

ASSEMBLY BILL NO. 99—ASSEMBLYMEN OHRENSCHALL;
AND HORNE

FEBRUARY 13, 2013

JOINT SPONSORS: SENATORS SEGERBLOM, ROBERSON,
BROWER; AND SETTELMAYER

Referred to Committee on Government Affairs

SUMMARY—Enacts the Revised Uniform Law on Notarial Acts.
(BDR 19-1)

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 notarial acts; enacting the Revised Uniform Law on Notarial Acts; repealing certain provisions of the Uniform Law on Notarial Acts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains the Uniform Law on Notarial Acts, which provides the manner in which notarial acts must be performed. (NRS 240.161-240.169) Existing law also allows the Secretary of State to appoint electronic notaries public and provides for the performance of notarial acts on electronic records by electronic notaries public. (NRS 240.181-240.206) Under existing law, to become an electronic notary public, a person must already be a notarial officer in Nevada and must successfully complete a course of study on electronic notarization, enter into a bond, pay an application fee and take an oath. (NRS 240.192)

This bill replaces the Uniform Law on Notarial Acts with the Revised Uniform Law on Notarial Acts (RULONA) and maintains existing law relating to the performance of notarial acts on electronic records by electronic notaries public. The RULONA defines certain standard notarial acts, including, without limitation, acknowledgment, the verification or witnessing of a signature and the certification of a copy of a record, and specifies the manner in which the act must be performed. **Sections 10 and 33** of this bill prohibit a notarial officer from performing a notarial act with respect to a record to which the officer or the officer's spouse or domestic partner is a party or in which either of them has a direct beneficial interest. **Sections 11-13** of this bill require a person seeking a notarial act to appear personally before the notarial officer and require the notarial officer to identify the person based on



personal knowledge, certain types of identification or the oath or affirmation of a credible witness. **Section 14** of this bill allows a notarial officer to refuse to perform a notarial act if the notarial officer is not satisfied that the signature is knowingly or voluntarily made or has concern as to the competency or capacity of the person.

Sections 16-18 of this bill provide for the recognition of notarial acts performed by notarial officers in this State, in another state of the United States, under the jurisdiction of a federally recognized Indian tribe or nation, or under federal authority. **Section 19** of this bill provides for the recognition of notarial acts performed in a foreign state.

Section 20 of this bill requires a notarial act to be evidenced by a certificate which satisfies certain requirements. **Sections 21-25** of this bill provide the form of this certificate for certain types of notarial acts.

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

Section 1. Chapter 240 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 28, inclusive, of this act.

Sec. 2. *“Notary public” means a person appointed to perform a notarial act by the Secretary of State pursuant to NRS 240.010.*

Sec. 3. *As used in NRS 240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *“Person” means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited-liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.*

Sec. 5. *“Sign” means, with present intent to authenticate or adopt a document, to execute or adopt a tangible symbol.*

Sec. 6. *“Signature” means a tangible symbol that evidences the signing of a document.*

Sec. 7. *“State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.*

Sec. 8. *NRS 240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act may be cited as the Revised Uniform Law on Notarial Acts.*

Sec. 9. 1. *A notarial act may be performed in this State by the following persons:*

(a) A notary public of this State;

(b) A judge, clerk or deputy clerk of any court of this State;

(c) A justice of the peace; or



1 (d) *Any other person authorized to perform the specific act by*
2 *the law of this State.*

3 2. *The signature and title of a person performing a notarial*
4 *act in this State are prima facie evidence that the signature is*
5 *genuine and that the person holds the designated title.*

6 3. *The signature and title of a notarial officer described in*
7 *paragraph (a), (b) or (c) of subsection 1 conclusively establish the*
8 *authority of the officer to perform the notarial act.*

9 **Sec. 10.** 1. *A notarial officer may perform a notarial act*
10 *authorized by NRS 240.001 to 240.169, inclusive, and sections 2 to*
11 *28, inclusive, of this act or by law of this State other than NRS*
12 *240.001 to 240.169, inclusive, and sections 2 to 28, inclusive, of*
13 *this act.*

14 2. *A notarial officer other than a notary public may not*
15 *perform a notarial act with respect to a document to which the*
16 *officer or the officer's spouse or domestic partner is a party, or in*
17 *which either of them has a direct beneficial interest. A notary*
18 *public may not perform a notarial act if the notarial act is*
19 *prohibited by NRS 240.001 to 240.169, inclusive, and sections 2 to*
20 *28, inclusive, of this act. A notarial act performed in violation of*
21 *this subsection is voidable.*

