

ASSEMBLY BILL NO. 72—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE SECRETARY OF STATE)

PREFILED NOVEMBER 20, 2024

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to notaries public and document preparation services. (BDR 19-485)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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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 public affairs; authorizing the Secretary of State to adopt a code of professional responsibility for notaries public; prohibiting a notary public from performing a notarial act under certain circumstances; revising the procedure for filing cash bonds or surety bonds covering document preparation services; prohibiting a registrant to engage in the business of a document preparation service from engaging in such business for an entity that is not covered by such a bond; providing that certain information and documents obtained during an investigation of a document preparation service is confidential; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes the Secretary of State to adopt regulations: (1)
2 prescribing the procedure for the appointment and mandatory training of a notary
3 public; and (2) establishing procedures for the notarization of digital and electronic
4 signatures. (NRS 240.017) **Section 2** of this bill additionally authorizes the
5 Secretary of State to adopt regulations establishing a code of professional
6 responsibility for notaries public. **Section 4** of this bill authorizes the Secretary of
7 State to impose certain sanctions against a notary public who violates any
8 regulation adopted pursuant to the provisions of existing law governing notaries



9 public, including, without limitation, any code of professional responsibility
10 adopted pursuant to **section 2**. In addition, under existing law, a person who
11 willfully violates such a code would be guilty of a category D felony if irreparable
12 harm results. (NRS 240.175)

13 Existing law prohibits certain acts by a notary public. (NRS 240.075) **Section 3**
14 of this bill additionally prohibits a notary public from performing a notarial act if
15 the notary public has reason to believe that the person whose signature is to be
16 acknowledged, sworn to or witnessed or attested does not know or understand the
17 act he or she is performing or the effect of that act. Under existing law, a person
18 who violates that prohibition would be subject to administrative sanctions. Under
19 existing law, if a person willfully violates that prohibition and irreparable harm
20 results, the person would be guilty of a category D felony. (NRS 240.175)

21 Existing law authorizes an electronic notary public to perform electronic
22 notarial acts using audio-video communication if the electronic notary public is
23 physically present in the State. (NRS 240.198, 240.1993) **Section 5** of this bill
24 clarifies that an electronic notary public is prohibited from performing an electronic
25 notarial act unless he or she is present in the State. Under existing law, the
26 Secretary of State would be authorized to impose sanctions against a notary public
27 who violates the provisions of **section 5**. (NRS 240.150)

28 Existing law generally requires a person who is registered to provide document
29 preparation services to file with the Secretary of State a cash bond or surety bond to
30 indemnify persons injured by certain acts or omissions by the registrant. (NRS
31 240A.120) However, existing law: (1) authorizes a business entity that has one or
32 more employees who perform document preparation services to file such a bond on
33 behalf of all such employees; and (2) exempts the employees of a business entity
34 that files such a bond from the requirement to file their own bonds. (NRS
35 240A.123) **Section 8** of this bill requires each registrant who files a bond on behalf
36 of himself or herself to file a separate bond for each entity under which he or she
37 performs document preparation services, thereby prohibiting such a registrant from
38 performing document preparation services for multiple entities under one bond.
39 **Section 9** of this bill removes the discretion for a business entity that employs one
40 or more persons who provide document preparation services to not file a cash or
41 surety bond on behalf of such employees if each employee instead files such a bond
42 on his or her own behalf. **Section 9** thereby requires each such business entity to
43 file such a bond on behalf of its employees, who provide document preparation
44 services. **Sections 6 and 7** of this bill require an applicant for the issuance or
45 renewal of registration as a document preparation service to provide: (1) a list of
46 each entity under which the applicant intends to provide document preparation
47 services; and (2) for each such entity, proof that the required bond has been filed.
48 **Section 10** of this bill prohibits a registrant from engaging in the business of a
49 document preparation service for any entity for which a bond has not been filed.
50 Under existing law, a registrant who violates that prohibition would be subject to
51 certain administrative sanctions. (NRS 240A.270) Additionally, a registrant who
52 willfully violates that prohibition or a business entity that willfully fails to file a
53 bond where required by **section 9** is subject to certain criminal penalties.
54 (NRS 240A.290)

55 Existing law authorizes the Secretary of State to conduct or cause to be
56 conducted an investigation if the Secretary of State obtains information that a
57 provision of law, regulation or order relating to document preparation services has
58 been violated. (NRS 240A.260) **Sections 1 and 11** of this bill make information
59 and documents obtained by or filed with the Secretary of State in connection with
60 an investigation confidential.



