

ENROLLED SENATE
BILL NO. 276

By: Leftwich and Pruitt of the
Senate
and
Lindley of the House

An Act relating to notaries public; amending 49 O.S. 2001, Section 1, as amended by Section 1, Chapter 34, O.S.L. 2002, and Section 6, which relate to appointment, qualifications, removal, and authority of notaries; providing for removal upon felony conviction; prohibiting certain actions; defining terms; requiring notice under certain circumstances; specifying contents of notice; making certain violation to be a misdemeanor; providing punishment; requiring revocation of notary appointment for certain time upon certain conviction; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 49 O.S. 2001, Section 1, as amended by Section 1, Chapter 34, O.S.L. 2002 (49 O.S. Supp. 2002, Section 1), is amended to read as follows:

Section 1. The Secretary of State shall appoint and commission in this state notaries public, who shall hold their office for four (4) years. An applicant for a notary commission shall be eighteen (18) years of age or older, a citizen of the United States, and employed within this state or a legal resident of this state. A felony conviction shall be grounds for removal of a person from the office of notary public. All notary commissions shall run in the name and by the authority of the State of Oklahoma, be signed by the Secretary of State, and sealed with the Great Seal of the State of Oklahoma. Commissions shall not be attested. Any person filing an application for a new notary commission shall pay Twenty-five Dollars (\$25.00) to the Secretary of State with the application. Any person filing an application for a renewal of a notary commission shall pay Twenty Dollars (\$20.00) to the Secretary of State with the application. Any person requiring "same day filing service" shall pay Twenty-five Dollars (\$25.00) to the Secretary of State in addition to the applicable filing fee. These funds shall be deposited in the Revolving Fund created for the Secretary of State pursuant to the provisions of Section 276.1 of Title 62 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 49 O.S. 2001, Section 6, is amended to read as follows:

Section 6. A. Notaries public shall have authority within any county in this state to make the proof and acknowledgement of deeds and other instruments of writing required to be proved or acknowledged; to administer oaths; to demand acceptance or payment of foreign or inland bills of exchange and promissory notes, and protest the same for nonacceptance or nonpayment, as the same may require, and to exercise such other powers and duties as by law of nations and commercial usage may be performed by notaries public. A notary may not notarize his or her own signature.

B. No notary public, except those who are licensed attorneys or otherwise authorized by law to represent persons on immigration or citizenship matters, shall hold himself or herself out as having expertise in providing legal advice on any proceeding, filing or action affecting the immigration or citizenship status of another person. For purposes of this section, "legal advice" means any direct or indirect advice or counsel related to provisions of the Immigration and Nationality Act including, but not limited to, assistance in the selection of immigration forms required by the Immigration and Nationality Act, advice or council related to responses to information required on forms by the Immigration and Nationality Act, or acting in a representative capacity in an attempt to redress wrongs or secure benefits provided by the Immigration and Nationality Act. Any notary public who provides nonlegal assistance on any proceeding, filing or action affecting the immigration or citizenship status of another person shall give the following notice to that person verbally and in writing: "I am not a licensed attorney or representative of any government agency with authority over immigration or citizenship and, therefore, cannot offer legal advice about immigration or any other legal matters." If the notary public operates a business or advertises in any language other than English, such notice shall be given in both English and in the other language or languages. Literal translation of the phrase "notary public" into Spanish, hereby defined as "notario publico" or "notario", is prohibited. For purposes of this section, "literal translation" of a word or phrase from one language to another means the translation of a word or phrase without regard to the true meaning of the word or phrase in the language which is being translated.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6.1 of Title 49, unless there is created a duplication in numbering, reads as follows:

Any individual convicted of violating subsection B of Section 6 of Title 49 of the Oklahoma Statutes shall be guilty of a misdemeanor and shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00). Upon receipt of a final judgment against a notary public for a violation of subsection B of Section 6 of Title 49 of the Oklahoma Statutes from a district court of this state or its equivalent from a foreign jurisdiction, the Secretary of State shall revoke the appointment of the notary for a period of eight (8) years.

SECTION 4. This act shall become effective November 1, 2003.

Passed the Senate the 30th day of April, 2003.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of April, 2003.

Presiding Officer of the House
of Representatives