

Amendment No. 718

Senate Amendment to Assembly Bill No. 65 First Reprint (BDR 19-445)

Proposed by: Senate Committee on Government Affairs

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

HAC/MSN



Date: 5/13/2015

A.B. No. 65—Revises provisions relating to notaries public and document preparation services. (BDR 19-445)



ASSEMBLY BILL NO. 65—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE SECRETARY OF STATE)

PREFILED DECEMBER 20, 2014

Referred to Committee on Government Affairs

SUMMARY—~~[Revises provisions]~~ **Makes various changes** relating to ~~[notaries public and document preparation services]~~ **public affairs.**
(BDR 19-445)

FISCAL NOTE: Effect on Local Government: No.
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 public affairs; making various changes relating to the regulation of notaries public; authorizing the Secretary of State to conduct certain examinations of the records of a document preparation service; **revising provisions relating to the authentication by the Secretary of State of certain information contained on notarized documents;** revising the definition of “document preparation service” to exclude certain nonprofit organizations ~~[, commercial resident agents]~~ and collection agencies; making various changes relating to the regulation of document preparation services; **authorizing the Secretary of State to adopt regulations prescribing procedures to prevent the filing of certain documents in his or her office; providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits persons with certain criminal convictions from becoming notaries public and provides for the revocation of the appointment of notaries public who are convicted of certain crimes. (NRS 240.010, 240.150) **Sections 1 and 6** of this bill clarify that those convictions include a conviction that follows a plea of nolo contendere or no contest. **Section 1** also prohibits the Secretary of State from appointing as a notary public a person whose previous appointment as a notary public in this State or another state has been revoked for cause.

Existing law prohibits a person who has not been appointed as a notary public from representing himself or herself as a notary public. (NRS 240.010) **Section 1** expands this prohibition to include those persons whose appointment has expired or been suspended or revoked, and provides a civil penalty for such a violation.

Existing law requires that applicants for appointment as notaries public complete 4 hours of instruction relating to the functions and duties of notaries public. (NRS 240.018) **Section 3** of this bill shortens the course to 3 hours and requires an examination. **Section 3** also requires

15 a person renewing his or her appointment as a notary public to retake the course, and allows
16 the Secretary of State to require a notary public who has violated any provision of chapter 240
17 of NRS to retake the course. Additionally, **section 3** authorizes the Secretary of State to use an
18 outside vendor to administer the course and examination. **Section 6.5** of this bill makes
19 similar conforming changes to the course and examination requirements for an electronic
20 notary public.

21 Existing law requires the Secretary of State to issue, upon request and the payment
22 of certain fees, an authentication to verify that: (1) the signature of a notarial officer on a
23 document is valid; and (2) the notarial officer holds the office indicated on the document.
24 (NRS 240.1657) Section 6.3 of this bill requires a request for authentication to include a
25 statement signed under penalty of perjury that the document will not be used to: (1)
26 harass a person; or (2) accomplish any fraudulent, criminal or other unlawful purpose.
27 Section 6.3 also prohibits bringing a civil action against the Secretary of State on the
28 basis that: (1) the Secretary of State has issued an authentication; and (2) the document
29 has been used to harass a person or accomplish any fraudulent, criminal or other
30 unlawful purpose. Additionally, section 6.3 provides that a person who uses a document
31 for which an authentication has been issued for such unlawful purposes is guilty of a
32 category C felony.

33 Existing law prohibits certain actions by notaries public. (NRS 240.075) **Section 4** of this
34 bill prohibits a notary public from affixing his or her stamp to any document which does not
35 contain a notarial certificate.

36 Existing law prohibits the use of the Spanish term “notario” or “notario publico” in any
37 signage or advertisement by a notary public who is not also an attorney licensed to practice
38 law in this State. (NRS 240.085) **Section 5** of this bill extends this prohibition to the
39 employers of notaries public, and requires the imposition of a civil penalty for violating such a
40 prohibition.

41 Existing law requires that a person who wishes to register as a documentation preparation
42 service must be a citizen or legal resident of the United States. (NRS 240A.100) **Section 9** of
43 this bill allows a person who holds employment authorization from the United States
44 Citizenship and Immigration Services to register as a documentation preparation service.
45 **Section 9** also provides that an application for registration that is not completed within 6
46 months must be denied. Finally, **section 9** prohibits the Secretary of State from registering as
47 a document preparation service any person whose previous registration as a document
48 preparation service in this State or another state has been revoked for cause.

