



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 United  
69 States; [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) the notary's commission 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.

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Legislative Review Note  
as of 10-18-07 7:39 AM

Office of Legislative Research and General Counsel

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**H.B. 26 - Notary Public Revisions**

**Fiscal Note**

2008 General Session  
State of Utah

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**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)
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$3,000)</b>	<b>(\$3,000)</b>

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**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.