthorized interception or disclosure.

(4) Notwithstanding any other provision of law, a remote notarization lawfully performed under this chapter satisfies any provision of state law that requires an individual to personally appear before, or be in the presence of, a notary at the time the notary performs a notarial act.

Section 3. Section **46-1-3.7** is amended to read:

46-1-3.7 . Rulemaking authority for electronic notarization.

(1) The director of elections in the Office of the Lieutenant Governor may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding standards for and types of:

(a) electronic software and hardware that:

(i) a notary may use to perform an electronic notarization; and

(ii) a remote notary may use to keep an electronic journal under Section 46-1-13;

(b) public and proprietary data sources that a remote notary may use to establish satisfactory evidence of identity under Subsection [~~46-1-2(20)(b)~~] 46-1-2(25)(a)(i)(A) or (B);

(c) dynamic knowledge-based authentication or biometric data analysis that a remote notary may use to establish [~~satisfactory evidence of identity under Subsection 46-1-2(20)(a)(ii)~~] secondary authentication of identity; and

(d) electronic seals a notary may use to complete an electronic notarial certificate.

(2) When making a rule under this section, the director of elections in the Office of the Lieutenant Governor shall review and consider standards recommended by one or more national organizations that address the governance or operation of notaries.

Section 4. Section **46-1-6** is amended to read:

46-1-6 . Powers and limitations.

(1) A notary may perform the following notarial acts:

(a) a jurat;

(b) an acknowledgment;

(c) a signature witnessing;

(d) a copy certification; and

(e) an oath or affirmation.

(2) A notary may not:

(a) perform an act as a notary that is not described in Subsection (1); or

(b) perform an act described in Subsection (1) if the individual for whom the notary performs the notarial act is not in the presence of the notary at the time the notary performs the act.

Section 5. Section **46-1-13** is amended to read:

46-1-13 . Journal required -- Exceptions.

(1) [~~A~~] For a notary other than a notary described in Subsection (2):

(a) the notary may keep, maintain, [~~and~~]protect[~~ as a public record~~], and provide for lawful inspection a chronological, permanently bound official journal of notarial acts, containing numbered pages[~~.~~] ;

(b) if the notary keeps a journal under Subsection (1)(a), Subsections (3) and (4) apply in relation to the journal;

[~~(2)~~] (c) [~~A~~] a remote notary shall keep a secure electronic journal of each remote notarization the notary performs[~~.~~] ; and

(d) Subsections (3) and (4) apply in relation to an electronic journal described in Subsection (1)(c).

(2) A notary who receives a commission, or a new commission, on or after May 6, 2026:

(a) shall, in accordance with Section 46-1-14, keep, in a secure location, a physical

266 journal of each notarial act, other than a remote notarization, that the notary performs;
267 (b) shall, in accordance with Section 46-1-14, keep a secure electronic journal of each
268 remote notarization that the notary performs; and
269 (c) is subject to the provisions of Subsections (3) and (4) in relation to the notary's
270 journal.
271 (3)(a) A notary shall retain a journal for 10 years after the day on which the notary
272 records the last notarial act in the journal, regardless of whether the notary ceases to
273 be a notary.
274 (b) Following the 10-year period described in Subsection (3)(a), the notary shall destroy
275 the journal by shredding or another means of destruction that renders all information
276 in the journal illegible.
277 (c) A remote notary shall maintain, or ensure that a person that the notary designates as a
278 custodian under Subsection 46-1-15(2)(b)(i) maintains, an electronic journal, and
279 each electronic recording of a remote notarization, for 10 years after the day on
280 which the notary records the last notarial act in the journal, regardless of whether the
281 notary ceases to be a notary.
282 (d) Following the 10-year period described in Subsection (3)(c), the notary shall destroy,
283 or ensure that the custodian designated under Subsection 46-1-15(2)(b)(i) erases and
284 overwrites, or otherwise destroys, the electronic journal, and, for each remote
285 notarization recorded in the journal, the electronic recording of the remote
286 notarization, including all backups, by a means that renders all of the data
287 irretrievable.
288 (4) Notwithstanding the provisions of this chapter:
289 (a) a notary who is employed by an attorney or a law firm is not required to keep a
290 journal of notarial acts performed by the notary in the course and scope of the
291 notary's employment by the attorney or law firm;
292 (b) a journal or other record of a notarial act performed by the notary in the course and
293 scope of the notary's employment by the attorney or law firm is the property of the
294 attorney or law firm and is not subject to disclosure or inspection by the lieutenant
295 governor;
296 (c) the provisions of this chapter do not require an attorney or law firm to take any
297 action that would constitute a violation of the attorney-client privilege;
298 (d) a notary who is employed by a title agency is not required to keep a journal of
299 notarial acts performed by the notary in the course and scope of the notary's

