

PROPOSED AMENDMENTS TO H. 104 AS PASSED BY THE HOUSE

Sec. 1. 3 V.S.A. § 121 is amended to read:

§ 121. DEFINITIONS

As used in this subchapter:

(1) “Director” means the Director of the Office of Professional Regulation.

(2) “Licensing board” or “board” refers to the boards, commissions, and professions listed in section 122 of this ~~title subchapter~~ and, in the case of disciplinary matters or denials of licensure, either an administrative law officer appointed under subsection 129(j) of this ~~title subchapter~~ or the Director in advisor professions. Notwithstanding statutory language to the contrary, this subchapter shall apply to all those boards.

(3)(A) “License” includes any ~~certification or, registration or a, permit, commission, or other~~ official authorization to undertake a regulated activity. ~~A commission issued to individuals under section 5305 (a)(2)(A) and (a)(2)(B) shall not be considered a license~~

(B) “Licensee” includes ~~registrants and holders of certificates or permits~~ any person to whom a license has been issued by a board or the Director.

(4) “Office” means the Office of Professional Regulation.

Sec. 26 V.S.A. § 5341 is amended to read:

(a) An individual qualified under subsection (b) of this section may apply to the Office for a commission as a notary public. The applicant shall comply with and provide the information required by rules adopted by the Office and pay the application fee set forth in section 5324 of this chapter. ~~Rules adopted by the Office for applications and the Office application questions for persons qualified for an exemption under section 5305 (a)(2)(A) and (a)(2)(B) shall be limited to the requirements of subsection (b)(1) – (3) and the applicant’s affirmation that the applicant is a person qualified for exemption under section 5305 (a)(2)(A) and (a)(2)(B). A commission granted to applicants exempt under section 5305 (a)(2)(A) and (a)(2)(B) shall not be considered a license under 3 V.S.A. § 121 (3)(A).~~

(b) An applicant for a commission as a notary public shall:

- (1) be at least 18 years of age;
- (2) be a citizen or permanent legal resident of the United States;
- (3) be a resident of or have a place of employment or practice in this State;
- (4) not be disqualified to receive a commission under section 5342 of this chapter; and Subdivision (b)(5) effective February 1, 2021.
- (5) pass a basic examination approved by the Office based on the statutes, rules, and ethics relevant to notarial acts.

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(c) Before issuance of a commission as a notary public, an applicant for the commission shall execute an oath of office and submit it to the Office.

(d) Upon compliance with this section, the Office shall issue a commission as a notary public to an applicant, which shall be valid through the then current commission term end date.

(e) A commission to act as a notary public authorizes the notary public to perform notarial acts. The commission does not provide the notary public any immunity or benefit conferred by law of this State on public officials or employees.

This section is effective upon passage.