



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2176

by Rep. Celina Villanueva

SYNOPSIS AS INTRODUCED:

5 ILCS 312/3-103

from Ch. 102, par. 203-103

Amends the Illinois Notary Public Act. Modifies the required disavowal of legal representation notice. Provides that the failure of a notary public to follow specified notice requirements shall result in a fine of \$1,500 (currently, \$1,000) for each written violation. Provides that a second (rather than third) violation shall result in permanent revocation of the commission of notary public (currently, a second violation results in suspension of notary authorization). Provides that prior to rendering notary public services to a person seeking such services, a notary public shall, in addition to any written or electronic notice, also give a verbal disavowal of legal representation that is substantially the same as the statement required for written and electronic advertisements of notary services. Provides that upon providing the verbal disavowal of legal representation, the person seeking notary services shall be provided with an acknowledgment form reciting the disavowal of legal representation, and be required to sign such form acknowledging that he or she has been advised and understands that the notary public is not a licensed attorney and is not otherwise authorized to provide legal advice or services. Provides that the acknowledgment form shall be prescribed by the Secretary of State and be made available in English and in the non-English language in which notary services were solicited.

LRB101 06719 RJF 51746 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Section 3-103 as follows:

6 (5 ILCS 312/3-103) (from Ch. 102, par. 203-103)
7 Sec. 3-103. Notice.

8 (a) Every notary public who is not an attorney or an
9 accredited immigration representative who advertises the
10 services of a notary public in a language other than English,
11 whether by radio, television, signs, pamphlets, newspapers,
12 electronic communications, or other written communication,
13 with the exception of a single desk plaque, shall include in
14 the document, advertisement, stationery, letterhead, business
15 card, or other comparable written or electronic material the
16 following: notice in English and the language in which the
17 written or electronic communication appears. This notice shall
18 be of a conspicuous size, if in writing or electronic
19 communication, and shall state: "I AM NOT AN ATTORNEY LICENSED
20 TO PRACTICE LAW IN ILLINOIS. I AM NOT ALLOWED TO DRAFT LEGAL
21 DOCUMENTS OR RECORDS, NOR MAY I ~~AND MAY NOT~~ GIVE LEGAL ADVICE
22 ON ANY MATTER, INCLUDING, BUT NOT LIMITED TO, MATTERS OF
23 IMMIGRATION, OR ACCEPT OR CHARGE FEES FOR THE PERFORMANCE OF

1 THOSE ACTIVITIES ~~LEGAL ADVICE~~". If such advertisement is by
2 radio or television, the statement may be modified but must
3 include substantially the same message.

4 A notary public shall not, in any document, advertisement,
5 stationery, letterhead, business card, electronic
6 communication, or other comparable written material describing
7 the role of the notary public, literally translate from English
8 into another language terms or titles including, but not
9 limited to, notary public, notary, licensed, attorney, lawyer,
10 or any other term that implies the person is an attorney. To
11 illustrate, the word "notario" is prohibited under this
12 provision.

13 Failure to follow the procedures in this Section shall
14 result in a fine of \$1,500 ~~\$1,000~~ for each written violation.
15 ~~The second violation shall result in suspension of notary~~
16 ~~authorization.~~ The second ~~third~~ violation shall result in
17 permanent revocation of the commission of notary public.
18 Violations shall not preempt or preclude additional
19 appropriate civil or criminal penalties.

20 (b) All notaries public required to comply with the
21 provisions of subsection (a) shall prominently post at their
22 place of business as recorded with the Secretary of State
23 pursuant to Section 2-102 of this Act a schedule of fees
24 established by law which a notary public may charge. The fee
25 schedule shall be written in English and in the non-English
26 language in which notary services were solicited and shall

1 contain the disavowal of legal representation required above in
2 subsection (a), unless such notice of disavowal is already
3 prominently posted.

4 (c) No notary public, agency or any other person who is not
5 an attorney shall represent, hold themselves out or advertise
6 that they are experts on immigration matters or provide any
7 other assistance that requires legal analysis, legal judgment,
8 or interpretation of the law unless they are a designated
9 entity as defined pursuant to Section 245a.1 of Part 245a of
10 the Code of Federal Regulations (8 CFR 245a.1) or an entity
11 accredited by the Board of Immigration Appeals.

12 (c-5) Prior to rendering notary public services to a person
13 seeking such services under this Act, a notary public shall, in
14 addition to any written or electronic notice, also give a
15 verbal disavowal of legal representation that is substantially
16 the same as the statement required under subsection (a). Upon
17 providing the verbal disavowal of legal representation, the
18 person seeking notary services shall be provided with an
19 acknowledgment form reciting the disavowal of legal
20 representation, and be required to sign such form acknowledging
21 that he or she has been advised and understands that the notary
22 public is not a licensed attorney and is not otherwise
23 authorized to provide legal advice or services. The
24 acknowledgment form required under this subsection (c-5) shall
25 be prescribed by the Secretary of State and be made available
26 in English and in the non-English language in which notary

1 services were solicited.

2 (d) Any person who aids, abets or otherwise induces another
3 person to give false information concerning immigration status
4 shall be guilty of a Class A misdemeanor for a first offense
5 and a Class 3 felony for a second or subsequent offense
6 committed within 5 years of a previous conviction for the same
7 offense.

8 Any notary public who violates the provisions of this
9 Section shall be guilty of official misconduct and subject to
10 fine or imprisonment.

11 Nothing in this Section shall preclude any consumer of
12 notary public services from pursuing other civil remedies
13 available under the law.

14 (e) No notary public who is not an attorney or an
15 accredited representative shall accept payment in exchange for
16 providing legal advice or any other assistance that requires
17 legal analysis, legal judgment, or interpretation of the law.

18 (f) Violation of subsection (e) is a business offense
19 punishable by a fine of 3 times the amount received for
20 services, or \$1,001 minimum, and restitution of the amount paid
21 to the consumer. Nothing in this Section shall be construed to
22 preempt nor preclude additional appropriate civil remedies or
23 criminal charges available under law.

24 (g) If a notary public of this State is convicted of 2 or
25 more business offenses involving a violation of this Act within
26 a 12-month period while commissioned, or of 3 or more business

1 offenses involving a violation of this Act within a 5-year
2 period regardless of being commissioned, the Secretary shall
3 automatically revoke the notary public commission of that
4 person on the date that the person's most recent business
5 offense conviction is entered as a final judgment.

6 (Source: P.A. 100-81, eff. 1-1-18.)