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**Notary Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Calvin R. Musselman**

House Sponsor:

2

**LONG TITLE**

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**General Description:**

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This bill amends provisions of the Notaries Public Reform Act.

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**Highlighted Provisions:**

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This bill:

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- ▶ defines terms;
- ▶ modifies requirements for providing satisfactory evidence of identity;

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when an existing notary commission is renewed, or when a new notary commission is obtained:

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- implements a requirement for the notary to keep a notary journal; and
- modifies requirements for the content of a notary journal;

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▶ modifies requirements relating to the retention of a journal or an electronic recording relating to the journal of a remote notary;

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▶ provides that a notary journal or an electronic recording relating to a notary journal are not records under the Government Records Access and Management Act;

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- ▶ describes the circumstances under which a notary journal may be inspected;

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▶ makes it a crime to, without legal authority, use, forge, or take certain other actions in relation to a notarization, a notary journal, an official seal, or other items relating to notarization;

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- ▶ describes the action that a notary is required to take upon discovery of:

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- a crime described in this bill; or
- the loss, damage, or destruction of a notary journal or related items;

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- ▶ exempts attorneys and law firms from certain requirements relating to a notary journal;

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and

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- ▶ makes technical and conforming changes.

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**Money Appropriated in this Bill:**

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None

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**Other Special Clauses:**

S.B. 139

31        None

32        **Utah Code Sections Affected:**

33        AMENDS:

34        **46-1-2**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16

35        **46-1-3.6**, as last amended by Laws of Utah 2024, Chapter 391

36        **46-1-3.7**, as last amended by Laws of Utah 2024, Chapter 391

37        **46-1-6**, as last amended by Laws of Utah 2019, Chapter 192

38        **46-1-13**, as last amended by Laws of Utah 2019, Chapter 192

39        **46-1-14**, as last amended by Laws of Utah 2024, Chapter 391

40        **46-1-15**, as last amended by Laws of Utah 2019, Chapter 192

41        **46-1-16**, as last amended by Laws of Utah 2019, Chapter 192

42        ENACTS:

43        **46-1-14.1**, Utah Code Annotated 1953

44        REPEALS:

45        **46-1-1**, as repealed and reenacted by Laws of Utah 1988, Chapter 222

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

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

49        **46-1-2 . Definitions.**

50        As used in this chapter:

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

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

56        (3) "Commission" means:

57        (a) to empower to perform notarial acts; or  
58        (b) the written document that gives authority to perform notarial acts, including the  
59        Certificate of Authority of Notary Public that the lieutenant governor issues to a  
60        notary.

61        (4) "Copy certification" means a notarial act in which a notary certifies that a photocopy is  
62        an accurate copy of a document that is neither a public record nor publicly recorded.

63        (5) "Detailed record of the notarial act" means a record of the following, recorded in the  
64        notary's notary journal:

- 65 (a) if the satisfactory evidence of identity of the individual for whom the notary  
66 performs the notarial act is of the type described in Subsection (25)(a)(i)(A) or (B), a  
67 description of the identification that states:  
68 (i) the identification type;  
69 (ii) the issuing agency of the identification;  
70 (iii) the identification number;  
71 (iv) the date the identification was issued; and  
72 (v) the date the identification expires;
- 73 (b) if the satisfactory evidence of identity of the individual for whom the notary  
74 performs the notarial act is a credible individual described in Subsection (25)(a)(i)(C):  
75 (i) the oath or affirmation of the credible individual, including the individual's  
76 signature;  
77 (ii) a statement that the individual described in Subsection (5)(b)(i) is a credible  
78 individual whom the notary personally knows; and  
79 (iii) the printed name and address of the credible individual;
- 80 (c) if the satisfactory evidence of identity of the individual for whom the notary  
81 performs the notarial act is a credible individual described in Subsection (25)(a)(i)(D):  
82 (i) the oath or affirmation of the credible individual, including the individual's  
83 signature, that:  
84 (A) verifies the identity of the individual seeking the notarial act; and  
85 (B) states that the credible individual personally knows the individual seeking the  
86 notarial act;  
87 (ii) the printed name and address of the credible individual; and  
88 (iii) the identification, described in Subsection (25)(a)(i)(D)(III), of the credible  
89 individual; and
- 90 (d) for a remote notarization only, in addition to the information required under  
91 Subsections (5)(a) through (c), a record of the secondary authentication of identity.
- 92 [(5)] (6) "Electronic notarization" means:  
93 (a) a remote notarization; or  
94 (b) a notarization:  
95 (i) in an electronic format;  
96 (ii) of a document that may be recorded electronically under Subsection 17-71-402(2);  
97 and  
98 (iii) that conforms with rules made under Section 46-1-3.7.

