

**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

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**46-1-9**, as repealed and reenacted by Laws of Utah 1998, Chapter 287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

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

37 (4) 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.

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

**Fiscal Note**

2010 General Session  
State of Utah

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**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.

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**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.

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