

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 3-101, 3-103, 3-104, 6-103, and 6-104 as  
6 follows:

7 (5 ILCS 312/3-101) (from Ch. 102, par. 203-101)

8 Sec. 3-101. Official Seal ~~and Signature.~~

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

13 (1) the words "Official Seal";

14 (2) the notary's official name;

15 (3) the words "Notary Public", "State of Illinois", and  
16 "My commission expires \_\_\_\_\_ (commission expiration  
17 date)"; and

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

21 ~~(b) At the time of the notarial act, a notary public shall~~  
22 ~~officially sign every notary certificate and affix the rubber~~  
23 ~~stamp seal clearly and legibly using black ink, so that it is~~

1 ~~capable of photographic reproduction. The illegibility of any~~  
2 ~~of the information required by this Section does not affect the~~  
3 ~~validity of a transaction.~~

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

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

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 AND MAY NOT GIVE LEGAL ADVICE OR  
21 ACCEPT FEES FOR LEGAL ADVICE". If such advertisement is by  
22 radio or television, the statement may be modified but must  
23 include substantially the same message.

24 A notary public shall not, in any document, advertisement,  
25 stationery, letterhead, business card, electronic

1 communication, or other comparable written material describing  
2 the role of the notary public, literally translate from English  
3 into another language terms or titles including, but not  
4 limited to, notary public, notary, licensed, attorney, lawyer,  
5 or any other term that implies the person is an attorney. To  
6 illustrate, the word "notario" is prohibited under this  
7 provision.

8 Failure to follow the procedures in this Section shall  
9 result in a fine of \$1,000 for each written violation. The  
10 second violation shall result in suspension of notary  
11 authorization. The third violation shall result in permanent  
12 revocation of the commission of notary public. Violations shall  
13 not preempt or preclude additional appropriate civil or  
14 criminal penalties.

15 (b) All notaries public required to comply with the  
16 provisions of subsection (a) shall prominently post at their  
17 place of business as recorded with the Secretary of State  
18 pursuant to Section 2-102 of this Act a schedule of fees  
19 established by law which a notary public may charge. The fee  
20 schedule shall be written in English and in the non-English  
21 language in which notary services were solicited and shall  
22 contain the disavowal of legal representation required above in  
23 subsection (a), unless such notice of disavowal is already  
24 prominently posted.

25 (c) No notary public, agency or any other person who is not  
26 an attorney shall represent, hold themselves out or advertise

1 that they are experts on immigration matters or provide any  
2 other assistance that requires legal analysis, legal judgment,  
3 or interpretation of the law unless they are a designated  
4 entity as defined pursuant to Section 245a.1 of Part 245a of  
5 the Code of Federal Regulations (8 CFR 245a.1) or an entity  
6 accredited by the Board of Immigration Appeals.

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

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

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

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

23 (f) Violation of subsection (e) is a business offense  
24 punishable by a fine of 3 times the amount received for  
25 services, or \$1,001 minimum, and restitution of the amount paid  
26 to the consumer. Nothing in this Section shall be construed to

1 preempt nor preclude additional appropriate civil remedies or  
2 criminal charges available under law.

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

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

12 (5 ILCS 312/3-104) (from Ch. 102, par. 203-104)

13 Sec. 3-104. Maximum Fee.

14 (a) Except as provided in subsection (b) of this Section,  
15 the maximum fee in this State is \$5.00 ~~\$1.00~~ for any notarial  
16 act performed and, until July 1, 2018, up to \$25 for any  
17 notarial act performed pursuant to Section 3-102.

18 (b) Fees for a notary public, agency, or any other person  
19 who is not an attorney or an accredited representative filling  
20 out immigration forms shall be limited to the following:

21 (1) \$10 per form completion;

22 (2) \$10 per page for the translation of a non-English  
23 language into English where such translation is required  
24 for immigration forms;

25 (3) \$5 ~~\$1~~ for notarizing;

1           (4) \$3 to execute any procedures necessary to obtain a  
2           document required to complete immigration forms; and

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

4           Fees authorized under this subsection shall not include  
5           application fees required to be submitted with immigration  
6           applications.