99 [({6})] (7) "Electronic recording" means the audio and video recording, described in  
100 Subsection 46-1-3.6(3), of a remote notarization.

101 [({7})] (8) "Electronic seal" means an electronic version of the seal described in Section  
102 46-1-16, that conforms with rules made under Subsection 46-1-3.7(1)(d), that a notary  
103 may attach to a notarial certificate to complete an electronic notarization.

104 [({8})] (9) "Electronic signature" means the same as that term is defined in Section 46-4-102.

105 [({9})] (10) "In the presence of the notary" means that an individual:

- 106 (a) is physically present with the notary in close enough proximity to see and hear the  
107 notary; or
- 108 (b) communicates with a remote notary by means of an electronic device or process that:
  - 109 (i) allows the individual and remote notary to communicate with one another  
110 simultaneously by sight and sound; and
  - 111 (ii) complies with rules made under Section 46-1-3.7.

112 [({10})] (11) "Jurat" means a notarial act in which a notary certifies:

- 113 (a) the identity of a signer who:
  - 114 (i) is personally known to the notary; or
  - 115 (ii) provides the notary satisfactory evidence of the signer's identity;
- 116 (b) that the signer affirms or swears an oath attesting to the truthfulness of a document;  
117 and
- 118 (c) that the signer voluntarily signs the document in the presence of the notary.

119 [({11})] (12) "Notarial act"[-or "notarization"] means[~~an act that a notary is authorized to~~  
120 ~~perform under Section 46-1-6.~~] :

- 121 (a) a jurat;
- 122 (b) an acknowledgment;
- 123 (c) a signature witnessing;
- 124 (d) a copy certification; or
- 125 (e) an oath or affirmation.

126 [({12})] (13) "Notarial certificate" means the affidavit described in Section 46-1-6.5 that is:

- 127 (a) a part of or attached to a notarized document; and
- 128 (b) completed by the notary and bears the notary's signature and official seal.

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

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

132 [({13})] (16)(a) "Notary" means an individual commissioned to perform notarial acts under

133 this chapter.

134 (b) "Notary" includes a remote notary.

135 (17) "Notary journal" means a journal, including a remote notary electronic journal, that a  
136 notary:

137 (a) keeps under Subsection 46-1-13 (1)(a); or

138 (b) is required to keep under Subsection 46-1-13 (2) and Section 46-1-14.

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

140 [(14)] (19) "Oath" or "affirmation" means a notarial act in which a notary certifies that a  
141 person made a vow or affirmation in the presence of the notary on penalty of perjury.

142 [(15)] (20) "Official misconduct" means a notary's performance of any act prohibited or  
143 failure to perform any act mandated by this chapter or by any other law in connection  
144 with a notarial act.

145 [(16)] (21)(a) "Official seal" means the seal described in Section 46-1-16 that a notary  
146 may attach to a notarial certificate to complete a notarization.

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

148 [(17)] (22) "Personally [known] knows" means familiarity with an individual resulting from  
149 interactions with that individual over a period of time sufficient to eliminate every  
150 reasonable doubt that the individual has the identity claimed.

151 [(18)] (23) "Remote notarization" means a notarial act performed by a remote notary in  
152 accordance with this chapter for an individual who is not in the physical presence of the  
153 remote notary at the time the remote notary performs the notarial act.

154 [(19)] (24) "Remote notary" means a notary that holds an active remote notary certification  
155 under Section 46-1-3.5.