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

1 **Section 1.** NRS 239.010 is hereby amended to read as follows:
2 239.010 1. Except as otherwise provided in this section and
3 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
4 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,
5 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,
6 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
7 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
8 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
9 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
10 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
11 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
12 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
13 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245,
14 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156,
15 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495,
16 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772,
17 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923,
18 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040,
19 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
20 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615,
21 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570,
22 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300,
23 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040,
24 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,
25 239C.420, 240.007, **240A.260**, 241.020, 241.030, 241.039, 242.105,
26 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087,
27 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490,
28 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
29 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068,
30 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387,
31 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757,
32 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510,
33 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
34 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
35 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240,
36 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138,
37 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300,
38 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626,
39 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750,
40 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120,
41 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317,
42 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975,



1 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143,
2 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685,
3 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
4 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
5 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205,
6 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430,
7 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360,
8 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116,
9 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
10 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
11 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245,
12 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164,
13 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056,
14 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407,
15 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063,
16 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363,
17 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833,
18 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285,
19 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110,
20 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710,
21 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315,
22 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137,
23 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
24 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671,
25 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327,
26 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415,
27 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716,
28 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169,
29 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085,
30 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183,
31 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220,
32 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,
33 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090,
34 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170,
35 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,
36 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050,
37 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130,
38 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947,
39 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900,
40 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275,
41 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480,
42 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
43 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
44 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
45 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,



1 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
2 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
3 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
4 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
5 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada
6 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and
7 unless otherwise declared by law to be confidential, all public books
8 and public records of a governmental entity must be open at all
9 times during office hours to inspection by any person, and may be
10 fully copied or an abstract or memorandum may be prepared from
11 those public books and public records. Any such copies, abstracts or
12 memoranda may be used to supply the general public with copies,
13 abstracts or memoranda of the records or may be used in any other
14 way to the advantage of the governmental entity or of the general
15 public. This section does not supersede or in any manner affect the
16 federal laws governing copyrights or enlarge, diminish or affect in
17 any other manner the rights of a person in any written book or
18 record which is copyrighted pursuant to federal law.

19 2. A governmental entity may not reject a book or record
20 which is copyrighted solely because it is copyrighted.

21 3. A governmental entity that has legal custody or control of a
22 public book or record shall not deny a request made pursuant to
23 subsection 1 to inspect or copy or receive a copy of a public book or
24 record on the basis that the requested public book or record contains
25 information that is confidential if the governmental entity can
26 redact, delete, conceal or separate, including, without limitation,
27 electronically, the confidential information from the information
28 included in the public book or record that is not otherwise
29 confidential.

30 4. If requested, a governmental entity shall provide a copy of a
31 public record in an electronic format by means of an electronic
32 medium. Nothing in this subsection requires a governmental entity
33 to provide a copy of a public record in an electronic format or by
34 means of an electronic medium if:

35 (a) The public record:

36 (1) Was not created or prepared in an electronic format; and

37 (2) Is not available in an electronic format; or

38 (b) Providing the public record in an electronic format or by
39 means of an electronic medium would:

40 (1) Give access to proprietary software; or

41 (2) Require the production of information that is confidential
42 and that cannot be redacted, deleted, concealed or separated from
43 information that is not otherwise confidential.

44 5. An officer, employee or agent of a governmental entity who
45 has legal custody or control of a public record:



1 (a) Shall not refuse to provide a copy of that public record in the
2 medium that is requested because the officer, employee or agent has
3 already prepared or would prefer to provide the copy in a different
4 medium.

5 (b) Except as otherwise provided in NRS 239.030, shall, upon
6 request, prepare the copy of the public record and shall not require
7 the person who has requested the copy to prepare the copy himself
8 or herself.

9 **Sec. 2.** NRS 240.017 is hereby amended to read as follows:

10 240.017 The Secretary of State:

11 1. May adopt regulations:

12 (a) Prescribing the procedure for the appointment and
13 mandatory training of a notary public.

14 (b) Establishing procedures for the notarization of digital or
15 electronic signatures.

16 (c) *Establishing a code of professional responsibility for*
17 *notaries public.*

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

20 **Sec. 3.** NRS 240.075 is hereby amended to read as follows:

21 240.075 A notary public shall not:

22 1. Influence a person to enter or not enter into a lawful
23 transaction involving a notarial act performed by the notary public.

24 2. Certify an instrument containing a statement known by the
25 notary public to be false.

26 3. Perform any act as a notary public with intent to deceive or
27 defraud, including, without limitation, altering the journal that the
28 notary public is required to keep pursuant to NRS 240.120.

29 4. Endorse or promote any product, service or offering if his or
30 her appointment as a notary public is used in the endorsement or
31 promotional statement.

32 5. Certify photocopies of a certificate of birth, death or
33 marriage or a divorce decree.

34 6. Allow any other person to use his or her notary's stamp.

35 7. Allow any other person to sign the notary's name in a
36 notarial capacity.

37 8. Perform a notarial act on a document that contains only a
38 signature.

