

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1408

Introduced by Assembly Member Hadley

February 27, 2015

An act to amend ~~Section 6502~~ *Sections 8211 and 8223* of the Government Code, relating to ~~joint powers~~. *notaries public*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1408, as amended, Hadley. ~~Joint powers authorities. Notaries public: fees.~~

Existing law prescribes the maximum fees that a notary public may charge for specified services. Existing law prohibits a notary public from charging a fee to notarize signatures on vote by mail ballot identification envelopes or other voting materials or applications by United States military veterans for specified veteran's benefits.

This bill would delete the above-described maximum fee limitations for services by a notary public.

~~Existing law authorizes 2 or more public agencies, by agreement, to form a joint powers authority to exercise any power common to the contracting parties, as specified.~~

~~This bill would make nonsubstantive changes to this provision.~~

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 8211 of the Government Code is amended*
- 2 *to read:*

1 8211. Fees charged by a notary public for the following services
2 shall not exceed the fees prescribed by this section.

3 (a) ~~For taking an acknowledgment or proof of a deed, or other~~
4 ~~instrument, to include the seal and the writing of the certificate,~~
5 ~~the sum of ten dollars (\$10) for each signature taken.~~

6 (b) ~~For administering an oath or affirmation to one person and~~
7 ~~executing the jurat, including the seal, the sum of ten dollars (\$10).~~

8 (c) ~~For all services rendered in connection with the taking of~~
9 ~~any deposition, the sum of twenty dollars (\$20), and in addition~~
10 ~~thereto, the sum of five dollars (\$5) for administering the oath to~~
11 ~~the witness and the sum of five dollars (\$5) for the certificate to~~
12 ~~the deposition.~~

13 (d) ~~No fee may~~

14 8211. A notary public shall not charge fees for services as
15 follows:

16 (a) A fee shall not be charged to notarize signatures on vote by
17 mail ballot identification envelopes or other voting materials.

18 (e) ~~For certifying a copy of a power of attorney under Section~~
19 ~~4307 of the Probate Code the sum of ten dollars (\$10).~~

20 (f)

21 (b) In accordance with Section 6107, ~~no fee may~~ a fee shall not
22 be charged to a United States military veteran for notarization of
23 an application or a claim for a pension, allotment, allowance,
24 compensation, insurance, or any other veteran’s benefit.

25 SEC. 2. Section 8223 of the Government Code is amended to
26 read:

27 8223. (a) No notary public who holds himself or herself out
28 as being an immigration specialist, immigration consultant or any
29 other title or description reflecting an expertise in immigration
30 matters shall advertise in any manner whatsoever that he or she is
31 a notary public.

32 (b) A notary public qualified and bonded as an immigration
33 consultant under Chapter 19.5 (commencing with Section 22440)
34 of Division 8 of the Business and Professions Code may enter data,
35 provided by the client, on immigration forms provided by a federal
36 or state agency. The fee for this service shall not exceed ten dollars
37 (\$10) per individual for each set of forms. If notary services are
38 performed in relation to the set of immigration forms, additional
39 fees may be ~~collected pursuant to Section 8211.~~ collected. This
40 fee limitation shall not apply to an attorney, who is also a notary

1 public, who is rendering professional services regarding
2 immigration matters.

3 (c) Nothing in this section shall be construed to exempt a notary
4 public who enters data on an immigration form at the direction of
5 a client, or otherwise performs the services of an immigration
6 consultant, as defined by Section 22441 of the Business and
7 Professions Code, from the requirements of Chapter 19.5
8 (commencing with Section 22440) of Division 8 of the Business
9 and Professions Code. A notary public who is not qualified and
10 bonded as an immigration consultant under Chapter 19.5
11 (commencing with Section 22440) of Division 8 of the Business
12 and Professions Code may not enter data provided by a client on
13 immigration forms nor otherwise perform the services of an
14 immigration consultant.

15 ~~SECTION 1. Section 6502 of the Government Code is amended~~
16 ~~to read:~~

17 ~~6502. If authorized by their legislative or other governing~~
18 ~~bodies, two or more public agencies by agreement may jointly~~
19 ~~exercise any power common to the contracting agencies, including,~~
20 ~~but not limited to, the authority to levy a fee, assessment, or tax,~~
21 ~~even though one or more of the contracting agencies may be located~~
22 ~~outside this state.~~

23 ~~It shall not be necessary that any power common to the~~
24 ~~contracting parties be exercisable by each contracting party with~~
25 ~~respect to the geographical area in which the power is to be jointly~~
26 ~~exercised. For purposes of this section, two or more public agencies~~
27 ~~having the power to conduct agricultural, livestock, industrial,~~
28 ~~cultural, or other fairs or exhibitions shall be deemed to have~~
29 ~~common power with respect to any such fair or exhibition~~
30 ~~conducted by any one or more of such public agencies or by an~~
31 ~~entity created pursuant to a joint powers agreement entered into~~
32 ~~by public agencies.~~