

CHAPTER.....

AN ACT relating to notarial officers; clarifying requirements for the execution of a certificate evidencing a notarial act; revising the provisions governing the additional fee that a notary public may charge for traveling to perform a notarial act; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 240 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2.** *“Credible witness” means a person who:*

- 1. Swears or affirms that the signer of a document is the person whom he claims to be; and*
- 2. Is known personally to the signer of the document and the notarial officer.*

**Sec. 3.** *“Jurat” means a declaration by a notarial officer that the signer of a document signed the document in the presence of the notarial officer and swore to or affirmed that the statements in the document are true.*

**Sec. 4.** NRS 240.001 is hereby amended to read as follows:

240.001 As used in NRS 240.001 to 240.169, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 240.002 to ~~240.006,~~ *240.005*, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

**Sec. 5.** NRS 240.004 is hereby amended to read as follows:

240.004 “Notarial act” means an act that a ~~notary public appointed in~~ *notarial officer of* this state is authorized to perform. The term includes:

1. Taking an acknowledgment;
2. Administering an oath or affirmation;
3. ~~Taking a verification upon oath or affirmation;~~
- ~~4. Certifying or attesting~~ *Certifying* a copy;
- ~~5.~~ *4.* Executing a jurat;
- ~~6.~~ *5.* Noting a protest of a negotiable instrument; and
- ~~7.~~ *6.* Performing such other duties as may be prescribed by a specific statute.

**Sec. 6.** NRS 240.040 is hereby amended to read as follows:

240.040 1. ~~Except as otherwise provided in NRS 240.069, each notary public shall authenticate all his acts, including an acknowledgment, jurat, verification or other certificate, by:~~

~~(a) Setting forth the following:~~

~~(1) The venue.~~

~~(2) His signature in ink and signed by his own hand.~~  
~~(3) A] The statement required by paragraph (d) of subsection 1 of NRS 240.1655 must:~~

(a) Be imprinted in indelible, photographically reproducible ink with a rubber or other mechanical stamp ~~[setting forth his name, the]~~ ; and

(b) Set forth:

(1) *The name of the notary public;*

(2) *The phrase "Notary Public, State of Nevada [,"the]" ;*

(3) *The date on which [his] the appointment of the notary public expires [,"the];*

(4) *The number of [his] the certificate of appointment [and, if he] of the notary public;*

(5) *If the notary public so desires, the Great Seal of the State of Nevada [,"If]; and*

(6) *If the notary public is a resident of an adjoining state, [the statement must also contain] the word "nonresident."*

~~[(b) Including all applicable information in the acknowledgment, jurat, verification or other certificate.]~~

2. After July 1, 1965, an embossed notarial seal is not required on notarized documents.

3. The stamp required pursuant to subsection 1 must:

(a) Be a rectangle, not larger than 1 inch by 2 1/2 inches, and may contain a border design; and

(b) Produce a legible imprint.

4. A notary public shall not affix his ~~[signature or]~~ stamp over printed material.

5. As used in this section, "mechanical stamp" includes an imprint made by a computer or other similar technology.

**Sec. 7.** NRS 240.063 is hereby amended to read as follows:

240.063 1. The signature of a notary public on a document shall be deemed to be evidence only that the notary public knows the contents of the document that constitute the signature, execution, acknowledgment, oath, affirmation ~~[,"affidavit or verification."] or affidavit.~~

2. When a notary public certifies that a document is a certified or true copy of an original document, the certification shall not be deemed to be evidence that the notary public knows the contents of the document.

**Sec. 8.** NRS 240.069 is hereby amended to read as follows:

240.069 A certified court reporter who receives a certificate of appointment as a notary public with limited powers pursuant to subsection 4 of NRS 240.030, may only administer oaths and affirmations and may not perform the other powers, and is not required to perform the other duties, of a notary public specified in

NRS ~~[240.040, 240.060 and 240.120.]~~ **240.060, 240.120 and 240.1655.**

**Sec. 9.** NRS 240.100 is hereby amended to read as follows:

240.100 1. Except as otherwise provided in subsection 3, a notary public may charge the following fees and no more:

- For taking an acknowledgment, for the first signature of each signer ..... \$5.00
- For each additional signature of each signer..... 2.50
- For administering an oath or affirmation without a signature..... 2.50
- For a certified copy ..... 2.50
- For a jurat, for each signature on the affidavit..... 5.00

2. All fees prescribed in this section are payable in advance, if demanded.

3. A notary public may charge an additional fee for traveling to perform a notarial act if:

(a) The person requesting the notarial act asks the notary public to travel;

(b) The notary public explains to the person requesting the notarial act that the fee is in addition to the fee authorized in subsection 1 and is not required by law;

(c) The person requesting the notarial act agrees in advance upon the ~~[amount of]~~ **hourly rate that the notary public will charge for** the additional fee; and

(d) The additional fee does not exceed ~~[the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax.]~~ :

**(1) If the person requesting the notarial act asks the notary public to travel between the hours of 6 a.m. and 7 p.m., \$10 per hour.**

**(2) If the person requesting the notarial act asks the notary public to travel between the hours of 7 p.m. and 6 a.m., \$25 per hour.**

**The notary public may charge a minimum of 2 hours for such travel and shall charge on a pro rata basis after the first 2 hours.**

4. A notary public is entitled to charge the amount of the additional fee agreed to in advance by the person requesting the notarial act pursuant to subsection 3 if:

(a) The person requesting the notarial act cancels his request after the notary public begins his travel to perform the requested notarial act.