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

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

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

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

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

166 [(ii) for a remote notarization only, a third party's affirmation of an individual's

167 identity in accordance with rules made under Section 46-1-3.7 by means of:]  
168 [(A) dynamic knowledge-based authentication, which may include requiring the  
169 individual to answer questions about the individual's personal information  
170 obtained from public or proprietary data sources; or]  
171 [(B) analysis of the individual's biometric data, which may include facial  
172 recognition, voiceprint analysis, or fingerprint analysis.]  
173 [(b) "Satisfactory evidence of identity," for a remote notarization, requires the  
174 identification described in Subsection (20)(a)(i)(A) or passport described in  
175 Subsection (20)(a)(i)(B) to be verified through public or proprietary data sources in  
176 accordance with rules made under Section 46-1-3.7.]  
177 [(e) "Satisfactory evidence of identity" does not include:]  
178 [(i) a driving privilege card under Subsection 53-3-207(12); or]  
179 [(ii) another document that is not considered valid for identification.]

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

- 181 (i) for both in-person and remote notarization, identification of an individual based  
182 on:  
183 (A) unexpired personal identification with the individual's photograph, signature,  
184 and physical description, issued by the United States government, the  
185 government of a state within the United States, or a foreign government, that is  
186 verified through public or proprietary data sources in accordance with rules  
187 made under Section 46-1-3.7;  
188 (B) an unexpired passport, issued by any nation, that is verified through public or  
189 proprietary data sources in accordance with rules made under Section 46-1-3.7;  
190 (C) the oath or affirmation of a credible person whom the notary personally knows  
191 and who personally knows the individual seeking the notarial act; or  
192 (D) the oath or affirmation of a credible individual who:  
193 (I) personally knows the individual seeking the notarial act;  
194 (II) the notary does not personally know; and  
195 (III) provides the notary with the credible individual's identification described  
196 in Subsection (25)(a)(i)(A) or (B); and  
197 (ii) for a remote notarization only, in addition to a method of identification described  
198 in Subsection (25)(a)(i), secondary authentication of identity of:  
199 (A) except as provided in Subsection (25)(a)(ii)(B), the individual seeking the  
200 notarial act; or

(B) the credible individual described in Subsection (25)(a)(i)(D), if the individual seeking the notarial act is identified under the method of identification described in Subsection (25)(a)(i)(D).

(b) "Satisfactory evidence of identity" does not include:

(i) a driving privilege card under Subsection 53.3-207(12); or

(ii) a document other than a document described in Subsection (25)(a)(i)(A) or (B).

(26) "Secondary authentication of identity" means 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 or 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.

[¶21] (27) "Signature witnessing" means a notarial act in which an individual:

(a) appears in the presence of the notary and presents a document;

(b) provides the notary satisfactory evidence of the individual's identity, or is personally known to the notary; and

(c) signs the document in the presence of the notary.

Section 2. Section **46-1-3.6** is amended to read

**46-1-3.6 . Remote notarization procedures.**

(1) A remote notary who receives a remote notary certification under Section 46-1-3.5 may perform 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 notarization, establish a sufficient independent identification of the individual.

(c) A written agreement with the individual, giving the individual a copy of the agreement.

(i) allows the individual and remote notary to communicate with one another in a timely and effective manner;

(ii) and (iii) with  $\lambda = 1$  and  $\lambda = 2$ . Section 46.1.2.7, p. 1

(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 electronic audio and video recording of the

235 performance of each remote notarization and store the recording in accordance with  
236 Sections [46-1-14] 46-1-41.1 and 46-1-15.

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

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

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

246 **46-1-3.7 . Rulemaking authority for electronic notarization.**

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

250 (a) electronic software and hardware that:

251 (i) a notary may use to perform an electronic notarization; and  
252 (ii) a remote notary may use to keep an electronic journal under Section 46-1-13;

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

256 (c) dynamic knowledge-based authentication or biometric data analysis that a remote  
257 notary may use to establish [satisfactory evidence of identity under Subsection  
258 46-1-2(20)(a)(ii)] secondary authentication of identity; and

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

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

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

264 **46-1-6 . Powers and limitations.**

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

266 (a) a jurat;  
267 (b) an acknowledgment;  
268 (c) a signature witnessing;

269 (d) a copy certification; and  
270 (e) an oath or affirmation.

