

REFERENCE TITLE: notary public; requirements

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2588

Introduced by
Representative Dunn

AN ACT

AMENDING SECTIONS 41-258, 41-259, 41-260, 41-261, 41-266 AND 41-269, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 41-269.01, 41-269.02 AND 41-269.03; AMENDING SECTIONS 41-271, 41-314, 41-319 AND 41-323, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-334; AMENDING SECTIONS 41-619.51, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; RELATING TO NOTARIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-258, Arizona Revised Statutes, is amended to
3 read:

4 41-258. Notarial act in this state

5 A. Any of the following may perform a notarial act in this state:

6 1. A notary public of this state.

7 2. A judge, ~~OF A COURT OF RECORD.~~

8 3. A clerk or deputy clerk of a court of record of this state WHO
9 HAS A SEAL.

10 ~~3. An individual who is licensed to practice law in this state.~~

11 4. Any other individual who is authorized to perform the specific
12 act by the laws of this state.

13 B. The signature and title of an individual performing a notarial
14 act in this state are prima facie evidence that the signature is genuine
15 and that the individual holds the designated title.

16 C. The signature and title of a notarial officer listed in
17 subsection A, paragraph 1, 2 or 3 of this section conclusively establish
18 the authority of the notarial officer to perform the notarial act.

19 Sec. 2. Section 41-259, Arizona Revised Statutes, is amended to
20 read:

21 41-259. Notarial act in another state

22 A. A notarial act performed in another state has the same effect
23 under the laws of this state as if performed by a notarial officer of this
24 state, if the act performed in that state is performed by any of the
25 following:

26 1. A notary public of that state.

27 2. A judge, clerk or deputy clerk of a court OF RECORD of that
28 state.

29 3. Any other individual who is authorized by the laws of that state
30 to perform the notarial act.

31 B. The signature and title of an individual performing a notarial
32 act in another state are prima facie evidence that the signature is
33 genuine and that the individual holds the designated title.

34 C. The signature and title of a notarial officer described in
35 subsection A, paragraph 1 or 2 of this section conclusively establish the
36 authority of the notarial officer to perform the notarial act.

37 Sec. 3. Section 41-260, Arizona Revised Statutes, is amended to
38 read:

39 41-260. Notarial act under authority of federally recognized
40 Indian tribes

41 A. A notarial act performed under the authority and in the
42 jurisdiction of a federally recognized Indian tribe has the same effect as
43 if performed by a notarial officer of this state, if the act performed in
44 the jurisdiction of the tribe is performed by any of the following:

45 1. A notary public of the tribe.

1 2. A judge, clerk or deputy clerk of a court **OF RECORD** of the
2 tribe.

3 3. Any other individual who is authorized by the laws of the tribe
4 to perform the notarial act.

5 B. The signature and title of an individual performing a notarial
6 act under the authority of and in the jurisdiction of a federally
7 recognized Indian tribe are prima facie evidence that the signature is
8 genuine and that the individual holds the designated title.

9 C. The signature and title of a notarial officer described in
10 subsection A, paragraph 1 or 2 of this section conclusively establish the
11 authority of the notarial officer to perform the notarial act.

12 Sec. 4. Section 41-261, Arizona Revised Statutes, is amended to
13 read:

14 41-261. Notarial act under federal authority

15 A. A notarial act performed under federal law has the same effect
16 under the laws of this state as if performed by a notarial officer of this
17 state, if the act performed under federal law is performed by any of the
18 following:

19 1. A judge, clerk or deputy clerk of a court **OF RECORD**.

20 2. An individual who is in military service or performs duties
21 under the authority of military service and who is authorized to perform
22 notarial acts under federal law.

23 3. An individual who is designated a notarizing officer by the
24 United States department of state for performing notarial acts overseas.

25 4. Any other individual who is authorized by federal law to perform
26 the notarial act.

27 B. The signature and title of an individual acting under federal
28 authority and performing a notarial act are prima facie evidence that the
29 signature is genuine and that the individual holds the designated title.

30 C. The signature and title of a notarial officer described in
31 subsection A, paragraph 1, 2 or 3 of this section conclusively establish
32 the authority of the notarial officer to perform the notarial act.

