

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 Section 3-103 as follows:

6 (5 ILCS 312/3-103) (from Ch. 102, par. 203-103)  
7 Sec. 3-103. Notice.

8 (a) Every notary public who is not an attorney or an  
9 accredited immigration representative who advertises the  
10 services of a notary public in a language other than English,  
11 whether by radio, television, signs, pamphlets, newspapers,  
12 electronic communications, or other written communication,  
13 with the exception of a single desk plaque, shall include in  
14 the document, advertisement, stationery, letterhead, business  
15 card, or other comparable written or electronic material the  
16 following: notice in English and the language in which the  
17 written or electronic communication appears. This notice shall  
18 be of a conspicuous size, if in writing or electronic  
19 communication, and shall state: "I AM NOT AN ATTORNEY LICENSED  
20 TO PRACTICE LAW IN ILLINOIS. I AM NOT ALLOWED TO DRAFT LEGAL  
21 DOCUMENTS OR RECORDS, NOR MAY I ~~AND MAY NOT~~ GIVE LEGAL ADVICE  
22 ON ANY MATTER, INCLUDING, BUT NOT LIMITED TO, MATTERS OF  
23 IMMIGRATION, OR ACCEPT OR CHARGE FEES FOR THE PERFORMANCE OF

1 THOSE ACTIVITIES ~~LEGAL ADVICE~~". If such advertisement is by  
2 radio or television, the statement may be modified but must  
3 include substantially the same message.

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

13 Failure to follow the procedures in this Section shall  
14 result in a fine of \$1,500 ~~\$1,000~~ for each written violation.  
15 ~~The second violation shall result in suspension of notary~~  
16 ~~authorization.~~ The second ~~third~~ violation shall result in  
17 permanent revocation of the commission of notary public.  
18 Violations shall not preempt or preclude additional  
19 appropriate civil or criminal penalties.

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

1 contain the disavowal of legal representation required above in  
2 subsection (a), unless such notice of disavowal is already  
3 prominently posted.

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

12 (c-5) In addition to the notice required under subsection  
13 (a), every notary public who is subject to Section (a) and who  
14 is not an attorney or an accredited immigration representative  
15 shall, prior to rendering notary services, provide any person  
16 seeking notary services with a written acknowledgment that  
17 substantially states, in Spanish and English, the following: "I  
18 AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS. I AM  
19 NOT ALLOWED TO DRAFT LEGAL DOCUMENTS OR RECORDS, NOR MAY I GIVE  
20 LEGAL ADVICE ON ANY MATTER OR ACCEPT OR CHARGE FEES FOR THE  
21 PERFORMANCE OF THOSE ACTIVITIES". This acknowledgment shall be  
22 signed by the recipient of notary services before notary  
23 services are rendered, and the notary shall retain copies of  
24 all signed acknowledgments throughout their present commission  
25 and for 2 years thereafter. Notaries shall provide recipients  
26 of notary services with a copy of their signed acknowledgment

1 at the time services are rendered. This provision shall not  
2 apply to notary services related to documents prepared or  
3 produced in accordance with the Illinois Election Code.

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

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

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

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

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

26 (g) If a notary public of this State is convicted of 2 or

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

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