

1 AN ACT concerning State 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 3-101, 3-103, 6-103, and 6-104 as follows:

6 (5 ILCS 312/3-101) (from Ch. 102, par. 203-101)

7 Sec. 3-101. Official Seal ~~and Signature~~.

8 (a) Each notary public shall, upon receiving the commission
9 from the county clerk, obtain an official rubber stamp seal
10 with which the notary shall authenticate his official acts. The
11 rubber stamp seal shall contain the following information:

12 (1) the words "Official Seal";

13 (2) the notary's official name;

14 (3) the words "Notary Public", "State of Illinois", and
15 "My commission expires _____ (commission expiration
16 date)"; and

17 (4) a serrated or milled edge border in a rectangular
18 form not more than one inch in height by two and one-half
19 inches in length surrounding the information.

20 (b) (Blank). ~~At the time of the notarial act, a notary~~
21 ~~public shall officially sign every notary certificate and affix~~
22 ~~the rubber stamp seal clearly and legibly using black ink, so~~
23 ~~that it is capable of photographic reproduction. The~~

1 ~~illegibility of any of the information required by this Section~~
2 ~~does not affect the validity of a transaction.~~

3 ~~This subsection does not apply on or after July 1, 2013.~~

4 (Source: P.A. 95-988, eff. 6-1-09.)

5 (5 ILCS 312/3-103) (from Ch. 102, par. 203-103)

6 Sec. 3-103. Notice.

7 (a) Every notary public who is not an attorney or an
8 accredited immigration representative who advertises the
9 services of a notary public in a language other than English,
10 whether by radio, television, signs, pamphlets, newspapers,
11 electronic communications, or other written communication,
12 with the exception of a single desk plaque, shall include in
13 the document, advertisement, stationery, letterhead, business
14 card, or other comparable written or electronic material the
15 following: notice in English and the language in which the
16 written or electronic communication appears. This notice shall
17 be of a conspicuous size, if in writing or electronic
18 communication, and shall state: "I AM NOT AN ATTORNEY LICENSED
19 TO PRACTICE LAW IN ILLINOIS AND MAY NOT GIVE LEGAL ADVICE OR
20 ACCEPT FEES FOR LEGAL ADVICE". If such advertisement is by
21 radio or television, the statement may be modified but must
22 include substantially the same message.

23 A notary public shall not, in any document, advertisement,
24 stationery, letterhead, business card, electronic
25 communication, or other comparable written material describing

1 the role of the notary public, literally translate from English
2 into another language terms or titles including, but not
3 limited to, notary public, notary, licensed, attorney, lawyer,
4 or any other term that implies the person is an attorney. To
5 illustrate, the word "notario" is prohibited under this
6 provision.

7 Failure to follow the procedures in this Section shall
8 result in a fine of \$1,000 for each written violation. The
9 second violation shall result in suspension of notary
10 authorization. The third violation shall result in permanent
11 revocation of the commission of notary public. Violations shall
12 not preempt or preclude additional appropriate civil or
13 criminal penalties.

14 (b) All notaries public required to comply with the
15 provisions of subsection (a) shall prominently post at their
16 place of business as recorded with the Secretary of State
17 pursuant to Section 2-102 of this Act a schedule of fees
18 established by law which a notary public may charge. The fee
19 schedule shall be written in English and in the non-English
20 language in which notary services were solicited and shall
21 contain the disavowal of legal representation required above in
22 subsection (a), unless such notice of disavowal is already
23 prominently posted.

24 (c) No notary public, agency or any other person who is not
25 an attorney shall represent, hold themselves out or advertise
26 that they are experts on immigration matters or provide any

1 other assistance that requires legal analysis, legal judgment,
2 or interpretation of the law unless they are a designated
3 entity as defined pursuant to Section 245a.1 of Part 245a of
4 the Code of Federal Regulations (8 CFR 245a.1) or an entity
5 accredited by the Board of Immigration Appeals.

