

Amendment No. 256

Assembly Amendment to Assembly Bill No. 508	(BDR 19-574)
Proposed by: Committee on Government Affairs	
Amendment Box:	
Resolves Conflicts with: N/A	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No	

Adoption of this amendment will MAINTAIN a 2/3s majority vote requirement for final passage of AB508 (§§ 2, 4).

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend section 1, page 2, line 2, by deleting “5,” and inserting “6,”.

Amend sec. 5, page 4, line 4, by deleting:

“*category D felony*,” and inserting “*gross misdemeanor*,”.

Amend sec. 5, page 4, line 5, by deleting “193.130.” and inserting “193.140.”.

Amend sec. 5, page 4, line 7, by deleting:

“*category D felony*” and inserting “*gross misdemeanor*”.

Amend sec. 5, page 4, line 8, by deleting “193.190.” and inserting “193.140.”.

Amend the bill as a whole by renumbering sections 6 through 9 as sections 7 through 10 and adding a new section designated sec. 6, following sec. 5, to read as follows:

HC/EGO

Date: 4/25/2005

A.B. No. 508—Makes various changes to provisions relating to notaries public.



“Sec. 6. 1. Except as otherwise provided in subsection 2, the Secretary of State shall, upon request and payment of a fee of \$20, issue an authentication in one of the following forms to verify that the signature of a notarial officer on a document is genuine and that the notarial officer holds the indicated office:

(a) If the document is intended for use in a foreign country that is a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue an apostille in the form prescribed by the Hague Convention of October 5, 1961; or

(b) If the document is intended for use in the United States or a foreign country that is not a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue a certification.

2. The Secretary of State shall not issue an authentication pursuant to subsection 1 if:

(a) The document has not been notarized in accordance with the provisions of this chapter; or

(b) The Secretary of State has information that the document may be used to accomplish any fraudulent, criminal or other unlawful purpose.”.

Amend sec. 6, page 4, line 11, by deleting “5,” and inserting “6,”.

Amend the bill as a whole by deleting sections 10 and 11, renumbering sec. 12 as sec. 13 and adding new sections designated sections 11 and 12, following sec. 9, to read as follows:

“Sec. 11. NRS 240.161 is hereby amended to read as follows:

240.161 1. NRS 240.161 to 240.169, inclusive, **and section 6 of this act** may be cited as the Uniform Law on Notarial Acts.

2. These sections must be applied and construed to effectuate their general purpose to make uniform the law with respect to the subject of these sections among states enacting them.

Sec. 12. NRS 240.165 is hereby amended to read as follows:

240.165 1. A notarial act has the same effect under the law of this State as if performed by a notarial officer of this State if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multinational or international organization by the following persons:

- (a) A notary public;
- (b) A judge, clerk or deputy clerk of a court of record; or
- (c) A person authorized by the law of that jurisdiction to perform notarial acts.

2. ~~[An “apostille” in the form prescribed by the Hague Convention of October 5, 1961, conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office. The Secretary of State shall, upon request and payment of a fee of \$20, issue an apostille to verify a signature of a notarial officer on a document that is kept in the records of the Secretary of State unless the document had not been notarized in accordance with the provisions of this chapter.~~

~~—3.]~~ A certificate by an officer of the foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by an officer of the foreign service or consular officer of that nation stationed in the United States, conclusively establishes a matter relating to the authenticity or validity of the notarial act set forth in the certificate.

~~[4.]~~ 3. An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

~~{5.}~~ 4. An official stamp or seal of an officer listed in paragraph (a) or (b) of subsection 1 is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

~~{6.}~~ 5. If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.”.

Amend sec. 12, page 7, by deleting lines 35 through 38 and inserting:

“**Sec. 13.** 1. This section and sections 5 to 8, inclusive, 11 and 12 of this act become effective on October 1, 2005.

2. Sections 2, 3, 4, 9 and 10 of this act become effective on October 1, 2006.”.

Amend the title of the bill to read as follows:

“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; revising the provisions governing the issuance of an authentication by the Secretary of State; 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; providing penalties; and providing other matters properly relating thereto.”.