



House of Representatives

File No. 555

General Assembly

February Session, 2012 **(Reprint of File No. 253)**

House Bill No. 5364
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 19, 2012

AN ACT CONCERNING THE DEFINITION OF "NOTARIAL ACT".

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 3-94a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 The following terms, when used in sections 3-94a to 3-95, inclusive,
4 shall have the following meanings unless the context otherwise
5 requires:

6 (1) "Acknowledgment" means a notarial act in which a notary public
7 certifies that a signatory, whose identity is personally known to the
8 notary public or proven on the basis of satisfactory evidence, has
9 admitted, in the notary public's presence, to having voluntarily signed
10 a document for its stated purpose.

11 (2) "Copy certification" means a notarial act in which a notary
12 public: (A) Is presented with an original document, (B) copies or
13 supervises the copying of such document using a photographic or
14 electronic copying process, (C) compares the original document

15 presented to the copy, and (D) certifies that the copy is an accurate and
16 complete reproduction of the original document presented, except that
17 a notary public may not complete a copy certification if the original
18 document presented is: (i) A vital record, as defined in section 7-36, (ii)
19 a document that is required to be recorded by an agent or employee of
20 the state or any political subdivision thereof, or (iii) issued by a federal
21 agency and federal law prohibits the copying of such document.

22 [(2)] (3) "Jurat" means a notarial act in which a notary public certifies
23 that a signatory, whose identity is personally known to the notary
24 public or proven on the basis of satisfactory evidence, has made, in the
25 notary public's presence, a voluntary signature and taken an oath or
26 affirmation vouching for the truthfulness of the signed document.

27 [(3)] (4) "Notarial act" or "notarization" means any act that a notary
28 public is empowered to perform under the general statutes and
29 includes taking an acknowledgment, administering an oath or
30 affirmation, witnessing or attesting a signature and completing a copy
31 certification.

32 [(4)] (5) "Notarial certificate" or "certificate" means the part of, or
33 attachment to, a notarized document to be completed and signed by
34 the notary public.

35 [(5)] (6) "Notary public" or "notary" means any person appointed by
36 the Secretary of the State to perform notarial acts.

37 [(6)] (7) "Oath" or "affirmation" means a notarial act or part thereof
38 in which a notary public certifies that a person has made a vow in the
39 presence of the notary public on penalty of perjury. In the case of an
40 oath, the vow shall include reference to a Supreme Being unless an
41 affirmation is administered as provided by section 1-23.

42 [(7)] (8) "Official misconduct" means (A) a notary public's
43 performance of an act prohibited by the general statutes or failure to
44 perform an act mandated by the general statutes, or (B) a notary
45 public's performance of a notarial act in a manner found to be

46 negligent, illegal or against the public interest.

47 [(8)] (9) "Personal knowledge of identity" means familiarity with an
48 individual resulting from interaction with that individual over a
49 period of time sufficient to eliminate any reasonable doubt that the
50 individual has the identity claimed.

51 [(9)] (10) "Satisfactory evidence of identity" means identification of
52 an individual based on (A) at least two current documents, one issued
53 by a federal or state government and containing the individual's
54 signature and either a photograph or physical description, and the
55 other by an institution, business entity or state government or the
56 federal government and containing at least the individual's signature,
57 or (B) the oath or affirmation of a credible person who is personally
58 known to the notary public and who personally knows the individual.

59 [(10)] (11) "Secretary" means the Secretary of the State."

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which expands the definition of “notarial act” and defines “copy certification,” has no fiscal impact.

House “A” strikes the underlying bill and results in no fiscal impact, as identified above.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 5364 (as amended by House "A")******AN ACT CONCERNING THE DEFINITION OF "NOTARIAL ACT".*****SUMMARY:**

Subject to certain exceptions, this bill allows notaries public to certify that a copy of a document is an accurate and complete reproduction of the original. The bill refers to the process of certifying a copy as "completing a copy certification." The exceptions are for (1) vital records (birth, death, fetal death, or marriage certificates); (2) documents that must be recorded by the state's or a political subdivision's agent or employee; and (3) federally-issued documents if federal law prohibits the copying.

The law defines a "notarial act" or "notarization" as any act that a notary public is empowered to perform under the general statutes. The bill provides that such acts include taking an acknowledgment, administering an oath or affirmation, witnessing or attesting a signature, and completing a copy certification. Under current law, notaries public lack the authority to do the latter.

*House Amendment "A" amends the definition of notarial act in the underlying bill by substituting the phrase "completing a copy certification" for "certifying or attesting a copy," defines copy certification, and adds the exceptions.

EFFECTIVE DATE: October 1, 2012

COPY CERTIFICATION

Under the bill, a copy certification is a notarial act in which a notary public:

1. is presented with an original document;
2. copies or supervises the copying of the document, using a photographic or electronic copying process;
3. compares the original document to the copy; and
4. certifies that the copy is an accurate and complete reproduction of the original.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (03/21/2012)