

# Voluntary Compliance “Notario Público” and Foreign Language Translations

## BACKGROUND

Notaries public are public officials who are appointed and commissioned by the Secretary of Commonwealth. Notaries are held to the highest standards of integrity, honesty and trust. Notaries play a vital role in commerce by administering oaths and affirmations, certifying copies and other notary acts.

## HISTORY

In accordance with the Department of State’s overall mission of public protection, the Department is providing information to help consumers better understand what notaries can and can not do.

Additionally, there has been some confusion in the marketplace when the term “notary public” is translated into a foreign language. For example, “notario público” is the literal translation of the English words notary public and yet it has a different meaning that can impact the perception of the public.

In most Latin American and Spanish-speaking countries, “notario público” means that the individual with this title is an attorney authorized to practice law and give legal advice. However, in the United States the meaning of “notary public” is different. A notary public is not a licensed attorney authorized to practice law and therefore may not give legal advice (unless the notary public also happens to be an attorney).

The Department of State’s objective is to create transparency by advising the general public and notaries public alike about the potential confusion surrounding the literal translation of “notary public” into a foreign language.

In addition, the Department is also asking that commissioned Pennsylvania notaries public, who are not licensed attorneys and who advertise their notarial services in any language other than English, to make it clear to customers and the general public that the notary may not offer legal advice or services in Pennsylvania and most other States.

## VOLUNTARY COMPLIANCE

The Department will be seeking legislative amendments to the current Notary Public Law to address this issue. However, at this time the Department is providing guidance on this matter and asking that Pennsylvania notaries voluntarily comply with this guidance until changes to the current notary public law may be enacted.

If any notary chooses to advertise by any written or verbal communication in any language other than English, the Department asks that the Notary make clear that they are not a licensed attorney and therefore may not offer any legal advice.

**Advertisement defined.** Advertisements, by any written or verbal communication, includes but **not** limited to: signs, notices, press releases, newspapers, documents, stationery, letterhead, business cards, brochures, pamphlets, radio, television, internet or other electronic medium.

**Advertisement in foreign language.** Every notary public, who is

- 1) **not** an attorney or
  - 2) **not** an Accredited Immigration Representative with a Board of Immigration Appeals Recognized Organization entitled to represent applicants before the United States Citizenship and Immigration Services, and
  - 3) advertises the services of a notary public in a language other than English,
- should** include in, post or otherwise attach to said advertisement, a written or verbal notice, in English and in every other language used, which sets forth the following disclaimer:

**"I am not an attorney licensed to practice law in the Commonwealth of Pennsylvania and I may not give any legal advice or accept fees for legal advice. I cannot explain or interpret the contents of any document for you, instruct you on how to complete a document or direct you in the advisability of signing a particular document";**

And also include,

The notary public fee schedule as fixed by 4 Pa. Code §161.1 and section 21 of this Act. (See Below)

**NOTARY PUBLIC FEE SCHEDULE\***  
**LAST REVISED MAY 28, 2005**

Notaries Fees Notice

Executing Affidavits(no matter how many signatures)	\$5.00
Executing Acknowledgments	\$5.00
In Executing Acknowledgments, Each Additional Name	\$2.00
Executing Certificates(per certified copy)	\$5.00
Administering Oaths(per individual taking an oath)	\$5.00
Taking Depositions (per Page)	\$3.00
Executing verifications	\$5.00
Making Protests (per Page)	\$3.00

If the foreign language advertisement is written, the disclaimer should be

- 1) translated into each foreign language used and,
- 2) placed on a separate, conspicuous size, notice or signage.

The disclaimer should be posted either 1) in a location, in the notaries' place of business, where it will be visible to customers and at a minimum, each notice or sign should be at least 8 ½ inches by 14 inches or 2) adjacent to the advertisement.

If the foreign language advertisement is verbal, the required disclaimer above should be immediately translated in each language used.

Literal translation of the phrase "notary public" into Spanish, as "notario público" or "notario," or into any other foreign language, that conveys terms or titles including, but not limited to, licensed, attorney, lawyer, or any other term that implies the notary is an attorney is **strongly discouraged**, unless used with the required disclaimer above.

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\* In addition to the notarization of a document, Notaries may charge a clerical or administrative fee for services they have provided, such as copying documents, postage or phone calls. These clerical fees are not set by statute. Prior to the notarization of a document, customers should be informed if the Notary is charging a clerical fee. The customer's receipt should itemize these fees.

Although clerical and travel fees may be charged to a customer, these fees should not be recorded in the notarial register but instead should be recorded in a separate record or receipt book.