300 employment by the title agency; and
301 (e) a journal or other record of a notarial act performed by the notary in the course and
302 scope of the notary's employment by a title agency is the property of the title agency
303 and is not subject to disclosure or inspection by the lieutenant governor.
304 Section 6. Section **46-1-14** is amended to read:
305 **46-1-14 . Sunsetting provisions for entries in journal -- Required information.**
306 (1) This section applies only to a notary described in Subsection 46-1-13(1).
307 [~~(1)~~] (2) A notary may, for each notarial act the notary performs, and a remote notary shall,
308 for each notarial act the remote notary performs remotely, record the following
309 information in the journal described in Section 46-1-13 at the time of notarization:
310 (a) the date and time of day of the notarial act;
311 (b) the type of notarial act;
312 (c) the type title, or a description of the document, electronic record, or proceeding that
313 is the subject of the notarial act;
314 (d) the signature and printed name and address of each individual for whom a notarial
315 act is performed;
316 (e) the evidence of identity of each individual for whom a notarial act is performed, in
317 the form of:
318 (i) a statement that the person is personally known to the notary;
319 (ii) a description of the identification document and the identification document's
320 issuing agency, serial or identification number, and date of issuance or expiration;
321 (iii) the signature and printed name and address of a credible [~~witness~~] individual
322 swearing or affirming to the person's identity; or
323 (iv) if used for a remote notarization, a description of the [~~dynamic knowledge-based~~
324 ~~authentication or biometric data analysis that was used to provide satisfactory~~
325 ~~evidence of identity under Subsection 46-1-2(20)(a)(ii)~~] secondary authentication
326 of identity used for the remote notarization; and
327 (f) the fee, if any, the notary charged for the notarial act.
328 [~~(2)~~] (3) A notary may record in the journal a description of the circumstances under which
329 the notary refused to perform or complete a notarial act.
330 [~~(3)~~] (4)[~~(a)~~] A remote notary shall include[~~ with the journal~~] , for each electronic
331 notarization recorded in the electronic journal, a copy of the electronic recording of
332 the remote notarization.
333 [~~(b) The electronic recording is not a public record and is not a part of the notary's~~

~~journal.~~]

[~~(4) A remote notary shall maintain, or ensure that a person that the notary designates as a custodian under Subsection 46-1-15(2)(b)(i) maintains, for a period of five years, the information described in Subsections (1) and (3) for each remote notarization the notary performs.~~]

Section 7. Section **46-1-14.1** is enacted to read:

46-1-14.1 . Entries in journal -- Required information.

(1) This section applies to a notary who receives a commission, or a new commission, on or after May 6, 2026.

(2) A journal shall:

(a) unless the journal is an electronic journal, consist of one or more permanently bound records, with each page listed in chronological order; and

(b) subject to Subsection (4), consist of a chronological record of each notarial act that the notary performs, completed by the notary at the time the notary completes the notarial act, including the following for each notarial act:

(i) the date and time of the notarial act;

(ii) the type of notarial act performed;

(iii)(A) the title of the record for which the notary performs the notarial act; or

(B) a description of the record or proceeding for which the notary performs the notarial act;

(iv) if the satisfactory evidence of identity of the individual for whom the notary performs the notarial act is of the type described in Subsection 46-1-2(25)(a)(i)(A) or (B), a description of the identification that states:

(A) the identification type;

(B) the issuing agency of the identification;