271 (2) A notary may not:  
272 (a) perform an act as a notary that is not described in Subsection (1); or  
273 (b) perform an act described in Subsection (1) if the individual for whom the notary  
274 performs the notarial act is not in the presence of the notary at the time the notary  
275 performs the act.

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

277 **46-1-13 . Notary journal.**

278 (1) [A-] For a notary other than a notary described in Subsection (2):  
279 (a) the notary may keep, maintain, [and] protect[ as a public record], and provide for  
280 lawful inspection a chronological, permanently bound official notary journal of  
281 notarial acts, containing numbered pages[.] ;  
282 (b) if the notary keeps a notary journal under Subsection (1)(a), Subsections (3) and (4)  
283 apply in relation to the notary journal;  
284 [({2})] (c) [A] a remote notary shall keep a secure electronic notary journal of each remote  
285 notarization the notary performs[.] ; and  
286 (d) Subsections (3) and (4) apply in relation to an electronic notary journal described in  
287 Subsection (1)(c).

288 (2) A notary who receives a commission, or a renewal of a commission, on or after May 6,  
289 2026:

290 (a) shall, in accordance with Section 46-1-14, keep, in a secure location, a physical  
291 notary journal of each notarial act, other than a remote notarization, that the notary  
292 performs;  
293 (b) shall, in accordance with Section 46-1-14, keep a secure electronic notary journal of  
294 each remote notarization that the notary performs; and  
295 (c) is subject to the provisions of Subsections (3) and (4) in relation to the notary's  
296 notary journal.

297 (3)(a) A notary shall retain a notary journal for 10 years after the day on which the  
298 notary records the last notarial act in the notary journal, regardless of whether the  
299 notary ceases to be a notary.  
300 (b) Following the 10-year period described in Subsection (3)(a), the notary shall destroy  
301 the notary journal by shredding or another means of destruction that renders all  
302 information in the notary journal illegible.

303 (c) A remote notary shall maintain, or ensure that a person that the notary designates as a  
304 custodian under Subsection 46-1-15(2)(b)(i) maintains, a notary journal, and the  
305 electronic recordings relating to the notary journal, for 10 years after the day on  
306 which the notary records the last notarial act in the notary journal, regardless of  
307 whether the notary ceases to be a notary.

308 (d) Following the 10-year period described in Subsection (3)(c), the notary shall destroy,  
309 or ensure that the custodian designated under Subsection 46-1-15(2)(b)(i) erases and  
310 overwrites, or otherwise destroys, the electronic notary journal, the electronic  
311 recordings relating to the notary journal, including all backups of the notary journal  
312 and the electronic recordings relating to the notary journal, by a means that renders  
313 all of the data irretrievable.

314 (4) Notwithstanding the provisions of this chapter:

315 (a) a notary who is employed by an attorney or a law firm is not required to keep a  
316 notary journal of notarial acts performed by the notary in the course and scope of the  
317 notary's employment by the attorney or law firm;

318 (b) a notary journal or other record of a notarial act performed by the notary in the  
319 course and scope of the notary's employment by the attorney or law firm is the  
320 property of the attorney or law firm and is not subject to disclosure or inspection by  
321 the lieutenant governor; and

322 (c) the provisions of this chapter do not require an attorney or law firm to take any  
323 action that would constitute a violation of the attorney-client privilege.

324 Section 6. Section **46-1-14** is amended to read:

325 **46-1-14 . Sunsetting provisions for entries in notary journal -- Required**  
326 **information.**

327 (1) This section applies only to a notary described in Subsection 46-1-13(1).

