



Sen. Martin A. Sandoval

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09400SB0304sam001

LRB094 06877 JAM 43916 a

1 AMENDMENT TO SENATE BILL 304

2 AMENDMENT NO. _____. Amend Senate Bill 304 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 2-105, 3-101, and 6-102 as follows:

6 (5 ILCS 312/2-105) (from Ch. 102, par. 202-105)

7 Sec. 2-105. Bond. Every application for appointment and
8 commission as a notary public shall be accompanied by an
9 executed bond commencing on the date of the appointment with a
10 term of 4 years, in the sum of \$25,000 ~~\$5,000~~, with, as surety
11 thereon, a company qualified to write surety bonds in this
12 State. The bond shall be conditioned upon the faithful
13 performance of all notarial acts in accordance with this Act.
14 The Secretary of State may prescribe an official bond form.

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

16 (5 ILCS 312/3-101) (from Ch. 102, par. 203-101)

17 Sec. 3-101. Official Seal and Journal.

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

22 (1) ~~(a)~~ the words "Official Seal";

23 (2) ~~(b)~~ the notary's official name;

1 (3) ~~(e)~~ the words "Notary Public", "State of Illinois",
2 and "My commission expires _____ (commission
3 expiration date)"; and

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

7 (b) Each notary public shall procure, keep, maintain,
8 protect, and provide for lawful inspection a chronological
9 official journal of notarial acts, involving a document of
10 conveyance or encumbrance affecting real property, that is a
11 permanently bound book with numbered pages. The journal shall
12 be kept by the notary public for at least 5 years after the
13 date of its last entry. A notary public who is either an
14 attorney at law admitted to practice in this State or an
15 employee of such an attorney, however, may instead of a journal
16 of notarial acts maintain a record of notarial acts in the form
17 of office files regularly maintained for the attorney's law
18 practice.

19 For every notarial act involving a document of conveyance
20 or encumbrance affecting real property, the notary public shall
21 record at the time of notarization:

22 (1) the date, time, and type of notarial act;

23 (2) the date and the type, title, or description of the
24 document or proceeding;

25 (3) the signature, printed name, and address of the
26 signer;

27 (4) the right thumbprint of the party signing the
28 document, placed in the journal by that party. If the right
29 thumbprint is unavailable, then the notary shall have the
30 party use his or her left thumb or any available finger and
31 shall so indicate in the journal. If the party signing the
32 document is physically unable to provide a thumbprint or
33 fingerprint, the notary shall so indicate in the journal
34 and shall also provide an explanation of that physical

1 condition. This paragraph (4) shall not apply to a
2 sheriff's deed or other judicial deed;

3 (5) how identification of the signer was made and a
4 description of the particular form of satisfactory
5 evidence; and

6 (6) the fee, if any, charged for the notarial act.

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

8 (5 ILCS 312/6-102) (from Ch. 102, par. 206-102)

9 Sec. 6-102. Notarial Acts.

10 (a) In taking an acknowledgment, the notary public must
11 determine, either from personal knowledge or from satisfactory
12 evidence, that the person appearing before the notary and
13 making the acknowledgment is the person whose true signature is
14 on the instrument.

15 (b) In taking a verification upon oath or affirmation, the
16 notary public must determine, either from personal knowledge or
17 from satisfactory evidence, that the person appearing before
18 the notary and making the verification is the person whose true
19 signature is on the statement verified.

20 (c) In witnessing or attesting a signature, the notary
21 public must determine, either from personal knowledge or from
22 satisfactory evidence, that the signature is that of the person
23 appearing before the notary and named therein.

24 (d) A notary public has satisfactory evidence that a person
25 is the person whose true signature is on a document if that
26 person:

27 (1) is personally known to the notary;

28 (2) is identified upon the oath or affirmation of a
29 credible witness unaffected by the document or transaction who
30 is personally known to the notary and who personally knows the
31 person, or of 2 credible witnesses unaffected by the document
32 or transaction who each personally knows the person and shows
33 to the notary reliable identification documents; or

1 (3) is identified on the basis of reliable identification
2 documents.

3 (e) The following definitions apply to subsection (d):

4 (1) "Personally known" means familiarity with an
5 individual resulting from interactions with that
6 individual over a period of time sufficient to ensure
7 beyond a reasonable doubt that the individual has the
8 identity claimed.

9 (2) "Reliable identification documents" means at least
10 one current document issued by a federal or state
11 government agency bearing the photographic image of the
12 individual's face and signature and a physical description
13 of the individual; provided that a properly stamped
14 passport without a physical description is acceptable.

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

16 Section 99. Effective date. This Act takes effect July 1,
17 2006."