(C) the last four digits of the identification number;

(D) the date the identification was issued; and

(E) the date the identification expires;

(v) if the satisfactory evidence of identity of the individual for whom the notary performs the notarial act is a credible individual described in Subsection 46-1-2(25)(a)(i)(C):

(A) an indication that the notary administered an oath or affirmation to the credible individual, including the individual's signature;

(B) a statement that the individual described in Subsection (2)(b)(v)(A) is a

368 credible individual whom the notary personally knows; and
369 (C) the printed name and address of the credible individual;
370 (vi) if the satisfactory evidence of identity of the individual for whom the notary
371 performs the notarial act is a credible individual described in Subsection
372 46-1-2(25)(a)(i)(D):
373 (A) an indication that the notary administered the oath or affirmation to the
374 credible individual, including the individual's signature, to verify:
375 (I) the identity of the individual seeking the notarial act; and
376 (II) that the credible individual personally knows the individual seeking the
377 notarial act;
378 (B) the printed name and address of the credible individual; and
379 (C) a description of the identification, described in Subsection
380 46-1-2(25)(a)(i)(D)(III), of the credible individual that states:
381 (I) the identification type;
382 (II) the issuing agency of the identification;
383 (III) the last four digits of the identification number;
384 (IV) the date the identification was issued; and
385 (V) the date the identification expires;
386 (vii) for a remote notarization only, in addition to the information required under
387 Subsections (2)(b)(iv) through (vi), a record of the secondary authentication of
388 identity;
389 (viii) if the notary administered an oath or affirmation, an indication that the notary
390 administered the oath or affirmation;
391 (ix) the signature, printed name, and address of the individual for whom the notary
392 performs the notarial act; and
393 (x) the fee charged, if any, by the notary.
394 (3) A remote notary shall, for each electronic notarization performed by the remote notary:
395 (a) record in the remote notary's electronic journal, the information described in
396 Subsection (2)(b); and
397 (b) include with the notary's electronic journal a copy of the electronic recording of the
398 remote notarization.
399 (4)(a) A notary may make a single entry in a journal to document more than one notarial
400 act if the notarial acts are performed for the same individual at the same time on:
401 (i) one record; or

402 (ii) similar records.
403 (b) When performing a notarial act for an individual, a notary is not required to have the
404 individual sign the journal if:
405 (i)(A) the notary has performed a notarial act for the individual within 180 days
406 before the day on which the notary performs the notarial act;
407 (B) the notary has personal knowledge of the identity of the individual;
408 (C) the individual is an employer or a coworker of the notary;
409 (D) the notarial act relates to a transaction performed in the ordinary course of the
410 individual's business; and
411 (E) the notary enters "known personally" in place of the evidence otherwise
412 required for the detailed record described in Subsection; or
413 (ii) for a remote notarization, the notary uses the electronic journal to:
414 (A) capture and record the individual's signature; and
415 (B) associate the signature with the remote notarization.
416 (5) If a notary or remote notary refuses to perform or complete a notarial act, the notary
417 shall record in the journal:
418 (a) the information described in Subsection (2)(b) that the notary was able to obtain; and
419 (b) a description of the reason the notary refused to perform or complete the notarial act.
420 Section 8. Section **46-1-15** is amended to read:
421 **46-1-15 . Inspection of journal -- Safekeeping and custody of journal -- Nature of**
422 **record.**
423 (1) Except as provided in Subsection (2)(b), [~~if a notary maintains a journal, the~~] a notary
424 shall:
425 (a) keep the notary's journal in the notary's exclusive custody; and
426 (b) ensure that the journal is not used by any other person for any purpose.
427 (2)(a) A remote notary shall:
428 [~~(i) ensure that the electronic journal and electronic recording described in Section~~
429 ~~46-1-14 that is maintained by the remote notary is a secure and authentic record of~~
430 ~~the remote notarizations that the notary performs;~~]
431 [~~(ii) maintain a backup electronic journal and electronic recording; and~~]
432 [~~(iii) protect the backup electronic journal and electronic recording described in~~
433 ~~Subsection (2)(a)(ii) from unauthorized access or use.~~]
434 (i) ensure that the electronic journal, and the electronic recording of each remote
435 notarization, are a secure and authentic record of the remote notarizations that the

remote notary performs; and

(ii) maintain, and protect from unauthorized access or use, a backup of the electronic journal, and the electronic recording of each remote notarization recorded in the journal.

