

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 2-102, 2-104, 3-101, 3-102, and 6-102 as
6 follows:

7 (5 ILCS 312/2-102) (from Ch. 102, par. 202-102)

8 Sec. 2-102. Application. Every applicant for appointment
9 and commission as a notary shall complete an application form
10 furnished by the Secretary of State to be filed with the
11 Secretary of State. Upon implementation by the Secretary of
12 State of an electronic application system for appointment and
13 commission as a notary public, each applicant for appointment
14 and commission as a notary public shall use that system in
15 order to apply for appointment and commission as a notary
16 public. The filing of an electronic application for appointment
17 and commission as a notary public shall be the equivalent of
18 the filing of a verified, written application for appointment
19 and commission as a notary public, and an applicant's
20 electronic signature shall be considered the equivalent of the
21 applicant's written signature and verified oath, as described
22 in Section 2-104 of this Act. Whether making a written or an
23 electronic application for appointment and commission as a

1 notary public, each applicant shall, in his or her application,
2 state, stating:

3 (a) the applicant's official name, which contains his or
4 her last name and at least the initial of the first name;

5 (b) the county in which the applicant resides or, if the
6 applicant is a resident of a state bordering Illinois, the
7 county in Illinois in which that person's principal place of
8 work or principal place of business is located;

9 (c) the applicant's residence address and business
10 address, if any, or any address at which an applicant will use
11 a notary public commission to receive fees;

12 (d) that the applicant has resided in the State of Illinois
13 for 30 days preceding the application or that the applicant who
14 is a resident of a state bordering Illinois has worked or
15 maintained a business in Illinois for 30 days preceding the
16 application;

17 (e) that the applicant is a citizen of the United States or
18 an alien lawfully admitted for permanent residence in the
19 United States;

20 (f) that the applicant is at least 18 years of age;

21 (g) that the applicant is able to read and write the
22 English language;

23 (h) that the applicant has never been the holder of a
24 notary public appointment that was revoked or suspended during
25 the past 10 years;

26 (i) that the applicant has not been convicted of a felony;

1 and

2 (j) any other information the Secretary of State deems
3 necessary.

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

5 (5 ILCS 312/2-104) (from Ch. 102, par. 202-104)

6 Sec. 2-104. Oath. Every applicant making a written
7 application for appointment and commission as a notary public
8 shall take the following oath in the presence of a person
9 qualified to administer an oath in this State, and every
10 applicant making an electronic application for appointment and
11 commission as a notary public shall electronically sign and
12 verify the following statement under oath pursuant to Section
13 1-109 of the Code of Civil Procedure:

14 "I, (name of applicant), solemnly affirm, under the penalty
15 of perjury, that the answers to all questions in this
16 application are true, complete, and correct; that I have
17 carefully read the notary law of this State; and that, if
18 appointed and commissioned as a notary public, I will perform
19 faithfully, to the best of my ability, all notarial acts in
20 accordance with the law.

21 (Signature of applicant)

22 Subscribed and affirmed before me on (insert date).

23 (Official signature and official seal
24 of notary)".

25 (Source: P.A. 91-357, eff. 7-29-99.)

1 (5 ILCS 312/3-101) (from Ch. 102, par. 203-101)

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

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

7 (1) the words "Official Seal";

8 (2) the notary's official name;

9 (3) the words "Notary Public", "State of Illinois", and
10 "My commission expires _____ (commission expiration
11 date)"; and

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

15 (b) At the time of the notarial act, a notary public shall
16 officially sign every notary certificate and affix the rubber
17 stamp seal clearly and legibly using black ink, so that it is
18 capable of photographic reproduction. The illegibility of any
19 of the information required by this Section does not affect the
20 validity of a transaction.

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

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

23 (5 ILCS 312/3-102) (from Ch. 102, par. 203-102)

24 Sec. 3-102. Notarial Record; Residential Real Property

1 Transactions.

2 (a) This Section shall apply to every notarial act in
3 Illinois involving a document of conveyance that transfers or
4 purports to transfer title to residential real property located
5 in Cook County.