39 9. Perform a notarial act on a document, including a form that
40 requires the signer to provide information within blank spaces,
41 unless the document has been filled out completely and has been
42 signed.

43 10. Make or note a protest of a negotiable instrument unless the
44 notary public is employed by a depository institution and the protest
45 is made or noted within the scope of that employment. As used in



1 this subsection, “depository institution” has the meaning ascribed to
2 it in NRS 657.037.

3 11. Affix his or her stamp to any document which does not
4 contain a notarial certificate.

5 *12. Perform a notarial act if the notary public has reason to*
6 *believe that the person whose signature is to be acknowledged,*
7 *sworn to or witnessed or attested does not know or understand the*
8 *act that he or she is performing or the effect thereof, even after the*
9 *notary public has explained the notarial act, the process for*
10 *performing the notarial act and the effect of the notarial act.*

11 **Sec. 4.** NRS 240.150 is hereby amended to read as follows:

12 240.150 1. For misconduct or neglect in a case in which a
13 notary public appointed pursuant to the authority of this State may
14 act, either by the law of this State or of another state, territory or
15 country, or by the law of nations, or by commercial usage, the
16 notary public is liable on his or her official bond to the parties
17 injured thereby, for all the damages sustained.

18 2. The employer of a notary public may be assessed a civil
19 penalty by the Secretary of State of not more than \$2,000 for each
20 violation specified in subsection 4 committed by the notary public,
21 and the employer is liable for any damages proximately caused by
22 the misconduct of the notary public, if:

23 (a) The notary public was acting within the scope of his or her
24 employment at the time the notary public engaged in the
25 misconduct; and

26 (b) The employer of the notary public consented to the
27 misconduct of the notary public.

28 3. The Secretary of State may refuse to appoint or may suspend
29 or revoke the appointment of a notary public who fails to provide to
30 the Secretary of State, within a reasonable time, information that the
31 Secretary of State requests from the notary public in connection
32 with a complaint which alleges a violation of this chapter.

33 4. Except as otherwise provided in this chapter, for any willful
34 violation or neglect of duty or other violation of this chapter **or**
35 *any regulation adopted pursuant thereto*, or upon proof that a
36 notary public has been convicted of, or entered a plea of guilty,
37 guilty but mentally ill or nolo contendere to, a crime described in
38 paragraph (c) of subsection 2 of NRS 240.010:

39 (a) The appointment of the notary public may be suspended for
40 a period determined by the Secretary of State, but not exceeding the
41 time remaining on the appointment;

42 (b) The appointment of the notary public may be revoked after a
43 hearing; or

44 (c) The notary public may be assessed a civil penalty of not
45 more than \$2,000 for each violation.



1 5. If the Secretary of State revokes or suspends the
2 appointment of a notary public pursuant to this section, the
3 Secretary of State shall:

4 (a) Notify the notary public in writing of the revocation or
5 suspension;

6 (b) Cause notice of the revocation or suspension to be published
7 on the website of the Secretary of State; and

8 (c) If a county clerk has issued a certificate of permission to
9 perform marriages to the notary public pursuant to NRS 122.064,
10 notify the county clerk of the revocation or suspension.

11 6. Except as otherwise provided by law, the Secretary of State
12 may assess the civil penalty that is authorized pursuant to this
13 section upon a notary public whose appointment has expired if the
14 notary public committed the violation that justifies the civil penalty
15 before his or her appointment expired.

16 7. The appointment of a notary public may be suspended or
17 revoked by the Secretary of State pending a hearing if the Secretary
18 of State believes it is in the public interest or is necessary to protect
19 the public.

20 **Sec. 5.** NRS 240.1993 is hereby amended to read as follows:

21 240.1993 1. An electronic notary public may perform an
22 electronic notarial act using audio-video communication in
23 accordance with NRS 240.181 to 240.206, inclusive, and any rules
24 or regulations adopted by the Secretary of State for a person who is
25 physically located:

26 (a) In this State;

27 (b) Outside this State but within the United States; or

28 (c) Outside the United States if:

29 (1) The electronic notary public has no actual knowledge of
30 the electronic notarial act being prohibited in the jurisdiction in
31 which the person is physically located; and

32 (2) The person placing his or her electronic signature on the
33 electronic document confirms to the electronic notary public that the
34 requested electronic notarial act and the electronic document:

35 (I) Are part of or pertain to a matter that is to be filed with
36 or is currently before a court, governmental entity or other entity in
37 the United States;

38 (II) Relate to property located in the United States; or

39 (III) Relate to a transaction substantially connected to the
40 United States.

