
ASSEMBLY BILL NO. 100—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE CERTIFIED COURT REPORTERS’
BOARD OF NEVADA)

FEBRUARY 13, 2007

Referred to Committee on Judiciary

SUMMARY—Eliminates the requirement that a certified court reporter be appointed as a notary public to administer oaths and affirmations. (BDR 54-572)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 certified court reporters; eliminating the requirement that a certified court reporter be appointed as a notary public to administer an oath or affirmation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Under existing law, a certified court reporter may not administer oaths and
2 affirmations unless the court reporter is appointed as a notary public, including a
3 notary public with limited powers. (NRS 240.030, 240.069) This bill eliminates that
4 requirement and specifically authorizes a certified court reporter to administer oaths
5 and affirmations without being appointed as a notary public.
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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 656 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 ***A court reporter may administer oaths and affirmations***
4 ***without being appointed as a notary public pursuant to chapter***
5 ***240 of NRS.***



Sec. 2. NRS 240.030 is hereby amended to read as follows:

240.030 1. ~~{Except as otherwise provided in subsection 4, each}~~ **Each** person applying for appointment as a notary public must:

(a) At the time he submits his application, pay to the Secretary of State \$35.

(b) Take and subscribe to the oath set forth in Section 2 of Article 15 of the Constitution of the State of Nevada as if he were a public officer.

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

2. In addition to the requirements set forth in subsection 1, an applicant for appointment as a notary public ~~{, including, without limitation, a court reporter,}~~ who resides in an adjoining state must submit to the Secretary of State with his application:

(a) An affidavit setting forth the adjoining state in which he resides, his mailing address and the address of his place of business or employment that is located within the State of Nevada; and

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

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

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

3. In completing an application, bond, oath or other document necessary to apply for appointment as a notary public, an applicant must not be required to disclose his residential address or telephone number on any such document which will become available to the public.

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

~~5. If required, the~~ **The** bond, together with the oath, must be filed and recorded in the office of the county clerk of the county in which the applicant resides when he applies for his appointment or, if the applicant is a resident of an adjoining state, with the clerk of



1 the county in this State in which the applicant maintains a place
2 of business or is employed. On a form provided by the Secretary of
3 State, the county clerk shall immediately certify to the Secretary of
4 State that the required bond and oath have been filed and recorded.
5 Upon receipt of the application, fee and certification that the
6 required bond and oath have been filed and recorded, the Secretary
7 of State shall issue a certificate of appointment as a notary public to
8 the applicant.

9 ~~{6. Except as otherwise provided in subsection 7, the}~~

10 **5.** *The* term of a notary public commences on the effective date
11 of the bond required pursuant to paragraph (c) of subsection 1. A
12 notary public shall not perform a notarial act after the effective date
13 of the bond unless he has been issued a certificate of appointment.

14 ~~{7. The term of a notary public with limited powers~~
15 ~~commences on the date set forth in his certificate of appointment.~~

16 ~~—8.}~~ **6.** Except as otherwise provided in this subsection, the
17 Secretary of State shall charge a fee of \$10 for each duplicate or
18 amended certificate of appointment which is issued to a notary. If
19 the notary public does not receive an original certificate of
20 appointment, the Secretary of State shall provide a duplicate
21 certificate of appointment without charge if the notary public
22 requests such a duplicate within 60 days after the date on which the
23 original certificate was issued.

24 **Sec. 3.** NRS 240.060 is hereby amended to read as follows:

25 240.060 ~~{Except as otherwise provided in NRS 240.069, a}~~ **A**
26 notary public may, during normal business hours, perform notarial
27 acts in lawful transactions for a person who requests the act and
28 tenders the appropriate fee.

29 **Sec. 4.** NRS 240.120 is hereby amended to read as follows:

30 240.120 1. ~~{Except as otherwise provided in NRS 240.069,~~
31 ~~each}~~ **Each** notary public shall keep a journal in his office in which
32 he shall enter for each notarial act performed, at the time the act is
33 performed:

- 34 (a) The fees charged, if any;
35 (b) The title of the document;
36 (c) The date on which he performed the service;
37 (d) The name and signature of the person whose signature is
38 being notarized;
39 (e) A description of the evidence used by the notary public to
40 verify the identification of the person whose signature is being
41 notarized;
42 (f) An indication of whether he administered an oath; and
43 (g) The type of certificate used to evidence the notarial act, as
44 required pursuant to NRS 240.1655.



2. If the notary verifies the identification of the person whose signature is being notarized on the basis of a credible witness, the notary public shall:

(a) Require the witness to sign the journal in the space provided for the description of the evidence used; and

(b) Make a notation in the journal that the witness is a credible witness.

3. The journal must:

(a) Be open to public inspection.

(b) Be in a bound volume with preprinted page numbers.

4. A notary public shall, upon request and payment of the fee set forth in NRS 240.100, provide a certified copy of an entry in his journal.

5. A notary public shall retain each journal that he has kept pursuant to this section until 7 years after the date on which he ceases to be a notary public.

6. A notary public shall file a report with the Secretary of State and the appropriate law enforcement agency if his journal is lost or stolen.

7. The provisions of this section do not apply to a person who is authorized to perform a notarial act pursuant to paragraph (b), (c) or (d) of subsection 1 of NRS 240.1635.

Sec. 5. NRS 240.069 is hereby repealed.

Sec. 6. Any certificate of appointment as a notary public with limited powers that has been issued to a certified court reporter pursuant to subsection 4 of NRS 240.030 is void on and after July 1, 2007.

Sec. 7. This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTION

240.069 Powers and duties of certified court reporter appointed as notary public with limited powers. A certified court reporter who receives a certificate of appointment as a notary public with limited powers pursuant to subsection 4 of NRS 240.030, may only administer oaths and affirmations and may not perform the other powers, and is not required to perform the other duties, of a notary public specified in NRS 240.060, 240.120 and 240.1655.

