

NOTARY PUBLIC REVISIONS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Glenn A. Donnelson

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill modifies the Notaries Public Reform Act by amending certain definitions.

Highlighted Provisions:

This bill:

- ▶ amends the definition of "acknowledgment" to require a notary to know or obtain evidence of the identity of a signer of a document; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

46-1-2, as last amended by Chapter 21, Laws of Utah 2006

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

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

46-1-2. Definitions.

As used in this chapter:

(1) "Acknowledgment" means a notarial act in which a notary certifies that a signer ~~has admitted~~, 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 signing a document

30 voluntarily for its stated purpose.

31 (2) "Commission" means to empower to perform notarial acts and the written authority
32 to perform those acts.

33 (3) "Copy certification" means a notarial act in which a notary certifies that a
34 photocopy is an accurate copy of a document that is neither a public record nor publicly
35 recorded.

36 (4) "Electronic signature" has the same meaning as provided under Section 46-4-102.

37 (5) "Jurat" means a notarial act in which a notary certifies that a signer, whose identity
38 is personally known to the notary or proven on the basis of satisfactory evidence, has made, in
39 the notary's presence, a voluntary signature and taken an oath or affirmation vouching for the
40 truthfulness of the signed document.

41 (6) "Notarial act" and "notarization" mean any act that a notary is empowered to
42 perform under this section.

43 (7) "Notarial certificate" means the part of or attachment to a notarized document for
44 completion by the notary and bearing the notary's signature and seal.

45 (8) "Notary" means any person commissioned to perform notarial acts under this
46 chapter.

47 (9) "Oath" or "affirmation" means a notarial act in which a notary certifies that a person
48 made a vow or affirmation in the presence of the notary on penalty of perjury.

49 (10) "Official misconduct" means a notary's performance of any act prohibited or
50 failure to perform any act mandated by this chapter or by any other law in connection with a
51 notarial act.

52 (11) "Personal knowledge of identity" means familiarity with an individual resulting
53 from interactions with that individual over a period of time sufficient to eliminate every
54 reasonable doubt that the individual has the identity claimed.

55 (12) "Satisfactory evidence of identity" means identification of an individual based on:

56 (a) a current document issued by a federal or state government with the individual's
57 photograph, signature, and physical description; or

58 (b) the oath or affirmation of a credible person who is personally known to the notary
59 and who personally knows the individual.