

ASSEMBLY BILL NO. 227—ASSEMBLYMEN DENIS, PIERCE,
MCCLEARY, LESLIE, PARKS, ANDERSON, ATKINSON,
BUCKLEY, CLABORN, CONKLIN, GANSERT, GERHARDT,
GIUNCHIGLIANI, HOGAN, HOLCOMB, KIRKPATRICK,
MABEY, MUNFORD, OCEGUERA, SEALE AND SMITH

MARCH 21, 2005

JOINT SPONSORS: SENATORS CARLTON AND HORSFORD

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to advertising by notaries
public. (BDR 19-862)

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 notaries public; prohibits a notary public who is
not an attorney licensed to practice law in this State from
using the term “notario,” “notario publico” or any other
equivalent non-English term in any form of
communication that advertises his services as a notary
public; providing a penalty; and providing other matters
properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires every notary public who is not an attorney licensed to
2 practice law in Nevada and who advertises his services in a language other than
3 English to include with the advertisement notice that he is not a licensed attorney
4 and may not accept fees for giving legal advice. The appointment of a notary public
5 who violates this provision will be suspended for at least 1 year or revoked for a
6 third or subsequent violation and the notary public may be subject to a criminal
7 prosecution for which he may be fined not more than \$2,000. (NRS 240.085)
8 This bill prohibits a notary public who is not an attorney licensed to practice
9 law in Nevada from using the terms “notario,” “notario publico” or any other
10 equivalent non-English term in any communication that advertises his services,



11 including business cards, stationery, notices and signs. A notary public who
12 violates this prohibition is subject to the same penalties imposed on a notary public
13 who is not a licensed attorney in Nevada relating to advertising his services in a
14 language other than English.

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

1 **Section 1.** NRS 240.085 is hereby amended to read as follows:
2 240.085 1. Every notary public who is not an attorney
3 licensed to practice law in this State and who advertises his services
4 as a notary public in a language other than English by any form of
5 communication, except a single plaque on his desk, shall post or
6 otherwise include with the advertisement a notice in the language in
7 which the advertisement appears. The notice must be of a
8 conspicuous size, if in writing, and must appear in substantially the
9 following form:

10
11 I AM NOT AN ATTORNEY IN THE STATE OF
12 NEVADA. I AM NOT LICENSED TO GIVE LEGAL
13 ADVICE. I MAY NOT ACCEPT FEES FOR GIVING
14 LEGAL ADVICE.
15

16 2. *A notary public who is not an attorney licensed to practice*
17 *law in this State shall not use the term “notario,” “notario*
18 *publico” or any other equivalent non-English term in any form of*
19 *communication that advertises his services as a notary public,*
20 *including, without limitation, a business card, stationery, notice*
21 *and sign.*

22 3. If the Secretary of State finds a notary public guilty of
23 violating the provisions of subsection 1 ~~H~~ or 2, he shall:

24 (a) Suspend the appointment of the notary public for not less
25 than 1 year.

26 (b) Revoke the appointment of the notary public for a third or
27 subsequent offense.

28 ~~13~~ 4. A notary public who is found guilty in a criminal
29 prosecution of violating subsection 1 or 2 shall be punished by a
30 fine of not more than \$2,000.

