

## **H 209 – Revised Uniform Law on Notarial Acts**

### 51-101 – Short Title

### 51-102 – Definitions

### 51-103 – Applicability

- Applies to a notarial act performed on or after the effective date of this act.

### 51-104 – Authority to Perform Notarial Act

- Notarial officer may perform authorized act
- Notary public may not perform notarial act for himself/herself or spouse

### 51-105 – Requirements for Certain Notarial Acts

- Verify identity through personal knowledge or satisfactory evidence, and verify signature of individual
  - (1) Acknowledgement
  - (2) Statement on Oath or Affirmation
  - (3) Witnessing a signature
- (4) True and accurate copy
- (5) Protest of negotiable instrument 28-3-505(3)
  - Certificate of Dishonor

### 51-106 – Personal Appearance Required

- Individual must appear personally before the notary public

### 51-107 – Identification of Individual

- Notary has personal knowledge of the identity of the individual.
- Passport, driver's license, or government-issued identification card, not expired more than 3 years.
- Another form of government identification, not expired more than 3 years.
- Verification on oath or affirmation of a credible witness personally appearing before the notary.
  - Witness must be known to the notary, or;
  - Notary identifies the witness using the same requirements listed above.

### 51-108 – Authority to Refuse to Perform Notarial Act

- Notary must be satisfied that the individual executing the record is competent / has the capacity to sign
- Notary must be satisfied that the individual's signature is knowingly and voluntarily made.

### 51-109 – Signature of Individual Unable to Sign

- Individual may direct someone else to sign

#### 51-110 – Notarial Act in this State

- Who may perform notarial acts in this state.
  - Notary public
  - Anyone else authorized by the law of this state.

#### 51-111 – Notarial Act in Another State

- Notarial act performed in another state has the same effect under the law of this state.

#### 51-112 – Notarial Act Under Authority of Federally Recognized Indian Tribe

- Notarial act performed under authority of a federally recognized Indian tribe has the same effect as if performed by an Idaho notary.

#### 51-113 – Notarial Act Under Federal Authority

- Notarial act performed under federal law has the same effect as if performed by an Idaho notary.

#### 51-114 – Foreign Notarial Act

- Notarial act performed under authority of a foreign state has the same effect as if performed by an Idaho notary.

#### 51-115 – Certificate of Notarial Act

- Defines the requirements for, and the execution of, a notarial certificate.

#### 51-116 – Short Form Certificates

- Certificates for notarial acts, in their most basic format.

#### 51-116A – Acknowledgment by Entity on Behalf of Another Entity

- “Compound notarization” – moved to this act from 55-707A, Idaho Code.

#### 51-117 – Official Stamp

- Effective 10/01/2018
- Must include:
  - Notary’s name
  - Notary’s state-issued commission number
  - The words “Notary Public” and “State of Idaho”
- May include:
  - The words “My commission expires:” followed by the commission expiration date

#### 51-118 – Stamping Device

- Effective 10/01/2018
- Must be an inked stamp
  - No larger than 2.25 inches by 1 inch if rectangular
  - No larger than 1.75 inches if circular
- Notary must keep the device secure, and destroy it upon resignation of commission.
- Notary must notify the secretary of state if the device is lost or stolen

51-119 – RESERVED

51-120 – Notification Regarding Performance of Notarial Act on Electronic Record – Selection of Technology

- Notary may select tamper-evident technologies to perform notarial acts
  - Notary is not required to perform notarial acts with technology they did not select
- Notary must register with the secretary of state their intention to perform electronic notarizations
  - Must identify the technology that they intend to use for electronic notarizations

51-121 – Commission as Notary Public – Qualifications – No Immunity or Benefit

- Requirements for being commissioned as a notary public
- Requirement for a notary bond
  - \$10,000 bond
  - Must be effective throughout the notary's six-year term

51-122 – Course of Study

- Effective 07/01/2019
- Secretary of state must offer a regular course.

51-123 – Grounds to Deny, Refuse to Renew, Revoke, Suspend or Condition Commission of Notary Public

- Provides the secretary of state with the ability to take disciplinary action for specific causes

51-124 – Database of Notaries Public

- Secretary of state must maintain an electronic database of notaries public
  - Through which a person may verify notarial authority
  - That indicates if the notary has registered as an electronic notary

51-125 – Prohibited Acts

- Distinctively defines what practices notaries public are prohibited from engaging in.

51-126 – Validity of Notarial Acts

- Specifies the effect of valid and invalid notarial acts, and remedy seeking

51-127 – Rules

- Authorizes the secretary of state to adopt rules for this chapter.

51-128 – Notary Public Commission in Effect

- All current notary commissions are effective until their expiration date

51-129 – Savings Clause

51-130 – Uniformity of Application and Construction

51-131 – Relation to Electronic Signatures in Global and National Commerce Act

51-132 – Filing Fees

- Two new fees:
  - Application for Electronic Notarization Authorization - \$20.00
  - Notary Public Database Extraction - \$25.00

51-133 – Notary Fee

- Maximum fee per notarial act increases from \$2.00 to \$5.00