41 2. An electronic notary public who is registered with the
42 Secretary of State pursuant to NRS 240.192 ~~may~~ *shall not* perform
43 an electronic notarial act using audio-video communication in
44 accordance with NRS 240.181 to 240.206, inclusive, and any rules
45 or regulations adopted by the Secretary of State ~~if~~ *unless* the



1 electronic notary public is physically present in this State at the time
2 of performing the electronic notarial act, regardless of whether the
3 person who placed the electronic signature on the electronic
4 document is physically located in another jurisdiction at the time of
5 the electronic notarial act. The validity of the notarial act will be
6 determined by applying the laws of this State.

7 **Sec. 6.** NRS 240A.100 is hereby amended to read as follows:

8 240A.100 1. A person who wishes to engage in the business
9 of a document preparation service must be registered by the
10 Secretary of State pursuant to this chapter. An applicant for
11 registration must be:

12 (a) A natural person;

13 (b) A citizen or legal resident of the United States or hold a
14 valid Employment Authorization Document issued by the United
15 States Citizenship and Immigration Services of the Department of
16 Homeland Security; and

17 (c) At least 18 years of age.

18 2. The Secretary of State shall not register as a document
19 preparation service any person:

20 (a) Who is suspended or has previously been disbarred from the
21 practice of law in any jurisdiction;

22 (b) Whose registration as a document preparation service in this
23 State or another state has previously been revoked for cause;

24 (c) Whose appointment or registration as a notary public in this
25 State or another state has been previously revoked or suspended for
26 cause;

27 (d) Who has previously been convicted of, or entered a plea of
28 guilty, guilty but mentally ill or nolo contendere to, a gross
29 misdemeanor or a category D felony pursuant to NRS 240A.290; or

30 (e) Who has, within the 10 years immediately preceding the date
31 of the application for registration as a document preparation service,
32 been:

33 (1) Convicted of, or entered a plea of guilty, guilty but
34 mentally ill or nolo contendere to, a crime involving theft, fraud or
35 dishonesty;

36 (2) Convicted of, or entered a plea of guilty, guilty but
37 mentally ill or nolo contendere to, the unauthorized practice of law
38 pursuant to NRS 7.285 or the corresponding statute of any other
39 jurisdiction; or

40 (3) Adjudged by the final judgment of any court to have
41 committed an act involving theft, fraud or dishonesty.

42 3. An application for registration as a document preparation
43 service must be made under penalty of perjury on a form prescribed
44 by regulation of the Secretary of State and must be accompanied by:

45 (a) A nonrefundable application fee of \$100; ~~and~~



1 (b) *A list of each business entity or sole proprietorship under*
2 *which the applicant intends to perform document preparation*
3 *services; and*

4 (c) *For each business entity or sole proprietorship listed*
5 *pursuant to paragraph (b), a cash bond or surety bond meeting the*
6 requirements of NRS 240A.120 or proof that the applicant is
7 covered by a bond filed by a business entity pursuant to
8 NRS 240A.123.

9 4. An applicant for registration must submit to the Secretary of
10 State a declaration under penalty of perjury stating that the applicant
11 has not had a certificate or license as a document preparation service
12 revoked or suspended in this State or any other state or territory of
13 the United States.

14 5. After the investigation of the history of the applicant is
15 completed, the Secretary of State shall issue a certificate of
16 registration if the applicant is qualified for registration and has
17 complied with the requirements of this section. Each certificate of
18 registration must bear the name of the registrant and a registration
19 number unique to that registrant. The Secretary of State shall
20 maintain a record of the name and registration number of each
21 registrant.

22 6. An application for registration as a document preparation
23 service that is not completed within 120 days after the date on which
24 the application was submitted must be denied. If an application is
25 denied pursuant to this subsection, the applicant may submit a new
26 application.

27 **Sec. 7.** NRS 240A.110 is hereby amended to read as follows:

28 240A.110 1. The registration of a document preparation
29 service is valid for 1 year after the date of issuance of the certificate
30 of registration, unless the registration is suspended or revoked.
31 Except as otherwise provided in this section, the registration may be
32 renewed subject to the same conditions as the initial registration. An
33 application for renewal must be made under penalty of perjury on a
34 form prescribed by regulation of the Secretary of State and must be
35 accompanied by:

36 (a) A renewal fee of \$50; ~~and~~

37 (b) *A list of each business entity or sole proprietorship under*
38 *which the applicant performs document preparation services; and*

39 (c) *For each entity listed pursuant to paragraph (b), a cash*
40 *bond or surety bond meeting the requirements of NRS 240A.120 or*
41 *proof that the applicant is covered by a bond filed by a business*
42 *entity pursuant to NRS 240A.123, unless the bond previously filed*
43 *by the registrant remains on file and in effect.*

44 2. The registration of a registrant who holds a valid
45 Employment Authorization Document issued by the United States



1 Citizenship and Immigration Services of the Department of
2 Homeland Security must expire on the date on which that person's
3 employment authorization expires.

