

ASSEMBLY BILL NO. 87—COMMITTEE ON GOVERNMENT AFFAIRS
(ON BEHALF OF THE SECRETARY OF STATE)

FEBRUARY 13, 2003

Referred to Committee on Government Affairs

SUMMARY—Makes various changes concerning notarial officers.
(BDR 19-230)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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:

- 1 **Section 1.** Chapter 240 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2.** *“Credible witness” means a person who:*
4 1. *Swears or affirms that the signer of a document is the*
5 *person whom he claims to be; and*
6 2. *Is known personally to the signer of the document and the*
7 *notarial officer.*
8 **Sec. 3.** *“Jurat” means a declaration by a notarial officer that*
9 *the signer of a document signed the document in the presence of*
10 *the notarial officer and swore to or affirmed that the statements*
11 *in the document are true.*
12 **Sec. 4.** NRS 240.001 is hereby amended to read as follows:
13 240.001 As used in NRS 240.001 to 240.169, inclusive, *and*
14 *sections 2 and 3 of this act*, unless the context otherwise requires,



* A B 8 7 R 1 *

1 the words and terms defined in NRS 240.002 to ~~[240.006,]~~ **240.005**,
2 inclusive, *and sections 2 and 3 of this act* have the meanings
3 ascribed to them in those sections.

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

5 240.004 "Notarial act" means an act that a ~~[notary public~~
6 ~~appointed in]~~ *notarial officer of* this state is authorized to perform.

7 The term includes:

- 8 1. Taking an acknowledgment;
- 9 2. Administering an oath or affirmation;
- 10 3. ~~[Taking a verification upon oath or affirmation;~~
- 11 ~~4. Certifying or attesting]~~ *Certifying* a copy;
- 12 ~~[5.]~~ 4. Executing a jurat;
- 13 ~~[6.]~~ 5. Noting a protest of a negotiable instrument; and
- 14 ~~[7.]~~ 6. Performing such other duties as may be prescribed by a
15 specific statute.

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

17 240.040 1. ~~[Except as otherwise provided in NRS 240.069,~~
18 ~~each notary public shall authenticate all his acts, including an~~
19 ~~acknowledgment, jurat, verification or other certificate, by:~~

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

21 ~~—(1) The venue.~~

22 ~~—(2) His signature in ink and signed by his own hand.~~

23 ~~—(3) A]~~ *The statement required by paragraph (d) of*
24 *subsection 1 of NRS 240.1655 must:*

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

28 (b) *Set forth:*

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

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

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

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

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

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

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

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

43 3. The stamp required pursuant to subsection 1 must:

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



1 (b) Produce a legible imprint.
2 4. A notary public shall not affix his ~~signature or~~ stamp over
3 printed material.

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

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

7 240.063 1. The signature of a notary public on a document
8 shall be deemed to be evidence only that the notary public knows
9 the contents of the document that constitute the signature, execution,
10 acknowledgment, oath, affirmation ~~[, affidavit or verification.]~~ *or*
11 *affidavit.*

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

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

17 240.069 A certified court reporter who receives a certificate of
18 appointment as a notary public with limited powers pursuant to
19 subsection 4 of NRS 240.030, may only administer oaths and
20 affirmations and may not perform the other powers, and is not
21 required to perform the other duties, of a notary public specified in
22 NRS ~~[240.040, 240.060 and 240.120.]~~ *240.060, 240.120 and*
23 *240.1655.*

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

25 240.100 1. Except as otherwise provided in subsection 3, a
26 notary public may charge the following fees and no more:
27

28	For taking an acknowledgment, for the first	
29	signature of each signer	\$5.00
30	For each additional signature of each signer	2.50
31	For administering an oath or affirmation without a	
32	signature	2.50
33	For a certified copy	2.50
34	For a jurat, for each signature on the affidavit	5.00

35
36 2. All fees prescribed in this section are payable in advance, if
37 demanded.

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

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

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



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

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

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

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

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

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

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

21 (b) *The notary public is unable to perform the requested*
22 *notarial act as a result of the actions of the person who requested*
23 *the notarial act or any other person who is necessary for the*
24 *performance of the notarial act.*

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

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

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

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

38 **Sec. 10.** NRS 240.1655 is hereby amended to read as follows:
39 240.1655 1. A notarial act must be evidenced by a certificate
40 *that:*

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



1 *State of Nevada*
2 *County of _____*
3

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

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

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

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

22 2. *A notarial officer shall:*

23 (a) *In taking an acknowledgment, determine, from personal*
24 *knowledge or satisfactory evidence, that the person making*
25 *the acknowledgment is the person whose signature is on the*
26 *document. The person who signed the document shall present the*
27 *document to the notarial officer in person.*

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

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

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

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

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



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

- 3 (a) Is in the short form set forth in NRS 240.166 to 240.169,
- 4 inclusive;
- 5 (b) Is in a form otherwise prescribed by the law of this state;
- 6 (c) Is in a form prescribed by the laws or regulations applicable
- 7 in the place in which the notarial act was performed; or
- 8 (d) Sets forth the actions of the notarial officer and those are
- 9 sufficient to meet the requirements of the designated notarial act.

