

1 AN ACT concerning notarial acts.

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, 3-104, and 6-102 as follows:

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

7 Sec. 3-101. Official seal and journal.

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

13 (1)(a) the words "Official Seal";

14 (2)(b) the notary's official name;

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

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

22 (b) Each notary public shall procure, keep, maintain,
23 protect, and provide for lawful inspection a chronological
24 official journal of notarial acts that is a permanently bound
25 book with numbered pages. This book shall be kept by the
26 notary public for at least 5 years after the date of its last
27 entry. However, a notary public who is either an attorney at
28 law admitted to practice in this State or an employee of such
29 an attorney may instead of a journal of notarial acts
30 maintain a record of notarial acts in the form of office
31 files regularly maintained for the attorney's law practice.

1 For every notarial act, the notary public shall record in the
2 journal at the time of notarization:

3 (1) the date, time, and type of notarial act:

4 (2) the date and the type, title, or description of
5 the document or proceeding:

6 (3) the signature or thumbprint, or both, printed
7 name, and address of the signer:

8 (4) how identification of the signer was made and a
9 description of the particular form of satisfactory
10 evidence; and

11 (5) the fee charged for the act, if any.

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

13 (5 ILCS 312/3-104) (from Ch. 102, par. 203-104)

14 Sec. 3-104. Maximum Fee.

15 (a) Except as provided in subsection (b) of this
16 Section, the maximum fee in this State is \$1.00 for any
17 notarial act performed.

18 (b) Fees for a notary public, agency, or any other
19 person who is not an attorney filling out legalization forms
20 or applications related to the Immigration Reform and Control
21 Act of 1986 shall be as follows:

22 (1) \$75 per person;

23 (2) \$75 per person up to 4 persons per immediate
24 family, with no additional charge for a fifth or
25 subsequent person where all persons are legally related;

26 (3) \$10 per page for the translation of a
27 non-English language into English where such translation
28 is required for legalization forms;

29 (4) \$1 for notarizing; and

30 (5) \$3 to execute any procedures necessary to
31 obtain a document required to complete legalization
32 forms.

33 Fees authorized under this subsection shall not include

1 application fees required to be submitted with a legalization
2 application in conformity with the Immigration and Control
3 Act of 1986.

4 Any person who violates the provisions of this subsection
5 shall be guilty of a Class A misdemeanor for a first offense
6 and a Class 3 felony for a second or subsequent offense
7 committed within 5 years of a previous conviction for the
8 same offense.

9 (c) A notary public shall not charge a fee to United
10 States military veterans or to firefighters, police officers,
11 or sheriff's deputies for notarization of an application or a
12 claim for a pension, allotment, allowance, compensation,
13 insurance policy, or any other benefit resulting from their
14 public service.

15 (d) Upon his own information or upon complaint of any
16 person, the Attorney General or any State's Attorney, or
17 their designee, may maintain an action for injunctive relief
18 in the court against any notary public or any other person
19 who violates the provisions of subsection (b) of this
20 Section. These remedies are in addition to, and not in
21 substitution for, other available remedies.

22 If the Attorney General or any State's Attorney fails to
23 bring an action as provided pursuant to this subsection any
24 person may file a civil action to enforce the provisions of
25 this subsection and maintain an action for injunctive relief.

26 (Source: P.A. 85-593.)

27 (5 ILCS 312/6-102) (from Ch. 102, par. 206-102)

28 Sec. 6-102. Notarial Acts.

29 (a) In taking an acknowledgment, the notary public must
30 determine, either from personal knowledge or from
31 satisfactory evidence, that the person appearing before the
32 notary and making the acknowledgment is the person whose true
33 signature is on the instrument.

1 (b) In taking a verification upon oath or affirmation,
2 the notary public must determine, either from personal
3 knowledge or from satisfactory evidence, that the person
4 appearing before the notary and making the verification is
5 the person whose true signature is on the statement verified.

6 (c) In witnessing or attesting a signature, the notary
7 public must determine, either from personal knowledge or from
8 satisfactory evidence, that the signature is that of the
9 person appearing before the notary and named therein.

10 (d) A notary public has satisfactory evidence that a
11 person is the person whose true signature is on a document if
12 that person:

13 (1) is personally known to the notary;

14 (2) is identified upon the oath or affirmation of a
15 credible witness unaffected by the document or
16 transaction who is personally known to the notary and who
17 personally knows the person, or of 2 credible witnesses
18 unaffected by the document or transaction who each
19 personally knows the person and shows to the notary
20 reliable identification documents; or

21 (3) is identified on the basis of reliable
22 identification documents.

23 (e) The following definitions apply to subsection (d):

24 (1) "Personally known" means familiarity with an
25 individual resulting from interactions with that
26 individual over a period of time sufficient to ensure
27 beyond a reasonable doubt that the individual has the
28 identity claimed.

29 (2) "Reliable identification documents" means at
30 least one current document issued by a federal or state
31 government agency bearing the photographic image of the
32 individual's face and signature and a physical
33 description of the individual, though a properly stamped
34 passport without a physical description is acceptable.

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