

ASSEMBLY BILL

No. 2217

Introduced by Assembly Member Hadley

February 18, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2217, as introduced, Hadley. Notary public: service fees.

Existing law authorizes the Secretary of State to appoint and commission notaries public in the number as the secretary deems necessary for the public convenience. Existing law prohibits fees charged by a notary public for certain services, including taking an acknowledgment or proof of a deed, from exceeding specified amounts.

This bill would increase those amounts, 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 8211 of the Government Code is amended
- 2 to read:
- 3 8211. Fees charged by a notary public for the following services
- 4 shall not exceed the fees prescribed by this section.
- 5 (a) For taking an acknowledgment or proof of a deed, or other
- 6 instrument, to include the seal and the writing of the certificate,
- 7 the sum of ~~ten~~ *fifteen* dollars (~~\$10~~) (*\$15*) for each signature taken.

1 (b) For administering an oath or affirmation to one person and
2 executing the jurat, including the seal, the sum of ~~ten~~ *fifteen* dollars
3 ~~(\$10)~~ *(\$15)*.

4 (c) For all services rendered in connection with the taking of
5 any deposition, the sum of ~~twenty~~ *thirty* dollars ~~(\$20)~~ *(\$30)*, and
6 in addition thereto, the sum of ~~five~~ *seven* dollars ~~(\$5)~~ *(\$7)* for
7 administering the oath to the witness and the sum of ~~five~~ *seven*
8 dollars ~~(\$5)~~ *(\$7)* for the certificate to the deposition.

9 (d) No fee may be charged to notarize signatures on vote by
10 mail ballot identification envelopes or other voting materials.

11 (e) For certifying a copy of a power of attorney under Section
12 4307 of the Probate Code the sum of ~~ten~~ *fifteen* dollars ~~(\$10)~~
13 *(\$15)*.

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

18 SEC. 2. Section 8223 of the Government Code is amended to
19 read:

20 8223. (a) ~~No~~ A notary public who holds himself or herself out
21 as being an immigration specialist, immigration ~~consultant~~
22 *consultant*, or any other title or description reflecting an expertise
23 in immigration matters shall *not* advertise in any manner
24 whatsoever that he or she is a notary public.

25 (b) A notary public qualified and bonded as an immigration
26 consultant under Chapter 19.5 (commencing with Section 22440)
27 of Division 8 of the Business and Professions Code may enter data,
28 provided by the client, on immigration forms provided by a federal
29 or state agency. The fee for this service shall not exceed ~~ten~~ *fifteen*
30 dollars ~~(\$10)~~ *(\$15)* per individual for each set of forms. If notary
31 services are performed in relation to the set of immigration forms,
32 additional fees may be collected pursuant to Section 8211. This
33 fee limitation shall not apply to an attorney, who is also a notary
34 public, who is rendering professional services regarding
35 immigration matters.

36 (c) ~~Nothing in this~~ *This* section shall *not* be construed to exempt
37 a notary public who enters data on an immigration form at the
38 direction of a client, or otherwise performs the services of an
39 immigration consultant, as defined by Section 22441 of the
40 Business and Professions Code, from the requirements of Chapter

1 19.5 (commencing with Section 22440) of Division 8 of the
2 Business and Professions Code. A notary public who is not
3 qualified and bonded as an immigration consultant under Chapter
4 19.5 (commencing with Section 22440) of Division 8 of the
5 Business and Professions Code may not enter data provided by a
6 client on immigration forms nor otherwise perform the services
7 of an immigration consultant.

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