

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 66 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S1/20/05

A Bill

SENATE BILL 72

5 By: Senator Madison
6
7

For An Act To Be Entitled

9 AN ACT TO PROHIBIT DECEPTIVE AND UNCONSCIONABLE
10 ADVERTISING AND SALES PRACTICES RELATED TO THE
11 USE OF THE TERMS "NOTARIO", "NOTARIO PUBLICO",
12 AND SIMILAR TERMS; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO PROHIBIT DECEPTIVE AND
15 UNCONSCIONABLE ADVERTISING AND SALES
16 PRACTICES RELATED TO THE USE OF THE
17 TERMS "NOTARIO", "NOTARIO PUBLICO", AND
18 SIMILAR TERMS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 4 is amended to add an additional
25 chapter to read as follows:

26 4-109-101. Definitions.

27 As used in this chapter:

28 (1) "Notary public" means a person duly appointed or
29 commissioned under § 21-14-101;

30 (2) "Person" means an individual, organization, association,
31 partnership, limited liability company, or corporation, or any combination of
32 them; and

33 (3) "Practice of law" means:

34 (A) Holding out to the public as being entitled to
35 practice law;



- 1 (B) Tendering or furnishing legal services or advice;
- 2 (C) Furnishing attorneys or counsel;
- 3 (D) Rendering legal services of any kind in actions or
- 4 proceedings of any nature or in any other way or manner;
- 5 (E) Acting or in any other manner assuming to be entitled
- 6 to practice law; or
- 7 (F) Advertising or assuming the title of lawyer or
- 8 attorney, attorney at law, or equivalent terms in any language in such manner
- 9 as to convey the impression that one is entitled to practice law or to
- 10 furnish legal advice, service, or counsel.

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12 4-109-102. Prohibited acts and practices.

13 It is a violation of this chapter for any person to advertise his or

14 her services using the term “notario”, “notario publico”, or any similar term

15 unless the person is a notary public as defined in this subchapter, and the

16 person complies with the notice requirements in § 4-109-103.

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18 4-109-103. Notice required.

19 (a) Any notary public who chooses to use the term “notario”, “notario

20 publico”, or any similar term in any advertisement shall include in the

21 advertisement the following notice:

22 “I AM NOT A LICENSED ATTORNEY AND CANNOT ENGAGE IN THE PRACTICE OF LAW. I AM

23 NOT A REPRESENTATIVE OF ANY GOVERNMENTAL AGENCY WITH AUTHORITY OVER

24 IMMIGRATION OR CITIZENSHIP AND I CANNOT OFFER LEGAL ADVICE OR OTHER

25 ASSISTANCE REGARDING IMMIGRATION.”

26 (b) The notice shall be provided in both English and Spanish.

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28 4-109-104. Exceptions.

29 This chapter does not apply to an attorney licensed in this state.

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31 4-109-105. Enforcement.

32 A violation of this chapter is an unconscionable or deceptive act or

33 practice under §§ 4-88-101 – 4-88-115.

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35 */s/ Madison*

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APPROVED: 2/07/2005