

2023 Kansas Statutes

53-5a25. Prohibited acts. (a) A commission as a notary public does not authorize an individual to:

- (1) Assist persons in drafting legal records, give legal advice or otherwise practice law;
- (2) act as an immigration consultant or an expert on immigration matters;
- (3) represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship or related matters; or
- (4) receive compensation for performing any of the activities listed in this subsection.

(b) A notary public may not perform a notarial act with respect to a record to which the officer or the officer's spouse is a party or in which either of them has a direct financial or beneficial interest. A notarial act performed in violation of this subsection is voidable.

(c) For purposes of subsection (b), a notarial officer has a direct financial or beneficial interest in a transaction if the notarial officer:

- (1) With respect to a financial transaction, is named in a record, individually, as a principal to the transaction; or
- (2) with respect to a real property transaction, is named in a record, individually, as a grantor, grantee, mortgagor, mortgagee, trustor, trustee, beneficiary, vendor, vendee, lessor or lessee to the transaction.

(d) For purposes of subsection (b), a notarial officer has no direct financial or beneficial interest in a transaction when the notarial officer acts in the capacity of an agent, employee, insurer, attorney, escrow agent or lender for a person having a direct financial or beneficial interest in the transaction.

(e) A notary public shall not engage in false or deceptive advertising.

(f) A notary public, other than an attorney licensed to practice law in this state, may not use the term "notario" or "notario publico" or any equivalent non-English term in any business card, advertisement, notice or sign.

(g) A notary public, other than an attorney licensed to practice law in this state, shall not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice or otherwise practice law. If a notary public who is not an attorney licensed to practice law in this state in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media, and the internet, the notary public shall include the following statement, or an alternate statement authorized or required by the secretary of state, in the advertisement or representation, prominently and in each language used in the advertisement or representation and in each language in which notarial services are offered: "I am not an attorney licensed to practice law in this state. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities." If the form of advertisement or representation is not broadcast media, print media or the internet and does not permit inclusion of the statement required by this subsection because of size, it shall be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

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

(i) Violation of subsections (f) or (g) is a class B nonperson misdemeanor.

(j) Violation of subsections (e), (f) or (g) constitutes a deceptive act or practice pursuant to K.S.A. 50-626, and amendments thereto, and shall be subject to the remedies and penalties provided by the Kansas consumer protection act.

(k) This section shall take effect on and after January 1, 2022.

History: L. 2021, ch. 64, § 25; July 1.