33 Sec. 5. Section 41-266, Arizona Revised Statutes, is amended to
34 read:

35 41-266. Official stamp

36 A. The official stamp of a notary public must:

37 1. Include the words "notary public", the name of the county in
38 which the notary public is commissioned, the notary public's name as it
39 appears on the notary public's commission, **THE NOTARY PUBLIC'S COMMISSION**
40 **NUMBER**, the commission expiration date, **THE GREAT SEAL OF THE STATE OF**
41 **ARIZONA** and other information required by the secretary of state. **FOR A**
42 **REMOTE OR ELECTRONIC NOTARIZATION, THE OFFICIAL STAMP SHALL CONTAIN THE**
43 **COMMISSION THAT IS SPECIFIC TO THE REMOTE OR ELECTRONIC NOTARY.**

44 2. Be capable of being copied together with the record to which it
45 is affixed or attached or with which it is logically associated. **IF A**

1 NOTARIAL OFFICER ATTACHES A NOTARIAL CERTIFICATE TO A DOCUMENT ON A
2 SEPARATE SHEET OF PAPER, THE ATTACHMENT SHALL CONTAIN A DESCRIPTION OF THE
3 DOCUMENT AND INCLUDE ALL OF THE FOLLOWING:

- 4 (a) THE TITLE OF OR THE TYPE OF DOCUMENT.
- 5 (b) THE DATE.
- 6 (c) THE NUMBER OF PAGES OF THE DOCUMENT.
- 7 (d) ANY ADDITIONAL INDIVIDUALS WHO SIGNED THE DOCUMENT OTHER THAN
8 THOSE ON THE NOTARIAL CERTIFICATE.

9 B. A notary public's official stamp may be any shape. The physical
10 image of an official stamp created by a physical stamping device must be
11 not more than one and one-half inches high and two and one-half inches
12 wide and it must include an image of the great seal of the state of
13 Arizona. The electronic image of an official stamp created by an
14 electronic stamping device must be legible when reproduced together with
15 the record with which it is logically associated.

16 C. A notary public may not affix or attach the notary public's
17 official stamp over the notary public's signature or over any other
18 signature on the record that is the subject of the notarial act.

19 D. The official stamp of a notary public is an official seal of
20 office for the purposes of the laws of this state.

21 Sec. 6. Section 41-269, Arizona Revised Statutes, is amended to
22 read:

23 41-269. Commission as notary public; confidential
24 information; qualifications; assurance; no immunity
25 or benefit

26 A. An individual qualified under subsection B of this section may
27 apply to the secretary of state for a commission as a notary public. The
28 applicant shall comply with and provide the information required by rules
29 established by the secretary of state and pay any application fee. Except
30 for the applicant's name and business address, all information provided on
31 the application is confidential and may not be disclosed to any person
32 other than the applicant, the applicant's guardian or personal
33 representative or an employee or officer of the federal, state or local
34 government who is acting in an official capacity. The secretary of state
35 shall use the information provided on the application only for carrying
36 out the purposes of this article. THE SECRETARY OF STATE MAY REQUEST ANY
37 REASONABLY NECESSARY INFORMATION FROM AN APPLICANT, INCLUDING ANY OF THE
38 FOLLOWING:

- 39 1. PRIOR CRIMINAL RECORDS.
- 40 2. A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO SECTION
41 41-1758.03.
- 42 3. AN AFFIDAVIT EXPLAINING WHETHER THE APPLICANT HAS:
 - 43 (a) BEEN CONVICTED OF A FELONY OR A MISDEMEANOR.
 - 44 (b) HAD ANY BUSINESS OR PROFESSIONAL LICENSE DENIED, SUSPENDED OR
45 REVOKED OR HAD ANY OTHER DISCIPLINARY ACTION TAKEN OR ADMINISTRATIVE ORDER

1 ENTERED AGAINST THE APPLICANT BY ANY REGULATORY AGENCY IN THIS STATE OR IN
2 ANY OTHER STATE.

3 (c) HAD ANY ADVERSE DECISION OR JUDGMENT ENTERED AGAINST THE
4 APPLICANT ARISING OUT OF THE CONDUCT OF ANY BUSINESS IN OR INVOLVING A
5 TRANSACTION IN REAL ESTATE, CEMETERY PROPERTY, TIMESHARE INTERVALS OR
6 MEMBERSHIP CAMPING CAMPGROUNDS OR CONTRACTS INVOLVING FRAUD, DISHONESTY OR
7 MORAL TURPITUDE.

8 B. An applicant for a commission as a notary public must:

9 1. Be at least eighteen years of age.

10 2. Be a citizen or permanent legal resident of the United States.

11 3. Be a resident of this state for income tax purposes and claim
12 the individual's residence in this state as the individual's primary
13 residence on state and federal tax returns.

14 4. Be able to read, write and understand English.

15 5. Not be disqualified to receive a commission under section
16 41-271.

17 6. Have passed the examination described in section 41-270 if
18 required by the secretary of state.

19 7. Keep as a reference a manual that is approved by the secretary
20 of state and that describes the duties, authority and ethical
21 responsibilities of a notary public.

22 C. Before a commission as a notary public is issued, an applicant
23 for the commission shall execute an oath of office and submit it to the
24 secretary of state.