10 ~~3.~~ 4. *For the purposes of paragraphs (a), (b) and (e) of*
11 *subsection 2, a notarial officer has satisfactory evidence that a*
12 *person is the person whose signature is on a document if he:*

- 13 (a) *Is personally known to the notarial officer;*
- 14 (b) *Is identified upon the oath or affirmation of a credible*
- 15 *witness;*
- 16 (c) *Is identified on the basis of an identifying document which*
- 17 *contains a signature and a photograph;*
- 18 (d) *Is identified upon an oath or affirmation of a subscribing*
- 19 *witness who is personally known to the notarial officer; or*
- 20 (e) *In the case of a person who is 65 years of age or older and*
- 21 *cannot satisfy the requirements of paragraphs (a) to (d), inclusive,*
- 22 *is identified upon the basis of an identification card issued by a*
- 23 *governmental agency or a senior citizen center.*

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

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

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

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

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

37 240.166 ~~The~~ *Upon compliance with the requirements of*
38 *NRS 240.1655, the* following certificate is sufficient for an
39 acknowledgment in an individual capacity:

40
41 State of ~~.....~~ *Nevada*

42 County of

43
44 This instrument was acknowledged before me on
45(date)..... by(name(s) of person(s)).....



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(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:



1 State of [.....] Nevada
2 County of

3
4 This instrument was acknowledged before me on
5(date)..... by(name(s) of person(s)).....
6 as(type of authority, e.g., officer, trustee,
7 etc.)..... of(name of party on behalf of whom
8 instrument was executed).....

9
10
11 (Signature of notarial officer)
12 (Seal, if any)
13
14 (Title and rank (optional))
15

16 **Sec. 14.** NRS 240.1667 is hereby amended to read as follows:
17 240.1667 ~~The~~ *Upon compliance with the requirements of*
18 *NRS 240.1655, the* following certificate is sufficient for an
19 acknowledgment that contains a power of attorney:
20

21 State of [.....] Nevada
22 County of

23
24 This instrument was acknowledged before me on
25(date)..... by(name of person holding
26 power of attorney)..... as attorney in fact
27 for.....(name of principal/person whose name is in the
28 document).....

29
30 (Signature of notarial officer)
31 (Seal, if any)
32
33 (Title and rank (optional))
34

35 **Sec. 15.** NRS 240.167 is hereby amended to read as follows:
36 240.167 ~~The~~ *Upon compliance with the requirements of*
37 *NRS 240.1655, the* following certificate is sufficient for ~~a~~
38 ~~verification upon oath or affirmation:~~ *executing a jurat:*
39

40 State of [.....] Nevada
41 County of

42
43 Signed and sworn to (or affirmed) before me on(date).....
44 by(name(s) of person(s) making statement).....



1
2 (Signature of notarial officer)
3 (Seal, if any)
4
5 (Title and rank (optional))
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7 **Sec. 16.** NRS 240.168 is hereby amended to read as follows:
8 240.168 ~~The~~ *Upon compliance with the requirements of*
9 *NRS 240.1655, the* following certificate is sufficient for ~~attesting~~
10 *certifying* a copy of a document:

11 State of ~~.....~~ *Nevada*
12 County of

13
14
15 I certify that this is a true and correct copy of a document in the
16 possession of.....(name of person who presents the
17 document).....

18 Dated

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21 (Signature of notarial officer)
22 (Seal, if any)
23
24 (Title and rank (optional))
25

26 **Sec. 17.** NRS 240.1685 is hereby amended to read as follows:
27 240.1685 ~~The~~ *Upon compliance with the requirements of*
28 *NRS 240.1655, the* following certificate is sufficient for a jurat of a
29 subscribing witness:

30
31 State of ~~.....~~ *Nevada*
32 County of

33
34 On(date).....,(subscribing witness).....
35 personally appeared before me, whom I know to be the person who
36 signed this jurat of a subscribing witness while under oath, and
37 swears that he or she was present and witnessed(signer of the
38 document)..... sign his or her name to the above document.

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41 (Signature of subscribing witness)
42
43 Signed and sworn before me on(date)..... by
44(subscribing witness).....



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(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.

TEXT OF REPEALED SECTIONS

240.006 “Verification upon oath or affirmation” defined.
“Verification upon oath or affirmation” means a declaration that a
statement is true made by a person upon oath or affirmation.

240.163 Notarial acts.

1. In taking an acknowledgment, a notarial officer shall
determine, from personal knowledge or from other satisfactory
evidence, that the person making the acknowledgment is the person
whose signature is on the instrument. The person who signed the
document shall present the document to the notarial officer in
person.



2. In taking a verification upon oath or affirmation, a notarial officer shall determine, from personal knowledge or from other satisfactory evidence, that the person making the verification is the person whose signature is on the verified statement.

3. In certifying or attesting a copy of a document or other item, a notarial officer shall determine that the proffered copy is a complete, accurate and authentic transcription or reproduction of that which was copied.

4. In making or noting a protest of a negotiable instrument, a notarial officer shall verify compliance with the provisions of subsection 2 of NRS 104.3505.

5. In executing a jurat, a notarial officer shall administer an oath or affirmation to the affiant and shall determine, from personal knowledge or other 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 subsection in substantially the following form:

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

6. 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 personally known to the notarial officer;
- (c) Is identified on the basis of an identifying document which contains a signature and a photograph or physical description;
- (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.

7. An oath or affirmation administered pursuant to subsection 6 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)?