49 Existing law exempts certain persons from registering as a documentation preparation
50 service. (NRS 240A.030) **Section 8** of this bill clarifies which nonprofit organizations ~~and~~
51 ~~commercial registered agents~~ are not required to register and adds collection agencies to the
52 list of such persons.

53 Existing law requires that a document prepared by a documentation preparation service
54 must include the name, address, phone number and registration number of the document
55 preparation service. (NRS 240A.200) **Section 11** of this bill deletes this requirement but
56 requires a document preparation service to provide this information on any document on
57 which the information is requested.

58 **Section 7** of this bill specifically authorizes the Secretary of State to inspect the
59 documents required to be maintained by document preparation services to ensure compliance
60 with the law.

61 Existing law authorizes the Secretary of State to adopt regulations prescribing
62 procedures to prevent the filing of false or forged documents in his or her office. (NRS
63 225.083) Section 11.5 of this bill authorizes the Secretary of State also to adopt
64 regulations prescribing procedures to prevent the filing of documents in his or her office
65 that: (1) are fraudulent; (2) contain a false statement of material fact; or (3) are filed for
66 the purpose of harassing or defrauding a person.

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

Section 1. NRS 240.010 is hereby amended to read as follows:

240.010 1. The Secretary of State may appoint notaries public in this State.

2. The Secretary of State shall not appoint as a notary public a person:

(a) Who submits an application containing a substantial and material misstatement or omission of fact.

(b) Whose previous appointment as a notary public in this State *or another state* has been revoked *for cause*.

(c) Who, except as otherwise provided in subsection 3, has been convicted of *for cause, or entered a plea of guilty, guilty but mentally ill or nolo contendere to:*

(1) A crime involving moral turpitude; or

(2) Burglary, conversion, embezzlement, extortion, forgery, fraud, identity theft, larceny, obtaining money under false pretenses, robbery or any other crime involving misappropriation of the identity or property of another person or entity, if the Secretary of State is aware of such a conviction *or plea* before the Secretary of State makes the appointment.

(d) Against whom a complaint that alleges a violation of a provision of this chapter is pending.

(e) Who has not submitted to the Secretary of State proof satisfactory to the Secretary of State that the person has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.

3. A person who has been convicted of *, or entered a plea of guilty, guilty but mentally ill or nolo contendere to,* a crime involving moral turpitude may apply for appointment as a notary public if the person provides proof satisfactory to the Secretary of State that:

(a) More than 10 years have elapsed since the date of the person's release from confinement or the expiration of the period of his or her parole, probation or sentence, whichever is later;

(b) The person has made complete restitution for his or her crime involving moral turpitude, if applicable;

(c) The person possesses his or her civil rights; and

(d) The crime for which the person was convicted *or entered a plea* is not one of the crimes enumerated in subparagraph (2) of paragraph (c) of subsection 2.

4. A notary public may cancel his or her appointment by submitting a written notice to the Secretary of State.

5. It is unlawful for a person to:

(a) Represent himself or herself as a notary public appointed pursuant to this section if the person has not received a certificate of appointment from the Secretary of State pursuant to this chapter *for cause, or if his or her appointment is expired, revoked or suspended or is otherwise not in good standing*.

(b) Submit an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact.

6. *Any person who violates a provision of paragraph (a) of subsection 5 is liable for a civil penalty of not more than \$2,000 for each violation, plus reasonable attorney's fees and costs.*

7. The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 5 *for cause and recover any penalties, attorney's fees and costs.*

1 **Sec. 2.** NRS 240.015 is hereby amended to read as follows:

2 240.015 1. Except as otherwise provided in this section, a person appointed
3 as a notary public must:

4 (a) During the period of his or her appointment, be a citizen of the United
5 States or lawfully admitted for permanent residency in the United States as verified
6 by the United States Citizenship and Immigration Services.

7 (b) Be a resident of this State.

8 (c) Be at least 18 years of age.

9 (d) Possess his or her civil rights.