25 D. Before issuance of a commission as a notary public, the
26 applicant for a commission shall submit to the secretary of state an
27 assurance in the form of a surety bond in the amount of \$5,000. The
28 assurance must be issued by a surety or other entity licensed or
29 authorized to do business in this state. The assurance must cover acts
30 performed during the term of the notary public's commission and must be in
31 the form prescribed by the secretary of state. If a notary public
32 violates any law with respect to notaries public in this state, the surety
33 or issuing entity is liable under the assurance. The surety or issuing
34 entity shall give thirty days' notice to the secretary of state before
35 canceling the assurance. The surety or issuing entity shall notify the
36 secretary of state not later than thirty days after making a payment to a
37 claimant under the assurance. A notary public may perform notarial acts
38 in this state only during the period that a valid assurance is on file
39 with the secretary of state. An employer may not cancel the assurance of
40 any notary public who is an employee and who leaves such employment.

41 E. On compliance with this section, the secretary of state shall
42 issue a commission as a notary public to an applicant for a term of four
43 years.

44 F. A commission to act as a notary public authorizes the notary
45 public to perform notarial acts. The commission does not provide the

1 notary public any immunity or benefit conferred by the laws of this state
2 on public officials or employees.

3 G. A notary public is a public officer commissioned by this state
4 and all of the following apply without regard to whether the notary
5 public's employer or any other person has paid the fees and costs for the
6 commissioning of the notary public, including costs for a stamping device
7 or journal:

8 1. A notary public's stamping device, ~~AND~~ AND commission and any
9 journal that contains only public record entries remain the property of
10 the notary public.

11 2. A notary public may perform notarial acts outside the workplace
12 of the notary's employer except during those times normally designated as
13 the notary public's hours of duty for that employer. All fees received by
14 a notary public for notarial services provided while not on duty remain
15 the property of the notary public.

16 3. An employer of a notary public may not limit the notary public's
17 services to customers or other persons designated by the employer.

18 H. This state or any political subdivision of this state may pay
19 the fees and costs for the commissioning of a notary public who is an
20 employee of this state or any political subdivision of this state and who
21 performs notarial acts in the course of the notary public's employment or
22 for the convenience of public employees.

23 Sec. 7. Title 41, chapter 2, article 1, Arizona Revised Statutes,
24 is amended by adding sections 41-269.01, 41-269.02 and 41-269.03, to read:

25 41-269.01. Electronic filing; acceptance

26 A. UNLESS OTHERWISE PROHIBITED BY LAW, ANY DOCUMENT THAT IS
27 REQUIRED TO BE FILED PURSUANT TO THIS ARTICLE MAY BE FILED IN AN
28 ELECTRONIC FORMAT THAT IS APPROVED BY THE SECRETARY OF STATE.

29 B. ANY DOCUMENT THAT IS FILED IN ACCORDANCE WITH THIS ARTICLE IS
30 DEEMED TO COMPLY WITH ALL OF THE FOLLOWING:

31 1. THE FILING REQUIREMENTS OF THIS ARTICLE.

32 2. THE REQUIREMENT THAT A FILING BE SUBMITTED WITH A WRITTEN
33 SIGNATURE.

34 3. ANY REQUIREMENT THAT THE FILING BE FILED UNDER PENALTY OF
35 PERJURY.

36 C. THE SECRETARY OF STATE MAY ADOPT RULES THAT REQUIRE THAT ANY
37 PERSON WHO SUBMITS A DOCUMENT FOR FILING PURSUANT TO THIS SECTION ALSO
38 SUBMIT A TANGIBLE COPY OF THE DOCUMENT AS A PREREQUISITE TO THE DOCUMENT
39 BEING DEEMED FILED.

40 D. EXCEPT AS PROVIDED IN THIS SECTION, ALL CIVIL AND CRIMINAL
41 STATUTES APPLICABLE TO THE FILING OF PAPER DOCUMENTS APPLY TO ALL
42 DOCUMENTS FILED PURSUANT TO THIS SECTION.

1 41-269.02. Notary applicants; fingerprint clearance cards

2 A. BEFORE RECEIVING AND HOLDING A COMMISSION ISSUED PURSUANT TO
 3 THIS CHAPTER, EACH APPLICANT SHALL OBTAIN A VALID FINGERPRINT CLEARANCE
 4 CARD THAT IS ISSUED PURSUANT TO SECTION 41-1758.03.

