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H.178

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

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

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

§ 5305. EXEMPTIONS

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

(1) Employee exemptions.

* * *

(B) Law enforcement-related.

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

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

(2) Employees, defined.

* * *

1 (B) Law enforcement-related. Persons employed as law enforcement
2 officers certified under 20 V.S.A. chapter 151; who are noncertified
3 constables; or who are employed by a Vermont law enforcement agency, the
4 Department of Public Safety, of Fish and Wildlife, of Motor Vehicles, of
5 Liquor and Lottery, of Corrections, or for Children and Families, the Office of
6 the Defender General, the Office of the Attorney General, or a State’s Attorney
7 or Sheriff.

8 (3) Official duties, defined. As used in subdivision (1) of this
9 subsection, “acting within the scope of official duties” means that a person is
10 notarizing a document that:

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

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

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

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

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

