



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 applicant for a notarial commission or applicant to  
71 renew a notarial commission must complete at least four hours of approved notary education  
72 within the six-month period immediately preceding the application for a commission or a  
73 renewal.

74 (b) Notary education may either be interactive or classroom instruction. All 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) An applicant must submit a certificate of attendance from the preapproved  
78 education program with the application for a commission or a renewal.

79 (d) (i) The office of the lieutenant governor may, for good cause, order a 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.

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**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.

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**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

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**Office of the Legislative Fiscal Analyst**