

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Notary Public Act is amended by
5 changing Sections 2-102, 4-101, 6-104, 7-101, and 7-108 as
6 follows:

7 (5 ILCS 312/2-102) (from Ch. 102, par. 202-102)

8 Sec. 2-102. Application. Every applicant for appointment
9 and commission as a notary shall complete an application in a
10 format prescribed by the Secretary of State to be filed with
11 the Secretary of State, stating:

12 (a) the applicant's official name, as it appears on his
13 or her current driver's license or state-issued
14 identification card;

15 (b) the county in which the applicant resides or, if
16 the applicant is a resident of a state bordering Illinois,
17 the county in Illinois in which that person's principal
18 place of work or principal place of business is located;

19 (c) the applicant's residence address, as it appears on
20 his or her current driver's license or state-issued
21 identification card, ~~and business address, if any;~~

22 (c-5) the applicant's business address if different
23 than the applicant's residence address, if performing

1 notarial acts constitutes any portion of the applicant's
2 job duties;

3 (d) that the applicant has resided in the State of
4 Illinois for 30 days preceding the application or that the
5 applicant who is a resident of a state bordering Illinois
6 has worked or maintained a business in Illinois for 30 days
7 preceding the application;

8 (e) that the applicant is a citizen of the United
9 States or an alien lawfully admitted for permanent
10 residence in the United States;

11 (f) the applicant's date of birth;

12 (g) that the applicant is able to read and write the
13 English language;

14 (h) that the applicant has never been the holder of a
15 notary public appointment that was revoked or suspended
16 during the past 10 years;

17 (i) that the applicant has not been convicted of a
18 felony;

19 (i-5) that the applicant's signature authorizes the
20 Office of the Secretary of State to conduct a verification
21 to confirm the information provided in the application,
22 including a criminal background check of the applicant, if
23 necessary; and

24 (j) any other information the Secretary of State deems
25 necessary.

26 (Source: P.A. 99-112, eff. 1-1-16.)

1 (5 ILCS 312/4-101) (from Ch. 102, par. 204-101)

2 Sec. 4-101. Changes causing commission to cease to be in
3 effect. When any notary public legally changes his or her name,
4 changes his or her business address without notifying the Index
5 Department of the Secretary of State in writing within 30 days
6 thereof, or moves from the county in which he or she was
7 ~~commissioned~~ or, if the notary public is a resident of a state
8 bordering Illinois, no longer maintains a principal place of
9 work or principal place of business in the same county in
10 Illinois in which he or she was commissioned, the commission of
11 that notary ceases to be in effect. When the commission of a
12 notary public ceases to be in effect, his or her notarial seal
13 shall and should be surrendered ~~returned~~ to the Secretary of
14 State, and his or her certificate of notarial commission shall
15 be destroyed. These individuals who desire to again become a
16 notary public must file a new application, bond, and oath with
17 the Secretary of State.

18 (Source: P.A. 91-818, eff. 6-13-00.)

19 (5 ILCS 312/6-104) (from Ch. 102, par. 206-104)

20 Sec. 6-104. Acts prohibited.

21 (a) A notary public shall not use any name or initial in
22 signing certificates other than that by which the notary was
23 commissioned.

24 (b) A notary public shall not acknowledge any instrument in

1 which the notary's name appears as a party to the transaction.

2 (c) A notary public shall not affix his signature to a
3 blank form of affidavit or certificate of acknowledgment.

4 (d) A notary public shall not take the acknowledgment of or
5 administer an oath to any person whom the notary actually knows
6 to have been adjudged mentally ill by a court of competent
7 jurisdiction and who has not been restored to mental health as
8 a matter of record.

9 (e) A notary public shall not take the acknowledgment of
10 any person who is blind until the notary has read the
11 instrument to such person.

12 (f) A notary public shall not take the acknowledgment of
13 any person who does not speak or understand the English
14 language, unless the nature and effect of the instrument to be
15 notarized is translated into a language which the person does
16 understand.

17 (g) A notary public shall not change anything in a written
18 instrument after it has been signed by anyone.

19 (h) No notary public shall be authorized to prepare any
20 legal instrument, or fill in the blanks of an instrument, other
21 than a notary certificate; however, this prohibition shall not
22 prohibit an attorney, who is also a notary public, from
23 performing notarial acts for any document prepared by that
24 attorney.

25 (i) If a notary public accepts or receives any money from
26 any one to whom an oath has been administered or on behalf of

1 whom an acknowledgment has been taken for the purpose of
2 transmitting or forwarding such money to another and willfully
3 fails to transmit or forward such money promptly, the notary is
4 personally liable for any loss sustained because of such
5 failure. The person or persons damaged by such failure may
6 bring an action to recover damages, together with interest and
7 reasonable attorney fees, against such notary public or his
8 bondsmen.

