



Sen. Mike Simmons

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10400SB1173sam002

LRB104 09910 BDA 25065 a

1 AMENDMENT TO SENATE BILL 1173

2 AMENDMENT NO. _____. Amend Senate Bill 1173 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Notary Public Act is amended by
5 changing Sections 3-104 and 6-104 as follows:

6 (5 ILCS 312/3-104) (from Ch. 102, par. 203-104)

7 Sec. 3-104. Maximum fee.

8 (a) Except as otherwise provided in this subsection (a),
9 the maximum fee for non-electronic notarization in this State
10 is \$5 for any notarial act performed and up to \$25 for any
11 notarial act performed pursuant to Section 3-102.

12 Fees for a notary public, agency, or any other person who
13 is not an attorney or an accredited representative filling out
14 immigration forms shall be limited to the following:

15 (1) \$10 per form completion;

16 (2) \$10 per page for the translation of a non-English

1 language into English where such translation is required
2 for immigration forms;

3 (3) \$5 for notarizing;

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

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

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

10 (b) The maximum fee in this State up to \$25 for any
11 electronic notarial act performed pursuant to this Act. An
12 electronic notary public may charge a reasonable fee to
13 recover any cost of providing a copy of an entry or a recording
14 of an audio-video communication in an electronic journal
15 maintained pursuant to Section 3-107.

16 (c) Any person who violates the provisions of subsection
17 (a) or (b) shall be guilty of a Class A misdemeanor for a first
18 offense and a Class 3 felony for a second or subsequent offense
19 committed within 5 years of a previous conviction for the same
20 offense.

21 (d) Upon his own information or upon complaint of any
22 person, the Attorney General or any State's Attorney, or their
23 designee, may maintain an action for injunctive relief in the
24 court against any notary public or any other person who
25 violates the provisions of subsection (a) or (b) of this
26 Section. These remedies are in addition to, and not in

1 substitution for, other available remedies.

2 If the Attorney General or any State's Attorney fails to
3 bring an action as provided pursuant to this subsection within
4 90 days of receipt of a complaint, any person may file a civil
5 action to enforce the provisions of this subsection and
6 maintain an action for injunctive relief.

7 (e) All notaries public must provide itemized receipts and
8 keep records for fees accepted for services provided. Notarial
9 fees must appear on the itemized receipt as separate and
10 distinct from any other charges assessed. Failure to provide
11 itemized receipts and keep records that can be presented as
12 evidence of no wrongdoing shall be construed as a presumptive
13 admission of allegations raised in complaints against the
14 notary for violations related to accepting prohibited fees.

15 (f) No fee shall be charged for any notarial act related to
16 the execution of an Illinois Secretary of State Department of
17 Driver Services Homeless Status Certification form.

18 (Source: P.A. 102-160, eff. 5-6-23 (See Section 91 of P.A.
19 103-562 for effective date of P.A. 102-160).)

20 (5 ILCS 312/6-104) (from Ch. 102, par. 206-104)

21 Sec. 6-104. Acts prohibited.

22 (a) A notary public shall not use any name or initial in
23 signing certificates other than that by which the notary was
24 commissioned.

25 (b) A notary public shall not acknowledge any instrument

1 in which the notary's name appears as a party to the
2 transaction.

3 (c) A notary public shall not affix his signature to a
4 blank form of affidavit or certificate of acknowledgment.

5 (d) A notary public shall not take the acknowledgment of
6 or administer an oath to any person whom the notary actually
7 knows to have been adjudged mentally ill by a court of
8 competent jurisdiction and who has not been restored to mental
9 health as a matter of record.

10 (e) A notary public shall not take the acknowledgment of
11 any person who is blind until the notary has read the
12 instrument to such person.

13 (f) A notary public shall not take the acknowledgment of
14 any person who does not speak or understand the English
15 language, unless the nature and effect of the instrument to be
16 notarized is translated into a language which the person does
17 understand.

18 (g) A notary public shall not change anything in a written
19 instrument after it has been signed by anyone.

20 (h) No notary public shall be authorized to prepare any
21 legal instrument, or fill in the blanks of an instrument,
22 other than a notary certificate; however, this prohibition
23 shall not prohibit an attorney, who is also a notary public,
24 from performing notarial acts for any document prepared by
25 that attorney.

26 (i) If a notary public accepts or receives any money from

1 any one to whom an oath has been administered or on behalf of
2 whom an acknowledgment has been taken for the purpose of
3 transmitting or forwarding such money to another and willfully
4 fails to transmit or forward such money promptly, the notary
5 is personally liable for any loss sustained because of such
6 failure. The person or persons damaged by such failure may
7 bring an action to recover damages, together with interest and
8 reasonable attorney fees, against such notary public or his
9 bondsmen.

10 (j) A notary public shall not perform any notarial act
11 when his or her commission is suspended or revoked, nor shall
12 he or she fail to comply with any term of suspension which may
13 be imposed for violation of this Section.

14 (k) No notary public shall be authorized to explain,
15 certify, or verify the contents of any document; however, this
16 prohibition shall not prohibit an attorney, who is also a
17 notary public, from performing notarial acts for any document
18 prepared by that attorney.

19 (l) A notary public shall not represent himself or herself
20 as an electronic notary public if the person has not been
21 commissioned as an electronic notary public by the Secretary
22 of State.

23 (m) No person shall knowingly create, manufacture, or
24 distribute software or hardware for the purpose of allowing a
25 person to act as an electronic notary public without being
26 commissioned in accordance with this Act. A violation of this

1 subsection (m) is a Class A misdemeanor.

2 (n) No person shall wrongfully obtain, conceal, damage, or
3 destroy the technology or device used to create the electronic
4 signature or seal of an electronic notary public. A violation
5 of this subsection (n) is a Class A misdemeanor.

6 (o) A notary public shall not sell, rent, transfer, or
7 otherwise make available to a third party, other than the
8 electronic notarization platform, the contents of the notarial
9 journal, audio-video recordings, or any other record
10 associated with any notarial act, including personally
11 identifiable information, except when required by law, law
12 enforcement, the Secretary of State, or a court order. Upon
13 written request of a third party, which request must include
14 the name of the parties, the type of document, and the month
15 and year in which a record was notarized, a notary public may
16 supply a copy of the line item representing the requested
17 transaction after personally identifying information has been
18 redacted.

19 (p) The Secretary of State may suspend the commission of a
20 notary or electronic notary who fails to produce any journal
21 entry within 10 days after receipt of a request from the
22 Secretary of State.

23 (q) Upon surrender, revocation, or expiration of a
24 commission as a notary or electronic notary, all notarial
25 records or electronic notarial records required under this
26 Section, except as otherwise provided by law, must be kept by

1 the notary public or electronic notary for a period of 5 years
2 after the termination of the registration of the notary public
3 or electronic notary public.

4 (r) A notary public shall not charge a fee for any notarial
5 act related to the execution of an Illinois Secretary of State
6 Department of Driver Services Homeless Status Certification
7 form.

8 (Source: P.A. 102-160, eff. 6-5-23 (See Section 91 of P.A.
9 102-562 for effective date of P.A. 102-160).)".