

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**HOUSE BILL 955
Senate Judiciary I Committee Substitute Adopted 9/18/01
Third Edition Engrossed 9/25/01**

Short Title: Notary Authority Misrepresentation.

(Public)

Sponsors:

Referred to:

April 3, 2001

A BILL TO BE ENTITLED

AN ACT TO PREVENT THE MISREPRESENTATION OF THE AUTHORITY OF A
NOTARY PUBLIC.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 10A-4(c) reads as rewritten:

"(c) The Secretary may deny an application for commission or recommission as a notary if any of the following applies to the applicant:

(1) The applicant has been convicted of a crime involving dishonesty or moral turpitude.

(1a) The applicant has been convicted of a felony and the applicant's rights have not been restored.

(2) The applicant has had a notarial commission or professional license revoked, suspended, or restricted by this or any other state.

(3) The applicant has engaged in official misconduct, whether or not disciplinary action resulted.

(4) The applicant knowingly uses false or misleading advertising in which the applicant as a notary represents that the applicant has powers, duties, rights or privileges that the applicant does not possess by law.

(5) The applicant is found by a court of this State or any other state to have engaged in the unauthorized practice of law."

SECTION 2. G.S. 10-9 is amended by adding the following subsections to read:

"(g) A notary public who is not an attorney licensed to practice law in this State who advertises the person's services as a notary public in a language other than English, by radio, television, signs, pamphlets, newspapers, other written communication, or in any other manner, shall post or otherwise include with the advertisement the notice set forth in this subsection in English and in the language used for the advertisement. The notice shall be of conspicuous size, if in writing, and shall state: "I AM NOT AN

1 ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF NORTH
2 CAROLINA, AND I MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR
3 LEGAL ADVICE." If the advertisement is by radio or television, the statement may be
4 modified but must include substantially the same message.

5 (h) A notary public who is not an attorney licensed to practice law in this State is
6 prohibited from representing or advertising that the notary public is an "immigration
7 consultant" or expert on immigration matters unless the notary public is an accredited
8 representative of an organization recognized by the Board of Immigration Appeals
9 pursuant to Title 8, Part 292, Section 2(a-e) of the Code of Federal Regulations (8 CFR
10 292.2(a-e)).

11 (i) A notary public who is not an attorney licensed to practice law in this State is
12 prohibited from rendering any service that constitutes the unauthorized practice of law.

13 (j) A notary public required to comply with the provisions of subsection (g) of
14 this section shall prominently post at the notary public's place of business a schedule of
15 fees established by law, which a notary public may charge. The fee schedule shall be
16 written in English and in the non-English language in which the notary services were
17 solicited, and shall contain the notice required in subsection (g) of this section, unless
18 the notice is otherwise prominently posted at the notary public's place of business."

19 **SECTION 3.** G.S. 10A-12 is amended by adding the following subsections
20 to read:

21 "(f) The Secretary of State, through the Attorney General, may seek injunctive
22 relief against any notary public who violates the provisions of this Chapter. Nothing in
23 this Chapter diminishes the authority of the North Carolina State Bar.

24 (g) A violation of G.S. 10A-9(h) or (i) constitutes a deceptive trade practice
25 under G.S. 75-1.1."

26 **SECTION 4.** The Department of the Secretary of State may study the
27 Notary Public Act, Chapter 10A of the General Statutes, and conforming amendments
28 that may be needed to other sections of the General Statutes, and report any
29 recommendations for changes, including recommended legislation, to the 2002 Regular
30 Session of the 2001 General Assembly.

31 **SECTION 5.** This act becomes effective January 1, 2002, and applies to acts
32 committed on or after that date.