

Assembly Bill No. 178—Assemblymen Ocegüera, Horne, Allen,
Arberry Jr., Buckley, Denis, Gansert, Gerhardt, Hettrick,
Koivisto, Munford, Parks and Seale

CHAPTER.....

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:

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

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

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

Section 1. NRS 240.065 is hereby amended to read as follows:
240.065 1. A notary public may not perform a notarial act if:

(a) He executed or is named in the instrument acknowledged or sworn to;

(b) ~~He~~ *Except as otherwise provided in subsection 2, he has or* will receive directly from a transaction relating to the instrument or pleading a commission, fee, advantage, right, title, interest, property or other consideration in excess of the ~~authorized fees;~~ *fee authorized pursuant to NRS 240.100 for the notarial act;* or

(c) The person whose signature is to be acknowledged or sworn to is a relative of the notary public by marriage or consanguinity.

2. *A notary public who is an attorney licensed to practice law in this State may perform a notarial act on an instrument or pleading if he has or will receive directly from a transaction relating to the instrument or pleading a fee for providing legal services in excess of the fee authorized pursuant to NRS 240.100 for the notarial act.*

3. As used in this section, "relative" includes, without limitation:

- (a) A spouse, parent, grandparent or stepparent;
- (b) A natural born child, stepchild or adopted child;
- (c) A grandchild, brother, sister, half brother, half sister, stepbrother or stepsister;
- (d) A grandparent, parent, brother, sister, half brother, half sister, stepbrother or stepsister of the spouse of the notary public; and
- (e) A natural born child, stepchild or adopted child of a sibling or half sibling of the notary public or of a sibling or half sibling of the spouse of the notary public.

Sec. 2. This act becomes effective on July 1, 2005.