

CHAPTER 47

Original House Bill No. 60

NOTARIES PUBLIC

AN ACT to amend W.S. 32-1-101 through 32-1-105 and 32-1-112 relating to notaries public; deleting archaic language; providing for a \$30.00 application fee; requiring a filing with the secretary of state when an order of name change is entered; requiring forfeiture of notary commission for failure to obtain another bond; increasing notary's power to acknowledge documents signed before presentation to notary for acknowledgment in certain cases; establishing a single fee for notarial services; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 32-1-101 through 32-1-105 and 32-1-112 are amended to read:

32-1-101. Qualifications; application; term.

(a) The secretary of state shall commission as a notary any qualified person who submits an application in a form prescribed by the secretary of state.

(b) To be qualified for a notarial commission a person shall:

(i) Be at least nineteen (19) years of age;

(ii) Be a resident of the state of Wyoming and the county from which making application;

(iii) Be able to read and write the english language; and

(iv) Submit an application certifying compliance with the requirements of this subsection, accompanied by a fee of thirty dollars (\$30.00).

(c) A person commissioned as a notary by the secretary of state may perform notarial acts in any part of the state for a term of four (4) years.

(d) A person holding a notarial commission who changes residence to a different county shall procure a new notary commission for the new county of residence.

32-1-102. Name changes.

(a) When a notary changes surnames, the notary may continue to use the notarial commission and seal issued to the notary provided:

(i) When a notary marries or changes surnames, the notary shall file a certified copy of the certificate of marriage or order of name change in the office of the county clerk of the county where the notary resides and send a certified copy of the marriage certificate or order of name change and a three dollar (\$3.00) filing fee to the secretary of state. The surname of the notary's spouse or the notary's new surname may then be added after the notary's name as it appears on the notary's commission;

(ii) When a notary divorces and the notary's previous name is restored by the court, the notary shall file a certified copy of the divorce decree in the office of the county clerk of the county where the notary resides and send a certified copy of the notary's divorce decree and a three dollar (\$3.00) filing fee to the secretary of state. The notary's restored surname may then be added after the notary's name as it appears on the notary's commission.

(b) Instead of adopting the surname of the notary's spouse, a notary may continue to use or be commissioned as a notary by the name by which the notary is generally known.

32-1-103. Transmittal of notarial commission to county clerks.
The secretary of state shall transmit each notarial commission to the office of the county clerk of the county in which the applicant resides where the commission shall be recorded.

32-1-104. Bond and oath; notary commission forfeited upon failure to obtain another bond.

(a) No notarial commission becomes effective until the applicant files with the county clerk within sixty (60) days after issuance of the commission an oath and surety bond in the amount of five hundred dollars (\$500.00) conditioned on the faithful performance of the duties of the office. The applicant shall swear or affirm under oath to support the constitution of the United States and the constitution of Wyoming and to faithfully and impartially discharge and perform all the duties of a notary. The bond shall be executed by a surety company licensed in this state. Upon the filing of the oath and bond the county clerk shall transmit the notarial commission to the notary and the county clerk shall send a written notice of qualification to the secretary of state.

(b) Upon cancellation of a notarial bond by a surety as a result of claims paid by the surety to persons injured as a result of the bonded notary's negligence or misconduct, the secretary of state shall notify the notary by certified mail return receipt requested that the notary's commission shall be revoked unless within twenty (20) days after the notary receives the notice the notary files proof with the secretary of state that the notary has secured another bond in the full amount of five hundred dollars (\$500.00).

32-1-105. Powers and jurisdiction.

(a) Every notary may administer oaths and affirmations, take depositions, receive acknowledgments of deeds, mortgages and powers of attorney and other instruments in writing.

(b) A notary serves as an impartial witness to the signing of a document, establishes the identity of the person signing the document and attests that the signature on the document was made in his presence. If the person did not appear before the notary and sign the document in the notary's presence, the notary may acknowledge the person's signature when the person appears before the notary, presents

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proper identification, acknowledges the signature is that of the person and the document was voluntarily executed by the person.

32-1-112. Fees. A notary is entitled to receive a fee of two dollars (\$2.00) for each oath or affirmation administered or for each signature notarized.

Section 2. This act is effective May 22, 1987.

Approved February 19, 1987.