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2009 Bill Text NV S.B. 92

THE STATE OF NEVADA  
BILL TEXT



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2009 NV S.B. 92

NEVADA 75TH REGULAR SESSION

SENATE BILL 92

S.B. 92

SENATE BILL NO. 92 - COMMITTEE ON GOVERNMENT AFFAIRS (ON BEHALF OF THE  
SECRETARY OF STATE)

PREFILED DECEMBER 15, 2008

REFERRED TO COMMITTEE ON GOVERNMENT AFFAIRS

SUMMARY - MAKES VARIOUS CHANGES RELATING TO THE REGULATION OF **NOTARIES**  
PUBLIC. (BDR 19-414)

FISCAL NOTE: EFFECT ON LOCAL GOVERNMENT: INCREASES OR NEWLY PROVIDES FOR  
TERM OF IMPRISONMENT IN COUNTY OR CITY JAIL OR DETENTION FACILITY.  
EFFECT ON THE STATE: YES.

BILL TRACKING REPORT: 2009 Bill Tracking NV S.B. 92

2009 Bill Text NV S.B. 92

**VERSION:** Prefiled

**VERSION-DATE:** December 15, 2008

**SYNOPSIS:** AN ACT relating to **notaries** public; providing for electronic **notarization**; authorizing the Secretary of State to appoint electronic **notaries** public; revising provisions for the appointment of resident and

nonresident **notaries** public; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Secretary of State is authorized to appoint **notaries** public in this State. (NRS 240.010) Sections 3-26 of this bill enact the Electronic **Notary** Public Authorization Act, which authorizes the Secretary of State to appoint electronic **notaries** public who will be authorized to **notarize** electronic documents.

Sections 2 and 5-10 of this bill set forth various definitions relating to electronic **notarization**. Section 12 of this bill requires that a person seeking appointment as an electronic **notary** public already be a **notary** public in Nevada and successfully complete a course of study on electronic **notarization**, enter into a bond, pay an application fee and take an oath as a public officer. Section 14 of this bill provides that the initial term of appointment for an electronic **notary** public is 2 years and any subsequent term of appointment is 4 years. Section 16 of this bill states that an electronic **notary** public may perform the same **notarial** acts as a **notary** public except for certifying copies and noting protests of a negotiable instrument, and section 17 of this bill sets forth the fees he may charge. Section 18 of this bill prohibits the electronic **notarization** of a will, codicil, testamentary trust or any document related to transactions governed by certain sections of the Uniform Commercial Code, as prohibited by the Uniform Electronic Transactions Act, codified as chapter 719 of NRS. (NRS 719.200) Section 19 of this bill sets forth the specific requirements that distinguish the **notarization** of an electronic document from a nonelectronic **notarization**, including the use of an electronic signature and an electronic seal. Sections 21 and 22 of this bill provide that an electronic **notary** public must safeguard his electronic signature and any software or device used in producing that signature. Section 23 of this bill makes it a felony to: (1) wrongfully make or distribute software or hardware for the purpose of allowing a person to act as an electronic **notary** public without being appointed; or (2) wrongfully obtain, conceal, damage or destroy the software or hardware used by an electronic **notary** public. Section 25 of this bill authorizes the Secretary of State to promulgate regulations to carry out the provisions of the Electronic **Notary** Public Authorization Act. Section 26 of this bill provides that all the laws which apply to regular **notaries** public apply to electronic **notaries** public unless a provision of the Electronic **Notary** Public Authorization Act conflicts, in which case the latter controls.

Existing law prohibits a person who has been convicted of a crime of moral turpitude or a person who does not possess his civil rights from being appointed as a **notary** public. (NRS 240.010, 240.015) Section 29 of this bill authorizes the Secretary of State to appoint as a **notary** public a person who was convicted of a crime of moral turpitude if: (1) more than 10 years have passed since the end of his sentence, parole or probation; (2) he has made restitution, if applicable; and (3) he has had his civil rights restored.