(b) The notary public is unable to perform the requested notarial act as a result of the actions of the person who requested

*the notarial act or any other person who is necessary for the performance of the notarial act.*

*5. For each additional fee that a notary public charges for traveling to perform a notarial act pursuant to subsection 3, the notary public shall enter in the journal that he keeps pursuant to NRS 240.120:*

*(a) The amount of the fee; and*

*(b) The date and time that the notary public began and ended such travel.*

*6. A person who employs a notary public may prohibit the notary public from charging a fee for a notarial act that the notary public performs within the scope of his employment. Such a person shall not require the notary public whom he employs to surrender to him all or part of a fee charged by the notary public for a notarial act performed outside the scope of his employment.*

**Sec. 10.** NRS 240.1655 is hereby amended to read as follows:

240.1655 1. A notarial act must be evidenced by a certificate *that:*

*(a) Identifies the county, including, without limitation, Carson City, in this state in which the notarial act was performed in substantially the following form:*

*State of Nevada  
County of .....*

*(b) Except as otherwise provided in this paragraph, includes the name of the person whose signature is being notarized. If the certificate is for certifying a copy of a document, the certificate must include the name of the person presenting the document. If the certificate is for the jurat of a subscribing witness, the certificate must include the name of the subscribing witness.*

*(c) Is signed and dated in ink by [a] the notarial officer [~~The certificate must include identification of the jurisdiction in which the notarial act is performed and~~] performing the notarial act.*

*(d) If the notarial officer performing the notarial act is a notary public, includes the statement imprinted with the stamp of the notary public, as described in NRS 240.040.*

*(e) If the notarial officer performing the notarial act is not a notary public, includes the title of the office of the notarial officer and may include the official stamp or seal of that office. If the officer is a commissioned officer on active duty in the military service of the United States, [ii] the certificate must also include the officer's rank.*

*2. A notarial officer shall:*

*(a) In taking an acknowledgment, determine, from personal knowledge or satisfactory evidence, that the person making*

*the acknowledgment is the person whose signature is on the document. The person who signed the document shall present the document to the notarial officer in person.*

*(b) In administering an oath or affirmation, determine, from personal knowledge or satisfactory evidence, the identity of the person taking the oath or affirmation.*

*(c) In certifying a copy of a document, photocopy the entire document and certify that the photocopy is a true and correct copy of the document that was presented to the notarial officer.*

*(d) In making or noting a protest of a negotiable instrument, verify compliance with the provisions of subsection 2 of NRS 104.3505.*

*(e) In executing a jurat, administer an oath or affirmation to the affiant and determine, from personal knowledge or satisfactory evidence, that the affiant is the person named in the document. The affiant shall sign the document in the presence of the notarial officer. The notarial officer shall administer the oath or affirmation required pursuant to this paragraph in substantially the following form:*

*Do you (solemnly swear, or affirm) that the statements in this document are true, (so help you God)?*

**3.** A certificate of a notarial act is sufficient if it meets the requirements of ~~subsection~~ **subsections 1 and 2** and it:

(a) Is in the short form set forth in NRS 240.166 to 240.169, inclusive;

(b) Is in a form otherwise prescribed by the law of this state;

(c) Is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or

(d) Sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

~~3-1~~ **4.** *For the purposes of paragraphs (a), (b) and (e) of subsection 2, a notarial officer has satisfactory evidence that a person is the person whose signature is on a document if he:*

*(a) Is personally known to the notarial officer;*

*(b) Is identified upon the oath or affirmation of a credible witness;*

*(c) Is identified on the basis of an identifying document which contains a signature and a photograph;*

*(d) Is identified upon an oath or affirmation of a subscribing witness who is personally known to the notarial officer; or*

*(e) In the case of a person who is 65 years of age or older and cannot satisfy the requirements of paragraphs (a) to (d), inclusive, is identified upon the basis of an identification card issued by a governmental agency or a senior citizen center.*

5. An oath or affirmation administered pursuant to paragraph (b) of subsection 4 must be in substantially the following form:

Do you (solemnly swear, or affirm) that you personally know .....(name of person who signed the document)....., (so help you God)?