7           Any person who violates the provisions of this subsection  
8           shall be guilty of a Class A misdemeanor for a first offense  
9           and a Class 3 felony for a second or subsequent offense  
10          committed within 5 years of a previous conviction ~~for the same~~  
11          offense.

12          (c) Upon his own information or upon complaint of any  
13          person, the Attorney General or any State's Attorney, or their  
14          designee, may maintain an action for injunctive relief in the  
15          court against any notary public or any other person who  
16          violates the provisions of subsection (b) of this Section.  
17          These remedies are in addition to, and not in substitution for,  
18          other available remedies.

19          If the Attorney General or any State's Attorney fails to  
20          bring an action as provided pursuant to this subsection within  
21          90 days of receipt of a complaint, any person may file a civil  
22          action to enforce the provisions of this subsection and  
23          maintain an action for injunctive relief.

24          (d) All notaries public must provide itemized receipts and  
25          keep records for fees accepted for services provided. Failure  
26          to provide itemized receipts and keep records that can be

1 presented as evidence of no wrongdoing shall be construed as a  
2 presumptive admission of allegations raised in complaints  
3 against the notary for violations related to accepting  
4 prohibited fees.

5 (Source: P.A. 98-29, eff. 6-21-13.)

6 (5 ILCS 312/6-103) (from Ch. 102, par. 206-103)

7 Sec. 6-103. Certificate of Notarial Acts.

8 (a) A notarial act must be evidenced by a certificate  
9 signed and dated by the notary public. The certificate must  
10 include identification of the jurisdiction in which the  
11 notarial act is performed and the official seal of office.

12 (b) A certificate of a notarial act is sufficient if it  
13 meets the requirements of subsection (a) and it:

14 (1) is in the short form set forth in Section 6-105;

15 (2) is in a form otherwise prescribed by the law of  
16 this State; or

17 (3) sets forth the actions of the notary public and  
18 those are sufficient to meet the requirements of the  
19 designated notarial act.

20 (c) At the time of a notarial act, a notary public shall  
21 officially sign every notary certificate and affix the rubber  
22 stamp seal clearly and legibly using black ink, so that it is  
23 capable of photographic reproduction. The illegibility of any  
24 of the information required under this Section does not affect  
25 the validity of a transaction.

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

2 (5 ILCS 312/6-104) (from Ch. 102, par. 206-104)

3 Sec. 6-104. Acts Prohibited.

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

7 (b) A notary public shall not acknowledge any instrument in  
8 which the notary's name appears as a party to the transaction.

9 (c) A notary public shall not affix his signature to a  
10 blank form of affidavit or certificate of acknowledgment ~~and~~  
11 ~~deliver that form to another person with intent that it be used~~  
12 ~~as an affidavit or acknowledgment.~~

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

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

21 (f) A notary public shall not take the acknowledgment of  
22 any person who does not speak or understand the English  
23 language, unless the nature and effect of the instrument to be  
24 notarized is translated into a language which the person does  
25 understand.



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

3           (h) No notary public shall be authorized to prepare any  
4 legal instrument, or fill in the blanks of an instrument, other  
5 than a notary certificate; however, this prohibition shall not  
6 prohibit an attorney, who is also a notary public, from  
7 performing notarial acts for any document prepared by that  
8 attorney.

9           (i) If a notary public accepts or receives any money from  
10 any one to whom an oath has been administered or on behalf of  
11 whom an acknowledgment has been taken for the purpose of  
12 transmitting or forwarding such money to another and willfully  
13 fails to transmit or forward such money promptly, the notary is  
14 personally liable for any loss sustained because of such  
15 failure. The person or persons damaged by such failure may  
16 bring an action to recover damages, together with interest and  
17 reasonable attorney fees, against such notary public or his  
18 bondsmen.

19           (Source: P.A. 85-421.)