22 3. *For the purposes of this section, a person is the domestic*
23 *partner of a notarial officer if the person and the notarial officer*
24 *are domestic partners, as that term is defined in NRS 122A.030.*

25 **Sec. 11.** 1. *A notarial officer who takes an acknowledgment*
26 *of a document shall determine, from personal knowledge or*
27 *satisfactory evidence of the identity of the person, that the person*
28 *appearing before the notarial officer and making the*
29 *acknowledgment has the identity claimed and that the signature*
30 *on the document is the signature of the person.*

31 2. *A notarial officer who witnesses or attests to a signature*
32 *shall determine, from personal knowledge or satisfactory evidence*
33 *of the identity of the person, that the person appearing before the*
34 *officer and signing the document has the identity claimed.*

35 3. *A notarial officer who certifies or attests a copy of a*
36 *document or an item that was copied shall determine that the copy*
37 *is a full, true and accurate transcription or reproduction of the*
38 *document or item.*

39 4. *A notarial officer who makes or notes a protest of a*
40 *negotiable instrument shall determine the matters set forth in*
41 *subsection 2 of NRS 104.3505.*

42 5. *A notarial officer who administers an oath or affirmation*
43 *shall determine, from personal knowledge or satisfactory evidence,*
44 *the identity of the person taking the oath or affirmation.*



6. *A notarial officer who executes a jurat shall administer an oath or affirmation to the affiant and determine, from personal knowledge or satisfactory evidence, that the affiant is the person named in the document. The affiant shall sign the document in the presence of the notarial officer. The notarial officer shall administer the oath or affirmation required pursuant to this subsection in substantially the following form:*

Do you (solemnly swear or affirm) that the statements in this document are true, (so help you God)?

Sec. 12. *If a notarial act relates to a statement made in or a signature executed on a document, the person making the statement or executing the signature shall appear personally before the notarial officer.*

Sec. 13. 1. *A notarial officer has personal knowledge of the identity of a person appearing before the officer if the person is personally known to the officer through dealings sufficient to provide reasonable certainty that the person has the identity claimed.*

2. *A notarial officer has satisfactory evidence of the identity of a person appearing before the officer if the officer can identify the person:*

(a) By means of:

(1) A passport, driver's license or government-issued nondriver identification card which is current or which expired not more than 3 years before performance of the notarial act;

(2) Another form of government identification issued to a person which is current or which expired not more than 3 years before performance of the notarial act, contains the signature or a photograph of the person and is satisfactory to the notarial officer; or

(3) A consular identification card.

(b) By a verification on oath or affirmation of a credible witness personally appearing before the officer and known to the officer or whom the officer can identify on the basis of a passport, driver's license or government-issued nondriver identification card which is current or which expired not more than 3 years before performance of the notarial act. The oath or affirmation must be in substantially the following form:

Do you (solemnly swear or affirm) that you personally know(name of the person who signed the document), (so help you God)?



1 3. A notarial officer may require a person to provide
2 additional information or identification credentials necessary to
3 assure the officer of the identity of the person.

4 4. As used in this section, "consular identification card"
5 means an identification card issued by a consulate of a foreign
6 government, which consulate is located in this State.

7 **Sec. 14.** 1. A notarial officer may refuse to perform a
8 notarial act if the notarial officer is not satisfied that:

9 (a) The person executing the record is competent or has the
10 capacity to execute the record; or

11 (b) The person's signature is knowingly and voluntarily made.

12 2. A notarial officer may refuse to perform a notarial act
13 unless refusal is prohibited by law other than NRS 240.1663 to
14 240.169, inclusive, and sections 3 to 28, inclusive, of this act.

15 **Sec. 15.** If a person is physically unable to sign a record, the
16 person may direct a person other than the notarial officer to sign
17 the person's name on the record. The notarial officer shall insert
18 "Signature affixed by (insert name of other person) at the
19 direction of (insert name of person)" or words of similar import.

20 **Sec. 16.** 1. A notarial act performed in another state has
21 the same effect under the law of this State as if performed by a
22 notarial officer of this State, if the act performed in that state is
23 performed by:

24 (a) A notary public of that state;

25 (b) A judge, clerk or deputy clerk of a court of that state; or

26 (c) Any other person authorized by the law of that state to
27 perform the notarial act.

28 2. The signature and title of a person performing a notarial
29 act in another state are prima facie evidence that the signature is
30 genuine and that the person holds the designated title.