9 (j) A notary public shall not perform any notarial act when
10 his or her commission is suspended or revoked, nor shall he or
11 she fail to comply with any term of suspension which may be
12 imposed for violation of this Section.

13 (Source: P.A. 100-81, eff. 1-1-18.)

14 (5 ILCS 312/7-101) (from Ch. 102, par. 207-101)

15 Sec. 7-101. Liability of Notary and Surety. A notary public
16 and the surety on the notary's bond are liable to the persons
17 involved for all damages caused by the notary's official
18 misconduct. Upon the filing of any claim against a notary
19 public, the entity that has issued the bond for the notary
20 shall notify the Secretary of State of whether payment was made
21 and the circumstances which led to the claim.

22 (Source: P.A. 84-322.)

23 (5 ILCS 312/7-108) (from Ch. 102, par. 207-108)

24 Sec. 7-108. Reprimand, Suspension, and Revocation of

1 Commission.

2 (a) The Secretary of State may revoke the commission of any
3 notary public who, during the current term of appointment:

4 (1) ~~(a)~~ submits an application for commission and
5 appointment as a notary public which contains substantial
6 and material misstatement or omission of fact; or

7 (2) ~~(b)~~ is convicted of any felony, misdemeanors,
8 including those defined in Part C, Articles 16, 17, 18, 19,
9 and 21, and Part E, Articles 31, 32, and 33 of the Criminal
10 Code of 2012, or official misconduct under this Act.

11 (b) Whenever the Secretary of State believes that a
12 violation of this Article has occurred, he or she may
13 investigate any such violation. The Secretary may also
14 investigate possible violations of this Article upon a signed
15 written complaint on a form designated by the Secretary.

16 (c) A notary's failure to cooperate or respond to an
17 investigation by the Secretary of State is a failure by the
18 notary to fully and faithfully discharge the responsibilities
19 and duties of a notary and shall result in suspension or
20 revocation of the notary's commission.

21 (d) All written complaints which on their face appear to
22 establish facts which, if proven true, would constitute an act
23 of misrepresentation or fraud in notarization or on the part of
24 the notary shall be investigated by the Secretary of State to
25 determine whether cause exists to reprimand, suspend, or revoke
26 the commission of the notary.

1 (e) The Secretary of State may deliver a written official
2 warning and reprimand to a notary, or may revoke or suspend a
3 notary's commission, for any of the following:

4 (1) a notary's official misconduct, as defined under
5 Section 7-104;

6 (2) any ground for which an application for appointment
7 as a notary may be denied for failure to complete
8 application requirements as provided under Section 2-102;

9 (3) any prohibited act provided under Section 6-104; or

10 (4) a violation of any provision of the general
11 statutes.

12 (f) After investigation and upon a determination by the
13 Secretary of State that one or more prohibited acts has been
14 performed in the notarization of a document, the Secretary
15 shall, after considering the extent of the prohibited act and
16 the degree of culpability of the notary, order one or more of
17 the following courses of action:

18 (1) issue a letter of warning to the notary, including
19 the Secretary's findings;

20 (2) order suspension of the commission of the notary
21 for a period of time designated by the Secretary;

22 (3) order revocation of the commission of the notary;

23 (4) refer the allegations to the appropriate State's
24 Attorney's Office or the Attorney General for criminal
25 investigation; or

26 (5) refer the allegations to the Illinois Attorney

1 Registration and Disciplinary Commission for disciplinary
2 proceedings.

3 (g) After a notary receives notice from the Secretary of
4 State that his or her commission has been revoked, that notary
5 shall immediately deliver his or her official seal to the
6 Secretary.

7 (h) A notary whose appointment has been revoked due to a
8 violation of this Act shall not be eligible for a new
9 commission as a notary public in this State for a period of at
10 least 5 years from the date of the final revocation.

11 (i) A notary may voluntarily resign from appointment by
12 notifying the Secretary of State in writing of his or her
13 intention to do so, and by physically returning his or her
14 stamp to the Secretary. A voluntary resignation shall not stop
15 or preclude any investigation into a notary's conduct, or
16 prevent further suspension or revocation by the Secretary, who
17 may pursue any such investigation to a conclusion and issue any
18 finding.

19 (j) Upon a determination by a sworn law enforcement officer
20 that the allegations raised by the complaint are founded, and
21 the notary has received notice of suspension or revocation from
22 the Secretary of State, the notary is entitled to an
23 administrative hearing.

24 (k) The Secretary of State shall adopt administrative
25 hearing rules applicable to this Section that are consistent
26 with the Illinois Administrative Procedure Act.

1 (Source: P.A. 84-322.)

2 Section 99. Effective date. This Act takes effect January
3 1, 2019.