

ASSEMBLY BILL NO. 280—ASSEMBLYMAN FLORES

MARCH 18, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing document preparation services. (BDR 19-254)

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 document preparation services; authorizing a business entity to file a cash or surety bond for certain employees who perform document preparation services; exempting certain persons from the definition of a “document preparation service”; requiring an applicant for registration as a document preparation service to be a natural person; requiring the Secretary of State to deny or suspend the registration of a document preparation service under certain circumstances; revising provisions related to certain prohibited acts; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes requirements for the registration and practice of a
2 person who provides a document preparation service, which includes: (1) defining a
3 “document preparation service”; (2) requiring persons who provide a document
4 preparation service to register with the Secretary of State; (3) requiring persons
5 who register as a document preparation service with the Secretary of State to file a
6 cash bond or surety bond; and (4) prohibiting a person who provides a document
7 preparation service from committing certain acts. (Chapter 240A of NRS) **Section**
8 **2** of this bill authorizes a business entity to file a cash or surety bond with the
9 Secretary of State on behalf of employees of the business entity who perform
10 document preparation services for the business entity. **Section 3** of this bill sets the
11 amount of the bond filed by a business entity based on the number of employees
12 covered by the bond. **Section 7** of this bill lowers the amount of the bond required
13 for an individual registrant from \$50,000 to \$25,000. **Section 6** of this bill makes
14 conforming changes.

15 **Section 4** of this bill revises the definition of “document preparation service” to
16 exempt enrolled agents who are authorized to practice before the Internal Revenue
17 Service. **Section 5** of this bill requires an applicant for registration as a document



18 preparation service to be a natural person. **Section 8** of this bill makes conforming
19 changes. **Section 5** also requires the Secretary of State to deny the registration of an
20 applicant as a document preparation service if the applicant has had his or her
21 appointment or registration as a notary public suspended or revoked for cause in
22 this State or another state. **Section 10** of this bill authorizes the Secretary of State to
23 suspend the registration of a registrant who is also appointed as a notary public and
24 whose appointment as a notary public has been suspended.

25 Existing law prohibits a registrant from: (1) negotiating with another person
26 concerning the rights or responsibilities of a client, communicating the position of a
27 client to another person or conveying the position of another person to a client; (2)
28 appearing on behalf of a client in a court proceeding or other formal adjudicative
29 proceeding; (3) providing certain advice, explanations, opinions or
30 recommendations to a client; or (4) selecting documents or strategies to assist a
31 client. (NRS 240A.240) **Section 9** of this bill clarifies that these prohibitions do not
32 apply to a registrant to the extent that it would violate federal law.

33 Existing law also prohibits a registrant from using certain terms, including
34 "notary public," in any advertisement or written description of the registrant or
35 services offered. (NRS 240A.240) **Section 9** provides that a registrant who is also
36 an appointed notary public in this State and is in good standing with the Secretary
37 of State may use the term "notary public" in such advertisements or written
38 descriptions.

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

1 **Section 1.** Chapter 240A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1. *A business entity that has one or more employees***
4 ***who perform document preparation services may file with the***
5 ***Secretary of State a cash bond or surety bond on behalf of all***
6 ***employees of the business entity who are registered as a document***
7 ***preparation service and provide document preparation services for***
8 ***the business entity. Any such bond must be for the applicable***
9 ***amount set forth in section 3 of this act.***

10 **2. *If a business entity files a cash bond or surety bond***
11 ***pursuant to subsection 1, the employees of the business entity who***
12 ***are covered by the bond are not required to file a cash bond or***
13 ***surety bond pursuant to NRS 240A.120.***

14 **3. *A cash or surety bond filed pursuant to subsection 1 must***
15 ***be approved as to form by the Attorney General and conditioned to***
16 ***provide:***

17 ***(a) Indemnification to a client or any other person who is***
18 ***determined in an action or proceeding to have suffered damage as***
19 ***a result of:***

20 ***(1) An act or omission of a registrant employed by the***
21 ***business entity which violates a provision of this chapter or a***
22 ***regulation or order adopted or issued pursuant thereto;***



1 (2) *A wrongful failure or refusal by a registrant employed*
2 *by the business entity to provide services in accordance with a*
3 *contract entered into pursuant to NRS 240A.190;*

4 (3) *The fraud, dishonesty, negligence or other wrongful*
5 *conduct of a registrant employed by the business entity; or*

