

House Bill 189

By: Representatives Lim of the 98th, Carpenter of the 4th, and Lupton of the 83rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 17 of Title 45 of the Official Code of Georgia Annotated, relating to
2 notaries public, so as to provide for limitations regarding certain notarial acts; to provide for
3 related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 SECTION 1.

6 Chapter 17 of Title 45 of the Official Code of Georgia Annotated, relating to notaries public,
7 is amended by adding a new Code section to read as follows:

8 "45-17-21.

9 (a) A commission as a notary public shall not authorize an individual to:

10 (1) Assist persons in drafting legal documents, give legal advice, or otherwise practice
11 law;

12 (2) Act as an immigration consultant or an expert on immigration matters;

13 (3) Represent an individual in a judicial or administrative proceeding relating to
14 immigration to the United States, United States citizenship, or related matters;

15 (4) Receive compensation for performing any of the activities listed in this subsection;
16 or

- 17 (5) Make certified copies of documents which are either a public record or a publicly
18 recorded document.
- 19 (b) A notary public shall not engage in false or deceptive advertising.
- 20 (c) A notary public shall not execute a notarial certificate containing a statement known
21 by the notary public to be false nor perform any action with an intent to deceive or defraud.
- 22 (d) A notary public, other than an attorney licensed to practice law in this state, shall not
23 use the term 'notario' or 'notario publico.'
- 24 (e) A notary public, other than an attorney licensed to practice law in this state, shall not
25 advertise or represent that the notary public may assist persons in drafting legal documents,
26 give legal advice, or otherwise practice law.
- 27 (f) A notary public shall not withhold access to or possession of an original record
28 provided by a person who seeks performance of a notarial act by the notary public.
- 29 (g) A notary public required to comply with the provisions of subsection (e) of this Code
30 section shall prominently post at the notary public's place of business a schedule of fees
31 established in Code Section 45-17-11. The fee schedule shall be written in English and in
32 any other language in which the notary public's services were solicited and shall contain
33 the notice required in subsection (e) of this Code section, unless the notice is otherwise
34 prominently posted at the notary public's place of business.
- 35 (h) The Attorney General or prosecuting attorney may seek injunctive relief against any
36 notary public who violates the provisions of this Code section. Nothing in this Code
37 section shall diminish the authority of the State Bar of Georgia.
- 38 (i) A violation of subsection (d) or (e) of this Code section shall constitute a deceptive
39 trade practice under Code Section 10-1-427 in addition to any other penalties provided by
40 law."

41 **SECTION 2.**

42 All laws and parts of laws in conflict with this Act are repealed.