

Effective 5/6/2026

46-1-13 Journal required -- Exceptions.

- (1) For a notary other than a notary described in Subsection (2):
 - (a) the notary may keep, maintain, protect, 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;
 - (c) 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 journal of each notarial act, other than a remote notarization, that the notary performs;
 - (b) shall, in accordance with Section 46-1-14, keep a secure electronic journal of each remote notarization that the notary performs; and
 - (c) is subject to the provisions of Subsections (3) and (4) in relation to the notary's journal.
- (3)
 - (a) A notary shall retain a journal for 10 years after the day on which the notary records the last notarial act in the journal, regardless of whether the notary ceases to be a notary.
 - (b) Following the 10-year period described in Subsection (3)(a), the notary shall destroy the journal by shredding or another means of destruction that renders all information in the journal illegible.
 - (c) 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, an electronic journal, and each electronic recording of a remote notarization, for 10 years after the day on which the notary records the last notarial act in the journal, regardless of whether the notary ceases to be a notary.
 - (d) Following the 10-year period described in Subsection (3)(c), the notary shall destroy, or ensure that the custodian designated under Subsection 46-1-15(2)(b)(i) erases and overwrites, or otherwise destroys, the electronic journal, and, for each remote notarization recorded in the journal, the electronic recording of the remote notarization, including all backups, by a means that renders all of the data irretrievable.
- (4) Notwithstanding the provisions of this chapter:
 - (a) a notary who is employed by an attorney or a law firm is not required to keep a journal of notarial acts performed by the notary in the course and scope of the notary's employment by the attorney or law firm;
 - (b) a journal or other record of a notarial act performed by the notary in the course and scope of the notary's employment by the attorney or law firm is the property of the attorney or law firm and is not subject to disclosure or inspection by the lieutenant governor;
 - (c) the provisions of this chapter do not require an attorney or law firm to take any action that would constitute a violation of the attorney-client privilege;
 - (d) a notary who is employed by a title agency is not required to keep a journal of notarial acts performed by the notary in the course and scope of the notary's employment by the title agency; and
 - (e) a journal or other record of a notarial act performed by the notary in the course and scope of the notary's employment by a title agency is the property of the title agency and is not subject to disclosure or inspection by the lieutenant governor.

Amended by Chapter 56, 2026 General Session