6 (4) *An act or omission of a registrant employed by the*
7 *business entity in violation of any other federal or state law for*
8 *which the return of fees, an award of damages or the imposition of*
9 *sanctions have been awarded by a court of competent jurisdiction*
10 *in this State; or*

11 (b) *Payment to the Secretary of State for any civil penalty or*
12 *award of attorney's fees or costs of suit owing and unpaid by a*
13 *registrant employed by the business entity to the Secretary of State*
14 *pursuant to this chapter.*

15 4. *No part of a bond filed pursuant to this section may be*
16 *withdrawn while the registration of a registrant employed by the*
17 *business entity remains in effect, or while a proceeding to suspend*
18 *or revoke the registration is pending.*

19 5. *If a surety bond is filed pursuant to subsection 1:*

20 (a) *Except as otherwise provided in subsection 6, the bond*
21 *must be executed by the business entity as principal and by a*
22 *surety company qualified and authorized to do business in this*
23 *State.*

24 (b) *The bond must cover the period of registration of each*
25 *employee of the business entity who is registered as a document*
26 *preparation service and performs document preparation services*
27 *for the business entity, except when the surety is released in*
28 *accordance with this section.*

29 (c) *The surety shall pay any final, nonappealable judgment of*
30 *a court of this State that has jurisdiction, upon receipt of written*
31 *notice that the judgment is final.*

32 (d) *The bond may be continuous, but regardless of the*
33 *duration of the bond, the aggregate liability of the surety does not*
34 *exceed the penal sum of the bond.*

35 (e) *If the penal sum of the bond is exhausted, the surety shall*
36 *give written notice to the Secretary of State and the business entity*
37 *within 30 days after its exhaustion.*

38 (f) *The surety may be released after giving 30 days' written*
39 *notice to the Secretary of State and the business entity, but the*
40 *release does not discharge or otherwise affect any claim resulting*
41 *from an act or omission which is alleged to have occurred while*
42 *the bond was in effect.*

43 6. *If a business entity employs only one registrant to perform*
44 *document preparation services, the registrant must be named as*
45 *principal in the bond filed pursuant to this section.*



1 7. Except as otherwise provided in this subsection, if a cash
2 bond is filed pursuant to subsection 1, the Secretary of State may
3 retain the bond until the expiration of 3 years after the date the
4 business entity has ceased to do business, or 3 years after the date
5 of the expiration or revocation of the registration of each
6 employee of the business entity who is registered as a document
7 preparation service and performs document preparation services
8 for the business entity, to ensure that there are no outstanding
9 claims against the bond. A court of competent jurisdiction may
10 order the return of the bond, or any part of the bond, at an earlier
11 date upon evidence satisfactory to the court that there are no
12 outstanding claims against the bond or that the part of the bond
13 retained by the Secretary of State is sufficient to satisfy any
14 outstanding claims. Interest on a cash bond filed pursuant to
15 subsection 1 must accrue to the account of the depositor.

16 8. The registration of a registrant is suspended by operation
17 of law when the registrant is no longer covered by a bond or the
18 penal sum of the bond is exhausted. If the Secretary of State
19 receives notice pursuant to subsection 5 that the penal sum of a
20 surety bond is exhausted or that the surety is being released, the
21 Secretary of State shall immediately notify the business entity and
22 each registrant covered under the bond in writing that their
23 registration is suspended by operation of law until another bond is
24 filed in the same manner and amount as the former bond.

25 9. The Secretary of State may reinstate the registration of a
26 registrant whose registration has been suspended pursuant to
27 subsection 8 if, before the current term of the registration expires,
28 the business entity files with the Secretary of State a new bond
29 meeting the requirements of this section or the registrant files with
30 the Secretary of State a new bond meeting the requirements of
31 NRS 240A.120.

32 10. Except as specifically authorized or required by this
33 chapter, a business entity or registrant shall not make or cause to
34 be made any oral or written reference to the registrant's
35 compliance with the requirements of this section.

