

**NOTARY PUBLIC REVISIONS**

2008 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 provisions.

**Highlighted Provisions:**

This bill:

- ▶ amends the definition of "satisfactory evidence of identity" to provide that personal identification includes a passport, or other identification issued by the United States government, any state within the United States, or a foreign government, 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

**46-1-16**, as last amended by Laws of Utah 2006, Chapter 21

**46-1-20**, as last amended by Laws of Utah 2003, Chapter 136

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

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

32 **46-1-2. Definitions.**

33 As used in this chapter:

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

38 (2) "Commission" means:

39 (a) to empower to perform notarial acts; and

40 (b) the written authority to perform those acts.

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

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

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

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

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

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

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

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

58 act.

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

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

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

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

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

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

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

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

73 (ii) another document that is not considered valid for identification.

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

75 **46-1-16. Official signature -- Official seal -- Seal impression.**

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

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

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

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

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

85 (b) A new seal shall be obtained if the notary changes the notary's name [~~or address~~] of

86 record at any time during the notary's [~~four-year~~] commission.

87       (c) The seal impression shall be affixed near the notary's official signature on a notarial  
88 certificate and shall include a sharp, legible, and photographically reproducible ink impression of  
89 the notarial seal that consists of:

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

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

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

94       (iii) for a notary seal issued on or after July 1, 2008, the notary's commission number,  
95 exactly as indicated on the notary's commission;

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

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

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

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

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

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

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

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

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

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

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

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

116 (b) the words "notary public," "state of Utah," and "my commission expires on \_\_\_\_\_  
117 (date)" [~~and~~].

118 [~~(c) the address of the notary's business or residence exactly as indicated on their~~  
119 ~~commission.~~]

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

121 **46-1-20. Change of name or address -- Bond policy rider.**

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

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

125 (b) a bond policy rider.

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

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

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

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

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

132 (e) destroy the old official seal.

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