

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R074-11

September 26, 2011

AUTHORITY: Section 2, inclusive, NRS 225.140.

Chapter 225 of the NAC is hereby amended by adding thereto the provisions set forth as sections 1 – 11, inclusive, of this regulation.

Section 1. *As used in sections 1 to 11, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 2 to 5, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 2. *“Returned Check or Negotiable Instrument” means any check or other negotiable instrument returned to the Office of the Secretary of State because the person had insufficient money or credit with the drawee to pay the check or other instrument or because the person stopped payment on the check or other instrument.*

Sec. 3. *“Expedite Fee” means the fee provided for by NRS 225.140 for expedited services including, but not limited to 2-hour, 4-hour and 24-hour expedited service.*

Sec. 4. *“Certified Copy Fee” means the fee required by Title 7 of NRS for certifying a copy of any document on file in the office of the Secretary of State.*

Sec. 5. *“Copy Fee” means the fee required by Title 7 of NRS for providing one or more pages of any document on file in the office of the Secretary of State.*

Sec. 6. *“Certificate Fee” means the fee required by Title 7 of NRS for providing one or more certificates of good standing or other similar certificate relating to entities on file with the Secretary of State and their status.*

Sec. 7. *The provisions of Sections 1 to 11, inclusive, of this regulation are hereby declared to be severable. If any of the provisions of sections 1 to 11, inclusive of this regulation is held invalid, that invalidity does not affect any other provision of sections 1 to 11, inclusive, of this regulation that can be given effect without the invalid provision or application.*

Sec. 8. *The Secretary of State may reverse or cancel any filing associated with a returned check or negotiable instrument when the maker of the check does not notify the Secretary of State and make good the returned check or negotiable instrument.*

Sec. 9. *For a returned a check or negotiable instrument, the Secretary of State may charge:*

- 1. \$25.00 per hour of staff time necessary to cancel the filings and otherwise process the returned check or negotiable instrument; and*
- 2. Any fee associated with the original filings being cancelled; and*
- 3. Any fee for copies or certificates provided by the Secretary of State that were requested with the cancelled filing.*

In no case shall the fee for a returned check or negotiable instrument be less than \$25.00.

Sec. 10. *The Secretary of State may refuse to accept any document submitted by a customer that has submitted documents associated with a returned check or negotiable instrument if that customer has not made good on the returned check or negotiable instrument and paid any of the fees pursuant to Section 8.*

Sec. 11. *The Secretary of State may require cash-only or credit card payment for those customers that have submitted documents associated with a returned check or negotiable*

instrument when the customer has not made good on the returned check or negotiable instrument or has submitted one or more returned checks or negotiable instruments within the preceding 12 months.

Sec. 12. *Upon reversal or cancellation of a filing associated with a returned check or negotiable instrument, the associated filing is considered “not filed,” as if it had never been filed in the office of the Secretary of State. Any subsequent filings that rely on the cancelled or terminated filing may be cancelled.*