36 **Sec. 3.** A bond filed by a business entity pursuant to section 2
37 of this act on behalf of the employees of the business entity who
38 are registered as a document preparation service must be in the
39 penal sum of:

40 1. If the business entity employs 1 registrant to perform
41 document preparation services, \$25,000;

42 2. If the business entity employs at least 2 but not more than
43 25 registrants to perform document preparation services, \$50,000;

44 3. If the business entity employs at least 26 but not more than
45 75 registrants to perform document preparation services, \$75,000;



1 **4. If the business entity employs at least 76 but not more than**
2 **125 registrants to perform document preparation services,**
3 **\$100,000;**

4 **5. If the business entity employs at least 126 but not more**
5 **than 200 registrants to perform document preparation services,**
6 **\$150,000; and**

7 **6. If the business entity employs more than 200 registrants to**
8 **perform document preparation services, \$200,000.**

9 **Sec. 4.** NRS 240A.030 is hereby amended to read as follows:

10 240A.030 1. "Document preparation service" means a person
11 who:

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

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

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

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

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

23 (5) Preparing or assisting in the preparation of all or
24 substantially all of a federal or state tax return or claim for a tax
25 refund; or

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

28 2. The term includes, without limitation:

29 (a) A paralegal who performs one or more of the actions
30 described in subsection 1 unless the paralegal works under the
31 direction and supervision of an attorney authorized to practice law
32 in this State;

33 (b) A bankruptcy petition preparer as defined by section 110 of
34 the United States Bankruptcy Code, 11 U.S.C. § 110; and

35 (c) ~~[An enrolled agent authorized to practice before]~~ **A tax**
36 **return preparer who holds a current Annual Filing Season**
37 **Program Record of Completion issued by** the Internal Revenue
38 Service.

39 3. The term does not include:

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

42 (b) An attorney:

43 (1) Authorized to practice law in this State, or an employee
44 of such an attorney who is paid directly by the attorney or law firm



1 with whom the attorney is associated and who is acting in the course
2 and scope of that employment.

3 (2) Authorized to practice law in any other state or the
4 District of Columbia who provides services related to the legal
5 matters described in subsection 2 of NRS 240A.040.

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

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

10 (e) A nonprofit organization formed pursuant to title 7 of NRS
11 which the Secretary of the Treasury has determined is a tax-exempt
12 organization pursuant to 26 U.S.C. § 501(c) and which provides
13 legal services to persons free of charge, or an employee of such an
14 organization who is acting in the course and scope of that
15 employment.

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

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

26 (h) Except as otherwise provided in paragraphs (b) and (c) of
27 subsection 2, a person licensed by or registered with an agency or
28 entity of the United States Government acting within the scope of
29 his or her license or registration, including, without limitation, an
30 accredited immigration representative ~~[-]~~ *and an enrolled agent*
31 *authorized to practice before the Internal Revenue Service.*

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

37 (j) A commercial wedding chapel.

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

40 (l) A commercial registered agent.

41 (m) A person who holds a license, permit, certificate,
42 registration or any other type of authorization required by chapter
43 645 or 692A of NRS, or any regulation adopted pursuant thereto,
44 and is acting within the scope of that authorization.



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

3 (o) A certified public accountant pursuant to the provisions of
4 chapter 628 of NRS or a financial planner that is subject to the
5 requirements of chapter 628A of NRS who is acting within the
6 scope of the license or requirements, as applicable, to prepare or
7 assist in preparing a federal or state tax return or claim for a tax
8 refund for another person.

9 4. As used in this section:

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

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

15 **Sec. 5.** NRS 240A.100 is hereby amended to read as follows:

16 240A.100 1. A person who wishes to engage in the business
17 of a document preparation service must be registered by the
18 Secretary of State pursuant to this chapter. An applicant for
19 registration must be ~~at~~:

20 (a) *A natural person;*

21 (b) *A citizen or legal resident of the United States or hold a valid*
22 *Employment Authorization Document issued by the United States*
23 *Citizenship and Immigration Services of the Department of*
24 *Homeland Security ; ~~;~~ and ~~be at~~*

25 (c) *At* least 18 years of age.

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

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

30 (b) Whose registration as a document preparation service in this
31 State or another state has previously been revoked for cause;

32 (c) *Whose appointment or registration as a notary public in*
33 *this State or another state has been previously revoked or*
34 *suspended for cause;*

35 (d) Who has previously been convicted of, or entered a plea of
36 guilty, guilty but mentally ill or nolo contendere to, a gross
37 misdemeanor or a category D felony pursuant to NRS 240A.290; or

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

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

44 (2) Convicted of, or entered a plea of guilty, guilty but
45 mentally ill or nolo contendere to, the unauthorized practice of law



1 pursuant to NRS 7.285 or the corresponding statute of any other
2 jurisdiction; or