10 (e) *Have completed a course of study pursuant to NRS 240.018.*

11 2. If a person appointed as a notary public ceases to be lawfully admitted for
12 permanent residency in the United States during his or her appointment, the person
13 shall, within 90 days after his or her lawful admission has expired or is otherwise
14 terminated, submit to the Secretary of State evidence that the person is lawfully
15 readmitted for permanent residency as verified by the United States Citizenship and
16 Immigration Services. If the person fails to submit such evidence within the
17 prescribed time, the person's appointment expires by operation of law.

18 3. The Secretary of State may appoint a person who resides in an adjoining
19 state as a notary public if the person:

20 (a) Maintains a place of business in the State of Nevada that is licensed
21 pursuant to chapter 76 of NRS and any applicable business licensing requirements
22 of the local government where the business is located; or

23 (b) Is regularly employed at an office, business or facility located within the
24 State of Nevada by an employer licensed to do business in this State.

25 ➤ If such a person ceases to maintain a place of business in this State or regular
26 employment at an office, business or facility located within this State, the Secretary
27 of State may suspend the person's appointment. The Secretary of State may
28 reinstate an appointment suspended pursuant to this subsection if the notary public
29 submits to the Secretary of State, before his or her term of appointment as a notary
30 public expires, the information required pursuant to subsection 2 of NRS 240.030.

31 **Sec. 3.** NRS 240.018 is hereby amended to read as follows:

32 240.018 1. The Secretary of State may:

33 (a) Provide courses of study for the mandatory training of notaries public. Such
34 courses of study ~~must~~:

35 (1) *Must* include at least ~~14~~ 3 hours of instruction *and an examination*
36 relating to the functions and duties of notaries public ~~14~~; *and*

37 (2) *May be conducted in person or online by the Secretary of State or a*
38 *vendor approved by the Secretary of State.*

39 (b) Charge a reasonable fee to each person who enrolls in a course of study for
40 the mandatory training of notaries public.

41 2. A course of study provided pursuant to this section must comply with the
42 regulations adopted pursuant to subsection 1 of NRS 240.017.

43 3. The following persons are required to enroll in and successfully complete a
44 course of study provided pursuant to this section:

45 (a) A person applying for appointment as a notary public for the first time.

46 (b) A person renewing his or her appointment as a notary public ~~. If, if the~~
47 ~~appointment has expired for a period greater than 1 year.~~

48 (c) A person ~~renewing his or her appointment as a notary public, if during the~~
49 ~~immediately preceding 4 years the person has been fined for failing to comply with~~
50 ~~a statute or regulation of this State relating to notaries public.~~

51 ➤ ~~A person who holds a current appointment as a notary public is not required to~~
52 ~~enroll in and successfully complete a course of study provided pursuant to this~~
53 ~~section if the person is in compliance with all of the statutes and regulations of this~~

~~State relating to notaries public.~~ *who has committed a violation of this chapter or whose appointment as a notary public has been suspended, and who has been required by the Secretary of State to enroll in a course of study provided pursuant to this section.*

4. The Secretary of State shall deposit the fees collected pursuant to paragraph (b) of subsection 1 in the Notary Public Training Account which is hereby created in the State General Fund. The Account must be administered by the Secretary of State. Any interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward. All claims against the Account must be paid as other claims against the State are paid. The money in the Account may be expended:

(a) To pay for expenses related to providing courses of study for the mandatory training of notaries public, including, without limitation, the rental of rooms and other facilities, advertising, travel and the printing and preparation of course materials; or

(b) For any other purpose authorized by the Legislature.

5. At the end of each fiscal year, the Secretary of State shall reconcile the amount of the fees collected pursuant to paragraph (b) of subsection 1 and the expenses related to administering the training of notaries public pursuant to this chapter and deposit any excess fees received with the State Treasurer for credit to the State General Fund.

Sec. 4. NRS 240.075 is hereby amended to read as follows:

240.075 A notary public shall not:

1. Influence a person to enter or not enter into a lawful transaction involving a notarial act performed by the notary public.

2. Certify an instrument containing a statement known by the notary public to be false.

3. Perform any act as a notary public with intent to deceive or defraud, including, without limitation, altering the journal that the notary public is required to keep pursuant to NRS 240.120.

4. Endorse or promote any product, service or offering if his or her appointment as a notary public is used in the endorsement or promotional statement.