328 [({1})] (2) A notary may, for each notarial act the notary performs, and a remote notary shall,  
329 for each notarial act the remote notary performs remotely, record the following  
330 information in the notary journal described in Section 46-1-13 at the time of notarization:

- 331 (a) the date and time of day of the notarial act;  
332 (b) the type of notarial act;  
333 (c) the type title, or a description of the document, electronic record, or proceeding that  
334 is the subject of the notarial act;  
335 (d) the signature and printed name and address of each individual for whom a notarial  
336 act is performed;

- 337 (e) the evidence of identity of each individual for whom a notarial act is performed, in  
338 the form of:  
339 (i) a statement that the person is personally known to the notary;  
340 (ii) a description of the identification document and the identification document's  
341 issuing agency, serial or identification number, and date of issuance or expiration;  
342 (iii) the signature and printed name and address of a credible witness swearing or  
343 affirming to the person's identity; or  
344 (iv) if used for a remote notarization, a description of the [dynamic knowledge-based  
345 authentication or biometric data analysis that was used to provide satisfactory  
346 evidence of identity under Subsection 46-1-2(20)(a)(ii)] secondary authentication  
347 of identity used for the remote notarization; and  
348 (f) the fee, if any, the notary charged for the notarial act.

349 [(2)] (3) A notary may record in the notary journal a description of the circumstances under  
350 which the notary refused to perform or complete a notarial act.

351 [(3)] (4)[(a)] A remote notary shall include with the notary journal a copy of the  
352 electronic recording of the remote notarization.

353 [(b) ~~The electronic recording is not a public record and is not a part of the notary's  
354 journal.]~~]

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

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

360 **46-1-14.1 . Entries in notary journal -- Required information.**

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

363 (2) A notary journal shall:

364 (a) consist of one or more permanently bound records, with each page listed in  
365 chronological order; and

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

- 369 (i) the date and time of the notarial act;  
370 (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) the signature, printed name, and address of the individual for whom the notary performs the notarial act;
  - (v) a detailed record of the notarial act;
  - (vi) if the notary administered an oath, an indication that the notary administered the oath; and
  - (vii) the fee charged, if any, by the notary.

(3) A remote notary shall, for each electronic notarization performed by the remote notary:

- (a) record in the remote notary's electronic notary journal, the information described in Subsection (2)(b); and
  - (b) include with the notary's electronic notary journal a copy of the electronic recording of the remote notarization.

(4)(a) A notary may make a single entry in a notary journal to document more than one

notarial act if the notarial acts are performed for the same individual at the same time on:

- (i) one record; or
  - (ii) similar records

(b) When performing a notarial act for an individual, a notary is not required to have the individual sign the notary journal if:

- (i) the notary has performed a notarial act for the individual within 180 days before the day on which the notary performs the notarial act;
  - (ii) the notary has personal knowledge of the identity of the individual;
  - (iii) the individual is an employer or a coworker of the notary;
  - (iv) the notarial act relates to a transaction performed in the ordinary course of the individual's business; and
  - (v) the notary enters "known personally" in place of the evidence otherwise required for the detailed record described in Subsection (2)(b)(v).

(5) If a notary or remote notary refuses to perform or complete a notarial act, the notary shall record in the notary journal:

- (a) the information described in Subsection (2)(b) that the notary was able to obtain; and
  - (b) a description of the reason the notary refused to perform or complete the notarial act.

Section 8. Section **46-1-15** is amended to read:

405           **46-1-15 . Inspection of notary journal -- Safekeeping and custody of notary**  
406           **journal -- Nature of record.**

407           (1) Except as provided in Subsection (2)(b), [if a notary maintains a journal, the] a notary  
408           shall:

- 409           (a) keep the notary's notary journal in the notary's exclusive custody; and  
410           (b) ensure that the notary journal is not used by any other person for any purpose.

411           (2)(a) A remote notary shall:

412           [(i) ensure that the electronic journal and electronic recording described in Section  
413           46-1-14 that is maintained by the remote notary is a secure and authentic record of  
414           the remote notarizations that the notary performs;]  
415           [(ii) maintain a backup electronic journal and electronic recording; and]  
416           [(iii) protect the backup electronic journal and electronic recording described in  
417           Subsection (2)(a)(ii) from unauthorized access or use.]

