

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;

▶ 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:

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



26 **46-1-19**, as last amended by Laws of Utah 2003, Chapter 136

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 The lieutenant governor shall commission a person licensed to practice law in this state

34 for a term of four years if the person:

35 (1) is a resident of this state;

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

37 Bar;

38 (3) files the bond as required by Subsection 46-1-4; and

39 (4) pays an application fee determined under Section 63J-1-504.

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

41 **46-1-16. Notarial acts -- Official signature -- Official seal -- Seal impression.**

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

43 (a) sign on the notarial certificate exactly and only the name indicated on the notary's

44 commission[-]; and

45 (b) include on the notarial certificate:

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

47 (ii) other material information, including the date and the name of the person whose

48 signature is being certified.

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

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

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

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

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

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

- 60 (i) the notary public's name exactly as indicated on the notary's commission;
- 61 (ii) the words "notary public," "state of Utah," and "my commission expires on
62 (commission expiration date)";
- 63 (iii) for a notary seal issued on or after July 1, 2008, the notary's commission number,
64 exactly as indicated on the notary's commission;
- 65 (iv) a facsimile of the great seal of the state; and
- 66 (v) a rectangular border no larger than one inch by two and one-half inches surrounding
67 the required words and seal.

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

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

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

- 75 (a) the notary signs the acknowledgment in permanent ink; and
- 76 (b) the following appear below or immediately adjacent to the notary's signature:
 - 77 (i) the notary's full name and commission number appears exactly as indicated on the
78 notary's commission;
 - 79 (ii) the words "A notary public commissioned in Utah"; and
 - 80 (iii) the expiration date of the notary's commission.

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

- 84 (a) the notary's full name and commission number appearing exactly as indicated on
85 the notary's commission; and
- 86 (b) the words "notary public," "state of Utah," and "my commission expires on_____
87 (date)".

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

89 **46-1-19. Revocation or suspension.**

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

93 (2) For a commission issued under Section 46-1-1.5, the lieutenant governor may
94 report a violation of this chapter to the Utah State Bar.