5 B. THE APPLICANT IS RESPONSIBLE FOR PROVIDING THE SECRETARY OF
 6 STATE WITH A VALID FINGERPRINT CLEARANCE CARD.

7 C. THE SECRETARY OF STATE MAY NOT ISSUE A COMMISSION TO AN ORIGINAL
 8 APPLICANT BEFORE RECEIVING A VALID FINGERPRINT CLEARANCE CARD PURSUANT TO
 9 THIS SECTION. THE SECRETARY OF STATE SHALL SUSPEND THE COMMISSION IF THE
 10 FINGERPRINT CLEARANCE CARD IS DETERMINED TO BE INVALID OR IS SUSPENDED AND
 11 AN APPLICANT WHO WAS ISSUED A NOTARY COMMISSION FAILS TO SUBMIT A VALID
 12 FINGERPRINT CLEARANCE CARD WITHIN TEN DAYS AFTER BEING NOTIFIED BY THE
 13 DEPARTMENT OF PUBLIC SAFETY.

14 D. THIS SECTION DOES NOT AFFECT THE SECRETARY OF STATE'S AUTHORITY
 15 TO OTHERWISE ISSUE, DENY, CANCEL, TERMINATE, SUSPEND OR REVOKE A
 16 COMMISSION.

17 41-269.03. Misrepresentation of commission; cease and desist;
 18 attorney general

19 THE SECRETARY OF STATE MAY ISSUE A CEASE AND DESIST ORDER AGAINST A
 20 PERSON WHO THE SECRETARY OF STATE HAS REASON TO BELIEVE IS ACTING AS A
 21 NOTARY PUBLIC WITHOUT A CURRENT COMMISSION AND MAY REFER THE MATTER TO THE
 22 ATTORNEY GENERAL TO CONDUCT A CRIMINAL INVESTIGATION.

23 Sec. 8. Section 41-271, Arizona Revised Statutes, is amended to
 24 read:

25 41-271. Grounds to deny, refuse to renew, revoke, suspend or
 26 condition commission of notary public

27 A. The secretary of state may deny, refuse to renew, revoke,
 28 suspend or impose a condition on a commission as notary public for any act
 29 or omission that demonstrates the individual lacks the competence or
 30 reliability to act as a notary public, including any of the following:

- 31 1. Failure to comply with this article.
- 32 2. A fraudulent, dishonest or deceitful misstatement or omission in
 33 the application for a commission as a notary public submitted to the
 34 secretary of state.
- 35 3. A conviction of the applicant or notary public of any felony or
 36 a crime involving fraud, dishonesty or deceit. A conviction after a plea
 37 of no contest is deemed to be a conviction for the purposes of this
 38 paragraph.
- 39 4. A finding against or admission of liability by the applicant or
 40 notary public in any legal proceeding or disciplinary action based on the
 41 applicant's or notary public's fraud, dishonesty or deceit.
- 42 5. Failure by the notary public to discharge any duty required of a
 43 notary public, whether by this article, rules of the secretary of state or
 44 federal or state law.

1 6. Use of false or misleading advertising or representation by the
2 notary public that the notary has a duty, right or privilege that the
3 notary does not have.

4 7. Violation by the notary public of a rule of the secretary of
5 state regarding a notary public.

6 8. Denial, refusal to renew, revocation, suspension or conditioning
7 of a notary public commission in **THIS STATE OR** another state.

8 9. Failure of the notary public to maintain an assurance as
9 provided in section 41-269, subsection D.

10 10. Charging more than the fees authorized by this article or rule.

11 11. The return for insufficient funds or for any other reason for
12 nonpayment of a check issued for the assurance filing fees or application
13 fees to the secretary of state.

14 12. Failure to respond to any request for information or to comply
15 with any investigation initiated by the secretary of state or the attorney
16 general.

17 ~~13. The prior revocation of a notary public commission in this~~
18 ~~state.~~

19 B. If the secretary of state denies, refuses to renew, revokes,
20 suspends or imposes conditions on a commission as a notary public, the
21 applicant or notary public is entitled to timely notice and a hearing in
22 accordance with chapter 6, article 10 of this title. The denial of an
23 application or revocation or suspension of a commission is an appealable
24 agency action. If an applicant appeals the denial of an application, the
25 applicant may not submit a new application for consideration while the
26 appeal is pending. If an individual's commission as a notary public in
27 this state is revoked, the individual may not submit a new application for
28 commission for one year after the date of revocation.

29 C. The authority of the secretary of state to deny, refuse to
30 renew, suspend, revoke or impose conditions on a commission as a notary
31 public does not prevent a person from seeking and obtaining other criminal
32 or civil remedies provided by law.

33 Sec. 9. Section 41-314, Arizona Revised Statutes, is amended to
34 read:

35 41-314. Notary bond fund; purpose; exemption

36 A. The notary bond fund is established consisting of monies
37 received pursuant to ~~section~~ **SECTIONS** 41-178 **AND** 41-334.