- 418           (i) ensure that the electronic notary journal and the remote notary electronic  
419           recordings relating to the electronic notary journal are a secure and authentic  
420           record of the remote notarizations that the remote notary performs; and  
421           (ii) maintain, and protect from unauthorized access or use, a backup of the electronic  
422           notary journal and the electronic recordings relating to the electronic notary  
423           journal.

424           (b)(i) A remote notary may designate as a custodian of the remote notary's electronic  
425           notary journal and remote notary electronic [recording described in Section  
426           46-1-14] recordings:

- 427           (A) subject to Subsection (3), the remote notary's employer that employs the  
428           remote notary to perform notarizations; or  
429           (B) except as provided in Subsection (2)(b)(iii), an electronic repository that  
430           grants the remote notary sole access to the electronic notary journal and  
431           electronic recording and does not allow the person who operates the electronic  
432           repository or any other person to access the notary's electronic notary journal,  
433           information in the notary journal, or the remote notary electronic [recording]  
434           recordings for any purpose.

435           (ii) A remote notary [that] who designates a custodian under Subsection (2)(b)(i) shall  
436           execute an agreement with the custodian that requires the custodian to comply  
437           with the safety and security requirements, record retention requirements, and  
438           record destruction requirements of this chapter with regard to the remote notary's

439 electronic notary journal, the information in the remote notary's electronic notary  
440 journal, and the remote notary's electronic [recording] recordings.

441 (iii) An electronic repository described in Subsection (2)(b)(i)(B) may access [an] a  
442 remote notary's electronic notary journal, information [eontained in an elecetronic  
443 journal, and the electronic recording] in the notary journal, and the electronic  
444 recordings:

- 445 (A) for a purpose solely related to completing, in accordance with this chapter, the  
446 notarization for which the journal or information in the journal is accessed;  
447 (B) for a purpose solely related to complying with the requirements to retain and  
448 store records under this chapter; or  
449 (C) if required under a court order.

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

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

- 454 (a) to ensure compliance with the requirements of this chapter or a related provision of  
455 law; or  
456 (b) to verify the authenticity of a notarial act.

457 (5)(a) Except as provided in Subsection (5)(b) or (7), an individual may, during the  
458 notary's normal business hours, inspect an entry in the notary's notary journal of a  
459 specific notarial act, if:

460 (i) the notary personally knows the individual or the individual proves the  
461 individual's identity to the notary;

462 (ii) the individual specifies:

463 (A) the type of notarial act the individual desires to inspect;

464 (B) the document to which the notarial act relates;

465 (C) the month and year of the notarial act; and

466 (D) the name of the principal to which the notarial act relates;

467 (iii) the individual affixes the individual's signature in the notary journal, as a  
468 separate entry that contains:

469 (A) the individual's name and address;

470 (B) the method used to identify the individual;

471 (C) the notarial record the individual inspects;

472 (D) the date of the inspection; and

- (E) the reason for the inspection; and

(iv) the individual inspects only the notarial act requested by the individual.

(b) A notary may refuse to allow an inspection described in Subsection (5)(a) if the notary has a reasonable, articulable belief that the individual is seeking the inspection with criminal or other harmful intent.

(6)(a) As used in this Subsection (6), "official request" means:

(i) a request made by law enforcement relating to a law enforcement investigation;

(ii) a subpoena issued under the authority of law or under court authority; or

(iii) a court order.

(b) Except as provided in Subsection (7), a notary shall, in accordance with Subsection (6)(c), comply with an official request to:

(i) inspect a notary journal, an entry in a notary journal, or a recording relating to a notary journal; or

(ii) provide a certified copy of a notarial act.

(c) Compliance with an official request is limited to:

(i) the scope of the investigation described in Subsection (6)(a)(i); or

(ii) the extent expressly stated in the subpoena or court order.

(7) If a portion of a remote notarization includes biometric information or an image of identification used for the remote notarization, the notary may not allow inspection or release of that portion, unless:

(a) the individual to whom the information or identification relates consents, in writing, to the inspection or release;

(b) ordered by a court with jurisdiction; or

(c) requested by the lieutenant governor or a designee of the lieutenant governor.