5. Certify photocopies of a certificate of birth, death or marriage or a divorce decree.

6. Allow any other person to use his or her notary's stamp.

7. Allow any other person to sign the notary's name in a notarial capacity.

8. Perform a notarial act on a document that contains only a signature.

9. Perform a notarial act on a document, including a form that requires the signer to provide information within blank spaces, unless the document has been filled out completely and has been signed.

10. Make or note a protest of a negotiable instrument unless the notary public is employed by a depository institution and the protest is made or noted within the scope of that employment. As used in this subsection, "depository institution" has the meaning ascribed to it in NRS 657.037.

11. Affix his or her stamp to any document which does not contain a notarial certificate.

Sec. 5. NRS 240.085 is hereby amended to read as follows:

240.085 1. Every notary public who is not an attorney licensed to practice law in this State and who advertises his or her services as a notary public in a language other than English by any form of communication, except a single plaque

on his or her desk, shall post or otherwise include with the advertisement a notice in the language in which the advertisement appears. The notice must be of a conspicuous size, if in writing, and must appear in substantially the following form:

I AM NOT AN ATTORNEY IN THE STATE OF NEVADA. I AM NOT LICENSED TO GIVE LEGAL ADVICE. I MAY NOT ACCEPT FEES FOR GIVING LEGAL ADVICE.

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

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

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

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

(c) Assess a civil penalty of not more than \$2,000 for each violation.

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

5. An employer of a notary public shall not:

(a) Prohibit the notary public from meeting the requirements set forth in subsection 1; or

(b) Advertise using the term “notario,” “notario publico” or any other equivalent non-English term in any form of communication that advertises notary public services, including, without limitation, a business card, stationery, notice and sign, unless the notary public under his or her employment is an attorney licensed to practice law in this State.

6. If the Secretary of State finds the employer of ~~the~~ a notary public guilty of violating a provision of subsection 5, the Secretary of State shall:

(a) Notify the employer in writing of the violation and order the immediate removal of such language.

(b) Assess a civil penalty of not more than \$2,000 for each violation.

7. The employer of a notary public who is found guilty in a criminal prosecution of violating a provision of subsection 5 shall be punished by a fine of not more than \$2,000.

Sec. 6. NRS 240.150 is hereby amended to read as follows:

240.150 1. For misconduct or neglect in a case in which a notary public appointed pursuant to the authority of this State may act, either by the law of this State or of another state, territory or country, or by the law of nations, or by commercial usage, the notary public is liable on his or her official bond to the parties injured thereby, for all the damages sustained.

2. The employer of a notary public may be assessed a civil penalty by the Secretary of State of not more than \$2,000 for each violation specified in subsection 4 committed by the notary public, and the employer is liable for any damages proximately caused by the misconduct of the notary public, if:

(a) The notary public was acting within the scope of his or her employment at the time the notary public engaged in the misconduct; and

(b) The employer of the notary public consented to the misconduct of the notary public.

3. The Secretary of State may refuse to appoint or may suspend or revoke the appointment of a notary public who fails to provide to the Secretary of State, within

1 a reasonable time, information that the Secretary of State requests from the notary
2 public in connection with a complaint which alleges a violation of this chapter.

3 4. Except as otherwise provided in this chapter, for any willful violation or
4 neglect of duty or other violation of this chapter, or upon proof that a notary public
5 has been convicted of, *or entered a plea of guilty, guilty but mentally ill or nolo*
6 *contendere to*, a crime described in paragraph (c) of subsection 2 of NRS 240.010:

7 (a) The appointment of the notary public may be suspended for a period
8 determined by the Secretary of State, but not exceeding the time remaining on the
9 appointment;

10 (b) The appointment of the notary public may be revoked after a hearing; or
11 (c) The notary public may be assessed a civil penalty of not more than \$2,000
12 for each violation.

13 5. If the Secretary of State revokes or suspends the appointment of a notary
14 public pursuant to this section, the Secretary of State shall:

15 (a) Notify the notary public in writing of the revocation or suspension;

16 (b) Cause notice of the revocation or suspension to be published on the website
17 of the Secretary of State; and

18 (c) If a county clerk has issued a certificate of permission to perform marriages
19 to the notary public pursuant to NRS 122.064, notify the county clerk of the
20 revocation or suspension.

21 6. Except as otherwise provided by law, the Secretary of State may assess the
22 civil penalty that is authorized pursuant to this section upon a notary public whose
23 appointment has expired if the notary public committed the violation that justifies
24 the civil penalty before his or her appointment expired.