31 3. The signature and title of a notarial officer described in
32 paragraph (a) or (b) of subsection 1 conclusively establish the
33 authority of the notarial officer to perform the notarial act.

34 **Sec. 17.** 1. A notarial act performed under the authority
35 and in the jurisdiction of a federally recognized Indian tribe or
36 nation has the same effect as if performed by a notarial officer of
37 this State, if the act performed in the jurisdiction of that tribe or
38 nation is performed by:

39 (a) A notary public of that tribe or nation;

40 (b) A judge, clerk or deputy clerk of a court of that tribe or
41 nation; or

42 (c) Any other person authorized by the law of that tribe or
43 nation to perform the notarial act.

44 2. The signature and title of a person performing a notarial
45 act under the authority of and in the jurisdiction of a federally



1 *recognized Indian tribe or nation are prima facie evidence that the*
2 *signature is genuine and that the person holds the designated title.*

3 3. *The signature and title of a notarial officer described in*
4 *paragraph (a) or (b) of subsection 1 conclusively establish the*
5 *authority of the notarial officer to perform the notarial act.*

6 **Sec. 18.** 1. *A notarial act performed under federal law has*
7 *the same effect under the law of this State as if performed by a*
8 *notarial officer of this State, if the act performed under federal*
9 *law is performed by:*

10 (a) *A judge, clerk or deputy clerk of a court;*

11 (b) *A person in military service or performing duties under the*
12 *authority of military service who is authorized to perform notarial*
13 *acts under federal law;*

14 (c) *A person designated a notarizing officer by the United*
15 *States Department of State for performing notarial acts overseas;*
16 *or*

17 (d) *Any other person authorized by federal law to perform the*
18 *notarial act.*

19 2. *The signature and title of a person acting under federal*
20 *authority and performing a notarial act are prima facie evidence*
21 *that the signature is genuine and that the person holds the*
22 *designated title.*

23 3. *The signature and title of an officer described in*
24 *paragraph (a), (b) or (c) of subsection 1 conclusively establish the*
25 *authority of the officer to perform the notarial act.*

26 **Sec. 19.** 1. *If a notarial act is performed under the*
27 *authority and in the jurisdiction of a foreign state or constituent*
28 *unit of the foreign state or is performed under the authority of a*
29 *multinational or international governmental organization, the act*
30 *has the same effect under the law of this State as if performed by a*
31 *notarial officer of this State.*

32 2. *If the title of office and indication of authority to perform*
33 *notarial acts in a foreign state appears in a digest of foreign law or*
34 *in a list customarily used as a source for that information, the*
35 *authority of an officer with that title to perform notarial acts is*
36 *conclusively established.*

37 3. *The signature and official stamp of a person holding an*
38 *office described in subsection 2 are prima facie evidence that the*
39 *signature is genuine and the person holds the designated title.*

40 4. *An apostille in the form prescribed by the Hague*
41 *Convention of October 5, 1961, and issued by a foreign state party*
42 *to the Convention conclusively establishes that the signature of the*
43 *notarial officer is genuine and that the officer holds the indicated*
44 *office.*



1 5. *A consular authentication issued by a person designated by*
2 *the United States Department of State as a notarizing officer for*
3 *performing notarial acts overseas and attached to the document or*
4 *electronic record with respect to which the notarial act is*
5 *performed conclusively establishes that the signature of the*
6 *notarial officer is genuine and that the officer holds the indicated*
7 *office.*

8 6. *As used in this section, "foreign state" means a*
9 *government other than the United States, a state or a federally*
10 *recognized Indian tribe or nation.*

11 **Sec. 20. 1. A notarial act must be evidenced by a certificate.**
12 *The certificate must:*

13 (a) *Be executed contemporaneously with the performance of*
14 *the notarial act;*

15 (b) *Be signed and dated by the notarial officer and, if the*
16 *notarial officer is a notary public, be signed in the same manner*
17 *as on file with the Secretary of State;*

18 (c) *Identify the jurisdiction in which the notarial act is*
19 *performed;*

20 (d) *Contain the title of office of the notarial officer; and*

21 (e) *If the officer is a notary public, indicate the date of*
22 *expiration, if any, of the officer's appointment.*

23 2. *If a notarial act is performed by a notary public regarding*
24 *a document, the notary public's stamp must be affixed to or*
25 *embossed on the certificate. If a notarial act is performed*
26 *regarding a document by a notarial officer other than a notary*
27 *public and the certificate contains the information specified in*
28 *paragraphs (b), (c) and (d) of subsection 1, an official stamp may*
29 *be affixed to or embossed on the certificate.*

