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OFFICE OF THE
SECRETARY OF STATE

April 28, 2003

Testimony in support of Notary Bill AB 87

Good Afternoon Madman Chair, 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.

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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.

The proposed fee structure allows notaries to collect a fee that is based on an hourly rate and the time of day the request to travel is made. The travel fee is structured in a manor allowing customers a choice in the fees they can be charged when requesting a notary to travel. These fees will allow our notaries to participate in this new business venture and not be in violation of Chapter 240.

Mobile Notaries are available 24 hours to notarize a signature. With this new travel fee schedule these notaries can provide a valuable service and collect a fee worthy of their time.

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.