

**Effective 5/6/2026**

**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.
- (2)
  - (a) Except as provided in Subsection (2)(d), a notary shall keep an official seal, and a remote notary shall keep an electronic seal and electronic signature, that is the exclusive property of the notary.
  - (b) Except as provided in Subsection (2)(d), a notary's official seal, electronic seal, or electronic signature may not be used by any other person.
  - (c)
    - (i) Each official seal used for an in-person notarization shall be in purple ink.
    - (ii) Each official seal used for a remote notarization shall be rendered in black.
  - (d)
    - (i) A remote notary may allow a person that provides an electronic seal to the remote notary under Section 46-1-17 to act as guardian over the electronic seal.
    - (ii) Except as provided in Subsection (2)(d)(iii), a guardian described in Subsection (2)(d)(i) shall store the seal in a secure manner that prevents any person from:
      - (A) accessing the seal, other than the guardian and the remote notary named on the seal; or
      - (B) using the seal to perform a notarization, other than the remote notary named on the seal.
    - (iii) A guardian that a notary designates under Subsection (2)(d)(i) may access and use the seal of the notary:
      - (A) for a purpose solely related to completing, in accordance with this chapter, the notarization, by the notary, for which the seal is accessed or used;
      - (B) for a purpose solely related to complying with the requirements to obtain, store, and protect the seal under this chapter; or
      - (C) if required under a court order.
- (3)
  - (a) A notary shall obtain a new official seal:
    - (i) when the notary receives a new commission; or
    - (ii) if the notary changes the notary's name of record at any time during the notary's commission.
  - (b) Subject to Subsection (3)(c), a notary shall affix the official seal near the notary's official signature on a notarial certificate and shall include a sharp, legible, and photographically reproducible rendering of the official 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) 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 official seal.
  - (c) When performing a remote notarization, a remote notary shall attach the remote notary's electronic signature and electronic seal under Subsection (3)(b) to an electronic notarial certificate in a manner that makes evident any subsequent change or modification to:
    - (i) the notarial certificate; or

- (ii) any electronic record, that is a part of the notarization, to which the notarial certificate is attached.
- (4) A notary may use an embossed seal impression that is not photographically reproducible in addition to, but not in place of, the photographically reproducible official seal required in this section.
- (5) A notary shall affix the official seal in a manner that does not obscure or render illegible any information or signatures contained in the document or in the notarial certificate.
- (6) A notary may not use an official seal independent of a notarial certificate.
- (7) Except for a notarial certificate that is completed as a part of a remote notarization, a notarial certificate on an annexation, subdivision, or other map or plat is considered complete without the imprint of the notary's official seal if:
  - (a) the notary signs the notarial certificate in permanent ink; and
  - (b) the following appear below or immediately adjacent to the notary's signature:
    - (i) the notary's name and commission number appears exactly as indicated on the notary's commission;
    - (ii) the words "A notary public commissioned in Utah"; and
    - (iii) the expiration date of the notary's commission.
- (8) A notarial certificate on an electronic message or document is considered complete without the notary's official seal if the following information appears electronically within the message or document:
  - (a) the notary's name and commission number appearing exactly as indicated on the notary's commission; and
  - (b) the words "notary public," "state of Utah," and "my commission expires on\_\_\_\_\_ (date)".
- (9)
  - (a) When a notary resigns or the notary's commission expires or is revoked, the notary shall:
    - (i) destroy the notary's official seal and certificate; and
    - (ii) if the notary is a remote notary, destroy any coding, disk, certificate, card, software, or password that enables the remote notary to affix the remote notary's electronic signature or electronic seal to a notarial certificate.
  - (b) A former remote notary shall certify to the lieutenant governor in writing that the former remote notary has complied with Subsection (9)(a)(ii) within 10 days after the day on which the notary resigns or the notary's commission expires or is revoked.
- (10)
  - (a) As used in this Subsection (10), "authority" means:
    - (i) legal authority; or
    - (ii) authority granted by a notary for a person to provide maintenance, repair, or technical support in relation to:
      - (A) the notary's journal; or
      - (B) equipment, hardware, software, computer code, or an electronic storage medium, used or intended for use in performing a notarial act.
  - (b) An actor commits unlawful interference with a notary if the person, without authority, knowingly, uses, forges, takes, accesses, conceals, damages, destroys, or alters:
    - (i) a notary's signature or electronic signature;
    - (ii) a notarial certificate or electronic notarial certificate;
    - (iii) an official seal;
    - (iv) the equipment, hardware, software, computer code, or electronic storage medium used or intended for use in performing a notarial act;
    - (v) a journal; or

- (vi) an electronic recording of a remote notarization.
- (c) A violation of Subsection (10)(b) is a class B misdemeanor.
- (d) If a notary discovers that unlawful interference with a notary has occurred in relation to the notary, or to any item described in Subsection (10)(b) over which the notary has custody or control, the notary shall immediately:
  - (i) notify a law enforcement officer with jurisdiction of the violation; and
  - (ii) provide written notice of the discovery to the lieutenant governor.
- (e) If a notary discovers that any item described in Subsection (10)(b) over which the notary has custody or control is lost, damaged, or destroyed, the notary shall immediately provide written notice of the discovery to the lieutenant governor.
- (f) A notary shall:
  - (i) provide the notice described in Subsection (10)(d)(ii) or (e) by:
    - (A) email, using the address provided on the website for the Notary Department, within the Office of the Lieutenant Governor;
    - (B) certified mail; or
    - (C) another delivery method that provides a receipt confirming delivery; and
  - (ii) include in the notice:
    - (A) the notary's name, address, and commission number;
    - (B) a description of the discovery and the relevant facts;
    - (C) if the matter involves a journal or an electronic recording of a remote notarization, the time period covered by the affected journal or electronic recordings; and
    - (D) if the discovery involves unlawful interference under Subsection (10)(b), the information necessary for the lieutenant governor to identify and obtain the related police report.

Amended by Chapter 56, 2026 General Session