

Representative Fred R Hunsaker proposes the following substitute bill:

NOTARY PUBLIC AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: Fred R Hunsaker

LONG TITLE

General Description:

This bill modifies the Notaries Public Reform Act.

Highlighted Provisions:

This bill:

- ▶ authorizes a notary to complete a certificate that includes the name and date of the person whose signature is being certified;
- ▶ authorizes a person licensed to practice law in this state to perform a notarial act;
- ▶ authorizes the lieutenant governor to report a violation to the Utah State Bar; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

46-1-9, as repealed and reenacted by Laws of Utah 1998, Chapter 287

46-1-19, as last amended by Laws of Utah 2003, Chapter 136

ENACTS:



26 46-1-3.5, Utah Code Annotated 1953



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

29 Section 1. Section 46-1-3.5 is enacted to read:

30 **46-1-3.5. Attorney commissioned to perform notarial acts -- Requirements.**

31 The lieutenant governor shall commission a person licensed to practice law in this state
32 for a term of four years if the person:

33 (1) is a resident of this state;

34 (2) submits to the lieutenant governor a valid certificate of admission to the Utah State

35 Bar;

35a ~~H~~→(3) **passes the written examination administered under Section 46-1-3.**

36 [~~3~~] (4) ←H files the bond as required by Subsection 46-1-4; and

37 H→ [~~4~~] (5) ←H pays an application fee determined under Section 63J-1-504.

38 Section 2. Section 46-1-9 is amended to read:

39 **46-1-9. False or incomplete certificate.**

40 (1) A notary may not:

41 [~~1~~] (a) execute a certificate containing a statement known by the notary to be false or
42 materially incomplete; or

43 [~~2~~] (b) perform any notarial act with intent to deceive or defraud.

44 (2) A notary may perform a notarial act if:

45 (a) the notarial certificate being completed by the notary contains:

46 (i) the name of each person whose signature is being notarized, if applicable; and

47 (ii) the date of the signing, if applicable; or

48 (b) the notary legibly writes the information required by Subsection (2)(a) as part of the
49 notarial certificate.

50 Section 3. Section 46-1-19 is amended to read:

51 **46-1-19. Revocation or suspension.**

52 [~~The~~] (1) Except as provided by Subsection (2), the lieutenant governor may revoke or
53 suspend a [notarial] commission on any ground for which an application for a [notarial]
54 commission may be denied under Section 46-1-3.

55 (2) For a commission issued under Section 46-1-3.5, the lieutenant governor may
56 report a violation of this chapter to the Utah State Bar.

S.B. 22 3rd Sub. (Ivory) - Notary Public Amendments

Fiscal Note

2010 General Session
State of Utah

State Impact

Provisions of this bill may increase dedicated credits collected by the Lt. Governor's Office from attorneys who wish to receive a notarial commission. The number of attorneys who will apply is unknown.

Individual, Business and/or Local Impact

Individual attorneys who wish to receive a notarial commission would pay a filing fee of \$45.00. No additional impact on businesses or local governments.