4 3. The Secretary of State may:

5 (a) Conduct any investigation of a registrant that the Secretary
6 of State deems appropriate.

7 (b) Require a registrant to submit a complete set of fingerprints
8 and written permission authorizing the Secretary of State to forward
9 the fingerprints to the Central Repository for Nevada Records of
10 Criminal History for submission to the Federal Bureau of
11 Investigation for its report.

12 4. After any investigation of the history of a registrant is
13 completed, unless the Secretary of State elects or is required to deny
14 renewal pursuant to this section or NRS 240A.270, the Secretary of
15 State shall renew the registration if the registrant is qualified for
16 registration and has complied with the requirements of this section.

17 **Sec. 8.** NRS 240A.120 is hereby amended to read as follows:

18 240A.120 1. Except as otherwise provided in NRS 240A.123
19 and 240A.125, a registrant shall file with the Secretary of State *for*
20 *each business entity or sole proprietorship under which he or she*
21 *performs or intends to perform document preparation services* a
22 cash bond or surety bond in the penal sum of \$25,000 which is
23 approved as to form by the Attorney General . ~~[and]~~ *Each cash*
24 *bond or surety bond must be* conditioned to provide:

25 (a) Indemnification to a client or any other person who is
26 determined in an action or proceeding to have suffered damage as a
27 result of:

28 (1) An act or omission of the registrant, or an agent or
29 employee of the registrant, which violates a provision of this chapter
30 or a regulation or order adopted or issued pursuant thereto;

31 (2) A wrongful failure or refusal by the registrant, or an
32 agent or employee of the registrant, to provide services in
33 accordance with a contract entered into pursuant to NRS 240A.190;

34 (3) The fraud, dishonesty, negligence or other wrongful
35 conduct of the registrant or an agent or employee of the registrant;
36 or

37 (4) An act or omission of the registrant in violation of any
38 other federal or state law for which the return of fees, an award of
39 damages or the imposition of sanctions have been awarded by a
40 court of competent jurisdiction in this State; or

41 (b) Payment to the Secretary of State for any civil penalty or
42 award of attorney's fees or costs of suit owing and unpaid by the
43 registrant to the Secretary of State pursuant to this chapter.



1 2. No part of the bond may be withdrawn while the registration
2 of the registrant remains in effect, or while a proceeding to suspend
3 or revoke the registration is pending.

4 3. If a surety bond is filed pursuant to subsection 1:

5 (a) The bond must be executed by the registrant as principal and
6 by a surety company qualified and authorized to do business in this
7 State.

8 (b) The bond must cover the period of the registration of the
9 registrant, except when the surety is released in accordance with this
10 section.

11 (c) The surety shall pay any final, nonappealable judgment of a
12 court of this State that has jurisdiction, upon receipt of written
13 notice that the judgment is final.

14 (d) The bond may be continuous, but regardless of the duration
15 of the bond, the aggregate liability of the surety does not exceed the
16 penal sum of the bond.

17 (e) If the penal sum of the bond is exhausted, the surety shall
18 give written notice to the Secretary of State and the registrant within
19 30 days after its exhaustion.

20 (f) The surety may be released after giving 30 days' written
21 notice to the Secretary of State and the registrant, but the release
22 does not discharge or otherwise affect any claim resulting from an
23 act or omission which is alleged to have occurred while the bond
24 was in effect.

25 4. Except as otherwise provided in this subsection, if a cash
26 bond is filed pursuant to subsection 1, the Secretary of State may
27 retain the bond until the expiration of 3 years after the date the
28 registrant has ceased to do business, or 3 years after the date of the
29 expiration or revocation of the registration, to ensure that there are
30 no outstanding claims against the bond. A court of competent
31 jurisdiction may order the return of the bond, or any part of the
32 bond, at an earlier date upon evidence satisfactory to the court that
33 there are no outstanding claims against the bond or that the part of
34 the bond retained by the Secretary of State is sufficient to satisfy
35 any outstanding claims. Interest on a cash bond filed pursuant to
36 subsection 1 must accrue to the account of the depositor.

37 5. The registration of a registrant is suspended by operation of
38 law when the registrant is no longer covered by a bond or the penal
39 sum of the bond is exhausted. If the Secretary of State receives
40 notice pursuant to subsection 3 that the penal sum of a surety bond
41 is exhausted or that the surety is being released, the Secretary of
42 State shall immediately notify the registrant in writing that his or her
43 registration is suspended by operation of law until another bond is
44 filed in the same manner and amount as the former bond.



1 6. The Secretary of State may reinstate the registration of a
2 registrant whose registration has been suspended pursuant to
3 subsection 5 if, before the current term of the registration expires,
4 the registrant files with the Secretary of State a new bond meeting
5 the requirements of this section.

