

1 AN ACT concerning State 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 3-104 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
17 language into English where such translation is required
18 for immigration forms;

19 (3) \$5 for notarizing;

20 (4) \$3 to execute any procedures necessary to obtain a
21 document required to complete immigration forms; and

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

23 Fees authorized under this subsection shall not include

1 application fees required to be submitted with immigration
2 applications.

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

9 (c) Any person who violates the provisions of subsection
10 (a) or (b) shall be guilty of a Class A misdemeanor for a first
11 offense and a Class 3 felony for a second or subsequent offense
12 committed within 5 years of a previous conviction for the same
13 offense.

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

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

26 (e) All notaries public must provide itemized receipts and

1 keep records for fees accepted for services provided. Notarial
2 fees must appear on the itemized receipt as separate and
3 distinct from any other charges assessed. Failure to provide
4 itemized receipts and keep records that can be presented as
5 evidence of no wrongdoing shall be construed as a presumptive
6 admission of allegations raised in complaints against the
7 notary for violations related to accepting prohibited fees.

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

11 (Source: P.A. 102-160, eff. 5-6-23 (See Section 91 of P.A.
12 103-562 for effective date of P.A. 102-160).)

13 (5 ILCS 312/6-104) (from Ch. 102, par. 206-104)

14 Sec. 6-104. Acts prohibited.

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

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

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

23 (d) A notary public shall not take the acknowledgment of
24 or administer an oath to any person whom the notary actually
25 knows to have been adjudged mentally ill by a court of

1 competent jurisdiction and who has not been restored to mental
2 health as a matter of record.

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

6 (f) A notary public shall not take the acknowledgment of
7 any person who does not speak or understand the English
8 language, unless the nature and effect of the instrument to be
9 notarized is translated into a language which the person does
10 understand.

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

13 (h) No notary public shall be authorized to prepare any
14 legal instrument, or fill in the blanks of an instrument,
15 other than a notary certificate; however, this prohibition
16 shall not prohibit an attorney, who is also a notary public,
17 from performing notarial acts for any document prepared by
18 that attorney.

19 (i) If a notary public accepts or receives any money from
20 any one to whom an oath has been administered or on behalf of
21 whom an acknowledgment has been taken for the purpose of
22 transmitting or forwarding such money to another and willfully
23 fails to transmit or forward such money promptly, the notary
24 is personally liable for any loss sustained because of such
25 failure. The person or persons damaged by such failure may
26 bring an action to recover damages, together with interest and

1 reasonable attorney fees, against such notary public or his
2 bondsmen.

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

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

12 (l) A notary public shall not represent himself or herself
13 as an electronic notary public if the person has not been
14 commissioned as an electronic notary public by the Secretary
15 of State.

16 (m) No person shall knowingly create, manufacture, or
17 distribute software or hardware for the purpose of allowing a
18 person to act as an electronic notary public without being
19 commissioned in accordance with this Act. A violation of this
20 subsection (m) is a Class A misdemeanor.

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

25 (o) A notary public shall not sell, rent, transfer, or
26 otherwise make available to a third party, other than the

1 electronic notarization platform, the contents of the notarial
2 journal, audio-video recordings, or any other record
3 associated with any notarial act, including personally
4 identifiable information, except when required by law, law
5 enforcement, the Secretary of State, or a court order. Upon
6 written request of a third party, which request must include
7 the name of the parties, the type of document, and the month
8 and year in which a record was notarized, a notary public may
9 supply a copy of the line item representing the requested
10 transaction after personally identifying information has been
11 redacted.

12 (p) The Secretary of State may suspend the commission of a
13 notary or electronic notary who fails to produce any journal
14 entry within 10 days after receipt of a request from the
15 Secretary of State.

16 (q) Upon surrender, revocation, or expiration of a
17 commission as a notary or electronic notary, all notarial
18 records or electronic notarial records required under this
19 Section, except as otherwise provided by law, must be kept by
20 the notary public or electronic notary for a period of 5 years
21 after the termination of the registration of the notary public
22 or electronic notary public.

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

1 (Source: P.A. 102-160, eff. 6-5-23 (See Section 91 of P.A.
2 102-562 for effective date of P.A. 102-160).)