BAW; 4/13/16

Existing Notary Statutes (proposed to be repealed in H.206)

24 V.S.A. § 441. APPOINTMENT; JURISDICTION; EX OFFICIO NOTARIES; APPLICATION

(a) The assistant judges may appoint as many notaries public for the county as the public good requires. Notaries public so appointed shall hold office until ten days after the expiration of the term of office of such judges, and their jurisdiction shall extend throughout the State.

(b) The Clerk of the Supreme Court, county clerks, Superior Court clerks, deputy Superior Court clerks, justices of the peace, and town clerks and their assistants shall be ex officio notaries public.

(c) Every applicant for appointment and commission as a notary public shall complete an application to be filed with the county clerk stating that the applicant is a resident of the county and has reached the age of majority, giving his or her business or home address and providing a handwritten specimen of the applicant's official signature.

(d) An ex officio notary public shall cease to be a notary public when he or she vacates the office on which his or her status as a notary public depends.

24 V.S.A. § 441a. NONRESIDENT NOTARY PUBLIC

A nonresident may be appointed as a notary public, provided the individual resides in a state adjoining this State and maintains, or is regularly employed in, a place of business in this State. Before a nonresident may be appointed as a notary public, the individual shall file with the assistant judges in the county where the individual's place of employment is located an application setting forth the individual's residence and the place of employment in this State. A nonresident notary public shall notify the assistant judges, in writing, of any change of residence or of place of employment in this State.

24 V.S.A. § 442. OATH; CERTIFICATE OF APPOINTMENT RECORDED; FORM

(a) A person appointed as notary public shall cause the certificate of his or her appointment to be filed and recorded in the office of the county clerk where issued. Before entering upon the duties of office, he or she, as well as an ex officio notary, shall take the oath prescribed by the Constitution, and shall duly subscribe the same with his or her correct signature, which oath thus subscribed shall be kept on file by the county clerk as a part of the records of such county.

(b) The certificate of appointment shall be substantially in the following form:

 STATE OF VERMONT, }
 ss.

 ______County
 County

 This is to certify that A.B. of ______ in such county, was, on
 in such county, was, on

 the ______ day of ______, 20 _____, appointed by the

 assistant judges for such county a notary public for the term ending on

(Designation of the officer administering the oath).

24 V.S.A. § 443. PRESERVATION OF OATHS

The county clerk at the end of each four-year period shall cause the oaths aforesaid to be bound into book form, which book shall then constitute the final record thereof and shall be duly attested by the clerk as such.

24 V.S.A. § 445. POWERS

Every notary public is empowered to take acknowledgements, administer oaths and affirmations, certify that a copy of a document is a true copy of another document, and perform any other act permitted by law.

24 V.S.A. § 446. LIABILITIES

A notary public shall be liable to the persons involved for all damages caused by the notary's official misconduct.

32 V.S.A. § 1403. JUSTICES TO MAKE RULES FOR FEES

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(b) A county clerk shall, upon application, issue to a town clerk, a State Police officer, a municipal police officer, a fish and game warden, a sheriff or deputy sheriff, and a motor vehicle inspector certification of notary public without charge or fee. A town clerk, State Police officer, municipal police officer, fish and game warden, sheriff or deputy sheriff, or motor vehicle inspector shall provide notary public services without charge or fee.

32 V.S.A. § 1436. FEE FOR CERTIFICATION OF APPOINTMENT AS NOTARY PUBLIC

For the issuance of a certificate of appointment as a notary public, the county clerk shall collect a fee of \$30.00, of which \$15.00 shall accrue to the State and \$15.00 shall accrue to the county.

32 V.S.A. § 1759. NOTARIES PUBLIC

Notaries public shall receive for each protest under seal and the notices, \$2.00; for each certificate under seal, \$0.50.