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SENATE BILL NO. 503

Offered January 8, 2014

Prefiled January 8, 2014

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

Patrons—Ebbin and Wexton

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 47.1-15.1 as follows:****§ 47.1-15.1. Additional prohibition on advertising; notice requirement; penalties.**

A. A notary public shall not offer or provide advice on immigration matters, or represent any person in immigration proceedings, unless such notary public is authorized or licensed to practice law in the Commonwealth or is accredited pursuant to 8 C.F.R. § 292.2 to practice immigration law or represent persons in immigration proceedings.

B. A notary public shall not assume, use, or advertise the title of "notario," "notario publico," or "licenciado," unless such notary public is authorized or licensed to practice law in Virginia.

C. A notary public who is not a licensed attorney and who advertises notarial services in a language other than English shall include in any advertisement, document, webpage, stationery, letterhead, business card, or other comparable written material the following statement, prominently displayed in the same language: "I am not an attorney and have no authority to give advice on immigration or other legal matters."

D. A notary public who is not a licensed attorney and who advertises notarial services in a language other than English shall, within his place of business, post in a conspicuous location where it will be visible to patrons, a sign measuring at least 8.5 by 11 inches which shall state the following:

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

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

E. Any person who violates the provisions of subsection B, C, or D is subject to a civil penalty not to exceed \$500 for a first violation and a civil penalty not to exceed \$1,000 for a second or subsequent violation. All penalties arising under this section shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth and the proceeds shall be deposited into the Legal Aid Services Fund established in § 17.1-278. Any third violation shall result in permanent revocation of the commission of notary public.

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

INTRODUCED

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