(b)(i) A remote notary may designate as a custodian of the remote notary's electronic journal and the electronic recording [~~described in Section 46-1-14~~] of each remote notarization:

(A) subject to Subsection (3), the remote notary's employer that employs the remote notary to perform notarizations; or

(B) except as provided in Subsection (2)(b)(iii), an electronic repository that grants the remote notary sole access to the electronic journal and electronic recording and does not allow the person who operates the electronic repository or any other person to access the notary's electronic journal, information in the journal, or [~~the~~] an electronic recording of a remote notarization for any purpose.

(ii) A remote notary [~~that~~] who designates a custodian under Subsection (2)(b)(i) shall execute an agreement with the custodian that requires the custodian to comply with the safety and security requirements, record retention requirements, and record destruction requirements of this chapter with regard to the remote notary's electronic journal, the information in the remote notary's electronic journal, and the electronic [~~recording~~] recordings.

(iii) An electronic repository described in Subsection (2)(b)(i)(B) may access [~~an~~] a remote notary's electronic journal, information [~~contained in an electronic journal, and the electronic recording~~] in the journal, and the electronic recording of each remote notarization:

(A) for a purpose solely related to completing, in accordance with this chapter, the notarization for which the journal or information in the journal is accessed;

(B) for a purpose solely related to complying with the requirements to retain and store records under this chapter; or

(C) if required under a court order.

(3) The notary's employer may not require the notary to surrender the journal or the electronic recording upon termination of the notary's employment.

(4) The lieutenant governor or a designee of the lieutenant governor may inspect a notary's journal or a remote notary's electronic recordings relating to a notarial act:

470 (a) to ensure compliance with the requirements of this chapter or a related provision of
471 law; or
472 (b) to verify the authenticity of a notarial act.
473 (5)(a) Except as provided in Subsection (5)(b) or (7), an individual may, during the
474 notary's normal business hours, inspect or request a copy of an entry for a specific
475 notarial act in the notary's journal, if:
476 (i) the notary personally knows the individual or verifies the individual's identity by
477 satisfactory evidence of identity;
478 (ii) the individual specifies:
479 (A) the type of notarial act the individual desires to inspect;
480 (B) the document to which the notarial act relates;
481 (C) the month and year of the notarial act; and
482 (D) the name of the principal to which the notarial act relates;
483 (iii) the individual affixes the individual's signature in the journal, as a separate entry
484 that contains:
485 (A) the individual's name and address;
486 (B) the method used to identify the individual;
487 (C) the notarial record the individual inspects or of which the individual requests a
488 copy;
489 (D) the date of the inspection or request; and
490 (E) the reason for the inspection or request; and
491 (iv) the individual inspects, or the notary provides a copy of, only the entry requested
492 by the individual.
493 (b) A notary may refuse to allow an inspection, or provide a copy, under Subsection
494 (5)(a), if the notary has a reasonable, articulable belief that the individual is seeking
495 the inspection with criminal or other harmful intent.
496 (6)(a) As used in this Subsection (6), "official request" means:
497 (i) a request made by law enforcement relating to a law enforcement investigation;
498 (ii) a subpoena issued under the authority of law or under court authority; or
499 (iii) a court order.
500 (b) Except as provided in Subsection (7), a notary shall, in accordance with Subsection
501 (6)(c), comply with an official request to:
502 (i) inspect a journal, an entry in a journal, or an electronic recording of a remote
503 notarization; or

