

REVISED PROPOSED REGULATION OF

THE SECRETARY OF STATE

LCB File No. R116-13

December 11, 2013

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:*

- 1. The notary public has personal knowledge of the identity of the person; and*
- 2. The person signs the journal of the notary public.*

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. *On or after January 1, 2014:*

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.

TEXT OF REPEALED SECTION

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.