6 7. Except as specifically authorized or required by this chapter,
7 a registrant shall not make or cause to be made any oral or written
8 reference to the registrant's compliance with the requirements of
9 this section.

10 **Sec. 9.** NRS 240A.123 is hereby amended to read as follows:

11 240A.123 1. A business entity that has one or more
12 employees who perform document preparation services ~~may~~ *shall*
13 file with the Secretary of State a cash bond or surety bond on behalf
14 of all employees of the business entity who are registered as a
15 document preparation service and provide document preparation
16 services for the business entity. Any such bond must be for the
17 applicable amount set forth in NRS 240A.125.

18 2. If a business entity files a cash bond or surety bond pursuant
19 to subsection 1, the employees of the business entity who are
20 covered by the bond are not required to file a cash bond or surety
21 bond pursuant to NRS 240A.120 ~~and~~ *with respect to documentation*
22 *preparation services provided for that business entity.*

23 3. A cash or surety bond filed pursuant to subsection 1 must be
24 approved as to form by the Attorney General and conditioned to
25 provide:

26 (a) Indemnification to a client or any other person who is
27 determined in an action or proceeding to have suffered damage as a
28 result of:

29 (1) An act or omission of a registrant employed by the
30 business entity which violates a provision of this chapter or a
31 regulation or order adopted or issued pursuant thereto;

32 (2) A wrongful failure or refusal by a registrant employed by
33 the business entity to provide services in accordance with a contract
34 entered into pursuant to NRS 240A.190;

35 (3) The fraud, dishonesty, negligence or other wrongful
36 conduct of a registrant employed by the business entity; or

37 (4) An act or omission of a registrant employed by the
38 business entity in violation of any other federal or state law for
39 which the return of fees, an award of damages or the imposition of
40 sanctions have been awarded by a court of competent jurisdiction in
41 this State; or

42 (b) Payment to the Secretary of State for any civil penalty or
43 award of attorney's fees or costs of suit owing and unpaid by a
44 registrant employed by the business entity to the Secretary of State
45 pursuant to this chapter.



1 4. No part of a bond filed pursuant to this section may be
2 withdrawn while the registration of a registrant employed by the
3 business entity remains in effect, or while a proceeding to suspend
4 or revoke the registration is pending.

5 5. If a surety bond is filed pursuant to subsection 1:

6 (a) Except as otherwise provided in subsection 6, the bond must
7 be executed by the business entity as principal and by a surety
8 company qualified and authorized to do business in this State.

9 (b) The bond must cover the period of registration of each
10 employee of the business entity who is registered as a document
11 preparation service and performs document preparation services for
12 the business entity, except when the surety is released in accordance
13 with this section.

14 (c) The surety shall pay any final, nonappealable judgment of a
15 court of this State that has jurisdiction, upon receipt of written
16 notice that the judgment is final.

17 (d) The bond may be continuous, but regardless of the duration
18 of the bond, the aggregate liability of the surety does not exceed the
19 penal sum of the bond.

20 (e) If the penal sum of the bond is exhausted, the surety shall
21 give written notice to the Secretary of State and the business entity
22 within 30 days after its exhaustion.

23 (f) The surety may be released after giving 30 days' written
24 notice to the Secretary of State and the business entity, but the
25 release does not discharge or otherwise affect any claim resulting
26 from an act or omission which is alleged to have occurred while the
27 bond was in effect.

28 6. If a business entity employs only one registrant to perform
29 document preparation services, the registrant must be named as
30 principal in the bond filed pursuant to this section.

31 7. Except as otherwise provided in this subsection, if a cash
32 bond is filed pursuant to subsection 1, the Secretary of State may
33 retain the bond until the expiration of 3 years after the date the
34 business entity has ceased to do business, or 3 years after the date of
35 the expiration or revocation of the registration of each employee of
36 the business entity who is registered as a document preparation
37 service and performs document preparation services for the business
38 entity, to ensure that there are no outstanding claims against the
39 bond. A court of competent jurisdiction may order the return of the
40 bond, or any part of the bond, at an earlier date upon evidence
41 satisfactory to the court that there are no outstanding claims against
42 the bond or that the part of the bond retained by the Secretary of
43 State is sufficient to satisfy any outstanding claims. Interest on a
44 cash bond filed pursuant to subsection 1 must accrue to the account
45 of the depositor.



1 8. The registration of a registrant is suspended by operation of
2 law when the registrant is no longer covered by a bond or the penal
3 sum of the bond is exhausted. If the Secretary of State receives
4 notice pursuant to subsection 5 that the penal sum of a surety bond
5 is exhausted or that the surety is being released, the Secretary of
6 State shall immediately notify the business entity and each registrant
7 covered under the bond in writing that their registration is
8 suspended by operation of law until another bond is filed in the
9 same manner and amount as the former bond.