504 (ii) provide a certified copy of a notarial act or entry in the notary's journal.
505 (c) Compliance with an official request is limited to:
506 (i) the scope of the investigation described in Subsection (6)(a)(i); or
507 (ii) the extent expressly stated in the subpoena or court order.
508 (7) If a portion of a remote notarization includes biometric information or an image of
509 identification used for the remote notarization, the notary may not allow inspection or
510 release of that portion, unless:
511 (a) the individual to whom the information or identification relates consents, in writing,
512 to the inspection or release;
513 (b) ordered by a court with jurisdiction; or
514 (c) requested by the lieutenant governor or a designee of the lieutenant governor.
515 (8) The following are not a record under Title 63G, Chapter 2, Government Records Access
516 and Management Act:
517 (a) a journal; or
518 (b) an electronic recording of a remote notarization.
519 Section 9. Section **46-1-16** is amended to read:
520 **46-1-16 . Official signature -- Official seal -- Destruction of seal -- Unlawful use of**
521 **seal -- Criminal penalties.**
522 (1) In completing a notarial act, a notary shall sign on the notarial certificate exactly and
523 only the name indicated on the notary's commission.
524 (2)(a) Except as provided in Subsection (2)(d), a notary shall keep an official seal, and a
525 remote notary shall keep an electronic seal and electronic signature, that is the
526 exclusive property of the notary.
527 (b) Except as provided in Subsection (2)(d), a notary's official seal, electronic seal, or
528 electronic signature may not be used by any other person.
529 (c)(i) Each official seal used for an in-person notarization shall be in purple ink.
530 (ii) Each official seal used for a remote notarization shall be rendered in black.
531 (d)(i) A remote notary may allow a person that provides an electronic seal to the
532 remote notary under Section 46-1-17 to act as guardian over the electronic seal.
533 (ii) Except as provided in Subsection (2)(d)(iii), a guardian described in Subsection
534 (2)(d)(i) shall store the seal in a secure manner that prevents any person from:
535 (A) accessing the seal, other than the guardian and the remote notary named on
536 the seal; or
537 (B) using the seal to perform a notarization, other than the remote notary named

538 on the seal.
539 (iii) A guardian that a notary designates under Subsection (2)(d)(i) may access and
540 use the seal of the notary:
541 (A) for a purpose solely related to completing, in accordance with this chapter, the
542 notarization, by the notary, for which the seal is accessed or used;
543 (B) for a purpose solely related to complying with the requirements to obtain,
544 store, and protect the seal under this chapter; or
545 (C) if required under a court order.
546 (3)(a) A notary shall obtain a new official seal:
547 (i) when the notary receives a new commission; or
548 (ii) if the notary changes the notary's name of record at any time during the notary's
549 commission.
550 (b) Subject to Subsection (3)(c), a notary shall affix the official seal near the notary's
551 official signature on a notarial certificate and shall include a sharp, legible, and
552 photographically reproducible rendering of the official seal that consists of:
553 (i) the notary public's name exactly as indicated on the notary's commission;
554 (ii) the words "notary public," "state of Utah," and "my commission expires on
555 (commission expiration date)";
556 (iii) the notary's commission number, exactly as indicated on the notary's commission;
557 (iv) a facsimile of the great seal of the state; and
558 (v) a rectangular border no larger than one inch by two and one-half inches
559 surrounding the required words and official seal.
560 (c) When performing a remote notarization, a remote notary shall attach the remote
561 notary's electronic signature and electronic seal under Subsection (3)(b) to an
562 electronic notarial certificate in a manner that makes evident any subsequent change
563 or modification to:
564 (i) the notarial certificate; or
565 (ii) any electronic record, that is a part of the notarization, to which the notarial
566 certificate is attached.
567 (4) A notary may use an embossed seal impression that is not photographically reproducible
568 in addition to, but not in place of, the photographically reproducible official seal
569 required in this section.
570 (5) A notary shall affix the official seal in a manner that does not obscure or render illegible
571 any information or signatures contained in the document or in the notarial certificate.