25 7. The appointment of a notary public may be suspended or revoked by the
26 Secretary of State pending a hearing if the Secretary of State believes it is in the
27 public interest or is necessary to protect the public.

28 **Sec. 6.3. NRS 240.1657 is hereby amended to read as follows:**

29 240.1657 1. Except as otherwise provided in subsection 2, the Secretary of
30 State shall, upon request and payment of a fee of \$20, issue an authentication to
31 verify that the signature of the notarial officer on a document is genuine and that
32 the notarial officer holds the office indicated on the document. If the document:

33 (a) Is intended for use in a foreign country that is a participant in the Hague
34 Convention of October 5, 1961, the Secretary of State must issue an apostille in the
35 form prescribed by the Hague Convention of October 5, 1961.

36 (b) Is intended for use in the United States or in a foreign country that is not a
37 participant in the Hague Convention of October 5, 1961, the Secretary of State must
38 issue a certification.

39 2. The Secretary of State shall not issue an authentication pursuant to
40 subsection 1 if:

41 (a) The document has not been notarized in accordance with the provisions of
42 this chapter; ~~for~~

43 (b) The Secretary of State has reasonable cause to believe that the document
44 may be used to accomplish any fraudulent, criminal or other unlawful purpose. ~~for~~;
45 or

46 (c) The request to issue an authentication does not include a statement, in
47 the form prescribed by the Secretary of State and signed under penalty of perjury,
48 that the document for which the authentication is requested will not be used to:

49 (1) Harass a person; or

50 (2) Accomplish any fraudulent, criminal or other unlawful purpose.

51 3. No civil action may be brought against the Secretary of State on the basis
52 that:

(a) The Secretary of State has issued an authentication pursuant to subsection 1; and

(b) The document has been used to:

(1) Harass a person; or

(2) Accomplish any fraudulent, criminal or other unlawful purpose.

4. A person who uses a document for which an authentication has been issued pursuant to subsection 1 to:

(a) Harass a person; or

(b) Accomplish any fraudulent, criminal or other unlawful purpose,

↪ is guilty of a category C felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years, and may be further punished by a fine of not more than \$5,000.

5. The Secretary of State may adopt regulations to carry out the provisions of this section.

Sec. 6.5. NRS 240.195 is hereby amended to read as follows:

240.195 1. Except as otherwise provided in subsection 2, an applicant for appointment as an electronic notary public must successfully:

(a) Complete a course of study that is in accordance with the requirements of subsection 5; and

(b) Pass an examination at the completion of the course.

2. The following persons ~~must~~ *are required to enroll in and* successfully complete a course of study as required pursuant to subsection 1:

(a) A person applying for his or her first appointment as an electronic notary public;

(b) A person renewing his or her appointment as an electronic notary public ; ~~if the appointment as an electronic notary public has been expired for a period of more than 1 year;~~ and

(c) A person ~~renewing his or her appointment as an electronic notary public if, during the 4 years immediately preceding the application for renewal, the Secretary of State took action against the person pursuant to NRS 240.150 for failing to comply with any provision of this chapter or any regulations adopted pursuant thereto;~~

~~↪ A person renewing his or her appointment as an electronic notary public need not successfully complete a course of study as required pursuant to subsection 1 if the appointment as an electronic notary public has been expired for a period of 1 year or less;~~ *who has committed a violation of this chapter or whose appointment or an electronic notary public has been suspended, and who has been required by the Secretary of State to enroll in a course of study provided pursuant to this section.*

3. A course of study required to be completed pursuant to subsection 1 must:

(a) Include at least 3 hours of instruction;

(b) Provide instruction in electronic notarization, including, without limitation, notarial law and ethics, technology and procedures;

(c) Include an examination of the course content;

(d) Comply with the regulations adopted pursuant to NRS 240.206; and

(e) Be approved by the Secretary of State.

4. The Secretary of State may, with respect to a course of study required to be completed pursuant to subsection 1:

(a) Provide such a course of study; and

(b) Charge a reasonable fee to each person who enrolls in such a course of study.

5. A course of study provided pursuant to this section ~~must~~ :

1 (a) *Must* satisfy the criteria set forth in subsection 3 and comply with the
2 requirements set forth in the regulations adopted pursuant to NRS 240.206.