30 3. *A certificate of a notarial act is sufficient if it meets the*
31 *requirements of subsections 1 and 2 and:*

32 (a) *Is in the appropriate short form as set forth in NRS*
33 *240.1663 to 240.169, inclusive, and sections 21 to 25, inclusive, of*
34 *this act;*

35 (b) *Is in a form otherwise permitted by the law of this State;*

36 (c) *Is in a form permitted by the law applicable in the*
37 *jurisdiction in which the notarial act was performed; or*

38 (d) *Sets forth the actions of the notarial officer and the actions*
39 *are sufficient to meet the requirements of the notarial act as*
40 *provided in sections 11, 12 and 13 of this act or law other than*
41 *NRS 240.1663 to 240.169, inclusive, and sections 3 to 28,*
42 *inclusive, of this act.*



4. By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in sections 11, 12 and 13 of this act.

5. A notarial officer may not affix the officer's signature to a certificate until the notarial act has been performed.

6. If a notarial act is performed regarding a document, a certificate must be part of, or securely attached to, the document.

Sec. 21. The following certificate is sufficient for an acknowledgment in an individual capacity, if completed with the information required by subsections 1 and 2 of section 20 of this act:

State of Nevada

County of

*This record was acknowledged before me on(date)
by.....(name(s) of person(s))*

.....
Signature of notarial officer

(Stamp)

.....
*Title of office, if notarial officer
is not a notary public*

Sec. 22. The following certificate is sufficient for an acknowledgment in a representative capacity, if completed with the information required by subsections 1 and 2 of section 20 of this act:

State of Nevada

County of

*This record was acknowledged before me on(date) by
.....(name(s) of person(s)) as(type of authority, such as
officer or trustee) of(name of party on behalf of whom record
was executed)*

.....
Signature of notarial officer



1 (Stamp)
2
3

.....
Title of office, if notarial officer
is not a notary public

6 Sec. 23. The following certificate is sufficient for executing a
7 jurat, if completed with the information required by subsections 1
8 and 2 of section 20 of this act:
9

10 State of Nevada
11 County of
12

13 Signed and sworn to [or affirmed] before me on(date) by
14(name(s) of person(s) making statement)
15

16
17 Signature of notarial officer
18

19 (Stamp)
20

21
22 Title of office, if notarial officer
23 is not a notary public

24 Sec. 24. The following certificate is sufficient for witnessing
25 or attesting a signature, if completed with the information
26 required by subsections 1 and 2 of section 20 of this act:
27

28 State of Nevada
29 County of
30

31 Signed [or attested] before me on by(date) by(name(s)
32 of person(s))
33

34
35 Signature of notarial officer
36

37 (Stamp)
38

39
40 Title of office, if notarial officer
41 is not a notary public

42 Sec. 25. The following certificate is sufficient for certifying a
43 copy of a document, if completed with the information required by
44 subsections 1 and 2 of section 20 of this act:



1 *State of Nevada*

2 *County of*

3
4 *I certify that this is a true and correct copy of a document in*
5 *the possession of*

6
7 *Dated*

8
9
10 *Signature of notarial officer*

11
12 *(Stamp)*

13
14
15 *Title of office, if notarial officer*
16 *is not a notary public*

17 **Sec. 26.** *Except as otherwise provided in subsection 2 of*
18 *section 10 of this act, the failure of a notarial officer to perform*
19 *the duties or meet the requirements specified in NRS 240.1663 to*
20 *240.169, inclusive, and sections 3 to 28, inclusive, of this act does*
21 *not invalidate a notarial act performed by the notarial officer. The*
22 *validity of a notarial act under NRS 240.1663 to 240.169,*
23 *inclusive, and sections 3 to 28, inclusive, of this act does not*
24 *prevent an aggrieved person from seeking to invalidate the*
25 *document or transaction that is the subject of the notarial act or*
26 *from seeking other remedies based on law of this State other than*
27 *NRS 240.1663 to 240.169, inclusive, and sections 3 to 28,*
28 *inclusive, of this act or law of the United States. This section does*
29 *not validate a purported notarial act performed by a person who*
30 *does not have the authority to perform the act.*

31 **Sec. 27.** *In applying and construing NRS 240.1663 to*
32 *240.169, inclusive, and sections 3 to 28, inclusive, of this act,*
33 *consideration must be given to the need to promote uniformity of*
34 *the law with respect to its subject matter among states that enact it.*

