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HOUSE BILL NO. 804

Offered January 8, 2014

Prefiled January 7, 2014

A *BILL to amend the Code of Virginia by adding a section numbered 47.1-15.1, relating to notaries; advertising; notice requirement.*

Patron—Lopez

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 47.1-15 as follows:****§ 47.1-15.1. Notice requirement for advertising; notice requirement; civil penalty.**

A. A notary who is not a licensed attorney or a Board of Immigration Appeals accredited representative who advertises his services as a notary or notary public in English or in any other language by radio, television, signs, pamphlets, newspapers, or other written or oral communication, or in any other manner, with the exception of a single desk plaque, shall post in writing or otherwise verbally announce with the advertisement the notice set forth in this subsection in English and in every other language in which they conduct business. Each such posting in each language shall be displayed on separate signs. Each sign shall be posted in a conspicuous location where it will be visible to patrons and shall measure at least 8.5 by 11 inches. Each notice shall state the following:

"I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE.

I AM NOT ACCREDITED TO REPRESENT YOU BEFORE THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES OR THE IMMIGRATION BOARD OF APPEALS."

B. A notary public who is not also a licensed attorney shall not, in or on any document, advertisement, stationery, letterhead, business card, or other comparable written material describing the role of the notary public, literally translate from English into another language terms or titles that imply the person is an attorney, including but not limited to notary public, notary, licensed attorney, and lawyer, or any other term that implies the person is an attorney. The terms "notario" or "poder notarial" are specifically prohibited under this section.

C. Failure to follow the procedures in this section shall result in a fine of \$1,000 for each violation. A second violation shall result in the suspension of notary authorization. A third violation shall result in permanent revocation of the commission of notary public.

D. All notaries public required to comply with subsections A and B shall prominently post at their place of business a schedule of fees authorized by § 47.1-19. The fee schedule shall be written in English and any other language in which the services were solicited or business is conducted and shall contain the notice required under subsection A.

E. Nothing in this section shall preempt or preclude additional civil or criminal penalties authorized by law.

INTRODUCED

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