

ASSEMBLY BILL NO. 508—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE SECRETARY OF STATE)

MARCH 28, 2005

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Referred to Committee on Government Affairs

SUMMARY—Makes various changes to provisions relating to notaries public. (BDR 19-574)

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; requiring certain persons who apply for appointments or reappointments as notaries public to complete a course of study approved, endorsed or provided by the Secretary of State; authorizing the Secretary of State to approve or endorse a course of study under certain circumstances; requiring the Secretary of State to charge a fee to determine whether to approve or endorse a course of study; prohibiting a notary public from notarizing the signature of certain persons; authorizing the Secretary of State to request that the Attorney General bring an action to enjoin a person who unlawfully represents himself as a notary public; increasing the fee for applying for appointment as a notary public; increasing the fee for duplicate or amended certificates of appointment; providing penalties; 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 to 5, inclusive, of this  
3 act.

4       **Sec. 2. 1.** *Except as otherwise provided in subsection 5, in*  
5 *addition to the requirements of NRS 240.030, each person who*  
6 *applies for appointment as a notary public must complete a course*  
7 *of study that provides at least 6 hours of instruction relating to the*  
8 *functions and duties of notaries public and is:*

9       (a) *Approved or endorsed by the Secretary of State pursuant to*  
10 *section 3 of this act; or*

11       (b) *Provided by the Secretary of State pursuant to*  
12 *NRS 240.018.*

13       2. *Except as otherwise provided in subsection 5, each notary*  
14 *public who applies for reappointment must complete a course of*  
15 *study that provides:*

16       (a) *At least 3 hours of instruction relating to the functions and*  
17 *duties of notaries public, if he applies for reappointment 1 year or*  
18 *less before the expiration of his appointment; or*

19       (b) *At least 6 hours of instruction relating to the functions and*  
20 *duties of notaries public, if he applies for reappointment more*  
21 *than 1 year before the expiration of his appointment.*

22       3. *The course of study described in subsection 2 must be:*

23       (a) *Approved or endorsed by the Secretary of State pursuant to*  
24 *section 3 of this act; or*

25       (b) *Provided by the Secretary of State pursuant to*  
26 *NRS 240.018.*

27       4. *A notary public who fails to complete the course of study*  
28 *required by subsection 2 before his appointment expires may not*  
29 *be reappointed until he completes the course of study and pays a*  
30 *reinstatement fee of \$20. The reinstatement fee is in addition to*  
31 *any renewal fee required by the Secretary of State.*

32       5. *The provisions of subsections 1, 2 and 3 do not apply to a*  
33 *court reporter who:*

34       (a) *Applies for appointment as a notary public with limited*  
35 *powers pursuant to subsection 4 of NRS 240.030; or*

36       (b) *Receives a certificate of appointment as a notary public*  
37 *with limited powers pursuant to subsection 4 of NRS 240.030 and*  
38 *who applies for reappointment.*

39       6. *As used in this section, an "hour of instruction" means at*  
40 *least 50 minutes of time spent receiving instruction.*



1       **Sec. 3. 1.** *The Secretary of State may approve or endorse*  
2 *any course of study to satisfy the requirements of section 2 of this*  
3 *act if:*

4       (a) *The course of study provides instruction in the provisions*  
5 *of this chapter and the function and duties of notaries public;*

6       (b) *The sponsor of the course of study:*

7           (1) *Provides to the Secretary of the State:*

8               (I) *The curriculum for the course of study; and*

9               (II) *An explanation of the manner in which the sponsor*  
10 *will monitor the attendance for the course of study. The sponsor*  
11 *must ensure that each person who attends the course of study to*  
12 *satisfy the requirements of section 2 of this act is in attendance at*  
13 *least 50 minutes of each hour of instruction.*

14           (2) *Agrees to provide to the Secretary of State a certificate*  
15 *of attendance for each person who attends the course of study to*  
16 *satisfy the requirements of section 2 of this act.*

17       2. *The sponsor of a course of study must:*

18       (a) *Allow a representative of the Secretary of State to attend, at*  
19 *no cost, all or part of any course of study approved or endorsed by*  
20 *the Secretary of State to observe the curriculum and the*  
21 *procedures for taking attendance. A representative of the*  
22 *Secretary of State who attends the course of study must pay the fee*  
23 *for attendance if he wishes to attend the course of study to satisfy*  
24 *the requirements of section 2 of this act.*

25       (b) *Report to the Secretary of State any changes in the*  
26 *curriculum of a course of study approved or endorsed by the*  
27 *Secretary of State.*

28       3. *The Secretary of State may withdraw his approval or*  
29 *endorsement of any course of study if:*

30       (a) *The course of study approved or endorsed by the Secretary*  
31 *of State does not substantially conform to the description of the*  
32 *curriculum provided to the Secretary of State pursuant to*  
33 *subsection 1.*

34       (b) *The sponsor does not report changes to the curriculum of*  
35 *the course of study approved or endorsed by the Secretary of State*  
36 *in a timely manner.*