Existing law allows a resident of an adjoining state to be appointed as a **notary** public in Nevada if he maintains or works for a business in Nevada. (NRS 240.015) Sections 30-32 of this bill amend the requirements for a nonresident **notary** public to further require a copy of a state business license and any other business license required by a local government where the business is located as proof of employment or self-employment in Nevada when applying for an appointment or the renewal of an appointment as a nonresident **notary** public.

**NOTICE:**

[A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED <A]

[D> Text within these symbols is deleted <D]

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

Section 1. Chapter 240 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 26, inclusive, of this act.

Sec. 2. [A> "**NOTARIAL RECORD**" MEANS: <A]

[A> 1. THE JOURNAL THAT A **NOTARY** PUBLIC IS REQUIRED TO KEEP PURSUANT TO NRS 240.120; <A]

[A> 2. THE JOURNAL THAT AN ELECTRONIC **NOTARY** PUBLIC IS REQUIRED TO KEEP PURSUANT TO SECTION 20 OF THIS ACT; AND <A]

[A> 3. A DOCUMENT OR OTHER EVIDENCE RETAINED BY A **NOTARY** PUBLIC OR AN ELECTRONIC **NOTARY** PUBLIC TO RECORD THE PERFORMANCE OF A **NOTARIAL** ACT OR AN ELECTRONIC **NOTARIAL** ACT. <A]

Sec. 3. [A> SECTIONS 3 TO 26, INCLUSIVE, OF THIS ACT MAY BE CITED AS THE ELECTRONIC **NOTARY** PUBLIC AUTHORIZATION ACT. <A]

Sec. 4. [A> AS USED IN SECTIONS 3 TO 26, INCLUSIVE, OF THIS ACT, UNLESS THE CONTEXT OTHERWISE REQUIRES, THE WORDS AND TERMS DEFINED IN SECTIONS 5 TO 10, INCLUSIVE, OF THIS ACT HAVE THE MEANINGS ASCRIBED TO THEM IN THOSE SECTIONS. <A]

Sec. 5. [A> "ELECTRONIC" MEANS OF OR RELATING TO TECHNOLOGY HAVING ELECTRICAL, DIGITAL, MAGNETIC, WIRELESS, OPTICAL, ELECTROMAGNETIC OR SIMILAR CAPABILITIES. <A]

Sec. 6. [A> "ELECTRONIC DOCUMENT" MEANS A DOCUMENT THAT IS CREATED, GENERATED, SENT, COMMUNICATED, RECEIVED OR STORED BY ELECTRONIC MEANS. <A]

Sec. 7. [A> "ELECTRONIC **NOTARIAL** ACT" MEANS AN ACT THAT AN ELECTRONIC **NOTARY** PUBLIC OF THIS STATE IS AUTHORIZED TO PERFORM. THE TERM INCLUDES: <A]

[A> 1. TAKING AN ACKNOWLEDGMENT; <A]

[A> 2. ADMINISTERING AN OATH OR AFFIRMATION; <A]

[A> 3. EXECUTING A JURAT; AND <A]

[A> 4. PERFORMING SUCH OTHER DUTIES AS MAY BE PRESCRIBED BY A SPECIFIC STATUTE. <A]

Sec. 8. [A> "ELECTRONIC **NOTARY** PUBLIC" MEANS A PERSON APPOINTED BY THE SECRETARY OF STATE PURSUANT TO SECTIONS 3 TO 26, INCLUSIVE, OF THIS ACT TO PERFORM ELECTRONIC **NOTARIAL** ACTS. <A]

Sec. 9. [A> "ELECTRONIC SEAL" MEANS INFORMATION WITHIN A **NOTARIZED** ELECTRONIC DOCUMENT THAT INCLUDES THE NAME, JURISDICTION AND EXPIRATION DATE OF THE APPOINTMENT OF AN ELECTRONIC **NOTARY** PUBLIC AND GENERALLY INCLUDES THE INFORMATION REQUIRED TO BE SET FORTH IN A MECHANICAL STAMP PURSUANT TO NRS 240.040. <A]

