

HOUSE No. 3437

The Commonwealth of Massachusetts

PRESENTED BY:

Marcos A. Devers

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to notary publics.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>

HOUSE No. 3437

By Mr. Devers of Lawrence, a petition (accompanied by bill, House, No. 3437) of Marcos A. Devers and others relative to the furnishing of legal advice or services for a fee by a notary public not in good standing. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to notary publics.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 221 of the General Laws is hereby amended by inserting after
2 section 46D, as appearing in the 2012 Official Edition, the following section:-

3 Section 46E. (a) No person acting in his or her capacity as a notary public commissioned
4 pursuant to chapter 222, not being a member, in good standing, of the bar of the commonwealth,
5 shall furnish or offer to furnish legal advice or services for a fee.

6 (b) A violation of subsection (a) shall constitute an unfair or deceptive act or practice
7 pursuant to chapter 93A.

8 (c) Whoever violates subsection (a) shall be punished for a first offense by imprisonment
9 in the state prison for not more than 10 years or in the house of correction for not more than 2
10 and one-half years, or by a fine of not less than \$1,000 but not more than \$10,000, or by both
11 such fine and imprisonment.

12 (d) This section shall not prohibit a person who is a member of the bar, in good standing,
13 of any other state from appearing, by permission of the court, as attorney or counselor, in any
14 case pending therein, if such other state grants like privileges to members of the bar, in good
15 standing, of this commonwealth.

16 SECTION 2. Section 1 of chapter 222 of the General laws, as so appearing, is hereby
17 amended by adding the following sentence:- Upon appointment of any person to office as a
18 notary public, the secretary of state or an employee thereof shall inform such person of the
19 penalties set forth in section 46E of chapter 221 for furnishing or offering to furnish legal advice
20 or service for a fee without being a member, in good standing, of the bar of the commonwealth.