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BUSINESS PROGRAMS | NOTARY PUBLIC

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**New Laws Affecting Notaries Public
Beginning January 1, 2012**

Chapter 269 (Assembly Bill 75 Hill) takes effect January 1, 2012. The text of the new law can be found at: www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0051-0100/ab_75_bill_20110907_chaptered.pdf.

The primary changes to notarial law provided by AB 75 effective January 1, 2012 are as follows:

1. **Civil Code section 1195 – Subscribing Witness.** In addition to quitclaim deeds, grant deeds (other than trustee’s deeds or deeds of reconveyance), mortgages, deeds of trust, or security agreements, a subscribing witness appearing before a notary public on behalf of another person (principal) cannot be used on powers of attorney or any documents requiring a notary public to obtain a thumbprint in the notary public journal from the party signing the document. The proof of execution by a subscribing witness certificate is modified to comply with all statutory requirements.
2. **Government Code section 8205 and 8208; Commercial Code section 3505 – Protests.** Only notaries public employed by a financial institution, during the course and scope of the notary’s employment with the financial institution, are authorized to demand acceptance and payment of foreign and inland bills of exchange, or promissory notes, or to protest for nonacceptance or nonpayment.
3. **Government Code section 8211 – Fees.** Deletes the prescribed maximum fees for every protest for the nonpayment of a promissory note or for the nonpayment or nonacceptance of a bill of exchange, draft, or check, for serving every notice of nonpayment of a promissory note or of nonpayment or nonacceptance of a bill of exchange, order, draft, or check, and for recording every protest. No fee can be charged for a protest because only notaries public working for a financial institution are authorized to execute a protest.

Additional changes to the law provided by AB 75 do not relate to notarial law. A brief summary of the additional changes is as follows:

Solicitations

- Adds more specification as to what is not allowed on a nongovernmental entity's solicitation for money or information.
- Specifies disclaimer must be on the front and back of every page, in font that is not less than 12-point boldface capital letters and at least 2-point font type sizes larger than the next largest font on the page.
- Forbids use of a title trade, or brand name that implies a government connection.
- Cannot specify a due date.
- Increases penalty to \$2,500 from standard misdemeanor penalty of \$1,000 for scam solicitations.
- Adds an incentive to pursue private right of action.

County Assessors

- Adds “board” and “commission” to the terms that cannot be used in solicitations for assessment reduction filing services.
- Adds similar font requirements for the disclaimer as with a nongovernmental entity's solicitation for money or information.

Secretary of State Authority

Gives the Secretary of State the right to refuse a request to perform a service or filing submitted for unlawful, false, or fraudulent purposes.