

NOTARY ON ELECTRONIC DOCUMENT

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Craig A. Peterson

AN ACT RELATING TO NOTARIZATION AND AUTHENTICATION; AMENDING PROVISIONS REGARDING A NOTARY'S OFFICIAL SIGNATURE; MAKING TECHNICAL CORRECTIONS; AND PROVIDING A COORDINATION CLAUSE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

46-1-13, as last amended by Chapter 54, Laws of Utah 1993

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **46-1-13** is amended to read:

46-1-13. Official signature -- Official seal -- Seal impression -- Notary acknowledgement on electronic message or document.

(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 notary public shall keep an official notarial seal that is the exclusive property of the notary public and that may not be used by any other person. Upon the resignation, revocation, or expiration of a notarial commission or upon death of a notary public, the seal shall be destroyed.

(3) A new seal shall be obtained for any new commission or recommission after July 1, 1990. The seal impression shall be affixed near the notary's official signature on a notarial certificate and shall include a sharp, legible, and photographically reproducible ink impression of the notarial seal that consists of:

- (a) the notary public's name exactly as indicated on the commission;
- (b) the words "notary public," "state of Utah," and "my commission expires (commission expiration date)";
- (c) the address of the notary's business or residence;
- (d) a facsimile of the great seal of the state of Utah; and
- (e) a rectangular border no larger than one inch by two and one-half inches surrounding

the required words and seal.

(4) Notwithstanding Subsection (3), a seal obtained for any existing notarial commission which complied with the statutory requirements for seals in effect at the time the commission was issued may continue to be used until the expiration of the original commission.

(5) An embossed seal impression that is not photographically reproducible may be used in addition to, but not in place of, the photographically reproducible seal required in this section.

(6) The notarial seal shall be affixed in a manner that does not obscure or render illegible any information or signatures contained in the document or in the notarial certificate.

(7) A notary acknowledgement on an annexation, subdivision, or other transparent map or plat is considered complete without the imprint of the notary's official seal if:

- (a) the notary signs the acknowledgement in permanent ink; and
- (b) the following appear below or immediately adjacent to the notary's signature:
 - (i) the notary's full name;
 - (ii) the words "A notary public commissioned in Utah"; and
 - (iii) the expiration date of the notary's commission.

(8) A notary acknowledgement on an electronic message or document is considered complete without the imprint of the notary's seal if:

(a) the electronic message or document has been digitally signed pursuant to Section 46-3-401 in the presence of a notary;

(b) the notary has confirmed that the digital signature on the electronic message or document is verifiable by the public key listed in the certificate issued to the signer in accordance with Section 46-3-403;

(c) the notary electronically signs the acknowledgement with a digital signature pursuant to Section 46-3-401; and

(d) the following information appears electronically within the message digitally signed by the notary:

(i) the notary's full name and commission number exactly as indicated on their commission;
and

(ii) the words "notary public," "state of Utah," and "my commission expires on
(date)"; and

(iii) the address of the notary's business or residence exactly as indicated on their
commission.

Section 2. Coordination clause.

If this bill and H.B. 345, Notaries Public Revision, both pass, it is the intent of the
Legislature that the amendments in Subsection 46-1-13(8) of this bill become Subsection 46-1-16(7)
in H.B. 345.