

By: Senator(s) Tollison

To: Judiciary, Division B

SENATE BILL NO. 2370

1 AN ACT TO CREATE NEW SECTION 25-33-25, MISSISSIPPI CODE OF
2 1972, TO REQUIRE NOTICE TO THE PUBLIC UNDER CERTAIN CIRCUMSTANCES
3 WHEN A NOTARY PUBLIC IS NOT AN ATTORNEY; TO CREATE NEW SECTION
4 25-33-27, MISSISSIPPI CODE OF 1972, TO PROHIBIT FALSE ADVERTISING
5 BY A NOTARY PUBLIC THAT THE NOTARY PUBLIC IS AN IMMIGRATION
6 CONSULTANT; TO CREATE NEW SECTION 25-33-29, MISSISSIPPI CODE OF
7 1972, TO PROVIDE EXCEPTIONS; TO CREATE NEW SECTION 25-33-31,
8 MISSISSIPPI CODE OF 1972, TO PROVIDE PENALTIES FOR VIOLATION OF
9 THIS ACT; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** The following shall be codified as Section
12 25-33-25, Mississippi Code of 1972:

13 25-33-25. **Notice that a Notary Public is not an Attorney.**

14 A notary public who is not an attorney licensed to practice
15 law in this state and, who advertises in any language the person's
16 services as a notary public by radio, television, signs,
17 pamphlets, newspapers, telephone directory or other written or
18 oral communication, or in any other advertisement, shall include
19 with such advertisement the notice set forth in this section in
20 English and/or in any other languages used in the advertisement.
21 The notice shall be of conspicuous size and shall state: "I AM
22 NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF
23 MISSISSIPPI, AND I MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR
24 LEGAL ADVICE."

25 An advertisement on radio or television must include
26 substantially the same message.

27 **SECTION 2.** The following shall be codified as Section
28 25-33-27, Mississippi Code of 1972:

29 25-33-27. **Prohibited Representations or Advertising.**

30 A notary public who is not an attorney licensed to practice
31 law is prohibited from representing or advertising that the notary
32 public is an immigration consultant, immigration paralegal or
33 expert on immigration matters unless the notary public is an
34 accredited representative of an organization recognized by the
35 board of immigration appeals pursuant to 8 CFR Section 292.2(a-e)
36 or any subsequent federal law.

37 **SECTION 3.** The following shall be codified as Section
38 25-33-29, Mississippi Code of 1972:

39 25-33-29. **Exceptions.**

40 The provisions of Sections 25-33-25 through 25-33-31 shall
41 not apply to:

42 (a) Notary services offered by a state or national
43 bank, trust company, savings and loan association, savings bank or
44 by any affiliate or subsidiary of such state or national bank,
45 trust company, savings and loan association or savings bank or any
46 agent or employee thereof; or

47 (b) Any offering of notary services or listing of fees
48 for notary services as a part of the closing of any loan
49 transaction, extension of credit, security instrument or transfer
50 of title.

51 **SECTION 4.** The following shall be codified as Section
52 25-33-31, Mississippi Code of 1972:

53 25-33-31. **Compliance.**

54 (1) Failure to comply with the provisions of Sections
55 25-33-25 through 25-33-29 constitutes an unfair or deceptive act
56 as provided in Section 75-24-5.

57 (2) Any person who knowingly and willfully violates any
58 provision of Sections 25-33-25 through 25-33-29 shall be guilty of
59 a misdemeanor, and upon conviction shall be fined in an amount not
60 to exceed One Thousand Dollars (\$1,000.00).

61 (3) Upon a second conviction of any person under Sections
62 25-33-25 through 25-33-29, the offenses being committed within a

63 period of five (5) years, the person shall be guilty of a
64 misdemeanor, and upon conviction shall be punished by imprisonment
65 in the county jail for a period not to exceed one (1) year or a
66 fine not to exceed One Thousand Dollars (\$1,000.00), or both.

67 (4) Upon a third or subsequent conviction of any person for
68 a violation of Sections 25-33-25 through 25-33-29, the offenses
69 being committed within a period of five (5) years, the person
70 shall be guilty of a felony, and upon conviction shall be punished
71 by confinement in the custody of the Department of Corrections for
72 a period not to exceed five (5) years, or fined in an amount not
73 to exceed Five Thousand Dollars (\$5,000.00), or both.

74 (5) Criminal convictions in other jurisdictions for
75 violations of substantially similar provisions to those contained
76 in Sections 25-33-25 through 25-33-29 shall be counted in
77 computing whether a violation under Sections 25-33-25 through
78 25-33-29 is a first, second, third or subsequent offense.

79 **SECTION 5.** This act shall take effect and be in force from
80 and after July 1, 2004.