

Senator Peter C. Knudson 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:

▶ provides that a notarial certificate shall include:

- a description of the type of notarial act; and
- other material information including 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;

and

▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

46-1-16, as last amended by Laws of Utah 2008, Chapter 47



26 **46-1-17**, as repealed and reenacted by Laws of Utah 1998, Chapter 287

27 ENACTS:

28 **46-1-3.5**, Utah Code Annotated 1953

29

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

31 Section 1. Section **46-1-3.5** is enacted to read:

32 **46-1-3.5. Attorney commissioned to perform notarial acts -- Requirements.**

33 (1) The lieutenant governor shall commission a person licensed to practice law in this
34 state if the person:

35 (a) is a resident of this state;

36 (b) submits to the lieutenant governor a valid certificate of admission to the Utah State
37 Bar; and

38 (c) files the bond as required by Subsection 46-1-4.

39 (2) Notwithstanding Subsection 46-1-3(4), a commission issued under this section:

40 (a) is valid if the person is licensed to practice law in this state; and

41 (b) has no expiration date.

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

43 **46-1-16. Notarial acts -- Official signature -- Official seal -- Seal impression.**

44 (1) In completing a notarial act, a notary shall:

45 (a) sign on the notarial certificate exactly and only the name indicated on the notary's
46 commission[-]; and

47 (b) include on the notarial certificate:

48 (i) a description of the type of notarial act; and

49 (ii) other material information, including the date and the name of the person whose
50 signature is being certified.

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

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

55 (c) Each notarial seal obtained by a notary on or after July 1, 2003 shall use purple ink.

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

57 (b) A new seal shall be obtained if the notary changes the notary's name of record at
58 any time during the notary's commission.

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

62 (i) the notary public's name exactly as indicated on the notary's commission;

63 (ii) the words "notary public," "state of Utah," and if applicable, "my commission
64 expires on (commission expiration date)";

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

67 (iv) a facsimile of the great seal of the state; and

68 (v) a rectangular border no larger than one inch by two and one-half inches surrounding
69 the required words and seal.

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

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

75 (6) A notary acknowledgment on an annexation, subdivision, or other map or plat is
76 considered complete without the imprint of the notary's official seal if:

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

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

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

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

82 (iii) if applicable, the expiration date of the notary's commission.

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

86 (a) the notary's full name and commission number appearing exactly as indicated on
87 the notary's commission; and

88 (b) the words "notary public," "state of Utah," and if applicable, "my commission
89 expires on _____ (date)".

90 Section 3. Section **46-1-17** is amended to read:

91 **46-1-17. Obtaining a seal.**

92 (1) A vendor may not provide a notarial seal, either inking or embossing, to a person
93 claiming to be a notary, unless the person presents a photocopy of the person's notarial
94 commission, attached to a notarized declaration substantially as follows:

95 Application for Notary Seal

96 I, _____ (name of person requesting seal), declare that I am a notary
97 public duly commissioned by the state of Utah with a commission starting date of _____,
98 a commission expiration date of _____ (if applicable), and a commission number
99 of _____. As evidence, I attach to this paper a photocopy of my commission.

100 (2) A vendor who provides a notarial seal in violation of this section is guilty of a class
101 B misdemeanor.