38 B. The secretary of state shall administer the fund and spend
39 monies in the fund in order to defray the cost of the secretary of state's
40 office assuming the responsibilities associated with the processing and
41 administration of notary bonds.

42 C. On notice from the secretary of state, the state treasurer shall
43 invest and divest monies in the fund as provided by section 35-313, and
44 monies earned from investment shall be credited to the fund.

1 D. Monies in the fund are continuously appropriated and exempt from
2 the provisions of section 35-190 relating to lapsing of appropriations.

3 Sec. 10. Section 41-319, Arizona Revised Statutes, is amended to
4 read:

5 41-319. Journal

6 A. A notary public shall keep a paper journal to chronicle all
7 notarial acts performed regarding tangible records. A notary public shall
8 keep either a paper journal or one or more electronic journals to
9 chronicle all notarial acts performed regarding electronic records.
10 Except as prescribed by subsection E of this section, a notary public
11 shall keep only one paper journal at a time. The notary public shall
12 record all notarial acts in chronological order. The notary public shall
13 furnish, when requested, a certified copy of any public record in the
14 notary public's journal. Records of notarial acts that violate the
15 attorney-client privilege or that are confidential pursuant to federal or
16 state law are not a public record. Each journal entry shall include at
17 least:

18 1. The date of the notarial act.

19 2. A description of the document and type of notarial act.

20 3. The printed full name and address of each individual for whom a
21 notarial act is performed.

22 4. If a paper journal is used, the signature of each individual for
23 whom a notarial act is performed.

24 5. The type of satisfactory evidence of identity presented to the
25 notary public by each individual for whom a notarial act is performed, or
26 a notation that the notary public's personal knowledge of the individual
27 was used as satisfactory evidence of identity.

28 6. A description of the identification card or document, if any,
29 including its date of issuance or expiration.

30 7. The fee, if any, charged for the notarial act.

31 **8. THE NOTARY PUBLIC'S LEGIBLE THUMBPRINT.**

32 B. If a notary public has personal knowledge of the identity of a
33 signer, the notary public shall retain a paper or electronic copy of the
34 notarized documents for each notarial act in lieu of making a journal
35 entry or the notary public shall make a journal entry pursuant to the
36 requirements of subsection A, paragraphs 1, 2, 3, 4, 5 and 7 of this
37 section.

38 C. Except for notarial acts performed for remotely located
39 individuals under section 41-263, if a notary public performs more than
40 one notarization for an individual within a six month period, the notary
41 public shall have the individual provide satisfactory evidence of identity
42 as required under section 41-255 the first time the notary performs the
43 notarization for the individual but may not require satisfactory evidence
44 of identity or the individual to sign the journal for subsequent
45 notarizations performed for the individual during the six month period.

1 D. If a notary public performs more than one notarization of the
2 same type for a signer either on similar records or within the same record
3 and at the same time, the notary public may group the records together and
4 make one journal entry for the transaction.

5 E. If one or more entries in a notary public's journal are not
6 public records, the notary public shall keep one journal that contains
7 entries that are not public records and one journal that contains entries
8 that are public records. If a notary public keeps only one journal, that
9 journal is presumed to be a public record. A notary public's journal that
10 contains entries that are not public records is the property of the
11 employer of that notary public and shall be retained by that employer if
12 the notary public leaves that employment. A notary public's journal that
13 contains only public records is the property of the notary public without
14 regard to whether the notary public's employer purchased the journal or
15 provided the fees for the commissioning of the notary public.

16 F. Except as provided in subsections A and E of this section, the
17 notary public's journal is a public record that may be viewed by or copied
18 for any member of the public, but only on presentation to the notary
19 public of a written request that details the month and year of the
20 notarial act, the name of the individual whose signature was notarized and
21 the type of record or transaction.

22 Sec. 11. Section 41-323, Arizona Revised Statutes, is amended to
23 read:

24 41-323. Change of address; lost, stolen or compromised
25 journal or seal; civil penalty; presumption;
26 exception

27 A. Within thirty days after the change of a notary public's **EMAIL**,
28 mailing, business or residential address, the notary public shall deliver
29 to the secretary of state, by certified mail or other means providing a
30 receipt, a signed notice of the change that provides both the old and new
31 addresses.

32 B. Within ten days after the loss, theft or compromise of an
33 official journal or stamping device, the notary public shall deliver to
34 the secretary of state, by certified mail or other means providing a
35 receipt, a signed notice of the loss, theft or compromise. The notary
36 also shall inform the appropriate law enforcement agency in the case of
37 theft.