35 **Sec. 28.** *The provisions of NRS 240.1663 to 240.169,*
36 *inclusive, and sections 3 to 28, inclusive, of this act modify, limit*
37 *and supersede the federal Electronic Signatures in Global and*
38 *National Commerce Act, 15 U.S.C. §§ 7001 et seq., but do not*
39 *modify, limit or supersede section 101(c) of that act, 15 U.S.C. §*
40 *7001(c), or authorize electronic delivery of any of the notices*
41 *described in section 103(b) of that act, 15 U.S.C. § 7003(b).*

42 **Sec. 29.** *NRS 240.001 is hereby amended to read as follows:*
43 *240.001 As used in NRS 240.001 to 240.206, inclusive, and*
44 *sections 2 to 28, inclusive, of this act, unless the context otherwise*
45 *requires, the words and terms defined in NRS 240.002 to 240.0055,*



* A B 9 9 *

1 inclusive, *and section 2 of this act* have the meanings ascribed to
2 them in those sections.

3 **Sec. 30.** NRS 240.004 is hereby amended to read as follows:

4 240.004 "Notarial act" means an act that a notarial officer ~~of~~
5 ~~this state is authorized to~~ *may* perform ~~+~~ *under the law of this*
6 *State*. The term includes:

- 7 1. Taking an acknowledgment;
- 8 2. Administering an oath or affirmation;
- 9 3. *Witnessing or attesting a signature*;
- 10 4. Certifying *or attesting* a copy;
- 11 ~~4.5~~ 5. Executing a jurat;
- 12 ~~5.5~~ 6. Noting a protest of a negotiable instrument; and
- 13 ~~6.5~~ 7. Performing such other duties as may be prescribed by a
14 specific statute.

15 **Sec. 31.** NRS 240.020 is hereby amended to read as follows:

16 240.020 A person appointed as a notary public pursuant to ~~this~~
17 ~~chapter~~ *NRS 240.010 to 240.155, inclusive*, may perform notarial
18 acts *pursuant to NRS 240.010 to 240.169, inclusive, and sections 4*
19 *to 28, inclusive, of this act* in any part of this state for a term of 4
20 years, unless sooner removed. Such an appointment does not
21 authorize the person to perform notarial acts in another state.

22 **Sec. 32.** NRS 240.040 is hereby amended to read as follows:

23 240.040 1. The ~~statement~~ *stamp* required by ~~paragraph (d)~~
24 ~~of~~ subsection ~~+~~ 2 of ~~NRS 240.1655~~ *section 20 of this act* must:

25 (a) Be imprinted in indelible, photographically reproducible ink
26 with a rubber or other mechanical stamp; and

27 (b) Set forth:

- 28 (1) The name of the notary public;
- 29 (2) The phrase "Notary Public, State of Nevada";
- 30 (3) The date on which the appointment of the notary public
31 expires;
- 32 (4) The number of the certificate of appointment of the
33 notary public;
- 34 (5) If the notary public so desires, the Great Seal of the State
35 of Nevada; and
- 36 (6) If the notary public is a resident of an adjoining state, the
37 word "nonresident."

38 2. After July 1, 1965, an embossed notarial seal is not required
39 on notarized documents.

40 3. The stamp required pursuant to subsection 1 must:

- 41 (a) Be a rectangle, not larger than 1 inch by 2 1/2 inches, and
42 may contain a border design; and
- 43 (b) Produce a legible imprint.

44 4. A notary public shall not affix his or her stamp over printed
45 material.



5. A notary public shall keep his or her stamp in a secure location during any period in which the notary public is not using the stamp to perform a notarial act.

6. As used in this section, "mechanical stamp" includes an imprint made by a computer or other similar technology.

Sec. 33. NRS 240.065 is hereby amended to read as follows:

240.065 1. A notary public may not perform a notarial act if:

(a) The notary public executed or is named in the instrument acknowledged, ~~to~~ sworn to ~~to~~ *or witnessed or attested;*

(b) Except as otherwise provided in subsection 2, the notary public 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 fee authorized pursuant to NRS 240.100 for the notarial act; ~~to~~

(c) The *notary public and the* person whose signature is to be acknowledged, ~~to~~ sworn to *or witnessed or attested are domestic partners; or*

(d) The person whose signature is to be acknowledged, sworn to or witnessed or attested is a relative of the domestic partner of the notary public or 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 the notary public 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 ~~to~~ *"relative"*:

(a) "Domestic partners" has the meaning ascribed to it in NRS 122A.030.

