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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) "Before me" means that an individual appears in the presence of the notary.
- (3) "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.
- (4) "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.
- (5) "Electronic notarization" means:
 - (a) a remote notarization; or
 - (b) a notarization:
 - (i) in an electronic format;
 - (ii) of a document that may be recorded electronically under Subsection 17-21-18.5(5); and
 - (iii) that conforms with rules made under Section 46-1-3.7.
- (6) "Electronic recording" means the audio and video recording, described in Subsection 46-1-3.6(3), of a remote notarization.
- (7) "Electronic seal" means an electronic version of the seal described in Section 46-1-16, that conforms with rules made under Subsection 46-1-3.7(1)(d), that a notary may attach to a notarial certificate to complete an electronic notarization.
- (8) "Electronic signature" means the same as that term is defined in Section 46-4-102.
- (9) "In the presence of the notary" means that an individual:
 - (a) is physically present with the notary in close enough proximity to see and hear the notary; or
 - (b) communicates with a remote notary by means of an electronic device or process that:
 - (i) allows the individual and remote notary to communicate with one another simultaneously by sight and sound; and
 - (ii) complies with rules made under Section 46-1-3.7.
- (10) "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.
- (11) "Notarial act" or "notarization" means an act that a notary is authorized to perform under Section 46-1-6.
- (12) "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 official seal.
- (13)
 - (a) "Notary" means an individual commissioned to perform notarial acts under this chapter.
 - (b) "Notary" includes a remote notary.

- (14) "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.
- (15) "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.
- (16)
 - (a) "Official seal" means the seal described in Section 46-1-16 that a notary may attach to a notarial certificate to complete a notarization.
 - (b) "Official seal" includes an electronic seal.
- (17) "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.
- (18) "Remote notarization" means a notarial act performed by a remote notary in accordance with this chapter for an individual who is not in the physical presence of the remote notary at the time the remote notary performs the notarial act.
- (19) "Remote notary" means a notary that holds an active remote notary certification under Section 46-1-3.5.
- (20)
 - (a) "Satisfactory evidence of identity" means:
 - (i) for both an in-person and remote notarization, identification of an individual based on:
 - (A) subject to Subsection (20)(b), 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;
 - (B) subject to Subsection (20)(b), a valid passport that any nation issues; or
 - (C) the oath or affirmation of a credible person who is personally known to the notary and who personally knows the individual; and
 - (ii) for a remote notarization only, 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 obtained 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.
 - (b) "Satisfactory evidence of identity," for a remote notarization, requires the identification described in Subsection (20)(a)(i)(A) or passport described in Subsection (20)(a)(i)(B) to be verified through public or proprietary data sources in accordance with rules made under Section 46-1-3.7.
 - (c) "Satisfactory evidence of identity" does not include:
 - (i) a driving privilege card under Subsection 53-3-207(12); or
 - (ii) another document that is not considered valid for identification.
- (21) "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.