

**46-1-18 Liability.**

- (1) A notary may be liable to any person for any damage to that person proximately caused by the notary's misconduct in performing a notarization.
- (2)
  - (a) A surety for a notary's bond may be liable to any person for damages proximately caused to that person by the notary's misconduct in performing a notarization, but the surety's liability may not exceed the penalty of the bond or of any remaining bond funds that have not been expended to other claimants.
  - (b) Regardless of the number of claimants under Subsection (2)(a), a surety's total liability may not exceed the penalty of the bond.
- (3) It is a class B misdemeanor, if not otherwise a criminal offense under this code, for:
  - (a) a notary to perform an act in violation of Section 46-1-9 or Section 46-1-11; or
  - (b) the employer of a notary to solicit the notary to perform a notarial act in violation of this chapter.

Amended by Chapter 95, 2007 General Session