

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 3-101, 3-102, 3-104, 6-101, and 7-108 as
6 follows:

7 (5 ILCS 312/3-101) (from Ch. 102, par. 203-101)

8 Sec. 3-101. Official Seal and Signature.

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

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

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

15 (3) ~~(c)~~ the words "Notary Public", "State of Illinois",
16 and "My commission expires _____ (commission
17 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 information.

21 (b) At the time of notarization, a notary public shall
22 officially sign every notary certificate clearly and legibly
23 using black ink, so that it is capable of photographic

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

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

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

6 Sec. 3-102. Business Records ~~Official Signature~~.

7 (a) For every notarial act involving a document of
8 conveyance, encumbrance, or release or encumbrance affecting
9 real property, a paper or electronic form shall be kept in the
10 business records of the employer of the notary or the notary's
11 business records for a period of 7 years. The form shall
12 contain for each notarial act:

13 (1) Date, time, and type of each official act.

14 (2) Type, title, or a description of the document being
15 notarized.

16 (3) Signature of each person whose signature is being
17 notarized.

18 (4) Type and information from valid identification for
19 the person whose signature is being notarized that must be
20 at least one of the following:

21 (i) Driver's license;

22 (ii) State identification;

23 (iii) Military identification;

24 (iv) Passport; or

25 (v) I-10 number.

1 (5) The fee charged for the notarial service.

2 (b) The form may be examined without restriction by a law
3 enforcement officer in the course of an official investigation,
4 subpoenaed by court order, or surrendered at the direction of
5 the Secretary of State.

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

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 Section,
16 the maximum fee in this State is \$1.00 for any notarial act
17 performed and up to \$10 for any notarial act performed pursuant
18 to Section 3-102.

19 (b) Fees for a notary public, agency, or any other person
20 who is not an attorney or an accredited representative filling
21 out immigration forms shall be limited to the following:

22 (1) \$10 per form completion;

23 (2) \$10 per page for the translation of a non-English
24 language into English where such translation is required
25 for immigration forms;

1 (3) \$1 for notarizing;

2 (4) \$3 to execute any procedures necessary to obtain a
3 document required to complete immigration forms; and

4 (5) A maximum of \$75 for one complete application.

5 Fees authorized under this subsection shall not include
6 application fees required to be submitted with immigration
7 applications.

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

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

20 If the Attorney General or any State's Attorney fails to
21 bring an action as provided pursuant to this subsection within
22 90 days of receipt of a complaint, any person may file a civil
23 action to enforce the provisions of this subsection and
24 maintain an action for injunctive relief.

25 (d) All notaries public must provide receipts and keep
26 records for fees accepted for services provided. Failure to

1 provide receipts and keep records that can be presented as
2 evidence of no wrongdoing shall be construed as a presumptive
3 admission of allegations raised in complaints against the
4 notary for violations related to accepting prohibited fees.

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

6 (5 ILCS 312/6-101) (from Ch. 102, par. 206-101)

7 Sec. 6-101. Definitions. (a) "Notarial act" means any act
8 that a notary public of this State is authorized to perform and
9 includes taking an acknowledgment, administering an oath or
10 affirmation, taking a verification upon oath or affirmation,
11 and witnessing or attesting a signature.

12 (b) "Acknowledgment" means a declaration by a person to a
13 notary in the notary's presence that the person has executed an
14 instrument for the purposes stated therein and, if the
15 instrument is executed in a representative capacity, that the
16 person signed the instrument with proper authority and executed
17 it as the act of the person or entity represented and
18 identified therein.

19 (c) "Verification upon oath or affirmation" means a
20 declaration that a statement is true made by a person upon oath
21 or affirmation.

22 (c-5) "Witnessing or attesting signature" means a notarial
23 act in which a person signs a document in the presence of the
24 notary.

25 (d) "In a representative capacity" means:

1 (1) for and on behalf of a corporation, partnership, trust,
2 or other entity, as an authorized officer, agent, partner,
3 trustee, or other representative;

4 (2) as a public officer, personal representative,
5 guardian, or other representative, in the capacity recited in
6 the instrument;

7 (3) as an attorney in fact for a principal; or

8 (4) in any other capacity as an authorized representative
9 of another.

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

11 (5 ILCS 312/7-108) (from Ch. 102, par. 207-108)

12 Sec. 7-108. Revocation of Commission. The Secretary of
13 State shall refuse to appoint any person as a notary public or
14 shall ~~may~~ revoke the commission of any notary public upon any
15 of the following grounds ~~who, during the current term of~~
16 ~~appointment:~~

17 (a) Substantial and material misstatement or omission in
18 the application submitted to the Secretary of State. ~~submits an~~
19 ~~application for commission and appointment as a notary public~~
20 ~~which contains substantial and material misstatement or~~
21 ~~omission of fact; or~~

22 (b) Conviction ~~is convicted~~ of any felony or official
23 misconduct under this Act.

24 (c) Revocation or denial of a professional license.

25 (d) Failure to secure the information required pursuant to

1 Section 3-102 or the official seal pursuant to Section 3-101.

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