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ASSEMBLY BILL NO. 178—ASSEMBLYMEN OCEGUERA, HORNE,  
ALLEN, ARBERRY JR., BUCKLEY, DENIS, GANSERT,  
GERHARDT, HETRICK, KOIVISTO, MUNFORD, PARKS AND  
SEALE

MARCH 8, 2005

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Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing notaries public.  
(BDR 19-1130)

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.

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AN ACT relating to notaries public; authorizing a notary public who is an attorney licensed to practice law in this State to perform a notarial act on an instrument or pleading relating to which he has or will receive a fee for providing legal services in excess of the fee authorized for the notarial act; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law prohibits a notary public from notarizing a document if: (1) he  
2 executed or is named in the instrument acknowledged or sworn to; (2) he will  
3 receive a fee or other consideration in excess of the fee authorized for performing  
4 the notarial act directly from a transaction relating to the instrument or pleading to  
5 be acknowledged or sworn to; or (3) the signature to be acknowledged or sworn to  
6 is that of a relative of the notary public. (NRS 240.065)

7 This bill authorizes a notary public who is an attorney licensed to practice law  
8 in this State to notarize a document if he has or will receive directly from a  
9 transaction relating to the instrument or pleading fees for providing legal services in  
10 excess of the fees authorized for the notarial act unless the notary public is named  
11 in the document or the signature to be acknowledged or sworn to is that of a  
12 relative of the notary public.

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

- 1       **Section 1.** NRS 240.065 is hereby amended to read as follows:  
2       240.065 1. A notary public may not perform a notarial act if:  
3       (a) He executed or is named in the instrument acknowledged or  
4       sworn to;  
5       (b) ~~He~~ *Except as otherwise provided in subsection 2, he has*  
6       *or* will receive directly from a transaction relating to the instrument  
7       or pleading a commission, fee, advantage, right, title, interest,  
8       property or other consideration in excess of the ~~authorized fees;~~  
9       *fee authorized pursuant to NRS 240.100 for the notarial act;* or  
10       (c) The person whose signature is to be acknowledged or sworn  
11       to is a relative of the notary public by marriage or consanguinity.  
12       2. *A notary public who is an attorney licensed to practice law*  
13       *in this State may perform a notarial act on an instrument or*  
14       *pleading if he has or will receive directly from a transaction*  
15       *relating to the instrument or pleading a fee for providing legal*  
16       *services in excess of the fee authorized pursuant to NRS 240.100*  
17       *for the notarial act.*  
18       3. As used in this section, “relative” includes, without  
19       limitation:  
20       (a) A spouse, parent, grandparent or stepparent;  
21       (b) A natural born child, stepchild or adopted child;  
22       (c) A grandchild, brother, sister, half brother, half sister,  
23       stepbrother or stepsister;  
24       (d) A grandparent, parent, brother, sister, half brother, half  
25       sister, stepbrother or stepsister of the spouse of the notary public;  
26       and  
27       (e) A natural born child, stepchild or adopted child of a sibling  
28       or half sibling of the notary public or of a sibling or half sibling of  
29       the spouse of the notary public.  
30       **Sec. 2.** This act becomes effective on July 1, 2005.