(8) The following are not a record under Title 63G, Chapter 2, Government Records Access and Management Act:

(a) a notary journal; or

(b) an electronic recording of a remote notarization.

(9) An electronic recording of a remote notarization is not part of a notary journal.

Section 9. Section **46-1-16** is amended to read:

**46-1-16 . Official signature -- Official seal -- Destruction of seal -- Unlawful use of seal -- Criminal penalties.**

(1) In completing a notarial act, a notary shall sign on the notarial certificate exactly and only the name indicated on the notary's commission.

- 507 (2)(a) Except as provided in Subsection (2)(d), a notary shall keep an official seal, and a  
508 remote notary shall keep an electronic seal and electronic signature, that is the  
509 exclusive property of the notary.
- 510 (b) Except as provided in Subsection (2)(d), a notary's official seal, electronic seal, or  
511 electronic signature may not be used by any other person.
- 512 (c)(i) Each official seal used for an in-person notarization shall be in purple ink.  
513 (ii) Each official seal used for a remote notarization shall be rendered in black.
- 514 (d)(i) A remote notary may allow a person that provides an electronic seal to the  
515 remote notary under Section 46-1-17 to act as guardian over the electronic seal.  
516 (ii) Except as provided in Subsection (2)(d)(iii), a guardian described in Subsection  
517 (2)(d)(i) shall store the seal in a secure manner that prevents any person from:  
518 (A) accessing the seal, other than the guardian and the remote notary named on  
519 the seal; or  
520 (B) using the seal to perform a notarization, other than the remote notary named  
521 on the seal.  
522 (iii) A guardian that a notary designates under Subsection (2)(d)(i) may access and  
523 use the seal of the notary:  
524 (A) for a purpose solely related to completing, in accordance with this chapter, the  
525 notarization, by the notary, for which the seal is accessed or used;  
526 (B) for a purpose solely related to complying with the requirements to obtain,  
527 store, and protect the seal under this chapter; or  
528 (C) if required under a court order.
- 529 (3)(a) A notary shall obtain a new official seal:  
530 (i) when the notary receives a new commission; or  
531 (ii) if the notary changes the notary's name of record at any time during the notary's  
532 commission.
- 533 (b) Subject to Subsection (3)(c), a notary shall affix the official seal near the notary's  
534 official signature on a notarial certificate and shall include a sharp, legible, and  
535 photographically reproducible rendering of the official seal that consists of:  
536 (i) the notary public's name exactly as indicated on the notary's commission;  
537 (ii) the words "notary public," "state of Utah," and "my commission expires on  
538 (commission expiration date)";  
539 (iii) the notary's commission number, exactly as indicated on the notary's commission;  
540 (iv) a facsimile of the great seal of the state; and

- 541 (v) a rectangular border no larger than one inch by two and one-half inches  
542 surrounding the required words and official seal.
- 543 (c) When performing a remote notarization, a remote notary shall attach the remote  
544 notary's electronic signature and electronic seal under Subsection (3)(b) to an  
545 electronic notarial certificate in a manner that makes evident any subsequent change  
546 or modification to:
- 547 (i) the notarial certificate; or  
548 (ii) any electronic record, that is a part of the notarization, to which the notarial  
549 certificate is attached.
- 550 (4) A notary may use an embossed seal impression that is not photographically reproducible  
551 in addition to, but not in place of, the photographically reproducible official seal  
552 required in this section.
- 553 (5) A notary shall affix the official seal in a manner that does not obscure or render illegible  
554 any information or signatures contained in the document or in the notarial certificate.
- 555 (6) A notary may not use an official seal independent of a notarial certificate.
- 556 (7) Except for a notarial certificate that is completed as a part of a remote notarization, a  
557 notarial certificate on an annexation, subdivision, or other map or plat is considered  
558 complete without the imprint of the notary's official seal if:
- 559 (a) the notary signs the notarial certificate in permanent ink; and  
560 (b) the following appear below or immediately adjacent to the notary's signature:
- 561 (i) the notary's name and commission number appears exactly as indicated on the  
562 notary's commission;  
563 (ii) the words "A notary public commissioned in Utah"; and  
564 (iii) the expiration date of the notary's commission.
- 565 (8) A notarial certificate on an electronic message or document is considered complete  
566 without the notary's official seal if the following information appears electronically  
567 within the message or document:
- 568 (a) the notary's name and commission number appearing exactly as indicated on the  
569 notary's commission; and  
570 (b) the words "notary public," "state of Utah," and "my commission expires on \_\_\_\_\_  
571 (date)".
- 572 (9)(a) When a notary resigns or the notary's commission expires or is revoked, the  
573 notary shall:
- 574 (i) destroy the notary's official seal and certificate; and