(b) "Relative" includes, without limitation:

~~(a)~~ *(1)* A spouse ~~to~~ *or domestic partner*, parent, grandparent or stepparent;

~~(b)~~ *(2)* A natural born child, stepchild or adopted child;

~~(c)~~ *(3)* A grandchild, brother, sister, half brother, half sister, stepbrother or stepsister;

~~(d)~~ *(4)* A grandparent, parent, brother, sister, half brother, half sister, stepbrother or stepsister of the spouse *or domestic partner* of the notary public; and

~~(e)~~ *(5)* 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 *or domestic partner* of the notary public.

Sec. 34. NRS 240.120 is hereby amended to read as follows:

240.120 1. Except as otherwise provided in subsection 2, each notary public shall keep a journal in his or her office in which



1 the notary public shall enter for each notarial act performed, at the
2 time the act is performed:

3 (a) The fees charged, if any;

4 (b) The title of the document;

5 (c) The date on which the notary public performed the ~~service;~~
6 *act;*

7 (d) Except as otherwise provided in subsection 3, the name and
8 signature of the person whose signature is being notarized;

9 (e) Subject to the provisions of subsection 4, a description of the
10 evidence used by the notary public to verify the identification of the
11 person whose signature is being notarized;

12 (f) An indication of whether the notary public administered an
13 oath; and

14 (g) The type of certificate used to evidence the notarial act, as
15 required pursuant to ~~NRS 240.1655.~~ *section 20 of this act.*

16 2. A notary public may make one entry in the journal which
17 documents more than one notarial act if the notarial acts
18 documented are performed:

19 (a) For the same person and at the same time; and

20 (b) On one document or on similar documents.

21 3. When taking an acknowledgment for a person, a notary
22 public need not require the person to sign the journal if the notary
23 public has performed a notarial act for the person within the
24 previous 6 months and the notary public has personal knowledge of
25 the identity of the person.

26 4. If, pursuant to subsection 3, a notary public does not require
27 a person to sign the journal, the notary public shall enter "known
28 personally" as the description required to be entered into the journal
29 pursuant to paragraph (e) of subsection 1.

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

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

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

37 6. The journal must:

38 (a) Be open to public inspection.

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

40 7. A notary public shall, upon request and payment of the fee
41 set forth in NRS 240.100, provide a certified copy of an entry in his
42 or her journal.

43 8. A notary public shall keep his or her journal in a secure
44 location during any period in which the notary public is not making
45 an entry or notation in the journal pursuant to this section.



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

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

11. 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.~~ *section 9 of this act.*

Sec. 35. NRS 240.155 is hereby amended to read as follows:

240.155 1. A notary public who is appointed pursuant to ~~this chapter~~ *NRS 240.010 to 240.155, inclusive*, shall not willfully notarize the signature of a person unless the person is in the presence of the notary public and:

(a) Is known to the notary public; or

(b) If unknown to the notary public, provides a credible witness or documentary evidence of identification to the notary public.

2. A person who:

(a) Violates the provisions of subsection 1; or

(b) Aids and abets a notary public to commit a violation of subsection 1,

↳ is guilty of a gross misdemeanor.

Sec. 36. NRS 240.1663 is hereby amended to read as follows:

240.1663 ~~Upon compliance with the requirements of NRS 240.1655, the~~ *The* following certificate is sufficient for administering an oath or affirmation of office ~~+~~ *, if completed with the information required by subsections 1 and 2 of section 20 of this act:*

State of Nevada

County of

I,(name of person taking oath or affirmation of office)....., do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States and the Constitution and Government of the State of Nevada against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and that I will well and faithfully perform all the duties of the office of(title of office)....., on which I am about to enter; (if an oath) so help me God; (if an affirmation) under the pains and penalties of perjury.



1
2 (Signature of person taking oath
3 or affirmation of office)
4

5 Signed and sworn to (or affirmed) before me on(date).....
6 by(name of person taking oath or affirmation of office).....
7

8
9 (Signature of notarial officer)
10

11 ~~[(Seal, if any)]~~ (Stamp)
12

13
14 (Title and rank (optional))

15 **Sec. 37.** NRS 240.1667 is hereby amended to read as follows:
16 240.1667 ~~[(Upon compliance with the requirements of NRS~~
17 ~~240.1655, the]~~ *The* following certificate is sufficient for an
18 acknowledgment that contains a power of attorney ~~[(, if completed~~
19 ~~with the information required by subsections 1 and 2 of section 20~~
20 ~~of this act:~~
21

22 State of Nevada
23 County of
24

25 This instrument was acknowledged before me on(date).....
26 by(name of person holding power of attorney)..... as attorney-
27 in-fact for(name of principal/person whose name is in the
28 document).....
29

