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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) "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.
- (3) "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.
- (4) "Electronic signature" means the same as that term is defined in Section 46-4-102.
- (5) "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.
- (6) "Notarial act" or "notarization" means an act that a notary is authorized to perform under Section 46-1-6.
- (7) "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 seal.
- (8) "Notary" means any person commissioned to perform notarial acts under this chapter.
- (9) "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.
- (10) "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.
- (11) "Personally known" 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.
- (12)
 - (a) "Satisfactory evidence of identity" means identification of an individual based on:
 - (i) 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;
 - (ii) a valid passport that any nation issues; or
 - (iii) the oath or affirmation of a credible person who is personally known to the notary and who personally knows the individual.
 - (b) "Satisfactory evidence of identity" does not include:
 - (i) a driving privilege card under Subsection 53-3-207(10); or
 - (ii) another document that is not considered valid for identification.
- (13) "Signature witnessing" means a notarial act in which an individual:
 - (a) appears in person before a 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.