

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

*Attachment 1  
3/13/17*

**CURRENT STATUTES**

**NEW ACT**

**51-103 Power of Appointment – Term – Reappointment**

51-121 Commission As a Notary Public

**51-104 Qualification for Appointment**

51-121 Commission As a Notary Public

**51-105 Appointment Proceedure – Oath**

51-121 Commission As a Notary Public

**51-106 Seal**

51-117 Official Stamp

51-118 Stamping Device

**51-107 Powers and Jurisdiction**

51-102(5) Definitions – Notarial Act

51-104 Authority to Perform Notarial Act

51-109 Signature if Individual Unable to Sign

51-110 Notarial Act in this State

**51-108 Disqualifying Interests**

51-104 Authority to Perform Notarial Act

**51-109 Forms for Notarial Acts**

51-115 Certificate of Notarial Act

51-116 Short Form Certificates

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

**51-110 Notary Fee**

51-133 Notary Fee

**51-111 Duties**

51-105 Requirements for Certain Notarial Acts

51-107 Identification of Individual

**51-112 Official Misconduct**

51-125 Prohibited Acts

**51-113 Grounds for Removal**

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

**51-114 Removal Procedure**

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

**51-115 Resignation or Death**

Not in the new act – however, the new act does require the notary to disable or destroy the stamping device.

**51-116 Cancellation Procedure**

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

**51-113 Grounds for Removal**

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

**51-117 Conditions Impairing Validity of Notarial Act**

51-104 Authority to Perform Notarial Act

51-105 Requirements for Certain Notarial Acts

51-106 Personal Appearance Required

**51-118 Civil Liability of Notary Public and Employer**

Not in the new act – however, 51-121 of the new act holds the surety company liable if a notary public violates the law.

**51-119 Criminal Penalties**

Not in the new act.

**51-120 Notary Handbook**

51-122 Course of Study

**51-121 Filing Fees**

51-132 Filing Fees

**New sections added under this act:**

- 51-106 Personal Appearance Required** – (Currently implied, but not specific)
- 51-107 Identification of Individual** – (Requires specific forms of identification)
- 51-108 Authority to Refuse to Perform Notarial Act** – (Specifically states reasons for which a notary may refuse to perform a notarial act)
- 51-111 Notarial Act in Another State** – (Authorized notarial acts in other states are accepted in Idaho)
- 51-112 Notarial Act Under Authority of Federally Recognized Indian Tribe** – (Authorized notarial acts by federally recognized Indian Tribes are accepted in Idaho)
- 51-113 Notarial Act under Federal Authority** – (Authorized notarial acts under federal authority are accepted in Idaho)
- 51-114 Foreign Notarial Act** – (Authorized notarial acts by a foreign state are accepted in Idaho)
- 51-120 Notification Regarding Performance of Notarial Act on Electronic Record – Selection of Technology** – (Allows a notary to register as an electronic notary, and requires him or her to specify the tamper-evident technology they will use in the performance of notarial acts)
- 51-123 Grounds to Deny, Refuse to Renew, Revoke, Suspend or Condition of Notary Public** – (Grants disciplinary authority to the Secretary of State)
- 51-124 Database of Notaries Public** – (Requires the Secretary of State to maintain a searchable database of notaries public, and it must indicate if the notary is an electronic notary)
- 51-126 Validity of Notarial Acts** – (Simply because a notary does not meet every qualification when a notarial act takes place, the act is not invalid. However, this does not protect someone who is not a commissioned notary)
- 51-127 Rules** (Grants the Secretary of State authority to adopt rules to implement this chapter)
- 51-128 Notary Public Commission in Effect** – (Grandfathers current notaries, who will be subject to the provisions of this new act upon recommission)
- 51-129 Savings Clause** – (Protects the validity of notarial acts performed prior to this enactment)
- 51-130 Uniformity of Application and Construction** – (In drafting or amending this act it is encouraged that construction should maintain uniformity among the states)
- 51-131 Relation to Electronic Signatures in Global and National Commerce Act** – (This is designed to avoid preemption of state law under that federal legislation)