

REFERENCE TITLE: notaries public; prohibited acts

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

# **SB 1182**

Introduced by  
Senator Blendu

AN ACT

AMENDING SECTIONS 41-328 AND 41-366, ARIZONA REVISED STATUTES; RELATING TO  
NOTARIES PUBLIC.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-328, Arizona Revised Statutes, is amended to  
3 read:

4 41-328. Incomplete documents; impartial witness; prohibited  
5 acts

6 A. A notary public shall not perform a jurat on a document that is  
7 incomplete. If a notary public is presented with a document that the notary  
8 knows from experience to be incomplete or if the document on its face is  
9 incomplete the notary public shall refuse to perform the jurat.

10 B. A notary public is an impartial witness and shall not ~~notarize the~~  
11 ~~notary's own signature or the signatures of any person who is related by~~  
12 ~~marriage or adoption~~ PERFORM A NOTARIAL ACT IF THE NOTARY:

- 13 1. IS A PARTY TO OR NAMED IN THE DOCUMENT THAT IS TO BE NOTARIZED.  
14 2. WILL RECEIVE AS A DIRECT OR INDIRECT RESULT ANY COMMISSION, FEE,  
15 ADVANTAGE, RIGHT, TITLE, INTEREST, CASH, PROPERTY OR OTHER CONSIDERATION THAT  
16 EXCEEDS IN VALUE THE FEES ESTABLISHED PURSUANT TO SECTION 41-316, SUBSECTION  
17 A.

18 3. IS A SPOUSE, DOMESTIC PARTNER, ANCESTOR, DESCENDANT OR SIBLING,  
19 INCLUDING AN IN-LAW, A STEP RELATIVE OR A RELATIVE OF THE HALF BLOOD, OF THE  
20 PRINCIPAL FOR WHOM THE DOCUMENT IS TO BE NOTARIZED.

21 Sec. 2. Section 41-366, Arizona Revised Statutes, is amended to read:

22 41-366. Incomplete documents; impartial witness; prohibited  
23 acts

24 A. An electronic notary public shall not perform an electronic jurat  
25 on a document that is incomplete. If an electronic notary public is  
26 presented with a document that the electronic notary knows from experience to  
27 be incomplete or if the document on its face is incomplete, the electronic  
28 notary public shall refuse to perform the jurat.

29 B. An electronic notary public is an impartial witness and shall not  
30 ~~notarize the notary's own signature or the signatures of any person who is~~  
31 ~~related by marriage or adoption~~ PERFORM A NOTARIAL ACT IF THE NOTARY:

- 32 1. IS A PARTY TO OR NAMED IN THE DOCUMENT THAT IS TO BE NOTARIZED.  
33 2. WILL RECEIVE AS A DIRECT OR INDIRECT RESULT ANY COMMISSION, FEE,  
34 ADVANTAGE, RIGHT, TITLE, INTEREST, CASH, PROPERTY OR OTHER CONSIDERATION THAT  
35 EXCEEDS IN VALUE THE FEES ESTABLISHED PURSUANT TO SECTION 41-316, SUBSECTION  
36 A.

37 3. IS A SPOUSE, DOMESTIC PARTNER, ANCESTOR, DESCENDANT OR SIBLING,  
38 INCLUDING AN IN-LAW, A STEP RELATIVE OR A RELATIVE OF THE HALF BLOOD, OF THE  
39 PRINCIPAL FOR WHOM THE DOCUMENT IS TO BE NOTARIZED.