

NOTARY PUBLIC AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: LaWanna Lou Shurtliff

LONG TITLE

General Description:

This bill amends the Notaries Public Reform Act to require four hours of notarial education.

Highlighted Provisions:

This bill:

▶ beginning July 1, 2005, establishes a requirement of four hours of training for notaries applying for a new commission ~~§~~ → [or renewing a commission as a notary public] ← ~~§~~ ;

▶ authorizes the lieutenant governor's office to approve interactive or classroom instruction; and

▶ authorizes the lieutenant governor to require commissioned notaries to attend notary education if the commissioned notary violates a provision of the Notary Act.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

46-1-3, as last amended by Chapter 136, Laws of Utah 2003

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



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

29 **46-1-3. Qualifications -- Commissioning -- Jurisdiction and term.**

30 (1) Except as provided in Subsection (3), the lieutenant governor shall commission as a
31 notary any qualified person who submits an application in accordance with this chapter.

32 (2) A person qualified for a notarial commission shall:

33 (a) be 18 years of age or older;

34 (b) lawfully reside in this state 30 days immediately preceding the filing for a notarial
35 commission and maintain permanent residency thereafter;

36 (c) be able to read, write, and understand English;

37 (d) submit an application to the lieutenant governor containing no significant
38 misstatement or omission of fact and include at least:

39 (i) a statement of the applicant's personal qualifications, the applicant's residence
40 address, a business address in this state, and daytime telephone number;

41 (ii) the applicant's age and date of birth;

42 (iii) all criminal convictions of the applicant, including any pleas of admission and
43 nolo contendere;

44 (iv) all issuances, denials, revocations, suspensions, restrictions, and resignations of a
45 notarial commission or other professional license involving the applicant in this or any other
46 state;

47 (v) the acknowledgment of a passing score by the applicant on a written examination
48 administered under Subsection (5);

49 (vi) a declaration by the applicant; and

50 (vii) an application fee determined under Section 63-38-3.2;

51 (e) be a Utah resident or have permanent resident status under Section 245 of the
52 Immigration and Nationality Act; ~~and~~

53 (f) be endorsed by two residents of the state who are over the age of 18[-]; and

54 (g) complete at least four hours of approved notary education in accordance with
55 Subsection (6).

56 (3) The lieutenant governor may deny an application based on:

57 (a) the applicant's conviction for a crime involving dishonesty or moral turpitude;

58 (b) any revocation, suspension, or restriction of a notarial commission or professional

59 license issued to the applicant by this or any other state;

60 (c) the applicant's official misconduct while acting in the capacity of a notary; or

61 (d) the applicant's failure to pass the written examination.

62 (4) A person commissioned as a notary by the lieutenant governor may perform
63 notarial acts in any part of this state for a term of four years, unless the person resigned or the
64 commission is revoked or suspended under Section 46-1-19.

65 (5) Each applicant for a notarial commission shall take a written examination approved
66 by the lieutenant governor and submit the examination to a testing center designated by the
67 lieutenant governor for purposes of scoring the examination. The testing center designated by
68 the lieutenant governor shall issue a written acknowledgment to the applicant indicating
69 whether the applicant passed or failed the examination.

70 (6) (a) Beginning July 1, 2005, each ~~§~~→ **new** ←~~§~~ applicant for a notarial commission
70a **~~§~~→[or applicant to**
71 **~~renew a notarial commission~~ ←~~§~~ must complete ~~§~~→ [at least] ←~~§~~ four hours of approved notary**
71a **education**
72 **within the six-month period immediately preceding the application for a commission ~~§~~→ [or a**
73 **renewal.]**

73a ~~§~~→ **[(b) (i) Beginning July 1, 2005 and until July 1, 2009, each applicant for a renewal of a**
73b **notarial**
73b **commission shall complete at least four hours of approved notary education.**

73c ~~§~~→ **[(ii) After July 1, 2009, an applicant for renewal of a notarial commission is not required to**
73d **complete notarial education unless the provisions of Subsection (6)(c) apply.** ←~~§~~ ←~~§~~

74 ~~§~~→**[(b)] ~~§~~→ [(c)] (b) ←~~§~~ ←~~§~~ Notary education may either be interactive or classroom**
74a1 **instruction. All**

74a **education**
75 **programs shall be preapproved by the lieutenant governor with a core curriculum that includes**
76 **the duties and responsibilities of the notary office and electronic notarization.**

77 ~~§~~→**[(c)] ~~§~~→ [(d)] (c) ←~~§~~ ←~~§~~ An applicant must submit a certificate of attendance from the**
77a **preapproved**
78 **education program with the application for a commission or a renewal.**

79 ~~§~~→**[(d)] ~~§~~→ [(e)] (d) ←~~§~~ ←~~§~~ (i) The office of the lieutenant governor may, for good**
79a1 **cause, order a**
79a **commissioned**

80 notary to attend a preapproved education program.

81 (ii) For purposes of this section, "good cause" includes an act or omission by the notary

82 that constitutes a violation of this act.

Legislative Review Note

as of 11-27-04 2:26 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

New Notary Public applicants and those applying for renewal (which is required every four years) will be required to successfully complete a preapproved education program costing approximately \$29 to \$79. Any Notary Public may be ordered by the Lieutenan

Office of the Legislative Fiscal Analyst