38 C. If a notary public fails to comply with subsection A or B of
39 this section, the notary public has failed to fully and faithfully
40 discharge the duties of a notary public. If the notary public failed to
41 comply with subsection A of this section, the secretary of state may
42 impose a civil penalty of \$25 against the notary. If the notary public
43 failed to comply with subsection B of this section, the secretary of state
44 shall impose a civil penalty of \$1,000 against the notary. The notary
45 public shall pay any civil penalty imposed by the secretary of state

1 pursuant to this subsection before the renewal of the notary's commission.
2 Failure to pay a penalty may be referred to the attorney general for
3 collection.

4 D. In a judicial proceeding where the identity of a party to a
5 notarized instrument is in question, the official journal of the notary
6 public is lost, stolen or compromised and the notary complied with this
7 section, a presumption shall be given to the validity of the identity of
8 the party who signed the instrument. If it is determined that the
9 official journal never existed or that the notary public failed to comply
10 with this section, no presumption shall apply that the identity of the
11 party who signed the notarized instrument in question is valid.

12 E. In an action in which the validity of a notarized document is at
13 issue and it is determined that the notary public did not comply with this
14 section, the court shall provide notice of such findings to the secretary
15 of state and the county attorney for the county in which the violation
16 occurred.

17 Sec. 12. Title 41, chapter 2, article 2, Arizona Revised Statutes,
18 is amended by adding section 41-334, to read:

19 41-334. Deposit; notary bond fund

20 FOR EVERY ORIGINAL NOTARY APPLICATION FILED PURSUANT TO THIS
21 CHAPTER, THE SECRETARY OF STATE SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146
22 AND 35-147, \$6 OF EVERY APPLICATION AND BOND FILING FEE IN THE NOTARY BOND
23 FUND ESTABLISHED BY SECTION 41-314.

24 Sec. 13. Section 41-619.51, Arizona Revised Statutes, is amended to
25 read:

26 41-619.51. Definitions

27 In this article, unless the context otherwise requires:

28 1. "Agency" means the supreme court, the department of economic
29 security, the department of child safety, the department of education, the
30 department of health services, the department of juvenile corrections, the
31 department of emergency and military affairs, the department of public
32 safety, the department of transportation, the state real estate
33 department, the department of insurance and financial institutions, the
34 Arizona game and fish department, the Arizona department of agriculture,
35 the board of examiners of nursing care institution administrators and
36 assisted living facility managers, the state board of dental examiners,
37 the Arizona state board of pharmacy, the board of physical therapy, the
38 state board of psychologist examiners, the board of athletic training, the
39 board of occupational therapy examiners, the state board of podiatry
40 examiners, the acupuncture board of examiners, the state board of
41 technical registration, ~~or~~ the board of massage therapy, ~~or~~ the Arizona
42 department of housing OR THE SECRETARY OF STATE'S OFFICE.

43 2. "Board" means the board of fingerprinting.

44 3. "Central registry exception" means notification to the
45 department of economic security, the department of child safety or the

1 department of health services, as appropriate, pursuant to section
2 41-619.57 that the person is not disqualified because of a central
3 registry check conducted pursuant to section 8-804.

4 4. "Expedited review" means an examination, in accordance with
5 board rule, of the documents an applicant submits by the board or its
6 hearing officer without the applicant being present.

7 5. "Good cause exception" means the issuance of a fingerprint
8 clearance card to an employee pursuant to section 41-619.55.

9 6. "Person" means a person who is required to be fingerprinted
10 pursuant to this article or who is subject to a central registry check and
11 any of the following:

- 12 (a) Section 3-314.
- 13 (b) Section 8-105.
- 14 (c) Section 8-322.
- 15 (d) Section 8-463.
- 16 (e) Section 8-509.
- 17 (f) Section 8-802.
- 18 (g) Section 8-804.
- 19 (h) Section 15-183.
- 20 (i) Section 15-503.
- 21 (j) Section 15-512.
- 22 (k) Section 15-534.
- 23 (l) Section 15-763.01.
- 24 (m) Section 15-782.02.
- 25 (n) Section 15-1330.
- 26 (o) Section 15-1881.
- 27 (p) Section 17-215.
- 28 (q) Section 28-3228.
- 29 (r) Section 28-3413.
- 30 (s) Section 32-122.02.
- 31 (t) Section 32-122.05.
- 32 (u) Section 32-122.06.
- 33 (v) Section 32-823.
- 34 (w) Section 32-1232.
- 35 (x) Section 32-1276.01.
- 36 (y) Section 32-1284.
- 37 (z) Section 32-1297.01.
- 38 (aa) Section 32-1904.
- 39 (bb) Section 32-1941.
- 40 (cc) Section 32-1982.
- 41 (dd) Section 32-2022.
- 42 (ee) Section 32-2063.
- 43 (ff) Section 32-2108.01.
- 44 (gg) Section 32-2123.
- 45 (hh) Section 32-2371.

