

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4748

BY DELEGATES HOWELL AND C. MARTIN

(BY REQUEST OF THE SECRETARY OF STATE)

[Passed March 7, 2020; in effect ninety days from passage.]

1 AN ACT to amend and reenact §39-4-23 and §39-4-30 of the Code of West Virginia, 1931, as
2 amended, all relating to the increase of fees that private nongovernment notary publics
3 may charge for notarial acts; clarifying the appropriate manner of advertising for non-
4 government notarial services; and providing the proper manner and content of the required
5 disclaimer to notarial customers by private notary publics, which disclaimer clearly notifies
6 notary customers that nonattorney notary publics are not permitted to provide legal
7 services including document drafting, document review, or legal advice.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. REVISED UNIFORM LAW ON NOTARIAL ACTS.

§39-4-23. Prohibited acts.

- 1 (a) A commission as a notary public does not authorize an individual to:
- 2 (1) Assist persons in drafting legal records, give legal advice or otherwise practice law;
- 3 (2) Act as an immigration consultant or an expert on immigration matters;
- 4 (3) Represent a person in a judicial or administrative proceeding relating to immigration to
5 the United States, United States citizenship or related matters; or
- 6 (4) Receive compensation for performing any of the activities listed in this subsection.
- 7 (b) A notary public may not engage in false or deceptive advertising.
- 8 (c) A notary public, other than an attorney licensed to practice law in this state, may not
9 use the term “*notario*” or “*notario publico*”.
- 10 (d) A notary public, other than an attorney licensed to practice law in this state, may not
11 advertise or represent that the notary public may assist persons in drafting legal records, give
12 legal advice, or otherwise practice law.
- 13 (e) If a notary public who is not an attorney licensed to practice law in this state in any
14 manner advertises or represents that the notary public offers notarial services, whether orally or
15 in writing, the notary public shall provide a clear disclaimer that the notary is not authorized to
16 practice law under the following conditions:

17 (1) If the form of advertisement or representation is not broadcast media, print media or
18 the internet and does not permit inclusion of a disclaimer as required by subsection (e) because
19 of size, it must be displayed prominently or provided at the place of performance of the notarial
20 act before the notarial act is performed.

21 (2) If the form of advertisement is made through broadcast media, print media or the
22 Internet, the following statement, or an alternate statement authorized or required by the
23 Secretary of State, shall be prominently included in each advertisement or representation: "I am
24 not an attorney licensed to practice law in this state. I am not permitted to draft legal records, give
25 advice on legal matters, including but not limited to, immigration, or charge a fee for those
26 activities".

27 (f) Except as otherwise allowed by law, a notary public may not withhold access to or
28 possession of an original record provided by a person that seeks performance of a notarial act by
29 the notary public.

§39-4-30. Maximum fees.

1 (a) The maximum fee in this state for notarization of each signature and the proper
2 recordation thereof in the journal of notarial acts is \$10.00 for each signature notarized.

3 (b) The maximum fee in this state for certification of a facsimile of a document, retaining
4 a facsimile in the notary's file, and the proper recordation thereof in the journal of notarial acts is
5 \$10.00 for each eight and one-half by eleven inch page retained in the notary's file.

6 (c) The maximum fee in this state is \$10.00 for any other notarial act performed.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2020.

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Governor