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**Act No. 160 (H.526). Professions and occupations; Office of Professional Regulation; notaries public**

**An act relating to regulating notaries public**

This act overhauls the State’s regulation of notaries public. Prior to this act, the assistant judges of each county were permitted to “appoint as many notaries public for the county as the public good requires,” with the appointments running until 10 days after the expiration of the assistant judges’ four-year term of office. Qualifications for a notary public commission were based on a notary applicant’s being at least 18 years of age and either being a resident of the assistant judges’ county or being a resident of an adjoining state and being employed in Vermont. The law empowered commissioned notaries to take acknowledgements, administer oaths and affirmations, and certify copies of documents, but did not provide professional standards for notaries to perform those acts nor provide the assistant judges with regulatory authority over notaries, such as the authority to revoke a commission previously granted.

This act revises Vermont’s notary laws and is based on the Uniform Law Commission’s Revised Uniform Law on Notarial Acts. It moves regulation of the profession to the Secretary of State’s Office of Professional Regulation (OPR) as an advisor profession with a two-year renewal cycle. In addition to age and Vermont residence or employment requirements, the act requires notary public applicants to meet professional conduct standards and to pass a basic examination for an initial commission and complete no more than two hours of continuing education for commission renewal. The act further provides standards for notarial acts, including standards for taking acknowledgements and verifications, attesting signatures, and identifying individuals; requires a notarial act to be evidenced by a certificate; and defines notarial unprofessional conduct, which could result in disciplinary action.

The act provides exemptions for some of its requirements: Specified Judiciary- and public safety-related employees acting within the scope of their official duties are only required to apply for a commission and pay a fee (unless also exempted from the fee); attorneys are not required to take the initial examination or continuing education; and specified public officers are exempted from paying the commission fee. Moreover, the act requires certain State officers to provide a one-time report on whether certain notarial acts should instead be regulated under a law similar to the Uniform Unsworn Declarations Act.

While the main provisions take effect on July 1, 2019, the act requires OPR to take over the assistant judges' application duties beginning on December 1, 2018 and delays the examination and continuing education requirements until February 1, 2021.

Multiple effective dates, beginning on May 22, 2018