6 (b) As used in this Section, the following terms shall have
7 the meanings ascribed to them:

8 (1) "Document of Conveyance" shall mean a written
9 instrument that transfers or purports to transfer title
10 effecting a change in ownership to Residential Real
11 Property, excluding:

12 (i) court-ordered and court-authorized conveyances
13 of Residential Real Property, including without
14 limitation, quit-claim deeds executed pursuant to a
15 marital settlement agreement incorporated into a
16 judgment of dissolution of marriage, and transfers in
17 the administration of a probate estate;

18 (ii) judicial sale deeds relating to Residential
19 Real Property, including without limitation, sale
20 deeds issued pursuant to proceedings to foreclose a
21 mortgage or execute on a levy to enforce a judgment;

22 (iii) deeds transferring ownership of Residential
23 Real Property to a trust where the beneficiary is also
24 the grantor;

25 (iv) deeds from grantors to themselves that are
26 intended to change the nature or type of tenancy by

1 which they own Residential Real Property;

2 (v) deeds from a grantor to the grantor and another
3 natural person that are intended to establish a tenancy
4 by which the grantor and the other natural person own
5 Residential Real Property;

6 (vi) deeds executed to the mortgagee in lieu of
7 foreclosure of a mortgage; and

8 (vii) deeds transferring ownership to a revocable
9 or irrevocable grantor trust where the beneficiary
10 includes the grantor.

11 (2) "Financial Institution" shall mean a State or
12 federally chartered bank, savings and loan association,
13 savings bank, credit union, or trust company.

14 (3) "Notarial Record" shall mean the written document
15 created in conformity with this Section by a notary in
16 connection with Documents of Conveyance.

17 (4) "Residential Real Property" shall mean a building
18 or buildings located in Cook County, Illinois and
19 containing one to 4 dwelling units or an individual
20 residential condominium unit.

21 (5) "Title Insurance Agent" shall have the meaning
22 ascribed to it under the Title Insurance Act.

23 (6) "Title Insurance Company" shall have the meaning
24 ascribed to it under the Title Insurance Act.

25 (c) A notary appointed and commissioned as a notary in
26 Illinois shall, in addition to compliance with other provisions

1 of this Act, create a Notarial Record of each notarial act
2 performed in connection with a Document of Conveyance. The
3 Notarial Record shall contain:

4 (1) The date of the notarial act;

5 (2) The type, title, or a description of the Document
6 of Conveyance being notarized, and the property index
7 number ("PIN") used to identify the Residential Real
8 Property for assessment or taxation purposes and the common
9 street address for the Residential Real Property that is
10 the subject of the Document of Conveyance;

11 (3) The signature, printed name, and residence street
12 address of each person whose signature is the subject of
13 the notarial act and a certification by the person that the
14 property is Residential Real Property as defined in this
15 Section, which states "The undersigned grantor hereby
16 certifies that the real property identified in this
17 Notarial Record is Residential Real Property as defined in
18 the Illinois Notary Public Act".

19 (4) A description of the satisfactory evidence
20 reviewed by the notary to determine the identity of the
21 person whose signature is the subject of the notarial act;

22 (5) The date of notarization, the fee charged for the
23 notarial act, the Notary's home or business phone number,
24 the Notary's residence street address, the Notary's
25 commission expiration date, the correct legal name of the
26 Notary's employer or principal, and the business street

1 address of the Notary's employer or principal; and

2 (6) The notary public shall require the person signing
3 the Document of Conveyance (including an agent acting on
4 behalf of a principal under a duly executed power of
5 attorney), whose signature is the subject of the notarial
6 act, to place his or her right thumbprint on the Notarial
7 Record. If the right thumbprint is not available, then the
8 notary shall have the party use his or her left thumb, or
9 any available finger, and shall so indicate on the Notarial
10 Record. If the party signing the document is physically
11 unable to provide a thumbprint or fingerprint, the notary
12 shall so indicate on the Notarial Record and shall also
13 provide an explanation of that physical condition. The
14 notary may obtain the thumbprint by any means that reliably
15 captures the image of the finger in a physical or
16 electronic medium.

17 (d) If a notarial act under this Section is performed by a
18 notary who is a principal, employee, or agent of a Title
19 Insurance Company, Title Insurance Agent, Financial
20 Institution, or attorney at law, the notary shall deliver the
21 original Notarial Record to the notary's employer or principal
22 within 14 days after the performance of the notarial act for
23 retention for a period of 7 years as part of the employer's or
24 principal's business records. In the event of a sale or merger
25 of any of the foregoing entities or persons, the successor or
26 assignee of the entity or person shall assume the

1 responsibility to maintain the Notarial Record for the balance
2 of the 7-year business records retention period. Liquidation or
3 other cessation of activities in the ordinary course of
4 business by any of the foregoing entities or persons shall
5 relieve the entity or person from the obligation to maintain
6 Notarial Records after delivery of Notarial Records to the
7 Recorder of Deeds of Cook County, Illinois.

