Attachment 1
3/13/17

H 209 – Revised Uniform Law on Notarial Acts

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)