



2005 ASSEMBLY BILL 227

March 16, 2005 - Introduced by Representatives COLON, SINICKI, STASKUNAS, CULLEN, POCAN, BERCEAU, MUSSER, NISCHKE, LEHMAN, TOWNSEND, OTT, SEIDEL and ALBERS, cosponsored by Senators STEPP, CARPENTER, HANSEN, ERPENBACH and LASSA. Referred to Committee on Judiciary.

- 1 **AN ACT** *to create* 137.01 (1) (i), (j) and (k) of the statutes; **relating to:** notaries
2 public who are not attorneys and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, attorneys and nonattorneys may become notaries public. A U.S. resident who is 18 years of age or older and not an attorney may submit a fee of \$20 to the secretary of state to become a notary public. Currently, the person must have the equivalent of an eighth grade education, be familiar with the duties and responsibilities of a notary public, and not have an arrest or conviction record. A qualified applicant is required to take and file an official oath and execute a bond in the sum of \$500.

This bill prohibits a notary public who is not an attorney from acting in the following ways that would make someone think that he or she is licensed to practice law:

1. Stating or implying that he or she is licensed to practice law in this state.
2. Soliciting or accepting compensation to prepare documents for or to represent another person in a judicial or administrative proceeding.
3. Soliciting or accepting compensation to obtain relief of any kind on behalf of another person from an officer, agent, or employee of the federal government, the state, or a political subdivision of the state.
4. Advertising his or her services as a notary public in a language other than English or using certain phrases, including "notario" and "notarizaciones" on signs or written communication, without adding a statement that he or she is not an attorney and listing the fees that the statutes specify a notary public may charge.

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The bill exempts notaries public accredited by the U.S. Board of Immigration Appeals as representatives of certain qualified organizations from the prohibitions under items 2. and 3. above.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 137.01 (1) (i), (j) and (k) of the statutes are created to read:

2 137.01 (1) (i) A notary public appointed under this subsection may not do any
3 of the following:

4 1. State or imply that he or she is an attorney licensed to practice law in this
5 state.

6 2. Solicit or accept compensation to prepare documents for or otherwise
7 represent the interests of another person in a judicial or administrative proceeding,
8 including a proceeding relating to immigration to the United States or U.S.
9 citizenship.

10 3. Solicit or accept compensation to obtain relief of any kind on behalf of another
11 person from any officer, agent, or employee of this state, a political subdivision of this
12 state, or the United States.

13 4. Use the phrase “notario,” “notarizaciones,” “notarizamos,” or “notario
14 publico,” or otherwise advertise in a language other than English on signs,
15 pamphlets, stationery, or other written communication, by radio or television, or on
16 the Internet his or her services as a notary public if the advertisement fails to include,
17 in English and the language of the advertisement, all of the following:

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1 a. The statement, if in a written advertisement, in all capital letters and the
2 same type size: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN
3 WISCONSIN AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR
4 LEGAL ADVICE." If the advertisement is given orally, the statement may be
5 modified but must include substantially the same message and be understandable.

6 b. The fees that a notary public may charge under sub. (9).

7 (j) The prohibitions under par. (i) 2. and 3. do not apply to a notary public who
8 is an accredited representative, as defined in 8 CFR 292.1 (a) (4).

9 (k) A person who violates par. (i) may be fined not more than \$10,000 or
10 imprisoned for not more than 9 months or both. A person who commits a 2nd or
11 subsequent violation of par. (i) is guilty of a Class H felony.

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(END)