- 1 (ii) Section 32-3430.
- 2 (jj) Section 32-3620.
- 3 (kk) Section 32-3668.
- 4 (ll) Section 32-3669.
- 5 (mm) Section 32-3922.
- 6 (nn) Section 32-3924.
- 7 (oo) Section 32-4222.
- 8 (pp) Section 32-4128.
- 9 (qq) Section 36-113.
- 10 (rr) Section 36-207.
- 11 (ss) Section 36-411.
- 12 (tt) Section 36-425.03.
- 13 (uu) Section 36-446.04.
- 14 (vv) Section 36-594.01.
- 15 (ww) Section 36-594.02.
- 16 (xx) Section 36-766.01.
- 17 (yy) Section 36-882.
- 18 (zz) Section 36-883.02.
- 19 (aaa) Section 36-897.01.
- 20 (bbb) Section 36-897.03.
- 21 (ccc) Section 36-3008.
- 22 (ddd) SECTION 41-269.02.
- 23 ~~(ddd)~~ (eee) Section 41-619.53.
- 24 ~~(eee)~~ (fff) Section 41-1964.
- 25 ~~(fff)~~ (ggg) Section 41-1967.01.
- 26 ~~(ggg)~~ (hhh) Section 41-1968.
- 27 ~~(hhh)~~ (iii) Section 41-1969.
- 28 ~~(iii)~~ (jjj) Section 41-2814.
- 29 ~~(jjj)~~ (kkk) Section 41-4025.
- 30 ~~(kkk)~~ (lll) Section 46-141, subsection A or B.
- 31 ~~(lll)~~ (mmm) Section 46-321.

32 Sec. 14. Section 41-1758, Arizona Revised Statutes, is amended to
33 read:

34 41-1758. Definitions

35 In this article, unless the context otherwise requires:

- 36 1. "Agency" means the supreme court, the department of economic
37 security, the department of child safety, the department of education, the
38 department of health services, the department of juvenile corrections, the
39 department of emergency and military affairs, the department of public
40 safety, the department of transportation, the state real estate
41 department, the department of insurance and financial institutions, the
42 board of fingerprinting, the Arizona game and fish department, the Arizona
43 department of agriculture, the board of examiners of nursing care
44 institution administrators and assisted living facility managers, the
45 state board of dental examiners, the Arizona state board of pharmacy, the

1 board of physical therapy, the state board of psychologist examiners, the
2 board of athletic training, the board of occupational therapy examiners,
3 the state board of podiatry examiners, the acupuncture board of examiners,
4 the state board of technical registration, ~~or~~ the board of massage
5 therapy, ~~or~~ the Arizona department of housing OR THE SECRETARY OF STATE'S
6 OFFICE.

7 2. "Division" means the fingerprinting division in the department
8 of public safety.

9 3. "Electronic or internet-based fingerprinting services" means a
10 secure system for digitizing applicant fingerprints and transmitting the
11 applicant data and fingerprints of a person or entity submitting
12 fingerprints to the department of public safety for any authorized purpose
13 under this title. For the purposes of this paragraph, "secure system"
14 means a system that complies with the information technology security
15 policy approved by the department of public safety.

16 4. "Good cause exception" means the issuance of a fingerprint
17 clearance card to an applicant pursuant to section 41-619.55.

18 5. "Person" means a person who is required to be fingerprinted
19 pursuant to any of the following:

- 20 (a) Section 3-314.
- 21 (b) Section 8-105.
- 22 (c) Section 8-322.
- 23 (d) Section 8-463.
- 24 (e) Section 8-509.
- 25 (f) Section 8-802.
- 26 (g) Section 15-183.
- 27 (h) Section 15-503.
- 28 (i) Section 15-512.
- 29 (j) Section 15-534.
- 30 (k) Section 15-763.01.
- 31 (l) Section 15-782.02.
- 32 (m) Section 15-1330.
- 33 (n) Section 15-1881.
- 34 (o) Section 17-215.
- 35 (p) Section 28-3228.
- 36 (q) Section 28-3413.
- 37 (r) Section 32-122.02.
- 38 (s) Section 32-122.05.
- 39 (t) Section 32-122.06.
- 40 (u) Section 32-823.
- 41 (v) Section 32-1232.
- 42 (w) Section 32-1276.01.
- 43 (x) Section 32-1284.