8 (e) If a notarial act is performed by a notary who is not a
9 principal, employee, or agent of a Title Insurance Company,
10 Title Insurance Agent, Financial Institution, or attorney at
11 law, the notary shall deliver the original Notarial Record
12 within 14 days after the performance of the notarial act to the
13 Recorder of Deeds of Cook County, Illinois for retention for a
14 period of 7 years, accompanied by a filing fee of \$5.

15 (f) The Notarial Record required under subsection (c) of
16 this Section shall be created and maintained for each person
17 whose signature is the subject of a notarial act regarding a
18 Document of Conveyance and shall be in substantially the
19 following form:

20 **NOTARIAL RECORD - RESIDENTIAL REAL PROPERTY TRANSACTIONS**

21 Date Notarized:

22 Fee: \$

23 The undersigned grantor hereby certifies that the real property
24 identified in this Notarial Record is Residential Real Property

1 as defined in the Illinois Notary Public Act.

2 Grantor's (Signer's) Printed Name:

3 Grantor's (Signer's) Signature:

4 Grantor's (Signer's) Residential Street Address, City, State,
5 and Zip:

6 Type or Name of Document of Conveyance:

7 PIN No. of Residential Real Property:

8 Common Street Address of Residential Real Property:

9 Thumbprint or Fingerprint:

10 Description of Means of Identification:

11 Additional Comments:

12 Name of Notary Printed:

13 Notary Phone Number:

14 Commission Expiration Date:

1 Residential Street Address of Notary, City, State, and Zip:

2 Name of Notary's Employer or Principal:

3 Business Street Address of Notary's Employer or Principal,
4 City, State, and Zip:

5 (g) No copies of the original Notarial Record may be made
6 or retained by the Notary. The Notary's employer or principal
7 may retain copies of the Notarial Records as part of its
8 business records, subject to applicable privacy and
9 confidentiality standards.

10 (h) The failure of a notary to comply with the procedure
11 set forth in this Section shall not affect the validity of the
12 Residential Real Property transaction in connection to which
13 the Document of Conveyance is executed, in the absence of
14 fraud.

15 (i) The Notarial Record or other medium containing the
16 thumbprint or fingerprint required by subsection (c)(6) shall
17 be made available or disclosed only upon receipt of a subpoena
18 duly authorized by a court of competent jurisdiction. Such
19 Notarial Record or other medium shall not be subject to
20 disclosure under the Freedom of Information Act and shall not
21 be made available to any other party, other than a party in
22 succession of interest to the party maintaining the Notarial

1 Record or other medium pursuant to subsection (d) or (e).

2 (j) In the event there is a breach in the security of a
3 Notarial Record maintained pursuant to subsections (d) and (e)
4 by the Recorder of Deeds of Cook County, Illinois, the Recorder
5 shall notify the person identified as the "signer" in the
6 Notarial Record at the signer's residential street address set
7 forth in the Notarial Record. "Breach" shall mean unauthorized
8 acquisition of the fingerprint data contained in the Notarial
9 Record that compromises the security, confidentiality, or
10 integrity of the fingerprint data maintained by the Recorder.
11 The notification shall be in writing and made in the most
12 expedient time possible and without unreasonable delay,
13 consistent with any measures necessary to determine the scope
14 of the breach and restore the reasonable security,
15 confidentiality, and integrity of the Recorder's data system.

16 (k) Subsections (a) through (i) shall not apply on and
17 after July 1, 2013.

18 (l) (Blank). ~~Beginning July 1, 2013, at the time of~~
19 ~~notarization, a notary public shall officially sign every~~
20 ~~notary certificate and affix the rubber stamp seal clearly and~~
21 ~~legibly using black ink, so that it is capable of photographic~~
22 ~~reproduction. The illegibility of any of the information~~
23 ~~required by this Section does not affect the validity of a~~
24 ~~transaction.~~

25 (Source: P.A. 97-508, eff. 8-23-11.)

1 (5 ILCS 312/6-102) (from Ch. 102, par. 206-102)

2 Sec. 6-102. Notarial Acts.

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

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

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

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

20 (1) is personally known to the notary;

21 (2) is identified upon the oath or affirmation of a
22 credible witness personally known to the notary; or

23 (3) is identified on the basis of identification
24 documents. Identification ~~Until July 1, 2013,~~
25 ~~identification~~ documents are documents that are valid at
26 the time of the notarial act, issued by a state agency,

1 federal government agency, or consulate, and bearing the
2 photographic image of the individual's face and signature
3 of the individual.

4 (Source: P.A. 97-397, eff. 1-1-12.)

5 Section 99. Effective date. This Act takes effect June 30,
6 2013.