



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 265

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 265 by replacing  
3 everything after the enacting clause with the following:

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

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

4           (b) (Blank). ~~At the time of the notarial act, a notary~~  
5 ~~public shall officially sign every notary certificate and affix~~  
6 ~~the rubber stamp seal clearly and legibly using black ink, so~~  
7 ~~that it is capable of photographic reproduction. The~~  
8 ~~illegibility of any of the information required by this Section~~  
9 ~~does not affect the validity of a transaction.~~

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

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

12           (5 ILCS 312/3-103) (from Ch. 102, par. 203-103)

13           Sec. 3-103. Notice.

14           (a) Every notary public who is not an attorney or an  
15 accredited immigration representative who advertises the  
16 services of a notary public in a language other than English,  
17 whether by radio, television, signs, pamphlets, newspapers,  
18 electronic communications, or other written communication,  
19 with the exception of a single desk plaque, shall include in  
20 the document, advertisement, stationery, letterhead, business  
21 card, or other comparable written or electronic material the  
22 following: notice in English and the language in which the  
23 written or electronic communication appears. This notice shall  
24 be of a conspicuous size, if in writing or electronic  
25 communication, and shall state: "I AM NOT AN ATTORNEY LICENSED

1 TO PRACTICE LAW IN ILLINOIS AND MAY NOT GIVE LEGAL ADVICE OR  
2 ACCEPT FEES FOR LEGAL ADVICE". If such advertisement is by  
3 radio or television, the statement may be modified but must  
4 include substantially the same message.

5 A notary public shall not, in any document, advertisement,  
6 stationery, letterhead, business card, electronic  
7 communication, or other comparable written material describing  
8 the role of the notary public, literally translate from English  
9 into another language terms or titles including, but not  
10 limited to, notary public, notary, licensed, attorney, lawyer,  
11 or any other term that implies the person is an attorney. To  
12 illustrate, the word "notario" is prohibited under this  
13 provision.

14 Failure to follow the procedures in this Section shall  
15 result in a fine of \$1,000 for each written violation. The  
16 second violation shall result in suspension of notary  
17 authorization. The third violation shall result in permanent  
18 revocation of the commission of notary public. Violations shall  
19 not preempt or preclude additional appropriate civil or  
20 criminal penalties.

21 (b) All notaries public required to comply with the  
22 provisions of subsection (a) shall prominently post at their  
23 place of business as recorded with the Secretary of State  
24 pursuant to Section 2-102 of this Act a schedule of fees  
25 established by law which a notary public may charge. The fee  
26 schedule shall be written in English and in the non-English

1 language in which notary services were solicited and shall  
2 contain the disavowal of legal representation required above in  
3 subsection (a), unless such notice of disavowal is already  
4 prominently posted.

5 (c) No notary public, agency or any other person who is not  
6 an attorney shall represent, hold themselves out or advertise  
7 that they are experts on immigration matters or provide any  
8 other assistance that requires legal analysis, legal judgment,  
9 or interpretation of the law unless they are a designated  
10 entity as defined pursuant to Section 245a.1 of Part 245a of  
11 the Code of Federal Regulations (8 CFR 245a.1) or an entity  
12 accredited by the Board of Immigration Appeals.

13 (d) Any person who aids, abets or otherwise induces another  
14 person to give false information concerning immigration status  
15 shall be guilty of a Class A misdemeanor for a first offense  
16 and a Class 3 felony for a second or subsequent offense  
17 committed within 5 years of a previous conviction for the same  
18 offense.

19 Any notary public who violates the provisions of this  
20 Section shall be guilty of official misconduct and subject to  
21 fine or imprisonment.

22 Nothing in this Section shall preclude any consumer of  
23 notary public services from pursuing other civil remedies  
24 available under the law.

25 (e) No notary public who is not an attorney or an  
26 accredited representative shall accept payment in exchange for

1 providing legal advice or any other assistance that requires  
2 legal analysis, legal judgment, or interpretation of the law.

3 (f) Violation of subsection (e) is a business offense  
4 punishable by a fine of 3 times the amount received for  
5 services, or \$1,001 minimum, and restitution of the amount paid  
6 to the consumer. Nothing in this Section shall be construed to  
7 preempt nor preclude additional appropriate civil remedies or  
8 criminal charges available under law.

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

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

18 (5 ILCS 312/6-103) (from Ch. 102, par. 206-103)

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

20 (a) A notarial act must be evidenced by a certificate  
21 signed and dated by the notary public. The certificate must  
22 include identification of the jurisdiction in which the  
23 notarial act is performed and the official seal of office.

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

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

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

4 (3) sets forth the actions of the notary public and  
5 those are sufficient to meet the requirements of the  
6 designated notarial act.

7 (c) At the time of a notarial act, a notary public shall  
8 officially sign every notary certificate and affix the rubber  
9 stamp seal clearly and legibly using black ink, so that it is  
10 capable of photographic reproduction. The illegibility of any  
11 of the information required under this Section does not affect  
12 the validity of a transaction.

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

14 (5 ILCS 312/6-104) (from Ch. 102, par. 206-104)

15 Sec. 6-104. Acts Prohibited.

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

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

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

25 (d) A notary public shall not take the acknowledgment of or

1 administer an oath to any person whom the notary actually knows  
2 to have been adjudged mentally ill by a court of competent  
3 jurisdiction and who has not been restored to mental health as  
4 a matter of record.

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

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

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

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

21 (i) If a notary public accepts or receives any money from  
22 any one to whom an oath has been administered or on behalf of  
23 whom an acknowledgment has been taken for the purpose of  
24 transmitting or forwarding such money to another and willfully  
25 fails to transmit or forward such money promptly, the notary is  
26 personally liable for any loss sustained because of such

1 failure. The person or persons damaged by such failure may  
2 bring an action to recover damages, together with interest and  
3 reasonable attorney fees, against such notary public or his  
4 bondsmen.

5 (Source: P.A. 85-421.)".