

**ADOPTED REGULATION OF  
THE SECRETARY OF STATE**

**LCB File No. R116-13**

Effective March 28, 2014

EXPLANATION – Matter in *italics* is new; matter in brackets ~~(omitted material)~~ is material to be omitted.

AUTHORITY: §§1-4 and 6-8, NRS 240.017; §5, NRS 240.017 and 240.030.

A REGULATION relating to notaries public; adopting provisions relating to notaries public; requiring an applicant for appointment as a notary public to submit a complete set of fingerprints and a fee to cover the cost of processing such fingerprints; repealing certain obsolete provisions concerning certified court reporters appointed as notaries public with limited powers; and providing other matters properly relating thereto.

**Section 1.** Chapter 240 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

**Sec. 2.** *A notary public may enter in his or her journal “known personally” as the description of the evidence used by the notary public to verify the identification of a person whose signature is being notarized pursuant to NRS 240.120 if the notary public has personal knowledge of the identity of the person.*

**Sec. 3.** *As used in NRS 240.040 and 240.120, the Secretary of State will interpret the term “secure location” to include, without limitation:*

- 1. In the sole possession of the notary public to whom a stamp or journal belongs; or*
- 2. A locked location over which the notary public to whom a stamp or journal belongs has sole control.*

**Sec. 4. 1.** *For the purposes of subsection 9 of NRS 240.075, the Secretary of State will deem a document that requires the signer to provide information within blank spaces to be filled out completely if the signer:*

*(a) Provides information in each blank space; or*

*(b) Designates any blank space in which information is not provided as not applicable or draws a line through the blank space.*

*2. If a document contains any blank signature line that is designated for an additional signer but the remainder of the document, exclusive of any such blank signature line, satisfies the requirements of subsection 1, the Secretary of State will deem the document to be filled out completely if it is clear that the notarization does not apply to any such blank signature line.*

**Sec. 5.** *Each person applying for appointment as a notary public must submit:*

*1. A complete set of the fingerprints of the applicant 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; and*

*2. A fee in an amount equal to the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.*

**Sec. 6. 1.** *If a person is physically unable to sign a document that is presented to a notarial officer and directs a person other than the notarial officer to sign the person's name on the document pursuant to NRS 240.1655, both the person who is physically unable to sign the document and the person directed to sign the person's name on the document shall appear before the notarial officer at the time the document is signed.*

*2. The following certificate is sufficient for an acknowledgment by a person who is physically unable to sign a document and directs another person to sign the person's name on the document pursuant to NRS 240.1655:*

*State of Nevada*

*County of.....*

*This instrument was acknowledged before me on.....(date) by.....(name of person physically unable to sign the document) who directed that his or her signature be affixed to the above instrument by.....(name of person directed to sign the document).*

.....

*(Signature of notarial officer)*

*(Seal, if any)*

.....

*(Title and rank (optional))*

**Sec. 7. 1. A notary public may only charge the fee set forth in NRS 240.100 for performing a marriage ceremony if the notary public possesses a valid certificate to perform marriages that has been issued to the notary public pursuant to NRS 122.064.**

*2. A notary public who violates this section may have his or her appointment as a notary public suspended or revoked by the Secretary of State in accordance with the provisions of NRS 240.150.*

**Sec. 8.** NAC 240.227 is hereby repealed.

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**TEXT OF REPEALED SECTION**

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**240.227 Certified court reporter appointed as notary public with limited powers: Application; notification of change in status as certified court reporter; revocation of appointment. (NRS 240.017)**

1. A certified court reporter who applies for appointment as a notary public with limited powers pursuant to NRS 240.030 must include in his or her application the number of his or her certificate of registration as a certified court reporter.

2. If a certified court reporter who is appointed a notary public with limited powers ceases to be a certified court reporter during the period of his or her appointment, he or she shall notify the Secretary of State within 30 days.

3. The certified court reporters' board shall notify the Secretary of State in writing within 30 days after revoking the certificate of a certified court reporter pursuant to the provisions of chapter 656 of NRS.

4. Upon receiving a notification pursuant to this section, the Secretary of State may immediately and without hearing revoke the appointment of the notary public with limited powers.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS - NRS 233B.066**  
**Informational Statement**  
**LCB File Nos. R116-13 & R147-13**  
**Regulations Relating to Commercial Recordings and Notaries Public**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapters 82 and 240.

