

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.

DEAN HELLER
Secretary of State

STATE OF NEVADA

CHARLES E. MOORE
Securities Administrator

RENEE L. PARKER
Chief Deputy Secretary
of State



SCOTT W. ANDERSON
Deputy Secretary
for Commercial Recordings

PAMELA A. ASHWORTH
Deputy Secretary for
Southern Nevada

SUSAN MORANDI
Deputy Secretary
for Elections

OFFICE OF THE
SECRETARY OF STATE

February 18, 2003
Testimony in support of Notary Bill AB 87

Good Morning Mister Chairman, and committee members, I am Bru Ethridge, Supervisor, Notary Division, Secretary of State's office. I am here to testify in support of AB 87 and provide you with a section-by-section explanation of the major provisions of this bill.

Section 2 and 3 of this bill adds definitions for words that are commonly used throughout Chapter 240 of the NRS and by notaries in general.

Section 5 of this bill substitutes the term 'notarial officer' for "notary" to broaden the definition to cover other officers that are authorized to perform notarial acts as set forth in NRS 240.1635. These other officers include judges, clerks and deputy clerks of this state, justices of the peace, notary publics and other officers authorized by law.

Section 6 of this bill deletes various provisions because they overlap with the requirements that are currently contained in NRS 240.1655, making it somewhat confusing for notaries. Section 10 of this bill also amends NRS 240.1655 to eliminate this confusion.

Sections 7 & 8 of this bill contain general housekeeping changes to conform these sections of the statute with other changes made throughout this bill.

LAS VEGAS OFFICES
555 E. Washington Avenue
SECURITIES: SUITE 5200
Telephone (702) 486-2440
Fax (702) 486-2453
CORPORATIONS: SUITE 2900
Telephone (702) 486-2880
Fax (702) 486-2888

MAIN OFFICE
101 N. Carson Street, Suite 3
Carson City, Nevada 89701
Telephone (775) 684-5708
Fax (775) 684-5725

CORPORATE
SATELLITE OFFICE
202 N. Carson Street
Carson City, Nevada 89701
Telephone (775) 684-5708
Fax (775) 684-5725

Section 9 of this bill is removing the provision limiting the fee a notary can charge to travel.

The current provision is too restrictive, which doesn't allow Nevada's notaries to collect a fee for a service beyond the notarial act. This has led to a disservice to persons who are homebound or otherwise incapable of driving to a notary, because many notaries are unwilling to travel for mileage reimbursement only. We have heard from persons willing to pay an additional fee for a notary to travel to their home on a weekend or after hours, but who have been unable to receive such service because of this limitation on the fee the notary can charge.

In addition, there are new business entities developing called Notary Signing Agents and Mobile Notaries.

Notary Signing Agents are notaries with a Real Estate background. These notaries contract with a Mortgage Company to receive loan documents. The loan documents are then sent to the notary who: (1) contacts the borrower; (2) sets up an appointment for signing; (3) travels to the location of the borrower; (4) identifies and witnesses the documents being signed; (5) notarizes the signatures and (6) returns the documents to the mortgage company. For this service, the Mortgage Company is willing to pay the notary between \$75.00 and \$250.00. This fee is greater than what our current statute allows. By removing the travel fee our notaries could participate in this new business venture and not be in violation of Chapter 240.

Mobile Notaries are available 24 hours to notarize a signature. However, the fee to provide notary service after hours could cost \$30 to \$75.00 above the \$5.00 our statute allows.

Section 10 of this bill is a consolidation of two sections of the current NRS 240 into one, making it easier for the notary public to determine what is required of them when notarizing signatures.

Sections 11 through 18 of this bill add references from the notarial certificate to the notarial act, and add the word "Nevada" to each certificate.