- 575 (ii) if the notary is a remote notary, destroy any coding, disk, certificate, card,  
576 software, or password that enables the remote notary to affix the remote notary's  
577 electronic signature or electronic seal to a notarial certificate.
- 578 (b) A former remote notary shall certify to the lieutenant governor in writing that the  
579 former remote notary has complied with Subsection (9)(a)(ii) within 10 days after the  
580 day on which the notary resigns or the notary's commission expires or is revoked.
- 581 [(10)(a) ~~A person who, without authorization, knowingly obtains, conceals, damages, or~~  
582 ~~destroys the certificate, disk, coding, card, program, software, or hardware enabling a~~  
583 ~~remote notary to affix an official electronic signature or electronic seal to an~~  
584 ~~electronic record is guilty of a class B misdemeanor.~~]  
585 [(b) ~~A remote notary shall immediately notify the lieutenant governor if the notary~~  
586 ~~becomes aware that the notary's electronic signature, electronic seal, electronic~~  
587 ~~journal, or information from the journal has been lost, stolen, or used unlawfully.~~]  
588 (10)(a) A person commits unlawful interference with a notary if the person, without  
589 legal authority, knowingly uses, forges, takes, accesses, conceals, damages, destroys,  
590 or alters:  
591 (i) a notary's signature or electronic signature;  
592 (ii) a notarial certificate or electronic certificate;  
593 (iii) an official seal;  
594 (iv) equipment, hardware, software, computer code, or electronic storage medium  
595 that is used or intended for use to perform a notarial act;  
596 (v) a notary journal; or  
597 (vi) an electronic recording relating to a notary journal.  
598 (b) A violation of Subsection (10)(a) is a class B misdemeanor.  
599 (11) A notary shall comply with Subsection (12) if the notary discovers that:  
600 (a) a violation of Subsection (10) occurs in relation to the notary;  
601 (b) a violation of Subsection (10) occurs in relation to an item described in Subsection  
602 (10) over which the notary has custody or control; or  
603 (c) an item described in Subsection (10) over which the notary has custody or control is  
604 otherwise lost, damaged, or destroyed.  
605 (12) If notary makes a discovery described in Subsection (11), the notary shall:  
606 (a) for a discovery described in Subsection (11)(a) or (b), immediately inform a law  
607 enforcement officer with jurisdiction of the violation; and  
608 (b) for a discovery described in Subsection (11)(a), (b), or (c):

- 609 (i) immediately provide written notice of the discovery to the lieutenant governor:  
610 (A) by email, at the email provided on the website of the Notary Department  
611 within the Office of the Lieutenant Governor; or  
612 (B) by certified mail or another means that provides a receipt proving delivery; and  
613 (ii) include in the written notice:  
614 (A) a description of the discovery and the facts relating to the discovery;  
615 (B) the notary's name, address, and commission number;  
616 (C) if the matter relates to a notary journal or an electronic recording relating to a  
617 notary journal, the time period to which the notary journal or electronic  
618 recordings relate; and  
619 (D) if the discovery relates to a violation of Subsection (10), information enabling  
620 the lieutenant governor to identify and obtain a copy of the police report  
621 relating to the incident.

622 **Section 10. Repealer.**

623 This bill repeals:

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

625 **Section 11. Effective Date.**

626 This bill takes effect on May 6, 2026.