- 1 (y) Section 32-1297.01.
- 2 (z) Section 32-1904.
- 3 (aa) Section 32-1941.
- 4 (bb) Section 32-1982.
- 5 (cc) Section 32-2022.
- 6 (dd) Section 32-2063.
- 7 (ee) Section 32-2108.01.
- 8 (ff) Section 32-2123.
- 9 (gg) Section 32-2371.
- 10 (hh) Section 32-3430.
- 11 (ii) Section 32-3620.
- 12 (jj) Section 32-3668.
- 13 (kk) Section 32-3669.
- 14 (ll) Section 32-3922.
- 15 (mm) Section 32-3924.
- 16 (nn) Section 32-4128.
- 17 (oo) Section 32-4222.
- 18 (pp) Section 36-113.
- 19 (qq) Section 36-207.
- 20 (rr) Section 36-411.
- 21 (ss) Section 36-425.03.
- 22 (tt) Section 36-446.04.
- 23 (uu) Section 36-594.01.
- 24 (vv) Section 36-594.02.
- 25 (ww) Section 36-766.01.
- 26 (xx) Section 36-882.
- 27 (yy) Section 36-883.02.
- 28 (zz) Section 36-897.01.
- 29 (aaa) Section 36-897.03.
- 30 (bbb) Section 36-3008.
- 31 (ccc) SECTION 41-269.02.
- 32 ~~(ddd)~~ (ddd) Section 41-619.52.
- 33 ~~(eee)~~ (eee) Section 41-619.53.
- 34 ~~(fff)~~ (fff) Section 41-1964.
- 35 ~~(ggg)~~ (ggg) Section 41-1967.01.
- 36 ~~(hhh)~~ (hhh) Section 41-1968.
- 37 ~~(iii)~~ (iii) Section 41-1969.
- 38 ~~(jjj)~~ (jjj) Section 41-2814.
- 39 ~~(kkk)~~ (kkk) Section 41-4025.
- 40 ~~(lll)~~ (lll) Section 46-141, subsection A or B.
- 41 ~~(mmm)~~ (mmm) Section 46-321.
- 42 6. "Vulnerable adult" has the same meaning prescribed in section
- 43 13-3623.

1 Sec. 15. Section 41-1758.01, Arizona Revised Statutes, is amended
2 to read:

3 41-1758.01. Fingerprinting division; powers and duties

4 A. The fingerprinting division is established in the department of
5 public safety and shall:

6 1. Conduct fingerprint background checks for persons and applicants
7 who are seeking licenses from state agencies, employment with licensees,
8 contract providers and state agencies or employment or educational
9 opportunities with agencies that require fingerprint background checks
10 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
11 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
12 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823, 32-1232,
13 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982, 32-2022,
14 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3430, 32-3620, 32-3668, 32-3669,
15 32-3922, 32-3924, 32-4128, 32-4222, 36-113, 36-207, 36-411, 36-425.03,
16 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02, 36-897.01,
17 36-897.03, 36-3008, 41-269.02, 41-619.52, 41-619.53, 41-1964, 41-1967.01,
18 41-1968, 41-1969, 41-2814, ~~AND~~ 41-4025, section 46-141, subsection A or B
19 and section 46-321.

20 2. Issue fingerprint clearance cards. On issuance, a fingerprint
21 clearance card becomes the personal property of the cardholder and the
22 cardholder shall retain possession of the fingerprint clearance card.

23 3. On submission of an application for a fingerprint clearance
24 card, collect the fees established by the board of fingerprinting pursuant
25 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,
26 the monies collected in the board of fingerprinting fund.

27 4. Inform in writing each person who submits fingerprints for a
28 fingerprint background check of the right to petition the board of
29 fingerprinting for a good cause exception pursuant to section 41-1758.03,
30 41-1758.04 or 41-1758.07.

31 5. If after conducting a state and federal criminal history records
32 check the division determines that it is not authorized to issue a
33 fingerprint clearance card to a person, inform the person in writing that
34 the division is not authorized to issue a fingerprint clearance card. The
35 notice shall include the criminal history information on which the denial
36 was based. This criminal history information is subject to dissemination
37 restrictions pursuant to section 41-1750 and Public Law 92-544.

38 6. Notify the person in writing if the division suspends, revokes
39 or places a driving restriction notation on a fingerprint clearance card
40 pursuant to section 41-1758.04. The notice shall include the criminal
41 history information on which the suspension, revocation or placement of
42 the driving restriction notation was based. This criminal history
43 information is subject to dissemination restrictions pursuant to section
44 41-1750 and Public Law 92-544.

45 7. Administer and enforce this article.

1 B. The fingerprinting division may contract for electronic or
2 internet-based fingerprinting services through an entity or entities for
3 the acquisition and transmission of applicant fingerprint and data
4 submissions to the department, including identity verified fingerprints
5 pursuant to section 15-106. The entity or entities contracted by the
6 department of public safety may charge the applicant a fee for services
7 provided pursuant to this article. The entity or entities contracted by
8 the department of public safety shall comply with:

9 1. All information privacy and security measures and submission
10 standards established by the department of public safety.

11 2. The information technology security policy approved by the
12 department of public safety.