10 9. The Secretary of State may reinstate the registration of a
11 registrant whose registration has been suspended pursuant to
12 subsection 8 if, before the current term of the registration expires,
13 the business entity files with the Secretary of State a new bond
14 meeting the requirements of this section or the registrant files with
15 the Secretary of State a new bond meeting the requirements of NRS
16 240A.120. *A registrant who files a new bond pursuant to NRS*
17 *240A.120 shall not provide document preparation services for a*
18 *business entity that is subject to the requirements of this section*
19 *but has not filed a bond pursuant to subsection 1.*

20 10. Except as specifically authorized or required by this
21 chapter, a business entity or registrant shall not make or cause to be
22 made any oral or written reference to the registrant's compliance
23 with the requirements of this section.

24 **Sec. 10.** NRS 240A.240 is hereby amended to read as follows:

25 240A.240 1. A registrant shall not:

26 (a) After the date of the last service performed for a client, retain
27 any fees or costs for services not performed or costs not incurred.

28 (b) Make, orally or in writing:

29 (1) A promise of the result to be obtained by the filing or
30 submission of any document, unless the registrant has some basis in
31 fact for making the promise;

32 (2) A statement that the registrant has some special influence
33 with or is able to obtain special treatment from the court or agency
34 with which a document is to be filed or submitted; or

35 (3) A false or misleading statement to a client if the registrant
36 knows that the statement is false or misleading or knows that the
37 registrant lacks a sufficient basis for making the statement.

38 (c) Except as otherwise provided in subsection 3, in any
39 advertisement or written description of the registrant or the services
40 provided by the registrant, or on any letterhead or business card of
41 the registrant, use the term "legal aid," "legal services," "law
42 office," "notario," "notario publico," "notary public," "notary,"
43 "paralegal," "legal assistant," "licensed," "licenciado," "attorney,"
44 "lawyer" or any similar term, in English, Spanish or any other
45 language, which implies that the registrant:



1 (1) Offers services without charge if the registrant does not
2 do so;

3 (2) Is an attorney authorized to practice law in this State; or

4 (3) Is acting under the direction and supervision of an
5 attorney.

6 (d) Represent himself or herself, orally or in writing, as a
7 paralegal or legal assistant which implies that the registrant is acting
8 under the direction and supervision of an attorney licensed to
9 practice law in this State.

10 (e) Except as otherwise provided in subsection 2, negotiate with
11 another person concerning the rights or responsibilities of a client,
12 communicate the position of a client to another person or convey the
13 position of another person to a client.

14 (f) Except as otherwise provided in subsection 2, appear on
15 behalf of a client in a court proceeding or other formal adjudicative
16 proceeding, unless the registrant is ordered to appear by the court or
17 presiding officer.

18 (g) Except as otherwise provided in subsection 2, provide any
19 advice, explanation, opinion or recommendation to a client about
20 possible legal rights, remedies, defenses, options or the selection of
21 documents or strategies, except that a registrant may provide to a
22 client published factual information, written or approved by an
23 attorney, relating to legal procedures, rights or obligations.

24 (h) *Engage in the business of a document preparation service*
25 *for an entity that is not covered by a cash bond or surety bond filed*
26 *pursuant to NRS 240A.120 or 240A.123.*

27 (i) Seek or obtain from a client a waiver of any provision of this
28 chapter. Any such waiver is contrary to public policy and void.

29 2. The provisions of paragraphs (e), (f) and (g) of subsection 1
30 do not apply to a registrant to the extent that compliance with such
31 provisions would violate federal law.

32 3. A registrant who is also a notary public appointed by the
33 Secretary of State pursuant to chapter 240 of NRS and in good
34 standing with the Secretary of State may, in any advertisement or
35 written description of the registrant or the services provided by the
36 registrant, use the term "notary public."

37 4. If the Secretary of State finds a registrant in violation of the
38 provisions of subsection 1, the Secretary of State may:

39 (a) Suspend the registration of the registrant for not less than 1
40 year.

41 (b) Revoke the registration of the registrant for a third or
42 subsequent offense.

43 (c) Assess a penalty of not more than \$1,000 for each violation.



1 **Sec. 11.** NRS 240A.260 is hereby amended to read as follows:
2 240A.260 1. If the Secretary of State obtains information that
3 a provision of this chapter or a regulation or order adopted or issued
4 pursuant thereto has been violated by a registrant or another person,
5 the Secretary of State may conduct or cause to be conducted an
6 investigation of the alleged violation.

7 2. If, within a reasonable period of time, a registrant fails to
8 provide the Secretary of State with any information requested by the
9 Secretary of State during an investigation of an alleged violation by
10 the registrant, the Secretary of State may suspend or refuse to renew
11 the registration of the registrant.