**(a)** The purpose of R116-13 relates to practices for notaries public including but not limited to: specifications for using “personally known,” requirements for the submission of fingerprints; defines secure location for the purposes of sole possession of journal and notary stamp and repeals certain obsolete provisions concerning certified court reporters appointed as notaries.

The purpose of R147-13 is to adopt provisions for Chapter 82 non-profit corporations which meet certain criteria for exemption from filing a Charitable Solicitation Registration Statement and specifies the requirements for filing notice of exemption.

**(b)** Public comments were solicited at the January 14, 2014 public workshop to solicit comments on proposed regulations and the February 20, 2014 hearing for the adoption of regulations. Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulations were sent via fax and email to persons known to have an interest in the subjects pertaining to registration and/or exemption requirements for entities which solicit or intend to solicit charitable contributions and regarding the duties of notaries public. It should be noted that proposed language as it appears in R147-13 was also discussed at the public workshop and adoption hearing for R68-13 on November 20, 2013 and December 3, 2013 respectively. The documents were provided to the main libraries in each county. These documents were also made available on the Secretary of State website, [www.NVSOS.gov](http://www.NVSOS.gov), the Legislative Counsel Bureau website and posted at the following locations:

- The Capitol Building, 101 North Carson Street, Carson City, Nevada 89701
- The State Library, 100 North Stewart Street, Carson City, Nevada 89701
- The Secretary of State-Reno, 500 Damonte Ranch Pkwy, Suite 657-A, Reno, Nevada 89521
- The Grant Sawyer Building, 555 East Washington Avenue, Las Vegas, Nevada 89101
- Nevada State Legislative Building, 401 South Carson Street, Carson City, Nevada 89701

**(c)** The number of persons who:

- (a)** Attended the January 14, 2014 public workshop: **7**
- (b)** Testified at the January 14, 2014 public workshop: **2** but not on R-116-13 or R147-13.  
No public comment on these two regulations.
- (c)** Submitted to the agency written comments: **0**
- (d)** Attended the February 20, 2014 for the adoption of regulations: **3**
- (e)** Testified at the February 20, 2014 hearing for the adoption of regulations: **0**
- (f)** Submitted to the Agency written comments: **0**

**(d) For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**

While none testified on R147-13, at the November 20, 2013 public workshop and December 3, 2013 adoption hearing on R69-13 related to a similar subject the following people addressed the subject matter proposed related to exemptions for filing the charitable registration statement and indicated support.

- (a) Name: Phil Johncock**
- (b) Telephone number: 702-486-1266**
- (c) Business address: 639 Isbell Court, Suite 460, Reno, NV 89509**
- (d) Business telephone number: 702-486-1266**
- (e) Electronic mail address: UNK**
- (f) Name of entity or organization represented: Alliance for Nevada Nonprofits**

- (a) Name: Andrew Platt**
- (b) Telephone number: 702-433-9696**
- (c) Business address: 1349 W. Galleria Drive, Suite 200, Henderson, NV 89014**
- (d) Business telephone number: 702-433-9696**
- (e) Electronic mail address: [aplatt@woodserickson.com](mailto:aplatt@woodserickson.com)**
- (f) Name of entity or organization represented: Woods Erickson**

**(e)** Comments were solicited from affected businesses in the same manner as they were solicited from the public. In addition discussions were had representatives from Alliance for Nevada Nonprofits (ANN) and other nonprofit organizations.

The minutes of the January 14, 2014 public workshop to solicit comments on proposed regulations and the February 20, 2014 hearing for the adoption of regulations are attached hereto and contain a summary of the brief discussion held regarding the proposed amendments. A copy of the workshop and hearing minutes may be obtained from the office of the Secretary of State, 101 N. Carson Street, Suite 3, Carson City, Nevada 89701, 775-684-5720 or via email sent to [scotta@sos.nv.gov](mailto:scotta@sos.nv.gov).

**(f)** The permanent regulations were adopted on February 20, 2014. There were no changes made as a result of the public workshop to regulations R116-13 or R147-13 as no changes were suggested.

**(g)** There is no estimated economic effect of the adopted regulation on the businesses which it is to regulate or on the public.

**(h)** There is no additional cost to the agency for enforcement of this regulation.

**(i)** There are no other state or government agency regulations that the regulation overlaps or duplicates.

**(j)** The proposed regulation does not include provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

**(k)** The proposed regulation does not involve a new fee or increases an existing fee.