

1 H.178

2 Introduced by Representative Emmons of Springfield

3 Referred to Committee on

4 Date:

5 Subject: Professions and occupations; notaries public; exemptions

6 Statement of purpose of bill as introduced: This bill proposes to add persons  
7 employed by the Vermont Department of Corrections to the list of persons who  
8 can be commissioned as notaries public to perform notarial acts within the  
9 scope of their official duties and exempted from all regular requirements for  
10 notaries public.

11 An act relating to commissioning Department of Corrections personnel as  
12 notaries public

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 26 V.S.A. § 5305 is amended to read:

15 § 5305. EXEMPTIONS

16 (a) Judiciary- and law enforcement-related employees.

17 (1) Employee exemptions.

18 \* \* \*

19 (B) Law enforcement-related.

1 (i) The persons set forth in subdivision (2)(B) of this subsection,  
2 when acting within the scope of their official duties, shall be commissioned as  
3 notaries public authorized to perform a notarial act as a matter of law and are  
4 exempt from all of the requirements of this chapter, including the requirement  
5 to pay the fee set forth in section 5324 of this chapter.

6 (ii) A notarial act that identifies the notary public as a person who  
7 is exempt under this subdivision (B) shall establish as a matter of law that the  
8 person is commissioned as a notary public for the purpose of acting within the  
9 scope of official duties under this subsection.

10 (2) Employees, defined.

11 \* \* \*

12 (B) Law enforcement-related. Persons employed as law enforcement  
13 officers certified under 20 V.S.A. chapter 151; who are noncertified  
14 constables; or who are employed by a Vermont law enforcement agency, the  
15 Department of Public Safety, of Fish and Wildlife, of Motor Vehicles, of  
16 Liquor and Lottery, of Corrections, or for Children and Families, the Office of  
17 the Defender General, the Office of the Attorney General, or a State's  
18 Attorney or Sheriff.

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

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

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

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

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

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

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

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

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

18 \* \* \*

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect upon passage.