37       (c) *The sponsor fails to monitor the attendance of any course*  
38 *of study approved or endorsed by the Secretary of State.*

39       **Sec. 4.** *The Secretary of State shall require a sponsor to pay*  
40 *a fee of \$500 for the Secretary of State to determine whether he*  
41 *should approve or endorse a course of study to satisfy the*  
42 *requirements of section 2 of this act.*

43       **Sec. 5. 1.** *A notary public who is appointed pursuant to this*  
44 *chapter who willfully notarizes the signature of a person who is:*

45       (a) *Not in the presence of the notary public; or*



1       ***(b) Unknown to the notary public, if the person does not***  
2 ***provide documentary evidence of identification to the notary***  
3 ***public,***

4       ***↪ is guilty of a category D felony, and shall be punished as***  
5 ***provided in NRS 193.130.***

6       ***2. Any person who aids and abets a notary public to commit a***  
7 ***violation of subsection 1 is guilty of a category D felony and shall***  
8 ***be punished as provided in NRS 193.190.***

9       **Sec. 6.** NRS 240.001 is hereby amended to read as follows:

10       240.001 As used in NRS 240.001 to 240.169, inclusive, ***and***  
11 ***sections 2 to 5, inclusive, of this act,*** unless the context otherwise  
12 requires, the words and terms defined in NRS 240.002 to 240.005,  
13 inclusive, have the meanings ascribed to them in those sections.

14       **Sec. 7.** NRS 240.010 is hereby amended to read as follows:

15       240.010 1. The Secretary of State may appoint notaries  
16 public in this State.

17       2. The Secretary of State shall not appoint as a notary public a  
18 person:

19       (a) Who submits an application containing a substantial and  
20 material misstatement or omission of fact.

21       (b) Whose previous appointment as a notary public in this State  
22 has been revoked.

23       (c) Who has been convicted of a crime involving moral  
24 turpitude, if the Secretary of State is aware of such a conviction  
25 before he makes the appointment.

26       (d) Against whom a complaint that alleges a violation of a  
27 provision of this chapter is pending.

28       3. A notary public may cancel his appointment by submitting a  
29 written notice to the Secretary of State.

30       4. It is unlawful for a person to:

31       (a) Represent himself as a notary public appointed pursuant to  
32 this section if he has not received a certificate of appointment from  
33 the Secretary of State pursuant to this chapter.

34       (b) Submit an application for appointment as a notary public that  
35 contains a substantial and material misstatement or omission of fact.

36       ***5. The Secretary of State may request that the Attorney***  
37 ***General bring an action to enjoin a person from violating the***  
38 ***provisions of paragraph (a) of subsection 4.***

39       **Sec. 8.** NRS 240.017 is hereby amended to read as follows:

40       240.017 The Secretary of State:

41       1. May adopt regulations:

42       (a) Prescribing the procedure for the appointment and  
43 **[voluntary]** training of a notary public.

44       (b) Establishing procedures for the notarization of digital or  
45 electronic signatures.



1       2. Shall adopt regulations prescribing the form of each affidavit  
2 required pursuant to subsection 2 of NRS 240.030.

3       **Sec. 9.** NRS 240.018 is hereby amended to read as follows:

4       240.018 1. The Secretary of State may:

5       (a) Provide courses of study for the ~~voluntary~~ training of  
6 notaries public at such times and for such duration as he determines  
7 appropriate; and

8       (b) Charge a reasonable fee to each person who enrolls in a  
9 course of study for the ~~voluntary~~ training of notaries public.

10      2. A course of study provided pursuant to this section must  
11 comply with the regulations adopted pursuant to subsection 1 of  
12 NRS 240.017.

13      3. The Secretary of State shall deposit the fees collected  
14 pursuant to paragraph (b) of subsection 1 in the Notary Public  
15 Training Fund which is hereby created as a special revenue fund in  
16 the State Treasury. The Fund must be administered by the Secretary  
17 of State. Any interest and income earned on the money in the Fund,  
18 after deducting any applicable charges, must be credited to the  
19 Fund. Any money remaining in the Fund at the end of a fiscal year  
20 does not revert to the State General Fund and the balance in the  
21 Fund must be carried forward. All claims against the Fund must be  
22 paid as other claims against the State are paid. The money in the  
23 Fund may be expended only to pay for expenses related to providing  
24 courses of study for the ~~voluntary~~ training of notaries public,  
25 including, without limitation, the rental of rooms and other facilities,  
26 advertising, travel and the printing and preparation of course  
27 materials.

28      **Sec. 10.** NRS 240.030 is hereby amended to read as follows:

29      240.030 1. Except as otherwise provided in subsection 4,  
30 each person applying for appointment as a notary public must:

31      (a) At the time he submits his application, pay to the Secretary  
32 of State ~~[\$35.] a fee of \$50.~~

33      (b) Take and subscribe to the oath set forth in Section 2 of  
34 Article 15 of the Constitution of the State of Nevada as if he were a  
35 public officer.