12 3. If, after investigation, the Secretary of State determines that
13 a violation has occurred, the Secretary of State may:

14 (a) Serve, by certified mail addressed to the person who has
15 committed the violation, a written order directing the person to
16 cease and desist from the conduct constituting the violation. The
17 order must notify the person that any willful violation of the order
18 may subject the person to prosecution and criminal penalties
19 pursuant to NRS 240A.290 and penalties pursuant to this section
20 and NRS 240A.280.

21 (b) If a registrant has committed the violation:

22 (1) Revoke or suspend the registration of the registrant; or

23 (2) Impose a penalty of not more than \$1,000 for each
24 violation. The authority of the Secretary of State to impose a penalty
25 applies regardless of whether the person is still a registrant at the
26 time that the penalty is imposed so long as the person was a
27 registrant at the time that he or she committed the violation. The
28 Secretary of State shall afford any person upon whom such a penalty
29 is imposed an opportunity for a hearing pursuant to the provisions of
30 NRS 233B.121.

31 (c) If a person engaged in the business of a document
32 preparation service and was not a registrant at the time of the
33 violation, after a hearing on the matter, impose a penalty for each
34 violation of not more than \$5,000 or the amount of economic benefit
35 derived from the violation, whichever is greater.

36 (d) Refer the alleged violation to the Attorney General or a
37 district attorney for commencement of a civil action against the
38 person pursuant to NRS 240A.280.

39 (e) Refer the alleged violation to the Attorney General or a
40 district attorney for prosecution of the person pursuant to
41 NRS 240A.290.

42 (f) Take any combination of the actions described in this
43 subsection.

44 4. Any person who is aware of a violation of this chapter by a
45 document preparation service, a person applying for registration as a



1 document preparation service or a person who is engaging in the
2 business of a document preparation service and is not registered by
3 the Secretary of State pursuant to this chapter may file a complaint
4 with the Secretary of State setting forth the details of the violation
5 that are known by the person who is filing the complaint.

6 5. If the Secretary of State receives a complaint alleging a
7 violation of this chapter, the Secretary of State shall notify the
8 document preparation service or other person who is the subject of
9 the complaint. The notice:

10 (a) Must be sent by certified mail;

11 (b) Is deemed to have been received 3 days after the notice is
12 mailed;

13 (c) Must include, without limitation:

14 (1) A description of each allegation contained in the
15 complaint;

16 (2) A statement of each statutory provision which the
17 document preparation service or other person is alleged to have
18 violated;

19 (3) An explanation of any disciplinary action that may be
20 taken against the document preparation service or other person if the
21 Secretary of State determines that the alleged violation occurred;

22 (4) A statement that the document preparation service or
23 other person must respond to the notice not later than 15 days after
24 the notice is received; and

25 (5) Instructions on the manner in which the document
26 preparation service or other person may respond to the notice.

27 6. Any determination by the Secretary of State that a provision
28 of this chapter or a regulation or order adopted or issued pursuant
29 thereto has been violated by a registrant or another person and the
30 imposition of any penalty by the Secretary of State pursuant to this
31 section is a public record.

32 *7. Except as otherwise necessary to refer an alleged violation*
33 *for the commencement of a civil action or prosecution pursuant to*
34 *paragraph (d) or (e), respectively, of subsection 3, information and*
35 *documents obtained by or filed with the Secretary of State in*
36 *connection with an investigation concerning a possible violation*
37 *of this chapter are not public information and are confidential.*

38 **Sec. 12.** 1. If, pursuant to NRS 240A.123, as amended by
39 section 9 of this act, a business entity files with the Secretary of
40 State a cash bond or surety bond on behalf of an employee of the
41 business entity and the employee is not required to file any other
42 cash bond or surety bond with the Secretary of State pursuant to
43 NRS 240A.120, as amended by section 8 of this act, or 240A.123,
44 as amended by section 9 of this act, the Secretary of State shall:



1 (a) Return a cash bond filed by the employee pursuant to NRS
2 240A.120, as that section existed before the effective date of section
3 8 of this act.

4 (b) Allow the release of a surety bond filed by the employee
5 pursuant to NRS 240A.120, as that section existed before the
6 effective date of section 8 of this act.

7 2. As used in this section, "business entity" has the meaning
8 ascribed to it in NRS 240A.015.

9 **Sec. 13.** 1. This section becomes effective upon passage and
10 approval.

11 2. Sections 1, 3, 5 and 11 of this act become effective on
12 October 1, 2025.

13 3. Sections 2, 4, 6 to 10, inclusive, and 12 of this act become
14 effective:

15 (a) Upon passage and approval for the purpose of adopting any
16 regulations and performing any other preparatory administrative
17 tasks that are necessary to carry out the provisions of this act; and

18 (b) On January 1, 2026, for all other purposes.