572 (6) A notary may not use an official seal independent of a notarial certificate.
573 (7) Except for a notarial certificate that is completed as a part of a remote notarization, a
574 notarial certificate on an annexation, subdivision, or other map or plat is considered
575 complete without the imprint of the notary's official seal if:
576 (a) the notary signs the notarial certificate in permanent ink; and
577 (b) the following appear below or immediately adjacent to the notary's signature:
578 (i) the notary's name and commission number appears exactly as indicated on the
579 notary's commission;
580 (ii) the words "A notary public commissioned in Utah"; and
581 (iii) the expiration date of the notary's commission.
582 (8) A notarial certificate on an electronic message or document is considered complete
583 without the notary's official seal if the following information appears electronically
584 within the message or document:
585 (a) the notary's name and commission number appearing exactly as indicated on the
586 notary's commission; and
587 (b) the words "notary public," "state of Utah," and "my commission expires on_____
588 (date)".
589 (9)(a) When a notary resigns or the notary's commission expires or is revoked, the
590 notary shall:
591 (i) destroy the notary's official seal and certificate; and
592 (ii) if the notary is a remote notary, destroy any coding, disk, certificate, card,
593 software, or password that enables the remote notary to affix the remote notary's
594 electronic signature or electronic seal to a notarial certificate.
595 (b) A former remote notary shall certify to the lieutenant governor in writing that the
596 former remote notary has complied with Subsection (9)(a)(ii) within 10 days after the
597 day on which the notary resigns or the notary's commission expires or is revoked.
598 (10)(a) As used in this Subsection (10), "authority" means:
599 (i) legal authority; or
600 (ii) authority granted by a notary for a person to provide maintenance, repair, or
601 technical support in relation to:
602 (A) the notary's journal; or
603 (B) equipment, hardware, software, computer code, or an electronic storage
604 medium, used or intended for use in performing a notarial act.
605 (b) An actor commits unlawful interference with a notary if the person, without

606 authority, knowingly, uses, forges, takes, accesses, conceals, damages, destroys, or
607 alters:
608 (i) a notary's signature or electronic signature;
609 (ii) a notarial certificate or electronic notarial certificate;
610 (iii) an official seal;
611 (iv) the equipment, hardware, software, computer code, or electronic storage medium
612 used or intended for use in performing a notarial act;
613 (v) a journal; or
614 (vi) an electronic recording of a remote notarization.
615 (c) A violation of Subsection (10)(b) is a class B misdemeanor.
616 (d) If a notary discovers that unlawful interference with a notary has occurred in relation
617 to the notary, or to any item described in Subsection (10)(b) over which the notary
618 has custody or control, the notary shall immediately:
619 (i) notify a law enforcement officer with jurisdiction of the violation; and
620 (ii) provide written notice of the discovery to the lieutenant governor.
621 (e) If a notary discovers that any item described in Subsection (10)(b) over which the
622 notary has custody or control is lost, damaged, or destroyed, the notary shall
623 immediately provide written notice of the discovery to the lieutenant governor.
624 (f) A notary shall:
625 (i) provide the notice described in Subsection (10)(d)(ii) or (e) by:
626 (A) email, using the address provided on the website for the Notary Department,
627 within the Office of the Lieutenant Governor;
628 (B) certified mail; or
629 (C) another delivery method that provides a receipt confirming delivery; and
630 (ii) include in the notice:
631 (A) the notary's name, address, and commission number;
632 (B) a description of the discovery and the relevant facts;
633 (C) if the matter involves a journal or an electronic recording of a remote
634 notarization, the time period covered by the affected journal or electronic
635 recordings; and
636 (D) if the discovery involves unlawful interference under Subsection (10)(b), the
637 information necessary for the lieutenant governor to identify and obtain the
638 related police report.
639 [~~(10)(a) A person who, without authorization, knowingly obtains, conceals, damages, or~~

~~destroys the certificate, disk, coding, card, program, software, or hardware enabling a remote notary to affix an official electronic signature or electronic seal to an electronic record is guilty of a class B misdemeanor.~~]

[~~(b) A remote notary shall immediately notify the lieutenant governor if the notary becomes aware that the notary's electronic signature, electronic seal, electronic journal, or information from the journal has been lost, stolen, or used unlawfully.~~]

Section 10. **Repealer.**

This bill repeals:

Section **46-1-1, Short title.**

Section 11. **Effective Date.**

This bill takes effect on May 6, 2026.