3 (b) *May be provided in person or online by the Secretary of State or a vendor*
4 *approved by the Secretary of State.*

5 6. The Secretary of State shall deposit the fees collected pursuant to
6 paragraph (b) of subsection 4 in the Notary Public Training Account created
7 pursuant to NRS 240.018.

8 **Sec. 7.** Chapter 240A of NRS is hereby amended by adding thereto a new
9 section to read as follows:

10 *The Secretary of State may conduct periodic, special or any other*
11 *examinations of any records required to be maintained pursuant to this chapter*
12 *or any other provisions of NRS pertaining to the duties of a registrant as the*
13 *Secretary of State deems necessary to determine whether a violation of this*
14 *chapter or any other provision of NRS pertaining to the duties of a registrant has*
15 *occurred.*

16 **Sec. 8.** NRS 240A.030 is hereby amended to read as follows:

17 240A.030 1. "Document preparation service" means a person who:

18 (a) For compensation and at the direction of a client, provides assistance to the
19 client in a legal matter, including, without limitation:

20 (1) Preparing or completing any pleading, application or other document
21 for the client;

22 (2) Translating an answer to a question posed in such a document;

23 (3) Securing any supporting document, such as a birth certificate, required
24 in connection with the legal matter; or

25 (4) Submitting a completed document on behalf of the client to a court or
26 administrative agency; or

27 (b) Holds himself or herself out as a person who provides such services.

28 2. The term does not include:

29 (a) A person who provides only secretarial or receptionist services.

30 (b) An attorney authorized to practice law in this State, or an employee of such
31 an attorney who is paid directly by the attorney or law firm with whom the attorney
32 is associated and who is acting in the course and scope of that employment.

33 (c) A law student certified by the State Bar of Nevada for training in the
34 practice of law.

35 (d) A governmental entity or an employee of such an entity who is acting in the
36 course and scope of that employment.

37 (e) A nonprofit organization *formed pursuant to title 7 of NRS* which
38 ~~qualifies as~~ *the Secretary of the Treasury has determined is* a tax-exempt
39 organization pursuant to 26 U.S.C. § 501(c) and which provides legal services to
40 persons free of charge, or an employee of such an organization who is acting in the
41 course and scope of that employment.

42 (f) A legal aid office or lawyer referral service operated, sponsored or
43 approved by a duly accredited law school, a governmental entity, the State Bar of
44 Nevada or any other bar association which is representative of the general bar of the
45 geographical area in which the bar association exists, or an employee of such an
46 office or service who is acting in the course and scope of that employment.

47 (g) A military legal assistance office or a person assigned to such an office who
48 is acting in the course and scope of that assignment.

49 (h) A person licensed by or registered with an agency or entity of the United
50 States Government acting within the scope of his or her license or registration,
51 including, without limitation, an accredited immigration representative and an
52 enrolled agent authorized to practice before the Internal Revenue Service, but not

including a bankruptcy petition preparer as defined by section 110 of the United States Bankruptcy Code, 11 U.S.C. § 110.

(i) A corporation, limited-liability company or other entity representing or acting for itself through an officer, manager, member or employee of the entity, or any such officer, manager, member or employee who is acting in the course and scope of that employment.

(j) A commercial wedding chapel.

(k) A person who provides legal forms or computer programs that enable another person to create legal documents.

(l) A commercial registered agent ~~= while carrying out his or her duties as a commercial registered agent pursuant to chapter 77 of NRS or acting within the scope of those duties.~~

(m) A person who holds a license, permit, certificate, registration or any other type of authorization required by chapter 645 or 692A of NRS, or any regulation adopted pursuant thereto, and is acting within the scope of that authorization.

(n) A collection agency that is licensed pursuant to chapter 649 of NRS.

3. As used in this section:

(a) "Commercial registered agent" has the meaning ascribed to it in NRS 77.040.

(b) "Commercial wedding chapel" means a permanently affixed structure which operates a business principally for the performance of weddings and which is licensed for that purpose.

Sec. 9. NRS 240A.100 is hereby amended to read as follows:

240A.100 1. A person who wishes to engage in the business of a document preparation service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be a citizen or legal resident of the United States *or hold a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security,* and *be* at least 18 years of age.

