

AN ACT concerning government.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The Illinois Notary Public Act is amended by changing Section 3-103 as follows:

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

Sec. 3-103. Notice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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