36      (c) Enter into a bond to the State of Nevada in the sum of  
37 \$10,000, to be filed with the clerk of the county in which the  
38 applicant resides or, if the applicant is a resident of an adjoining  
39 state, with the clerk of the county in this State in which the applicant  
40 maintains a place of business or is employed. The applicant shall  
41 submit to the Secretary of State a certificate issued by the  
42 appropriate county clerk which indicates that the applicant filed the  
43 bond required pursuant to this paragraph.

44      2. In addition to the requirements set forth in subsection 1, an  
45 applicant for appointment as a notary public, including, without



1 limitation, a court reporter, who resides in an adjoining state must  
2 submit to the Secretary of State with his application:

3 (a) An affidavit setting forth the adjoining state in which he  
4 resides, his mailing address and the address of his place of business  
5 or employment that is located within the State of Nevada; and

6 (b) Unless the applicant is self-employed, an affidavit from his  
7 employer setting forth the facts that show:

8 (1) The employer is licensed to do business in the State of  
9 Nevada; and

10 (2) The employer regularly employs the applicant at an  
11 office, business or facility which is located within the State of  
12 Nevada.

13 3. In completing an application, bond, oath or other document  
14 necessary to apply for appointment as a notary public, an applicant  
15 ~~{must not be}~~ *is not* required to disclose his residential address or  
16 telephone number on any such document which will become  
17 available to the public.

18 4. A court reporter who has received a certificate of registration  
19 pursuant to NRS 656.180 may apply for appointment as a notary  
20 public with limited powers. Such an applicant is not required to  
21 enter into a bond to obtain the limited power of a notary public to  
22 administer oaths or affirmations.

23 5. If required, the bond, together with the oath, must be filed  
24 and recorded in the office of the county clerk of the county in which  
25 the applicant resides when he applies for his appointment or, if the  
26 applicant is a resident of an adjoining state, with the clerk of the  
27 county in this State in which the applicant maintains a place of  
28 business or is employed. On a form provided by the Secretary  
29 of State, the county clerk shall immediately certify to the Secretary  
30 of State that the required bond and oath have been filed and  
31 recorded. Upon receipt of the application, fee and certification that  
32 the required bond and oath have been filed and recorded, the  
33 Secretary of State shall issue a certificate of appointment as a notary  
34 public to the applicant.

35 6. Except as otherwise provided in subsection 7, the term of a  
36 notary public commences on the effective date of the bond required  
37 pursuant to paragraph (c) of subsection 1. A notary public shall not  
38 perform a notarial act after the effective date of the bond unless he  
39 has been issued a certificate of appointment.

40 7. The term of a notary public with limited powers commences  
41 on the date set forth in his certificate of appointment.

42 8. Except as otherwise provided in this subsection, the  
43 Secretary of State shall charge a fee of ~~[\$10]~~ *\$20* for each duplicate  
44 or amended certificate of appointment which is issued to a notary. If  
45 the notary public does not receive an original certificate of



1 appointment, the Secretary of State shall provide a duplicate  
2 certificate of appointment without charge if the notary public  
3 requests such a duplicate within 60 days after the date on which the  
4 original certificate was issued.

5 **Sec. 11.** NRS 240.036 is hereby amended to read as follows:

6 240.036 1. If, at any time during his appointment, a notary  
7 public changes his mailing address, county of residence or signature  
8 or, if he is a resident of an adjoining state, changes his place of  
9 business or employment, he shall submit to the Secretary of State a  
10 request for an amended certificate of appointment on a form  
11 provided by the Secretary of State. The request must:

- 12 (a) Include the new information;  
13 (b) Be submitted within 30 days after making that change; and  
14 (c) Be accompanied by a fee of ~~[\$10.]~~ \$20.

15 2. The Secretary of State may suspend the appointment of a  
16 notary public who fails to provide to the Secretary of State notice of  
17 a change in any of the information specified in subsection 1.

18 3. If a notary public changes his name during his appointment  
19 and he intends to use his new name in the performance of his  
20 notarial duties, he shall submit to the Secretary of State a request for  
21 an amended certificate of appointment on a form provided by the  
22 Secretary of State. The request must:

- 23 (a) Include his new name and signature and his address;  
24 (b) Be submitted within 30 days after making the change; and  
25 (c) Be accompanied by a fee of ~~[\$10.]~~ \$20.

26 4. Upon receipt of a request for an amended certificate of  
27 appointment and the appropriate fee, the Secretary of State shall  
28 issue an amended certificate of appointment.

29 5. When the notary public receives the amended certificate of  
30 appointment, he shall:

- 31 (a) Destroy his notary's stamp and obtain a new notary's stamp  
32 which includes the information on the amended certificate.  
33 (b) Notify the surety company which issued his bond of the  
34 changes.

35 **Sec. 12.** 1. This section and sections 1, 5, 6, 7, 10 and 11 of  
36 this act become effective on October 1, 2005.

37 2. Sections 2, 3, 4, 8 and 9 of this act become effective on  
38 October 1, 2006.



