

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) In addition to the notice required under subsection
13 (a), every notary public who is subject to subsection (a)
14 shall, prior to rendering notary services, provide any person
15 seeking notary services with a written acknowledgment that
16 substantially states, in English and the language used in the
17 advertisement for notary services the following: "I AM NOT AN
18 ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS. I AM NOT ALLOWED
19 TO DRAFT LEGAL DOCUMENTS OR RECORDS, NOR MAY I GIVE LEGAL
20 ADVICE ON ANY MATTER OR ACCEPT OR CHARGE FEES FOR THE
21 PERFORMANCE OF THOSE ACTIVITIES". The Office of the Secretary
22 of State shall translate this acknowledgement into Spanish and
23 any other language the Secretary of State may deem necessary to
24 achieve the requirements of this subsection (c-5), and shall
25 make the translations available on the website of the Secretary
26 of State. This acknowledgment shall be signed by the recipient

1 of notary services before notary services are rendered, and the
2 notary shall retain copies of all signed acknowledgments
3 throughout their present commission and for 2 years thereafter.
4 Notaries shall provide recipients of notary services with a
5 copy of their signed acknowledgment at the time services are
6 rendered. This provision shall not apply to notary services
7 related to documents prepared or produced in accordance with
8 the Illinois Election Code.

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

15 Any notary public who violates the provisions of this
16 Section shall be guilty of official misconduct and subject to
17 fine or imprisonment.

18 Nothing in this Section shall preclude any consumer of
19 notary public services from pursuing other civil remedies
20 available under the law.

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

25 (f) Violation of subsection (e) is a business offense
26 punishable by a fine of 3 times the amount received for

1 services, or \$1,001 minimum, and restitution of the amount paid
2 to the consumer. Nothing in this Section shall be construed to
3 preempt nor preclude additional appropriate civil remedies or
4 criminal charges available under law.

5 (g) If a notary public of this State is convicted of 2 or
6 more business offenses involving a violation of this Act within
7 a 12-month period while commissioned, or of 3 or more business
8 offenses involving a violation of this Act within a 5-year
9 period regardless of being commissioned, the Secretary shall
10 automatically revoke the notary public commission of that
11 person on the date that the person's most recent business
12 offense conviction is entered as a final judgment.

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