

HOUSE BILL NO. 1262
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Public Safety
on _____)
(Patron Prior to Substitute—Delegate Glass)

A BILL to amend and reenact § 47.1-15.1 of the Code of Virginia, relating to notaries; prohibition on certain advertising; investigation by Attorney General.

Be it enacted by the General Assembly of Virginia:

1. That § 47.1-15.1 of the Code of Virginia is amended and reenacted as follows:

§ 47.1-15.1. Additional prohibition on advertising; penalties.

A. A notary public shall not offer or provide legal advice on immigration or other legal matters, or represent any person in immigration proceedings, unless such notary public is authorized or licensed to practice law in the Commonwealth or is accredited pursuant to 8 C.F.R. § 292.2 to practice immigration law or represent persons in immigration proceedings.

B. A notary public shall not assume, use, or advertise the title of "notario," "notario publico," or "licenciado," or a term in a language other than English that indicates in such language that the notary is authorized to provide legal advice or practice law, unless such notary public is authorized or licensed to practice law in Virginia.

C. *Whenever the Attorney General has reasonable cause to believe that any person has engaged in, is engaging in, or is about to engage in any violation of this section, the Attorney General may issue a civil investigative demand. The provisions of § 59.1-9.10 shall apply mutatis mutandis to a civil investigative demand issued pursuant to this section.*

D. Any person who violates the provisions of subsection B is subject to a civil penalty not to exceed ~~\$500~~ \$2,500 for a first violation and a civil penalty not to exceed ~~\$1,000~~ \$5,000 for a second or subsequent violation. All penalties arising under this section shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth and the proceeds shall be deposited into the Legal Aid Services Fund established in § 17.1-278. *In such civil action, the Attorney General may seek to enjoin any violation and may recover restitution, reasonable expenses incurred in investigating and preparing the case, and reasonable attorney fees.*

~~D.~~ E. Nothing in this section shall preempt or preclude additional civil, administrative, or criminal penalties authorized by law.