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

5 3. An application for registration as a document preparation
6 service must be made under penalty of perjury on a form prescribed
7 by regulation of the Secretary of State and must be accompanied by:

8 (a) A nonrefundable application fee of \$50; and

9 (b) A cash bond or surety bond meeting the requirements of
10 NRS 240A.120 ***or proof that the applicant is covered by a bond***
11 ***filed by a business entity pursuant to section 2 of this act.***

12 4. An applicant for registration must submit to the Secretary of
13 State a declaration under penalty of perjury stating that the applicant
14 has not had a certificate or license as a document preparation service
15 revoked or suspended in this State or any other state or territory of
16 the United States.

17 5. After the investigation of the history of the applicant is
18 completed, the Secretary of State shall issue a certificate of
19 registration if the applicant is qualified for registration and has
20 complied with the requirements of this section. Each certificate of
21 registration must bear the name of the registrant and a registration
22 number unique to that registrant. The Secretary of State shall
23 maintain a record of the name and registration number of each
24 registrant.

25 6. An application for registration as a document preparation
26 service that is not completed within 120 days after the date on which
27 the application was submitted must be denied. If an application is
28 denied pursuant to this subsection, the applicant may submit a new
29 application.

30 **Sec. 6.** NRS 240A.110 is hereby amended to read as follows:

31 240A.110 1. The registration of a document preparation
32 service is valid for 1 year after the date of issuance of the certificate
33 of registration, unless the registration is suspended or revoked.
34 Except as otherwise provided in this section, the registration may be
35 renewed subject to the same conditions as the initial registration. An
36 application for renewal must be made under penalty of perjury on a
37 form prescribed by regulation of the Secretary of State and must be
38 accompanied by:

39 (a) A renewal fee of \$25; and

40 (b) A cash bond or surety bond meeting the requirements of
41 NRS 240A.120 ***or proof that the applicant is covered by a bond***
42 ***filed by a business entity pursuant to section 2 of this act,*** unless
43 the bond previously filed by the registrant remains on file and in
44 effect.



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

6 3. The Secretary of State may:

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

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

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

19 **Sec. 7.** NRS 240A.120 is hereby amended to read as follows:

20 240A.120 1. ~~[A]~~ *Except as otherwise provided in sections 2*
21 *and 3 of this act, a* registrant shall file with the Secretary of State a
22 cash bond or surety bond in the penal sum of ~~[\$50,000]~~ *\$25,000*
23 which is approved as to form by the Attorney General and
24 conditioned to provide:

25 (a) Indemnification to a client or any other person who is
26 determined in an action or proceeding to have suffered damage as a
27 result of:

28 (1) An act or omission of the registrant, or an agent or
29 employee of the registrant, which violates a provision of this chapter
30 or a regulation or order adopted or issued pursuant thereto;

31 (2) A wrongful failure or refusal by the registrant, or an
32 agent or employee of the registrant, to provide services in
33 accordance with a contract entered into pursuant to NRS 240A.190;

34 (3) The fraud, dishonesty, negligence or other wrongful
35 conduct of the registrant or an agent or employee of the registrant;
36 or

37 (4) An act or omission of the registrant in violation of any
38 other federal or state law for which the return of fees, an award of
39 damages or the imposition of sanctions have been awarded by a
40 court of competent jurisdiction in this State; or

41 (b) Payment to the Secretary of State for any civil penalty or
42 award of attorney's fees or costs of suit owing and unpaid by the
43 registrant to the Secretary of State pursuant to this chapter.



1 2. No part of the bond may be withdrawn while the registration
2 of the registrant remains in effect, or while a proceeding to suspend
3 or revoke the registration is pending.

4 3. If a surety bond is filed pursuant to subsection 1:

5 (a) The bond must be executed by the registrant as principal and
6 by a surety company qualified and authorized to do business in this
7 State.

8 (b) The bond must cover the period of the registration of the
9 registrant, except when the surety is released in accordance with this
10 section.

11 (c) The surety shall pay any final, nonappealable judgment of a
12 court of this State that has jurisdiction, upon receipt of written
13 notice that the judgment is final.

14 (d) The bond may be continuous, but regardless of the duration
15 of the bond, the aggregate liability of the surety does not exceed the
16 penal sum of the bond.

17 (e) If the penal sum of the bond is exhausted, the surety shall
18 give written notice to the Secretary of State and the registrant within
19 30 days after its exhaustion.

