

ASSEMBLY BILL

No. 2452

Introduced by Assembly Member Davis

February 21, 2008

An act to amend Sections 8201, 8211, and 8223 of the Government Code, relating to notaries public.

LEGISLATIVE COUNSEL'S DIGEST

AB 2452, as introduced, Davis. Notaries public.

Existing law requires a notary public to complete 3 hours of refresher coursework before being reappointed as a notary, and limits the amounts a notary public can charge for certain services.

This bill would increase the length of refresher coursework from 3 to 6 hours, and increase the limits on the amounts a notary public can charge for certain services, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8201 of the Government Code is amended
- 2 to read:
- 3 8201. (a) Every person appointed as notary public shall meet
- 4 all of the following requirements:
- 5 (1) Be at the time of appointment a legal resident of this state,
- 6 except as otherwise provided in Section 8203.1.
- 7 (2) Be not less than 18 years of age.
- 8 (3) ~~For appointments made on or after July 1, 2005, have~~ Have
- 9 satisfactorily completed a six-hour course of study approved by

1 the Secretary of State pursuant to Section 8201.2 concerning the
 2 functions and duties of a notary public.

3 (4) Have satisfactorily completed a written examination
 4 prescribed by the Secretary of State to determine the fitness of the
 5 person to exercise the functions and duties of the office of notary
 6 public. All questions shall be based on the law of this state as set
 7 forth in the booklet of the laws of California relating to notaries
 8 public distributed by the Secretary of State.

9 (b) (1) ~~Commencing July 1, 2005, each~~ *Each* applicant for
 10 notary public shall provide satisfactory proof that he or she has
 11 completed the course of study required pursuant to paragraph (3)
 12 of subdivision (a) prior to approval of his or her appointment as a
 13 notary public by the Secretary of State.

14 (2) ~~Commencing July 1, 2005, an~~ *An* applicant for notary public
 15 who holds a California notary public commission, ~~and who has~~
 16 ~~satisfactorily completed the six-hour course of study required~~
 17 ~~pursuant to paragraph (1) at least one time,~~ shall provide
 18 satisfactory proof when applying for reappointment as a notary
 19 public that he or she has satisfactorily completed a ~~three-hour~~
 20 *six-hour* refresher course of study prior to reappointment as a
 21 notary public by the Secretary of State.

22 SEC. 2. Section 8211 of the Government Code is amended to
 23 read:

24 8211. Fees charged by a notary public for the following services
 25 shall not exceed the fees prescribed by this section:

26 (a) For taking an acknowledgment or proof of a deed, or other
 27 instrument, to include the seal and the writing of the certificate,
 28 the sum of ~~ten~~ *twenty-five* dollars ~~(\$10)~~ *(\$25)* for each signature
 29 taken.

30 (b) For administering an oath or affirmation to one person and
 31 executing the jurat, including the seal, the sum of ~~ten~~ *twenty-five*
 32 dollars ~~(\$10)~~ *(\$25)*.

33 (c) For all services rendered in connection with the taking of
 34 any deposition, the sum of ~~twenty~~ *fifty* dollars ~~(\$20)~~ *(\$50)*, and in
 35 addition thereto, the sum of ~~five~~ *fifteen* dollars ~~(\$5)~~ *(\$15)* for
 36 administering the oath to the witness and the sum of ~~five~~ *fifteen*
 37 dollars ~~(\$5)~~ *(\$15)* for the certificate to the deposition.

38 (d) For every protest for the nonpayment of a promissory note
 39 or for the nonpayment or nonacceptance of a bill of exchange,
 40 draft, or check, the sum of ~~ten~~ *twenty-five* dollars ~~(\$10)~~ *(\$25)*.

1 (e) For serving every notice of nonpayment of a promissory
2 note or of nonpayment or nonacceptance of a bill of exchange,
3 order, draft, or check, the sum of ~~five~~ *fifteen* dollars ~~(\$5)~~ *(\$15)*.

4 (f) For recording every protest, the sum of ~~five~~ *fifteen* dollars
5 ~~(\$5)~~ *(\$15)*.

6 (g) No fee may be charged to notarize signatures on vote by
7 mail ballot identification envelopes or other voting materials.

8 (h) For certifying a copy of a power of attorney under Section
9 4307 of the Probate Code the sum of ~~ten~~ *twenty-five* dollars ~~(\$10)~~
10 *(\$25)*.

11 (i) In accordance with Section 6107, no fee may be charged to
12 a United States military veteran for notarization of an application
13 or a claim for a pension, allotment, allowance, compensation,
14 insurance, or any other veteran's benefit.

15 SEC. 3. Section 8223 of the Government Code is amended to
16 read:

17 8223. (a) No notary public who holds himself or herself out
18 as being an immigration specialist, immigration consultant or any
19 other title or description reflecting an expertise in immigration
20 matters shall advertise in any manner whatsoever that he or she is
21 a notary public.

22 (b) A notary public qualified and bonded as an immigration
23 consultant under Chapter 19.5 (commencing with Section 22440)
24 of Division 8 of the Business and Professions Code may enter data,
25 provided by the client, on immigration forms provided by a federal
26 or state agency. The fee for this service shall not exceed ~~ten~~
27 *twenty-five* dollars ~~(\$10)~~ *(\$25)* per individual for each set of forms.
28 If notary services are performed in relation to the set of
29 immigration forms, additional fees may be collected pursuant to
30 Section 8211. This fee limitation shall not apply to an attorney,
31 who is also a notary public, who is rendering professional services
32 regarding immigration matters.

33 (c) Nothing in this section shall be construed to exempt a notary
34 public who enters data on an immigration form at the direction of
35 a client, or otherwise performs the services of an immigration
36 consultant, as defined by Section 22441 of the Business and
37 Professions Code, from the requirements of Chapter 19.5
38 (commencing with Section 22440) of Division 8 of the Business
39 and Professions Code. A notary public who is not qualified and
40 bonded as an immigration consultant under Chapter 19.5

1 (commencing with Section 22440) of Division 8 of the Business
2 and Professions Code may not enter data provided by a client on
3 immigration forms nor otherwise perform the services of an
4 immigration consultant.

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