

NOTARY PUBLIC REVISIONS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Glenn A. Donnelson

Senate Sponsor: Peter C. Knudson

LONG TITLE

Committee Note:

The Government Operations Interim Committee recommended this bill.

General Description:

This bill modifies the Notaries Public Reform Act by amending provisions.

Highlighted Provisions:

This bill:

▶ amends the definition of "satisfactory evidence of identity" to provide that personal identification ~~H→ [issued by another nation must be a passport]~~ includes a passport, or other identification issued by the United States government, any state within the United States, or a foreign government, ←H and that a driving

privilege card is not satisfactory evidence of identity;

- ▶ eliminates requirements for a notary's address to appear on the notary's seal;
- ▶ provides that a notary's change of address must be given to the lieutenant governor;

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 Laws of Utah 2007, Chapter 237



28 **46-1-16**, as last amended by Laws of Utah 2006, Chapter 21
29 **46-1-20**, as last amended by Laws of Utah 2003, Chapter 136



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

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

33 **46-1-2. Definitions.**

34 As used in this chapter:

35 (1) "Acknowledgment" means a notarial act in which a notary certifies that a signer,
36 whose identity is personally known to the notary or proven on the basis of satisfactory
37 evidence, has admitted, in the presence of the notary, to voluntarily signing a document
38 [~~voluntarily for its~~] for the document's stated purpose.

39 (2) "Commission" means:
40 (a) to empower to perform notarial acts; and
41 (b) the written authority to perform those acts.

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

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

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

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

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

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

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

58 (10) "Official misconduct" means a notary's performance of any act prohibited or

59 failure to perform any act mandated by this chapter or by any other law in connection with a
60 notarial act.

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

64 (12) (a) "Satisfactory evidence of identity" means identification of an individual based
65 on:

66 [~~(a) a current document issued by a federal or state government~~]

67 (i) valid personal identification with the individual's photograph, signature, and
68 physical description issued by the United States government ~~↔~~ [or], ~~↔~~ any state within the
68a United

69 States ~~↔~~ , or a foreign government ~~↔~~ ; [or]

70 (ii) a valid passport issued by any nation; or

71 [~~(b)~~] (iii) the oath or affirmation of a credible person who is personally known to the
72 notary and who personally knows the individual.

73 (b) "Satisfactory evidence of identity" does not include:

74 (i) a driving privilege card under Subsection 53-3-207(9); or

75 (ii) other document that is not considered valid for identification.

76 Section 2. Section **46-1-16** is amended to read:

77 **46-1-16. Official signature -- Official seal -- Seal impression.**

78 (1) In completing a notarial act, a notary shall sign on the notarial certificate exactly
79 and only the name indicated on the notary's commission.

80 (2) (a) A notary shall keep an official notarial seal that is the exclusive property of the
81 notary and that may not be used by any other person.

82 (b) Upon the resignation, revocation, or expiration of a notarial commission, the seal
83 shall be destroyed.

84 [~~(b)~~] (c) Each notarial seal obtained by a notary on or after July 1, 2003 shall use purple
85 ink.

86 (3) (a) A new seal shall be obtained for any new commission or recommission.



87 (b) A new seal shall be obtained if the notary changes the notary's name [~~or address~~] of
88 record at any time during the notary's [~~four-year~~] commission.

89 (c) The seal impression shall be affixed near the notary's official signature on a notarial

90 certificate and shall include a sharp, legible, and photographically reproducible ink impression
91 of the notarial seal that consists of:

92 ~~[(a)]~~ (i) the notary public's name exactly as indicated on the notary's commission;

93 ~~[(b)]~~ (ii) the words "notary public," "state of Utah," and "my commission expires on
94 (commission expiration date)";

95 ~~[(c)] the address of the notary's business or residence;~~

96 (iii) ~~Ĥ~~ → **for a notary seal issued on or after July 1, 2008,** ← ~~Ĥ~~ the notary's commission
96a number, exactly as indicated on the notary's commission;

97 ~~[(d)]~~ (iv) a facsimile of the great seal of the state; and

98 ~~[(e)]~~ (v) a rectangular border no larger than one inch by two and one-half inches
99 surrounding the required words and seal.

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

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

105 (6) A notary acknowledgment on an annexation, subdivision, or other ~~[transparent]~~
106 map or plat is considered complete without the imprint of the notary's official seal if:

107 (a) the notary signs the acknowledgment in permanent ink; and

108 (b) the following appear below or immediately adjacent to the notary's signature:

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

111 (ii) the words "A notary public commissioned in Utah"; and

112 (iii) the expiration date of the notary's commission.

113 (7) A notary acknowledgment on an electronic message or document is considered
114 complete without the imprint of the notary's seal if the following information appears
115 electronically within the message:

116 (a) the notary's full name and commission number appearing exactly as indicated on
117 ~~[their]~~ the notary's commission; and



118 (b) the words "notary public," "state of Utah," and "my commission expires on_____
119 (date)"~~[-and]~~.
120 [~~(c) the address of the notary's business or residence exactly as indicated on their~~

121 commission.]

122 Section 3. Section **46-1-20** is amended to read:

123 **46-1-20. Change of name or address -- Bond policy rider.**

124 (1) Within 30 days [~~after the~~ of a change [of] in the notary's name [~~or address~~], the
125 notary shall provide to the lieutenant governor:

126 (a) the notary's new name, including official documentation of the name change; and

127 (b) a bond policy rider.

128 (2) To obtain a bond policy rider, the notary shall:

129 (a) notify the surety for the notary's bond;

130 (b) obtain a bond policy rider reflecting both the old and new name of the notary [~~or~~
131 ~~the old and new address of the notary~~];

132 (c) return a bond policy rider, the original "Certificate of Authority of Notary Public";

133 (d) pay a \$5 fee; and

134 (e) destroy the old official seal.

135 (3) Within 30 days of a change in the notary's address, the notary shall provide the
136 notary's new address to the lieutenant governor.

Legislative Review Note

as of 10-18-07 7:39 AM

Office of Legislative Research and General Counsel



H.B. 26 - Notary Public Revisions

Fiscal Note

2008 General Session
State of Utah

State Impact

Enactment of this bill will reduce Dedicated Credits (Notary Commission Filing Fee) collections by \$3,000 due to a decrease in the number of notary bond riders filed.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
Dedicated Credits	\$0	\$0	\$0	\$0	(\$3,000)	(\$3,000)
Total	\$0	\$0	\$0	\$0	(\$3,000)	(\$3,000)

Individual, Business and/or Local Impact

Individuals and businesses may benefit from the enactment of the bill by not paying a notary rider filing fee and the cost of a new notary stamp.