30
31 (Signature of notarial officer)
32

33 ~~[(Seal, if any)]~~ (Stamp)
34

35
36 (Title and rank (optional))

37 **Sec. 38.** NRS 240.1685 is hereby amended to read as follows:
38 240.1685 ~~[(Upon compliance with the requirements of NRS~~
39 ~~240.1655, the]~~ *The* following certificate is sufficient for a jurat of a
40 subscribing witness ~~[(, if completed with the information required~~
41 ~~by subsections 1 and 2 of section 20 of this act:~~
42

43 State of Nevada
44 County of
45

46 On(date).....,(subscribing witness)..... personally
47 appeared before me, whom I know to be the person who signed this
48 jurat of a subscribing witness while under oath, and swears that he



1 or she was present and witnessed(signer of the document).....
2 sign his or her name to the above document.

3
4
5 (Signature of subscribing witness)

6
7 Signed and sworn before me on(date)..... by(subscribing
8 witness).....

9
10
11 (Signature of notarial officer)

12 ~~{{Seal, if any}}~~ (Stamp)

13
14 (Title and rank (optional))

15 **Sec. 39.** NRS 240.169 is hereby amended to read as follows:

16 240.169 ~~{{Upon compliance with the requirements of NRS~~
17 ~~240.1655, the}}~~ **The** following certificate is sufficient for an
18 acknowledgment of a credible witness ~~{{}}~~ **, if completed with the**
19 **information required by subsections 1 and 2 of section 20 of this**
20 **act:**

21
22 State of Nevada
23 County of

24
25 This instrument was acknowledged before me on(date).....
26 by(name of person)..... who personally appeared before me
27 and whose identity I verified upon the oath of(name of credible
28 witness)....., a credible witness personally known to me and to the
29 person who acknowledged this instrument before me.

30
31
32 (Signature of notarial officer)

33 ~~{{Seal, if any}}~~ (Stamp)

34
35 (Title and rank (optional))

36 **Sec. 40.** NRS 240.189 is hereby amended to read as follows:

37 240.189 An electronic notary public shall comply with those
38 provisions of NRS 240.001 to 240.169, inclusive, **and sections 2 to**
39 **28, inclusive, of this act** which are not inconsistent with NRS
40 240.181 to 240.206, inclusive. To the extent that the provisions of
41 NRS 240.001 to 240.169, inclusive, **and sections 2 to 28, inclusive,**
42 **of this act** conflict with the provisions of NRS 240.181 to 240.206,
43 inclusive, the provisions of NRS 240.181 to 240.206, inclusive,
44 control.



Sec. 41. NRS 240.199 is hereby amended to read as follows:

240.199 An electronic notarial act must be evidenced by the following, which must be attached to or logically associated with the electronic document that is the subject of the electronic notarial act and which must be immediately perceptible and reproducible:

1. The electronic signature of the electronic notary public;
2. The electronic seal of the electronic notary public; and
3. The wording of a notarial certificate pursuant to NRS ~~240.1655, 240.166 to 240.167, inclusive, 240.1685 or~~ **240.1663 to 240.169 ~~+~~, inclusive, and sections 21 to 25, inclusive, of this act.**

Sec. 42. NRS 105.050 is hereby amended to read as follows:

105.050 1. If a security instrument filed with the Secretary of State grants an interest, as security, in any real property owned by the public utility, a notice of filing of a security instrument affecting real property must be recorded in the office of the county recorder in the county where the real property is located, stating:

(a) The name of the public utility which executed the security instrument;

(b) That a security instrument affecting real property in the county has been executed by the public utility; and

(c) That the security instrument was filed, and other security instruments may later be on file, in the Office of the Secretary of State.

➤ The notice required by this section must be acknowledged or proved and certified in the manner provided in chapter 111 of NRS and in NRS ~~240.161+~~ **240.1663** to 240.169, inclusive ~~+~~ , **and sections 3 to 28, inclusive, of this act.**

2. After such recording, no notice need be recorded regarding other security instruments executed by the public utility. The notice recorded under subsection 1 is sufficient to provide notice of all subsequent security instruments:

(a) Executed by the public utility;

(b) Filed with the Secretary of State; and

(c) Granting an interest, as security, in any real property, and fixtures thereto, located in the county where the notice is recorded.

3. Notices recorded pursuant to subsection 1 must be recorded and indexed by the county recorder in the same records and indexes as are mortgages on real property.

