

AN ACT concerning State 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 Sections 3-104 and 6-104 as follows:

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

Sec. 3-104. Maximum fee.

(a) Except as otherwise provided in this subsection (a), the maximum fee for non-electronic notarization in this State is \$5 for any notarial act performed and up to \$25 for any notarial act performed pursuant to Section 3-102.

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

- (1) \$10 per form completion;
- (2) \$10 per page for the translation of a non-English language into English where such translation is required for immigration forms;
- (3) \$5 for notarizing;
- (4) \$3 to execute any procedures necessary to obtain a document required to complete immigration forms; and
- (5) A maximum of \$75 for one complete application.

Fees authorized under this subsection shall not include

application fees required to be submitted with immigration applications.

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

(c) Any person who violates the provisions of subsection (a) or (b) 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.

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

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

(e) All notaries public must provide itemized receipts and

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

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

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

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

Sec. 6-104. Acts prohibited.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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