6 (d) Any person who aids, abets or otherwise induces another
7 person to give false information concerning immigration status
8 shall be guilty of a Class A misdemeanor for a first offense
9 and a Class 3 felony for a second or subsequent offense
10 committed within 5 years of a previous conviction for the same
11 offense.

12 Any notary public who violates the provisions of this
13 Section shall be guilty of official misconduct and subject to
14 fine or imprisonment.

15 Nothing in this Section shall preclude any consumer of
16 notary public services from pursuing other civil remedies
17 available under the law.

18 (e) No notary public who is not an attorney or an
19 accredited representative shall accept payment in exchange for
20 providing legal advice or any other assistance that requires
21 legal analysis, legal judgment, or interpretation of the law.

22 (f) Violation of subsection (e) is a business offense
23 punishable by a fine of 3 times the amount received for
24 services, or \$1,001 minimum, and restitution of the amount paid
25 to the consumer. Nothing in this Section shall be construed to
26 preempt nor preclude additional appropriate civil remedies or

1 criminal charges available under law.

2 (g) If a notary public of this State is convicted of 2 or
3 more business offenses involving a violation of this Act within
4 a 12-month period while commissioned, or of 3 or more business
5 offenses involving a violation of this Act within a 5-year
6 period regardless of being commissioned, the Secretary shall
7 automatically revoke the notary public commission of that
8 person on the date that the person's most recent business
9 offense conviction is entered as a final judgment.

10 (Source: P.A. 93-1001, eff. 8-23-04.)

11 (5 ILCS 312/6-103) (from Ch. 102, par. 206-103)

12 Sec. 6-103. Certificate of Notarial Acts.

13 (a) A notarial act must be evidenced by a certificate
14 signed and dated by the notary public. The certificate must
15 include identification of the jurisdiction in which the
16 notarial act is performed and the official seal of office.

17 (b) A certificate of a notarial act is sufficient if it
18 meets the requirements of subsection (a) and it:

19 (1) is in the short form set forth in Section 6-105;

20 (2) is in a form otherwise prescribed by the law of
21 this State; or

22 (3) sets forth the actions of the notary public and
23 those are sufficient to meet the requirements of the
24 designated notarial act.

25 (c) At the time of a notarial act, a notary public shall

1 officially sign every notary certificate and affix the rubber
2 stamp seal clearly and legibly using black ink, so that it is
3 capable of photographic reproduction. The illegibility of any
4 of the information required under this Section does not affect
5 the validity of a transaction.

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

7 (5 ILCS 312/6-104) (from Ch. 102, par. 206-104)

8 Sec. 6-104. Acts Prohibited.

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

12 (b) A notary public shall not acknowledge any instrument in
13 which the notary's name appears as a party to the transaction.

14 (c) A notary public shall not affix his signature to a
15 blank form of affidavit or certificate of acknowledgment ~~and~~
16 ~~deliver that form to another person with intent that it be used~~
17 ~~as an affidavit or acknowledgment.~~

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

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

1 (f) A notary public shall not take the acknowledgment of
2 any person who does not speak or understand the English
3 language, unless the nature and effect of the instrument to be
4 notarized is translated into a language which the person does
5 understand.

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

8 (h) No notary public shall be authorized to prepare any
9 legal instrument, or fill in the blanks of an instrument, other
10 than a notary certificate; however, this prohibition shall not
11 prohibit an attorney, who is also a notary public, from
12 performing notarial acts for any document prepared by that
13 attorney.

14 (i) If a notary public accepts or receives any money from
15 any one to whom an oath has been administered or on behalf of
16 whom an acknowledgment has been taken for the purpose of
17 transmitting or forwarding such money to another and willfully
18 fails to transmit or forward such money promptly, the notary is
19 personally liable for any loss sustained because of such
20 failure. The person or persons damaged by such failure may
21 bring an action to recover damages, together with interest and
22 reasonable attorney fees, against such notary public or his
23 bondsmen.

24 (Source: P.A. 85-421.)