6. A notarial officer shall not affix his signature over printed material.

7. By executing a certificate of a notarial act, the notarial officer certifies that the notarial officer has ~~made the determinations required by NRS 240.163.~~ complied with all the requirements of this section.

Sec. 11. NRS 240.166 is hereby amended to read as follows:

240.166 ~~The~~ Upon compliance with the requirements of NRS 240.1655, the following certificate is sufficient for an acknowledgment in an individual capacity:

State of ~~.....~~ Nevada  
County of .....

This instrument was acknowledged before me on .....(date)..... by .....(name(s) of person(s)).....

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
(Title and rank (optional))

Sec. 12. NRS 240.1663 is hereby amended to read as follows:

240.1663 ~~The~~ Upon compliance with the requirements of NRS 240.1655, the following certificate is sufficient for administering an oath or affirmation of office:

State of ~~.....~~ Nevada  
County of .....

I, .....(name of person taking oath or affirmation of office)....., do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States and the constitution and government of the State of Nevada against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and that I will well and faithfully perform all the duties of the office of .....(title of

office)....., on which I am about to enter; (if an oath) so help me God; (if an affirmation) under the pains and penalties of perjury.

.....  
(Signature of person taking oath  
or affirmation of office)

Signed and sworn to (or affirmed) before me on .....(date).....  
by .....(name of person taking oath or affirmation of  
office).....

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
(Title and rank (optional))

**Sec. 13.** NRS 240.1665 is hereby amended to read as follows:  
240.1665 ~~The~~ *Upon compliance with the requirements of  
NRS 240.1655, the* following certificate is sufficient for an  
acknowledgment in a representative capacity:

State of ~~.....~~ *Nevada*  
County of .....

This instrument was acknowledged before me on  
.....(date)..... by .....(name(s) of person(s)).....  
as .....(type of authority, e.g., officer, trustee,  
etc.)..... of .....(name of party on behalf of whom  
instrument was executed).....

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
(Title and rank (optional))

**Sec. 14.** NRS 240.1667 is hereby amended to read as follows:  
240.1667 ~~The~~ *Upon compliance with the requirements of  
NRS 240.1655, the* following certificate is sufficient for an  
acknowledgment that contains a power of attorney:

State of ~~.....~~ *Nevada*  
County of .....

This instrument was acknowledged before me on .....(date)..... by.....(name of person holding power of attorney)..... as attorney in fact for.....(name of principal/person whose name is in the document).....

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
(Title and rank (optional))

**Sec. 15.** NRS 240.167 is hereby amended to read as follows:  
240.167 ~~The~~ *Upon compliance with the requirements of NRS 240.1655, the* following certificate is sufficient for ~~a verification upon oath or affirmation:~~ *executing a jurat:*

State of ~~.....~~ *Nevada*  
County of .....

Signed and sworn to (or affirmed) before me on .....(date).....  
by .....(name(s) of person(s) making statement).....

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
(Title and rank (optional))

**Sec. 16.** NRS 240.168 is hereby amended to read as follows:  
240.168 ~~The~~ *Upon compliance with the requirements of NRS 240.1655, the* following certificate is sufficient for ~~attesting~~ *certifying* a copy of a document:

State of ~~.....~~ *Nevada*  
County of .....

I certify that this is a true and correct copy of a document in the possession of.....(name of person who presents the document).....

Dated .....

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
(Title and rank (optional))

**Sec. 17.** NRS 240.1685 is hereby amended to read as follows:  
240.1685 ~~[The]~~ *Upon compliance with the requirements of NRS 240.1655, the* following certificate is sufficient for a jurat of a subscribing witness:

State of ~~[.....]~~ *Nevada*  
County of .....

On .....(date)....., .....(subscribing witness)..... personally appeared before me, whom I know to be the person who signed this jurat of a subscribing witness while under oath, and swears that he or she was present and witnessed .....(signer of the document)..... sign his or her name to the above document.

.....  
(Signature of subscribing witness)

Signed and sworn before me on .....(date)..... by .....(subscribing witness).....

.....  
(Signature of notarial officer)

*(Seal, if any)*

.....  
*(Title and rank (optional))*

**Sec. 18.** NRS 240.169 is hereby amended to read as follows:  
240.169 ~~[The]~~ *Upon compliance with the requirements of NRS 240.1655, the* following certificate is sufficient for an acknowledgment of a credible witness:

State of ~~[.....]~~ *Nevada*  
County of .....

This instrument was acknowledged before me on ..... (date) ..... by ..... (name of person) ..... who personally appeared before me and whose identity I verified upon the oath of ..... (name of credible witness) ....., a credible witness personally known to me ~~[ ]~~ *and to the person who acknowledged this instrument before me.*

.....  
(Signature of notarial officer)

*(Seal, if any)*

.....  
*(Title and rank (optional))*

**Sec. 19.** NRS 240.006 and 240.163 are hereby repealed.