

§ 5305. Exemptions

(a) Generally.

(1) The persons set forth in subdivision (2) of this subsection, shall be commissioned as a Notary Public authorized to perform a notarial act as a matter of law when acting within the scope of their official duties, and are exempt from all of the requirements of this chapter, including the fee, except for the requirements:

~~(A) to apply for a commission as set forth in section 5341(a), (b)(1)-(3), (c), (d), and (e) of this chapter; and~~

~~(B) unless exempted under subsection (c) of this section, to pay the fee set forth in section 5324 of this chapter.~~

(2)(A) Persons employed by the Judiciary, including judges, Superior Court clerks, court operations managers, Probate registers, case managers, docket clerks, assistant judges, county clerks, and after-hours relief from abuse contract employees.

(B) Persons employed as law enforcement officers certified under 20 V.S.A. chapter 151; who are noncertified constables; or who are employed by a Vermont law enforcement agency, the Department of Public Safety, of Fish and Wildlife, of Motor Vehicles, of Liquor Control, or for Children and Families, the Office of the Defender General, the Office of the Attorney General, or a State's Attorney or Sheriff.

(3) As used in subdivision (1) of this subsection, "acting within the scope of official duties" means that a person is notarizing a document that:

(A) he or she believes is related to the execution of his or her duties and responsibilities of employment or is the type of document that other employees notarize in the course of employment;

(B) is useful or of assistance to any person or entity identified in subdivision (2) of this subsection (a);

(C) is required, requested, created, used, submitted, or relied upon by any person or entity identified in subdivision (2) of this subsection (a);

(D) is necessary in order to assist in the representation, care, or protection of a person or the State;

(E) is necessary in order to protect the public or property;

(F) is necessary to represent or assist crime victims in receiving restitution or other services;

(G) relates to a Vermont or federal court rule or statute governing any criminal, postconviction, mental health, family, juvenile, civil, probate, Judicial Bureau, Environmental Division, or Supreme Court matter; or

(H) relates to a matter subject to Title 4, 12, 13, 15, 18, 20, 23, or 33 of the Vermont Statutes Annotated.

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- (c) Fees. The following persons are exempt from the fee set forth in section 5324 of this chapter:
- (1) ~~a judge, clerk, or other court staff, as designated by the Court Administrator;~~
 - (2) ~~State's Attorneys and their deputies and Assistant Attorneys General, public defenders, and their staff;~~
 - (3) justices of the peace and town clerks and their assistants; and
 - (4) ~~State Police officers, municipal police officers, fish and game wardens, sheriffs and deputy sheriffs, motor vehicle inspectors, employees of the Department of Corrections, and employees of the Department for Children and Families.~~ (Added 2017, No. 160 (Adj. Sess.), § 1, eff. July 1, 2019.)

(d) A notarial act that identifies the notary as an exempt person in section 5305 shall establish as a matter of law that the person is commissioned as notary for the purposes of acting within the scope of official duties under section 5305 (a)(3). Nothing in this section is intended to prohibit prosecution of a person under 26 V.S.A. § 127.

This section is effective on passage.