

## CHAPTER 48

AN ACT concerning notaries public and amending various parts of the statutory law.

**BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1994, c.47 (C.2C:21-22) is amended to read as follows:

C.2C:21-22 Unauthorized practice of law, penalties.

1. a. A person is guilty of a crime of the fourth degree if the person knowingly engages in the unauthorized practice of law.

b. A person is guilty of a crime of the third degree if the person knowingly engages in the unauthorized practice of law and:

(1) Creates or reinforces, by any means, a false impression that the person is licensed to engage in the practice of law. As used in this paragraph, "by any means" includes but is not limited to using or advertising the title of lawyer or attorney-at-law, or equivalent terms, in the English language or any other language, which mean or imply that the person is licensed as an attorney-at-law in the State of New Jersey or in any other jurisdiction of the United States; or

(2) Derives a benefit; or

(3) In fact causes injury to another.

c. For the purposes of this section, the phrase "in fact" indicates strict liability.

2. Section 1 of P.L.1997, c.1 (C.2C:21-31) is amended to read as follows:

C.2C:21-31 Unauthorized practice of immigration law; penalties.

1. a. As used in this section:

(1) "Immigration consultant" means any person rendering services for a fee, including the completion of forms and applications, to another person in furtherance of that person's desire to determine or modify his status in an immigration or naturalization matter under federal law.

(2) "Immigration or naturalization matter" means any matter which involves any law, action, filing or proceeding related to a person's immigration or citizenship status in the United States.

(3) "Immigration-related document" means any birth certificate or marriage certificate; any document issued by the government of the United States, any foreign country, any state, or any other public entity relating to a person's immigration or naturalization status.

b. (1) Any immigration consultant not licensed as an attorney or counselor at law who engages in this State in the practice of law is guilty of a crime of the fourth degree.

(2) Any immigration consultant not licensed as an attorney or counselor at law who holds himself out to the public, either alone or together with, by or through another person, whether such other person is licensed as an attorney or counselor at law or not, as engaging in or entitled to engage in the practice of law, or as rendering legal service or advice, or as furnishing attorneys or counsel, in any immigration or naturalization matter is guilty of a crime of the third degree.

(3) Any immigration consultant not licensed as an attorney or counselor at law who assumes, uses or advertises the title of lawyer or attorney-at-law, or equivalent terms, in the English language or any other language which mean or imply that the immigration consultant is licensed as an attorney-at-law in the State of New Jersey or in any other jurisdiction of the United States, is guilty of a crime of the third degree.

c. Any person who knowingly retains possession of another person's immigration-related document for more than a reasonable time after the person who owns the document has submitted a written request for the document's return is guilty of a crime of the fourth degree.

d. Nothing in this section shall be construed to prohibit a person accredited as a representative by federal law pursuant to 8 CFR 292.2 from providing immigration services.

3. Section 2 of P.L.1979, c.460 (C.52:7-11) is amended to read as follows:

C.52:7-11 Notaries public.

2. a. The State Treasurer shall appoint so many notaries public as the State Treasurer shall deem necessary to commission, who shall hold their respective offices for the term of five years, but may be removed from office at the pleasure of the State Treasurer.

b. A person desiring to be appointed and commissioned a notary public shall make application to the State Treasurer on a form prescribed by the State Treasurer and endorsed by a member of the Legislature. Renewals thereof shall be made in the same manner as the original application.

The application form shall provide a notice to the applicant that a notary public who is not licensed as an attorney-at-law shall not use or advertise the title of lawyer or attorney-at-law, or equivalent terms, in the English language or any other language, which mean or imply that the notary public is licensed as an attorney-at-law in the State of New Jersey or in any other jurisdiction of the United States. The application form shall also state that a notary public who advertises his services in the English language or any other language is required to provide with such advertisement a notice which contains the following statement: "I am not an attorney licensed to practice law and may not give legal advice about immigration or any other legal matter or accept fees for legal advice."

c. The fee to be collected by the State Treasurer for that appointment or renewal shall be \$25.00.

4. Section 4 of P.L.1979, c.460 (C.52:7-13) is amended to read as follows:

C.52:7-13 Appointment of nonresidents; requirements.

4. a. No person shall be denied appointment as a notary public on account of residence outside of this State, provided such person resides in a State adjoining this State and maintains, or is regularly employed in, an office in this State.

b. Before any such nonresident shall be appointed and commissioned as a notary public, he shall file with the State Treasurer an affidavit setting forth his residence and the address of his office or place of employment in this State.

c. Any such nonresident notary public shall file with the State Treasurer a certificate showing any change of residence or of his office or place of employment address in this State.

5. Section 5 of P.L.1979, c.460 (C.52:7-14) is amended to read as follows:

C.52:7-14 Oath; filing; certificate of commission and qualification.

