

ASSEMBLY BILL NO. 127—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF SECRETARY OF STATE)

FEBRUARY 4, 1999

Referred to Committee on Government Affairs

SUMMARY—Makes various changes concerning notaries public. (BDR 19-673)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to notaries public; providing that information obtained by the secretary of state during an investigation of a violation of certain provisions concerning notaries public is confidential; increasing fees that notaries public may charge for providing certain services; 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 thereto
2 a new section to read as follows:

3 ***1. Except as otherwise provided in subsection 2, information and***
4 ***documents filed with or obtained by the secretary of state pursuant to***
5 ***NRS 240.001 to 240.169, inclusive, are public information and are***
6 ***available for public examination.***

7 ***2. Except as otherwise provided in subsections 3 and 4, information***
8 ***and documents obtained by or filed with the secretary of state in***
9 ***connection with an investigation concerning a possible violation of the***
10 ***provisions of NRS 240.001 to 240.169, inclusive, are not public***
11 ***information and are confidential.***

12 ***3. The secretary of state may submit any information or evidence***
13 ***obtained in connection with an investigation concerning a possible***
14 ***violation of the provisions of NRS 240.001 to 240.169, inclusive, to the***
15 ***appropriate district attorney for the purpose of prosecuting a criminal***
16 ***action.***

1 **4. The secretary of state may disclose any information or documents**
2 **obtained in connection with an investigation concerning a possible**
3 **violation of the provisions of NRS 240.001 to 240.169, inclusive, to an**
4 **agency of this state or a political subdivision of this state.**

5 **Sec. 2.** NRS 240.001 is hereby amended to read as follows:

6 240.001 As used in NRS 240.001 to 240.169, inclusive, **and section 1**
7 **of this act**, unless the context otherwise requires, the words and terms
8 defined in NRS 240.002 to 240.006, inclusive, have the meanings ascribed
9 to them in those sections.

10 **Sec. 3.** NRS 240.030 is hereby amended to read as follows:

11 240.030 1. Except as otherwise provided in subsection 4, each
12 person applying for appointment as a notary public must:

13 (a) At the time he submits his application, pay to the secretary of state
14 \$35.

15 (b) Take and subscribe to the oath set forth in section 2 of article 15 of
16 the constitution of the State of Nevada as if he were a public officer.

17 (c) Enter into a bond to the State of Nevada in the sum of \$10,000, to be
18 filed with the clerk of the county in which the applicant resides or, if the
19 applicant is a resident of an adjoining state, with the clerk of the county in
20 this state in which the applicant maintains a place of business or is
21 employed. The applicant shall submit to the secretary of state a certificate
22 issued by the appropriate county clerk which indicates that the applicant
23 filed the bond required pursuant to this paragraph.

24 2. In addition to the requirements set forth in subsection 1, an
25 applicant for appointment as a notary public , **including, without**
26 **limitation, a court reporter**, who resides in an adjoining state must submit
27 to the secretary of state with his application:

28 (a) An affidavit setting forth the address of his place of residence and
29 the address of his place of business or employment that is located within
30 the State of Nevada; and

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

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

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

37 3. In completing an application, bond, oath or other document
38 necessary to apply for appointment as a notary public, an applicant who is
39 employed as a peace officer and is required to be a notary public as a
40 condition of that employment must not be required to disclose his
41 residential address or telephone number on any such document which will
42 become available to the public.

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

6 5. If required, the bond, together with the oath, must be filed and
7 recorded in the office of the county clerk of the county in which the
8 applicant resides when he applies for his appointment or, if the applicant is
9 a resident of an adjoining state, with the clerk of the county in this state in
10 which the applicant maintains a place of business or is employed. On a
11 form provided by the secretary of state, the county clerk shall immediately
12 certify to the secretary of state that the required bond and oath have been
13 filed and recorded. Upon receipt of the application, fee and certification
14 that the required bond and oath have been filed and recorded, the secretary
15 of state shall issue a certificate of appointment as a notary public to the
16 applicant.

17 6. Except as otherwise provided in this subsection, the secretary of
18 state shall charge a fee of \$10 for each duplicate or amended certificate of
19 appointment which is issued to a notary. If the notary public does not
20 receive an original certificate of appointment, the secretary of state shall
21 provide a duplicate certificate of appointment without charge if the notary
22 public requests such a duplicate within 60 days after the date on which the
23 original certificate was issued.

24 **Sec. 4.** NRS 240.100 is hereby amended to read as follows:

25 240.100 1. Except as otherwise provided in subsection 3, a notary
26 public may charge the following fees and no more:

27
28 For taking an acknowledgment, for the first signature
29 of each signer ~~10~~ **\$5.00**
30 For each additional signature of each signer ~~10~~ **2.50**
31 For administering an oath or affirmation without a
32 signature ~~10~~ **2.50**
33 For a certified copy..... ~~10~~ **2.50**
34 For a jurat, for each signature on the affidavit ~~20~~ **5.00**
35

36 2. All fees prescribed in this section are payable in advance, if
37 demanded.

38 3. A notary public may charge an additional fee for traveling to
39 perform a notarial act if:

40 (a) The person requesting the notarial act asks the notary public to
41 travel;

1 (b) The notary public explains to the person requesting the notarial act
2 that the fee is in addition to the fee authorized in subsection 1 and is not
3 required by law;

4 (c) The person requesting the notarial act agrees in advance upon the
5 amount of the additional fee; and

6 (d) The additional fee does not exceed the standard mileage
7 reimbursement rate for which a deduction is allowed for the purposes of
8 federal income tax.

9 4. A person who employs a notary public may prohibit the notary
10 public from charging a fee for a notarial act that the notary public performs
11 within the scope of his employment. Such a person shall not require the
12 notary public whom he employs to surrender to him all or part of a fee
13 charged by the notary public for a notarial act performed outside the scope
14 of his employment.

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