

1                                   **NOTARY PUBLIC LIABILITY AMENDMENTS**

2   2019 GENERAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Craig Hall**

5   Senate Sponsor: Kirk A. Cullimore

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7   **LONG TITLE**

8   **General Description:**

9           This bill amends provisions providing for civil liability for the employer of a notary  
10 public for misconduct by the notary public in certain circumstances.

11 **Highlighted Provisions:**

12           This bill:

13           ▶ amends provisions creating liability for an employer of a notary public for the  
14 notary public's misconduct if:

- 15           • the notary public was acting within the course and scope of employment; and
- 16           • the employer had knowledge of, consented to, or permitted the misconduct.

17 **Money Appropriated in this Bill:**

18           None

19 **Other Special Clauses:**

20           None

21 **Utah Code Sections Affected:**

22 AMENDS:

23           **46-1-18**, as last amended by Laws of Utah 2017, Chapter 259

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

26           Section 1. Section **46-1-18** is amended to read:

27           **46-1-18. Liability.**

28           (1) A notary may be liable to any person for any damage to that person proximately  
29 caused by the notary's misconduct in performing a notarization.

30           (2) (a) A surety for a notary's bond may be liable to any person for damages  
31 proximately caused to that person by the notary's misconduct in performing a notarization, but  
32 the surety's liability may not exceed the penalty of the bond or of any remaining bond funds  
33 that have not been expended to other claimants.

34           (b) Regardless of the number of claimants under Subsection (2)(a), a surety's total  
35 liability may not exceed the penalty of the bond.

36           (c) An employer of a notary public is also liable for damages proximately caused by the  
37 notary's misconduct in performing a notarization if:

38           (i) the notary public was acting within the course and scope of the notary public's  
39 employment; and

40           (ii) the employer had knowledge of, consented to, or permitted the misconduct.

41           (3) It is a class B misdemeanor, if not otherwise a criminal offense under this code, for:

42           (a) a notary to violate a provision of this chapter; or

43           (b) the employer of a notary to solicit the notary to violate a provision of this chapter.