2. The Secretary of State shall not register as a document preparation service any person:

(a) Who is suspended or has previously been disbarred from the practice of law in any jurisdiction;

(b) Whose registration as a document preparation service *in this State or another state* has previously been revoked ~~by the Secretary of State;~~ *for cause;*

(c) Who has previously been convicted of, *or entered a plea of guilty, guilty but mentally ill or nolo contendere to,* a gross misdemeanor pursuant to paragraph (b) of subsection 1 of NRS 240A.290; or

(d) Who has, within the 10 years immediately preceding the date of the application for registration as a document preparation service, been:

(1) Convicted of, *or entered a plea of guilty, guilty but mentally ill or nolo contendere to,* a crime involving theft, fraud or dishonesty;

(2) Convicted of, *or entered a plea of guilty, guilty but mentally ill or nolo contendere to,* the unauthorized practice of law pursuant to NRS 7.285 or the corresponding statute of any other jurisdiction; or

(3) Adjudged by the final judgment of any court to have committed an act involving theft, fraud or dishonesty.

3. An application for registration as a document preparation service must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by a cash bond or surety bond meeting the requirements of NRS 240A.120.

4. After the investigation of the history of the applicant is completed, the Secretary of State shall issue a certificate of registration if the applicant is qualified

for registration and has complied with the requirements of this section. Each certificate of registration must bear the name of the registrant and a registration number unique to that registrant. The Secretary of State shall maintain a record of the name and registration number of each registrant.

5. An application for registration as a document preparation service that is not completed within 6 months after the date on which the application was submitted must be denied.

Sec. 10. NRS 240A.110 is hereby amended to read as follows:

240A.110 1. The registration of a document preparation service is valid for 1 year after the date of issuance of the certificate of registration, unless the registration is suspended or revoked. Except as otherwise provided in this section, the registration may be renewed subject to the same conditions as the initial registration. An application for renewal must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by a cash bond or surety bond meeting the requirements of NRS 240A.120, unless the bond previously filed by the registrant remains on file and in effect.

2. *The registration of a registrant who holds a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security must expire on the date on which that person's employment authorization expires.*

3. The Secretary of State may:

(a) Conduct any investigation of a registrant that the Secretary of State deems appropriate.

(b) Require a registrant to submit a complete set of fingerprints and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~3-4~~ 4. After any investigation of the history of a registrant is completed, unless the Secretary of State elects or is required to deny renewal pursuant to this section or NRS 240A.270, the Secretary of State shall renew the registration if the registrant is qualified for registration and has complied with the requirements of this section.

Sec. 11. NRS 240A.200 is hereby amended to read as follows:

240A.200 ~~Any~~ If a document prepared for a client by a registrant ~~must include, below any required signature of the client,~~ includes a place on the document for the registrant to provide information, including, without limitation, the name, business address, ~~and~~ telephone number and registration number of the registrant ~~It~~, the registrant shall include the requested information on the document.

Sec. 11.5. NRS 225.083 is hereby amended to read as follows:

225.083 1. The Secretary of State shall prominently post the following notice at each office and each location on his or her Internet website at which documents are accepted for filing:

The Secretary of State is not responsible for the content, completeness or accuracy of any document filed in this office. Customers should periodically review the documents on file in this office to ensure that the documents pertaining to them are complete and accurate.

Pursuant to NRS 239.330, any person who knowingly offers any false or forged instrument for filing in this office is guilty of a category C felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years

1 and may be further punished by a fine of not more than \$10,000.
2 Additionally, any person who knowingly offers any false or forged
3 instrument for filing in this office may also be subject to civil liability.
4

5 2. The Secretary of State may adopt regulations prescribing procedures to
6 prevent the filing ~~of false or forged documents~~ in his or her office. ~~It~~ of:

7 (a) False, fraudulent or forged documents.

8 (b) Documents that contain a false statement of material fact.

9 (c) Documents that are filed for the purpose of harassing or defrauding a
10 person.

11 **Sec. 12.** 1. The provisions of NRS 240.018, as amended by section 3 of this
12 act, do not apply to a notary public whose appointment as a notary public expires
13 before July 1, 2015.

14 2. The provisions of NRS 240.195, as amended by section 6.5 of this act, do
15 not apply to an electronic notary public whose appointment as an electronic notary
16 public expires before July 1, 2015.

17 **Sec. 13.** This act becomes effective on July 1, 2015.