

JOURNAL OF NOTARY PUBLIC ACTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Peter C. Knudson

This act modifies the Notaries Public Reform Act to require notaries public to maintain a journal of notarial acts.

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

AMENDS:

46-1-13, as repealed and reenacted by Chapter 287, Laws of Utah 1998

46-1-14, as last amended by Chapter 312, Laws of Utah 2000

46-1-15, as repealed and reenacted by Chapter 287, Laws of Utah 1998

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

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

46-1-13. Journal shall be kept.

A notary [~~may~~] shall keep, maintain, and protect as a public record, and provide for lawful inspection a chronological, permanently bound official journal of notarial acts, containing numbered pages.

Section 2. Section **46-1-14** is amended to read:

46-1-14. Entries in journal.

(1) For every notarial act, the notary [~~may~~] shall record in the journal at the time of notarization the following information including:

(a) the date and time of day of the notarial act;

(b) the type of notarial act;

(c) a description of the document or proceeding;

(d) the signature and printed name and address of each person for whom a notarial act is performed;

(e) the evidence of identity of each person for whom a notarial act is performed, in the



form of either:

- (i) a statement that the person is "personally known" to the notary; or
- (ii) a description of the identification document, its issuing agency, its serial or identification number, and its date of issuance or expiration; and
- (iii) the signature and printed name and address of a credible witness swearing or affirming to the person's identity; and
- (f) the fee, if any, charged for the notarial act.

(2) A notary ~~may~~ shall record in the journal the circumstances in refusing to perform or complete a notarial act.

(3) If a notarization is performed electronically, the notary may keep an electronic journal in which to record the information described in Subsections (1) and (2). All electronic notarizations shall be evidenced by a digital signature.

Section 3. Section **46-1-15** is amended to read:

46-1-15. Inspection of journal -- Safekeeping and custody of journal.

~~[If a notary maintains a journal, the]~~ A notary shall:

- (1) safeguard the journal maintained under Sections 46-1-13 and 46-1-14 and all other notarial records as valuable public documents and may not destroy the documents; and
- (2) keep the journal maintained under Sections 46-1-13 and 46-1-14 in the exclusive custody of the notary, not to be used by any other notary or surrendered to an employer upon termination of employment.

Legislative Review Note

as of 1-20-03 7:23 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note**Journal of Notary Public Acts***23-Jan-03***Bill Number SB0114***11:18 AM*

State Impact

No fiscal impact.

Individual and Business ImpactNo fiscal impact.

Office of the Legislative Fiscal Analyst