

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.