20 (f) The surety may be released after giving 30 days' written
21 notice to the Secretary of State and the registrant, but the release
22 does not discharge or otherwise affect any claim resulting from an
23 act or omission which is alleged to have occurred while the bond
24 was in effect.

25 4. Except as otherwise provided in this subsection, if a cash
26 bond is filed pursuant to subsection 1, the Secretary of State may
27 retain the bond until the expiration of 3 years after the date the
28 registrant has ceased to do business, or 3 years after the date of the
29 expiration or revocation of the registration, to ensure that there are
30 no outstanding claims against the bond. A court of competent
31 jurisdiction may order the return of the bond, or any part of the
32 bond, at an earlier date upon evidence satisfactory to the court that
33 there are no outstanding claims against the bond or that the part of
34 the bond retained by the Secretary of State is sufficient to satisfy
35 any outstanding claims. Interest on a cash bond filed pursuant to
36 subsection 1 must accrue to the account of the depositor.

37 5. The registration of a registrant is suspended by operation of
38 law when the registrant is no longer covered by a bond or the penal
39 sum of the bond is exhausted. If the Secretary of State receives
40 notice pursuant to subsection 3 that the penal sum of a surety bond
41 is exhausted or that the surety is being released, the Secretary of
42 State shall immediately notify the registrant in writing that his or her
43 registration is suspended by operation of law until another bond is
44 filed in the same manner and amount as the former bond.



1 6. The Secretary of State may reinstate the registration of a
2 registrant whose registration has been suspended pursuant to
3 subsection 5 if, before the current term of the registration expires,
4 the registrant files with the Secretary of State a new bond meeting
5 the requirements of this section.

6 7. Except as specifically authorized or required by this chapter,
7 a registrant shall not make or cause to be made any oral or written
8 reference to the registrant's compliance with the requirements of
9 this section.

10 **Sec. 8.** NRS 240A.130 is hereby amended to read as follows:

11 240A.130 1. In addition to any other requirements set forth in
12 this chapter:

13 (a) A ~~natural~~ person who applies for registration or the renewal
14 of registration as a document preparation service pursuant to NRS
15 240A.100 or 240A.110 must include the social security number of
16 the applicant in the application submitted to the Secretary of State.

17 (b) An applicant described in paragraph (a) shall submit to the
18 Secretary of State the statement prescribed by the Division of
19 Welfare and Supportive Services of the Department of Health and
20 Human Services pursuant to NRS 425.520. The statement must be
21 completed and signed by the applicant.

22 2. The Secretary of State shall include the statement required
23 pursuant to subsection 1 in:

24 (a) The application or any other forms that must be submitted
25 for registration or the renewal of registration; or

26 (b) A separate form prescribed by the Secretary of State.

27 3. Registration as a document preparation service may not be
28 issued or renewed by the Secretary of State if the applicant:

29 (a) Fails to submit the statement required pursuant to subsection
30 1; or

31 (b) Indicates on the statement submitted pursuant to subsection
32 1 that the applicant is subject to a court order for the support of a
33 child and is not in compliance with the order or a plan approved by
34 the district attorney or other public agency enforcing the order for
35 the repayment of the amount owed pursuant to the order.

36 4. If an applicant indicates on the statement submitted pursuant
37 to subsection 1 that the applicant is subject to a court order for the
38 support of a child and is not in compliance with the order or a plan
39 approved by the district attorney or other public agency enforcing
40 the order for the repayment of the amount owed pursuant to the
41 order, the Secretary of State shall advise the applicant to contact the
42 district attorney or other public agency enforcing the order to
43 determine the actions that the applicant may take to satisfy the
44 arrearage.



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

2 240A.240 **1.** A registrant shall not:

3 ~~{1-}~~ **(a)** After the date of the last service performed for a client,
4 retain any fees or costs for services not performed or costs not
5 incurred.

6 ~~{2-}~~ **(b)** Make, orally or in writing:

7 ~~{a-}~~ **(1)** A promise of the result to be obtained by the filing or
8 submission of any document, unless the registrant has some basis in
9 fact for making the promise;

10 ~~{b-}~~ **(2)** A statement that the registrant has some special
11 influence with or is able to obtain special treatment from the court
12 or agency with which a document is to be filed or submitted; or

13 ~~{c-}~~ **(3)** A false or misleading statement to a client if the
14 registrant knows that the statement is false or misleading or knows
15 that the registrant lacks a sufficient basis for making the statement.