5. a. Within three months of the receipt of his commission, each notary public shall take and subscribe an oath before the clerk of the county in which he resides, faithfully and honestly to discharge the duties of his office, and that he will make and keep a true record of

all such matters as are required by law, which oath shall be filed with said clerk. The oath of office of a nonresident notary public shall be taken and subscribed before the clerk of the county in which he maintains his office or is employed in this State.

b. Upon the administration of said oath, the said clerk shall cause the notary public to indorse a certificate of commission and qualification and shall transmit said certificate to the State Treasurer within 10 days of the administration of said oath. After the administration of the oath, the clerk shall provide a notice to the person that a notary public who is not licensed as an attorney-at-law shall not use or advertise the title of lawyer or attorney-at-law, or equivalent terms, in the English language or any other language, which mean or imply that the notary public is licensed as an attorney-at-law in the State of New Jersey or in any other jurisdiction of the United States. The notice shall also state that a notary public who advertises his services, in the English language or any other language, is required to provide with such advertisement a notice which contains the following statement: "I am not an attorney licensed to practice law and may not give legal advice about immigration or any other legal matter or accept fees for legal advice."

c. The State Treasurer shall cancel and revoke the appointment of any notary public who fails to take and subscribe said oath within three months of the receipt of his commission and any appointment so canceled and revoked shall be null, void and of no effect.

6. Section 8 of P.L.1979, c.460 (C.52:7-17) is amended to read as follows:

C.52:7-17 Fee; distribution of manual.

8. The State Treasurer shall, by regulation, fix a fee to be charged to each notary for the costs of printing and distribution to each applicant of a manual prescribing the powers, duties and responsibilities of a notary.

The manual shall specify that a notary public who is not licensed as an attorney-at-law shall not use or advertise the title of lawyer or attorney-at-law, or equivalent terms, in the English language or any other language, which mean or imply that the notary public is licensed as an attorney or counselor at law in the State of New Jersey or in any other jurisdiction of the United States. The manual shall also state that a notary public who advertises his services in the English language or any other language is required to provide with such advertisement a notice which contains the following statement: "I am not an attorney licensed to practice law and may not give legal advice about immigration or any other legal matter or accept fees for legal advice." The manual shall also state that no person shall be appointed or reappointed a notary public if he has been convicted under the laws of this State of an offense involving dishonesty, including but not limited to a violation of section 1 of P.L.1997, c.1 (C.2C:21-31) or section 1 of P.L.1994, c.47 (C.2C:21-22), or a substantially similar crime under the laws of another state or the United States or of a crime of the second degree or above. The State Treasurer shall update the information contained in the manual and the Department of the Treasury's Internet website as appropriate.

7. Section 9 of P.L.1979, c.460 (C.52:7-18) is amended to read as follows:

C.52:7-18 Name change by notary, filing of statement.

9. After a notary public adopts a name different from that which he used at the time he was commissioned, and before he signs his name to any document which he is authorized or required to sign as notary public, he shall make and sign a statement in writing and under

oath, on a form prescribed and furnished by the State Treasurer, setting out the circumstances under which he has adopted the new name. The statement shall set forth whether the new name has been adopted through marriage or by a change of name proceeding or otherwise, and such other information as the State Treasurer shall require.

The statement shall be filed in the office of the State Treasurer and in the office of the clerk of the county where he qualified as a notary public and in the office of the clerk of any county in which he may have filed a certificate of his commission and qualification.

Such statement, or a certified copy thereof, shall be evidence of the right of said notary public to continue to exercise the powers and privileges and perform the duties of a notary public in his changed and new name.

8. Section 10 of P.L.1979, c.460 (C.52:7-19) is amended to read as follows:

C.52:7-19 Affixation of name.

10. Each notary public, in addition to subscribing his autograph signature to any jurat upon the administration of any oath or the taking of any acknowledgement or proof, shall affix thereto his name in such a manner and by such means, including, but not limited to, printing, typing, or impressing by seal or mechanical stamp, as will enable the State Treasurer easily to read said name.

9. Section 2 of P.L.1981, c.487 (C.52:7-21) is amended to read as follows:

C.52:7-21 Conviction for certain offenses, crimes; denial of appointment.

2. No person shall be appointed a notary public if he has been convicted under the laws of another state, or of the United States, of an offense or crime involving dishonesty including but not limited to a violation of section 1 of P.L.1997, c.1 (C.2C:21-31) or section 1 of P.L.1994, c.47 (C.2C:21-22), or a crime of the second degree or above, but nothing in this section shall be deemed to supersede P.L.1968, c.282 (C.2A:168A-1 et seq.).

10. This act shall take effect on the 90th day following enactment.

Approved September 10, 2014.