Sec. 43. NRS 111.240 is hereby amended to read as follows:

111.240 Every conveyance in writing whereby any real property is conveyed or may be affected must be acknowledged or proved and certified in the manner provided in this chapter and in NRS ~~240.161+~~ **240.1663** to 240.169, inclusive ~~+~~ , **and sections 4 to 28, inclusive, of this act.**



Sec. 44. NRS 278.374 is hereby amended to read as follows:

278.374 1. Except as otherwise provided in subsection 2, a final map presented for filing must include a certificate signed and acknowledged, in the manner provided in NRS ~~240.1665 or~~ 240.167, *or section 21 or 22 of this act*, by each person who is an owner of the land:

(a) Consenting to the preparation and recordation of the final map.

(b) Offering for dedication that part of the land which the person wishes to dedicate for public use, subject to any reservation contained therein.

(c) Reserving any parcel from dedication.

(d) Granting any permanent easement for utility or video service network installation or access, as designated on the final map, together with a statement approving such easement, signed by the public utility, video service provider or person in whose favor the easement is created or whose services are required.

2. If the map presented for filing is an amended map of a common-interest community, the certificate need only be signed and acknowledged by a person authorized to record the map under chapter 116 of NRS.

3. A final map of a common-interest community presented for recording and, if required by local ordinance, a final map of any other subdivision presented for recording must include:

(a) A report from a title company in which the title company certifies that it has issued a guarantee for the benefit of the local government which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

➔ The guarantee accompanying a final map of a common-interest community must also show that there are no liens of record against the common-interest community or any part thereof for delinquent state, county, municipal, federal or local taxes or assessments collected as taxes or special assessments.

(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:

(1) The final map; or

(2) A separate document that is filed with the final map and declares his or her consent to the division of land.

4. For the purpose of this section, the following shall be deemed not to be an interest in land:



(a) A lien for taxes or special assessments.

(b) A trust interest under a bond indenture.

5. As used in this section, "guarantee" means a guarantee of the type filed with the Commissioner of Insurance pursuant to paragraph (e) of subsection 1 of NRS 692A.120.

Sec. 45. NRS 278.496 is hereby amended to read as follows:

278.496 1. A map of reversion presented for recording must include a certificate signed and acknowledged, pursuant to NRS ~~240.166, 240.1665 or~~ 240.167, *or section 21 or 22 of this act*, by each person who is an owner of the land consenting to the preparation and recordation of the map for the purpose of reversion.

2. A governing body may by ordinance require a map of reversion presented for recording to include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land; and

(2) Each holder of record of a security interest in the land, if the security interest was created by a mortgage or a deed of trust.

(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the map of reversion. A holder of record of a security interest may consent by signing:

(1) The map of reversion; or

(2) A separate document that is recorded with the map of reversion and declares his or her consent to the reversion, if the map contains a notation that a separate document has been recorded to this effect.

3. For the purpose of this section, the following shall be deemed not to be an interest in land:

(a) A lien for taxes or special assessments.

(b) A trust interest under a bond indenture.

Sec. 46. NRS 533.382 is hereby amended to read as follows:

533.382 Except as otherwise provided in NRS 533.387, every conveyance of an application or permit to appropriate any of the public waters, a certificate of appropriation, an adjudicated or unadjudicated water right or an application or permit to change the place of diversion, manner of use or place of use of water must be:

1. Made by deed;

2. Acknowledged in the manner provided in NRS ~~240.161 to 240.168, inclusive;~~ *240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act*; and

3. Recorded in the office of the county recorder of each county in which the water is applied to beneficial use and in each county in which the water is diverted from its natural source.



1 **Sec. 47.** NRS 240.161, 240.1635, 240.164, 240.1645, 240.165,
2 240.1655, 240.1657, 240.166, 240.1665, 240.167 and 240.168 are
3 hereby repealed.

4 **Sec. 48.** The amendatory provisions of this act apply to a
5 notarial act performed on or after January 1, 2014.

6 **Sec. 49.** This act becomes effective on January 1, 2014.

LEADLINES OF REPEALED SECTIONS

240.161 Short title; uniformity of application and construction.

240.1635 Notarial acts in this State.

240.164 Notarial acts in other jurisdictions of United States.

240.1645 Notarial acts under federal authority.

240.165 Foreign notarial acts.

240.1655 Notarial acts.

240.1657 Authentication of signature of notarial officer by Secretary of State.

240.166 Short form for acknowledgment in individual capacity.

240.1665 Short form for acknowledgment in representative capacity.

240.167 Short form for execution of jurat.

240.168 Short form for certifying copy of document.

