

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 2-105, 3-101, and 6-102 as follows:

6 (5 ILCS 312/2-105) (from Ch. 102, par. 202-105)

7 Sec. 2-105. Bond. Every application for appointment and
8 commission as a notary public shall be accompanied by an
9 executed bond commencing on the date of the appointment with a
10 term of 4 years, in the sum of \$25,000 ~~\$5,000~~, with, as surety
11 thereon, a company qualified to write surety bonds in this
12 State. The bond shall be conditioned upon the faithful
13 performance of all notarial acts in accordance with this Act.
14 The Secretary of State may prescribe an official bond form.
15 (Source: P.A. 84-322.)

16 (5 ILCS 312/3-101) (from Ch. 102, par. 203-101)

17 Sec. 3-101. Official Seal and Journal.

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

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

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

24 (3) ~~(c)~~ the words "Notary Public", "State of Illinois",
25 and "My commission expires _____ (commission
26 expiration date)"; and

27 (4) ~~(d)~~ a serrated or milled edge border in a
28 rectangular form not more than one inch in height by two
29 and one-half inches in length surrounding the information.

30 (b) Each notary public shall procure, keep, maintain,
31 protect, and provide for lawful inspection a chronological

1 official journal of notarial acts, involving a document of
2 conveyance or encumbrance affecting real property, that is a
3 permanently bound book with numbered pages. The journal shall
4 be kept by the notary public for at least 5 years after the
5 date of its last entry. A notary public who is either an
6 attorney at law admitted to practice in this State or an
7 employee of such an attorney, however, may instead of a journal
8 of notarial acts maintain a record of notarial acts in the form
9 of office files regularly maintained for the attorney's law
10 practice.

11 For every notarial act involving a document of conveyance
12 or encumbrance affecting real property, the notary public shall
13 record at the time of notarization:

14 (1) the date, time, and type of notarial act;

15 (2) the date and the type, title, or description of the
16 document or proceeding;

17 (3) the signature, printed name, and address of the
18 signer;

19 (4) the right thumbprint of the party signing the
20 document, placed in the journal by that party. If the right
21 thumbprint is unavailable, then the notary shall have the
22 party use his or her left thumb or any available finger and
23 shall so indicate in the journal. If the party signing the
24 document is physically unable to provide a thumbprint or
25 fingerprint, the notary shall so indicate in the journal
26 and shall also provide an explanation of that physical
27 condition. This paragraph (4) shall not apply to a
28 sheriff's deed or other judicial deed;

29 (5) how identification of the signer was made and a
30 description of the particular form of satisfactory
31 evidence; and

32 (6) the fee, if any, charged for the notarial act.

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

34 (5 ILCS 312/6-102) (from Ch. 102, par. 206-102)

35 Sec. 6-102. Notarial Acts.

1 (a) In taking an acknowledgment, the notary public must
2 determine, either from personal knowledge or from satisfactory
3 evidence, that the person appearing before the notary and
4 making the acknowledgment is the person whose true signature is
5 on the instrument.

6 (b) In taking a verification upon oath or affirmation, the
7 notary public must determine, either from personal knowledge or
8 from satisfactory evidence, that the person appearing before
9 the notary and making the verification is the person whose true
10 signature is on the statement verified.

11 (c) In witnessing or attesting a signature, the notary
12 public must determine, either from personal knowledge or from
13 satisfactory evidence, that the signature is that of the person
14 appearing before the notary and named therein.

15 (d) A notary public has satisfactory evidence that a person
16 is the person whose true signature is on a document if that
17 person:

18 (1) is personally known to the notary;

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

25 (3) is identified on the basis of reliable identification
26 documents.

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

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

33 (2) "Reliable identification documents" means at least
34 one current document issued by a federal or state
35 government agency bearing the photographic image of the
36 individual's face and signature and a physical description

1 of the individual; provided that a properly stamped
2 passport without a physical description is acceptable.

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

4 Section 99. Effective date. This Act takes effect July 1,
5 2006.