

SENATE BILL NO. 312—SENATORS CARLTON, NEAL,
TITUS, CARE, RAGGIO, O'CONNELL, TOWNSEND
AND HARDY (BY REQUEST)

MARCH 17, 2003

JOINT SPONSORS: ASSEMBLYMEN OHRENSCHALL,
GIUNCHIGLIANI, CHOWNING AND MCCLEARY

Referred to Committee on Government Affairs

SUMMARY—Authorizes state and local governmental entities to accept consular identification card for purpose of identifying person under certain circumstances. (BDR 19-823)

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 governmental entities; authorizing state and local governmental entities to accept a consular identification card for the purpose of identifying a person under certain circumstances; clarifying that the presentation of such a consular identification card does not, by itself, convey an entitlement to any benefits; 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 237 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 ***1. Except as otherwise provided in subsection 2, with respect***
4 ***to any activity or transaction in which a local government accepts***
5 ***an identification card issued by the Department of Motor Vehicles***
6 ***to identify a person, the local government may also accept a***
7 ***consular identification card to identify a person.***



* S B 3 1 2 R 1 *

1 2. *The provisions of subsection 1 apply only to the*
2 *presentation of a consular identification card for purposes of*
3 *identification and do not convey an independent right to receive*
4 *benefits of any type.*

5 3. *As used in this section:*

6 (a) *“Consular identification card” means an identification*
7 *card issued by a consulate of a foreign government, which*
8 *consulate is located within the State of Nevada.*

9 (b) *“Identification card issued by the Department of Motor*
10 *Vehicles” means an identification card of the type described in*
11 *NRS 483.810 to 483.890, inclusive.*

12 (c) *“Local government” has the meaning ascribed to it in*
13 *NRS 237.050.*

14 **Sec. 2.** NRS 240.163 is hereby amended to read as follows:

15 240.163 1. In taking an acknowledgment, a notarial officer
16 shall determine, from personal knowledge or from other satisfactory
17 evidence, that the person making the acknowledgment is the person
18 whose signature is on the instrument. The person who signed the
19 document shall present the document to the notarial officer in
20 person.

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

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

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

32 5. In executing a jurat, a notarial officer shall administer an
33 oath or affirmation to the affiant and shall determine, from personal
34 knowledge or other satisfactory evidence, that the affiant is the
35 person named in the document. The affiant shall sign the document
36 in the presence of the notarial officer. The notarial officer shall
37 administer the oath or affirmation required pursuant to this
38 subsection in substantially the following form:

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

41 6. A notarial officer has satisfactory evidence that a person is
42 the person whose signature is on a document if he:

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

44 (b) Is identified upon the oath or affirmation of a credible
45 witness personally known to the notarial officer;



- 1 (c) Is identified on the basis of an identifying document which
- 2 contains a signature and a photograph or physical description;
- 3 (d) *Is identified on the basis of a consular identification card;*
- 4 (e) Is identified upon an oath or affirmation of a subscribing
- 5 witness who is personally known to the notarial officer; or
- 6 ~~(e)~~ (f) In the case of a person who is 65 years of age or older
- 7 and cannot satisfy the requirements of paragraphs (a) to ~~(d)~~ (e),
- 8 inclusive, is identified upon the basis of an identification card issued
- 9 by a governmental agency or a senior citizen center.

10 7. An oath or affirmation administered pursuant to subsection 6
 11 must be in substantially the following form:

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

15 8. *As used in this section, unless the context otherwise*
 16 *requires, "consular identification card" means an identification*
 17 *card issued by a consulate of a foreign government, which*
 18 *consulate is located within the State of Nevada.*

19 **Sec. 3.** Chapter 232 of NRS is hereby amended by adding
 20 thereto a new section to read as follows:

21 1. *Except as otherwise provided in subsection 2, with respect*
 22 *to any activity or transaction in which a state agency accepts an*
 23 *identification card issued by the Department of Motor Vehicles to*
 24 *identify a person, the state agency may also accept a consular*
 25 *identification card to identify a person.*

26 2. *The provisions of subsection 1 apply only to the*
 27 *presentation of a consular identification card for purposes of*
 28 *identification and do not convey an independent right to receive*
 29 *benefits of any type.*

30 3. *As used in this section:*

31 (a) *"Consular identification card" means an identification*
 32 *card issued by a consulate of a foreign government, which*
 33 *consulate is located within the State of Nevada.*

34 (b) *"Identification card issued by the Department of Motor*
 35 *Vehicles" means an identification card of the type described in*
 36 *NRS 483.810 to 483.890, inclusive.*

37 (c) *"State agency" means every public agency, bureau, board,*
 38 *commission, department or division of the Executive Department*
 39 *of State Government.*

40 **Sec. 4.** NRS 597.940 is hereby amended to read as follows:

41 597.940 1. Except as otherwise provided in this subsection, a
 42 business shall not, without the customer's consent, record the
 43 account number of any of a customer's credit cards on the
 44 customer's check or draft as a condition of accepting that check or
 45 draft. This subsection does not prohibit:



1 (a) The business from requiring the customer to produce
2 reasonable forms of positive identification other than a credit card,
3 ~~[such as a]~~ *including, without limitation:*
4 (1) A driver's license ~~[or]~~ ;
5 (2) An identification *card issued by the Department of*
6 *Motor Vehicles; or*
7 (3) A *consular identification* card,
8 as a condition of accepting a check or draft.
9 (b) The business from requesting the customer to display a
10 credit card as an indicia of creditworthiness or financial
11 responsibility, if the only information recorded by the business
12 concerning the credit card is the type of credit card displayed, the
13 issuer of the card and the date the card expires.
14 (c) The business from requesting the customer to record the
15 account number of his credit card on the check or draft with which
16 payment on the credit card account is being made.
17 (d) The business from requesting the production of or recording
18 of the account number of a credit card as a condition of cashing a
19 check or draft if:
20 (1) The business has agreed with the issuer of the credit card
21 to cash the checks or drafts as a service to the cardholders of the
22 issuer;
23 (2) The issuer has agreed to guarantee any such check or
24 draft so cashed; and
25 (3) The cardholder has given actual, apparent or implied
26 authority for the use of his account number for this purpose.
27 2. Except as otherwise provided in this subsection, a business
28 shall not, without the customer's consent, record a customer's
29 telephone number on the credit card sales slip as a condition of
30 accepting his credit card. This subsection does not:
31 (a) Prohibit the recordation of personal identifying information
32 required for a special purpose incidental to the use of the credit card,
33 such as the delivery, shipping, servicing or installation of the
34 purchased merchandise.
35 (b) Apply to a transaction in which the customer receives a cash
36 advance against his credit card or to a transaction involving the use
37 of preprinted spaces for personal identifying information that the
38 business accepting the credit card has a contractual obligation to
39 record in order to complete the transaction.
40 (c) Apply to a transaction in which the customer's purchase is
41 made by the use of a device that electronically authorizes the use of
42 the credit card and processes information relating thereto.
43 3. As used in this section, unless the context otherwise requires
44 ~~[, "credit"]~~ :



1 (a) *“Consular identification card” means an identification*
2 *card issued by a consulate of a foreign government, which*
3 *consulate is located within the State of Nevada.*

4 (b) *“Credit card”* has the meaning ascribed to it in
5 NRS 205.630.

6 (c) *“Identification card issued by the Department of Motor*
7 *Vehicles” means an identification card of the type described in*
8 *NRS 483.810 to 483.890, inclusive.*

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