16 ~~{3.-In}~~

17 **(c) Except as otherwise provided in subsection 3, in** any
18 advertisement or written description of the registrant or the services
19 provided by the registrant, or on any letterhead or business card of
20 the registrant, use the term “legal aid,” “legal services,” “law
21 office,” “notario,” “notario publico,” “notary public,” “notary,”
22 “paralegal,” “legal assistant,” “licensed,” “licenciado,” “attorney,”
23 “lawyer” or any similar term, in English, Spanish or any other
24 language, which implies that the registrant:

25 ~~{a-}~~ **(1)** Offers services without charge if the registrant does not
26 do so;

27 ~~{b-}~~ **(2)** Is an attorney authorized to practice law in this State;
28 or

29 ~~{c-}~~ **(3)** Is acting under the direction and supervision of an
30 attorney.

31 ~~{4-}~~ **(d)** Represent himself or herself, orally or in writing, as a
32 paralegal or legal assistant which implies that the registrant is acting
33 under the direction and supervision of an attorney licensed to
34 practice law in this State.

35 ~~{5.-Negotiate}~~

36 **(e) Except as otherwise provided in subsection 2, negotiate**
37 with another person concerning the rights or responsibilities of a
38 client, communicate the position of a client to another person or
39 convey the position of another person to a client.

40 ~~{6.-Appear}~~

41 **(f) Except as otherwise provided in subsection 2, appear** on
42 behalf of a client in a court proceeding or other formal adjudicative
43 proceeding, unless the registrant is ordered to appear by the court or
44 presiding officer.

45 ~~{7.-Provide}~~



1 *(g) Except as otherwise provided in subsection 2, provide* any
2 advice, explanation, opinion or recommendation to a client about
3 possible legal rights, remedies, defenses, options or the selection of
4 documents or strategies, except that a registrant may provide to a
5 client published factual information, written or approved by an
6 attorney, relating to legal procedures, rights or obligations.

7 ~~[8.]~~ *(h) Seek or obtain from a client a waiver of any provision*
8 *of this chapter. Any such waiver is contrary to public policy and*
9 *void.*

10 *2. The provisions of paragraphs (e), (f) and (g) of subsection*
11 *I do not apply to a registrant to the extent that compliance with*
12 *such provisions would violate federal law.*

13 *3. A registrant who is also a notary public appointed by the*
14 *Secretary of State pursuant to chapter 240 of NRS and in good*
15 *standing with the Secretary of State may, in any advertisement or*
16 *written description of the registrant or the services provided by the*
17 *registrant, use the term "notary public."*

18 **Sec. 10.** NRS 240A.270 is hereby amended to read as follows:

19 240A.270 1. The Secretary of State may deny, suspend,
20 revoke or refuse to renew the registration of any person who violates
21 a provision of this chapter or a regulation or order adopted or issued
22 pursuant thereto. Except as otherwise provided in ~~[subsection]~~
23 *subsections 2 [.] and 3, a suspension or revocation may be imposed*
24 *only after a hearing.*

25 *2. The Secretary of State may suspend the registration of any*
26 *person who is also appointed as a notary public pursuant to NRS*
27 *240.010 and whose appointment as a notary public is suspended*
28 *for violating the provisions of NRS 240.001 to 240.169, inclusive,*
29 *or a regulation or order adopted or issued pursuant thereto. If the*
30 *Secretary of State suspends the registration of a registrant*
31 *pursuant to this subsection:*

32 *(a) The Secretary of State shall notify the registrant in writing*
33 *of the suspension.*

34 *(b) The registrant may have his or her registration as a*
35 *document preparation service reinstated by the Secretary of State*
36 *if his or her registration as a document preparation service has*
37 *not expired during the suspension upon a showing that his or her*
38 *suspension as a notary public has been lifted.*

39 ~~[2.—The]~~

40 *3. Except as otherwise provided in subsection 2, the* Secretary
41 of State shall immediately revoke the registration of a registrant
42 upon the receipt of an official document or record showing:

43 (a) The entry of a judgment or conviction; or

44 (b) The occurrence of any other event,



1 ↳ that would disqualify the registrant from registration pursuant to
2 subsection 2 of NRS 240A.100.
3 **Sec. 11.** This act becomes effective upon passage and
4 approval.

⑩