Sec. 10. [A> "ELECTRONIC SIGNATURE" MEANS AN ELECTRONIC SYMBOL OR PROCESS ATTACHED TO OR LOGICALLY ASSOCIATED WITH AN ELECTRONIC DOCUMENT AND EXECUTED OR ADOPTED BY A PERSON WITH THE INTENT TO SIGN THE ELECTRONIC DOCUMENT. <A]

Sec. 11. [A> 1. THE SECRETARY OF STATE MAY APPOINT ELECTRONIC **NOTARIES** PUBLIC IN THIS STATE. <A]

[A> 2. THE SECRETARY OF STATE SHALL NOT APPOINT AS AN ELECTRONIC **NOTARY** PUBLIC A PERSON WHO SUBMITS AN APPLICATION CONTAINING A SUBSTANTIAL AND MATERIAL MISSTATEMENT OR OMISSION OF FACT. <A]

[A> 3. AN ELECTRONIC **NOTARY** PUBLIC MAY CANCEL HIS APPOINTMENT BY SUBMITTING A WRITTEN NOTICE TO THE SECRETARY OF STATE. <A]

[A> 4. IT IS UNLAWFUL FOR A PERSON TO: <A]

[A> (A) REPRESENT HIMSELF AS AN ELECTRONIC **NOTARY** PUBLIC APPOINTED PURSUANT TO THIS SECTION IF HE HAS NOT RECEIVED A CERTIFICATE OF APPOINTMENT FROM THE SECRETARY OF STATE PURSUANT TO SECTION 12 OF THIS ACT. <A]

[A> (B) SUBMIT AN APPLICATION FOR APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC THAT CONTAINS A SUBSTANTIAL AND MATERIAL MISSTATEMENT OR OMISSION OF FACT. <A]

[A> 5. THE SECRETARY OF STATE MAY REQUEST THAT THE ATTORNEY GENERAL BRING AN ACTION TO ENJOIN ANY VIOLATION OF PARAGRAPH (A) OF SUBSECTION 4. <A]

Sec. 12. [A> 1. EACH PERSON APPLYING FOR APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC MUST: <A]

[A> (A) AT THE TIME OF APPLICATION, BE A **NOTARIAL** OFFICER IN THIS STATE AND HAVE BEEN A **NOTARIAL** OFFICER IN THIS STATE FOR NOT LESS THAN 4 YEARS; <A]

[A> (B) SUBMIT TO THE SECRETARY OF STATE AN ELECTRONIC APPLICATION PURSUANT TO SUBSECTION 2; <A]

[A> (C) PAY TO THE SECRETARY OF STATE AN APPLICATION FEE OF \$ 50; <A]

[A> (D) TAKE AND SUBSCRIBE TO THE OATH SET FORTH IN SECTION 2 OF ARTICLE 15 OF THE CONSTITUTION OF THE STATE OF NEVADA AS IF HE WERE A PUBLIC OFFICER; <A]

[A> (E) SUBMIT TO THE SECRETARY OF STATE PROOF SATISFACTORY TO THE SECRETARY OF STATE THAT HE HAS SUCCESSFULLY COMPLETED A COURSE OF STUDY PROVIDED PURSUANT TO SECTION 15 OF THIS ACT; AND <A]

[A> (F) ENTER INTO A BOND TO THE STATE OF NEVADA IN THE SUM OF \$ 10,000, TO BE FILED WITH THE CLERK OF THE COUNTY IN WHICH THE APPLICANT RESIDES OR, IF THE APPLICANT IS A RESIDENT OF AN ADJOINING STATE, WITH THE CLERK OF THE COUNTY IN THIS STATE IN WHICH THE APPLICANT MAINTAINS A PLACE OF BUSINESS OR IS EMPLOYED. THE APPLICANT MUST SUBMIT TO THE SECRETARY OF STATE A CERTIFICATE ISSUED BY THE APPROPRIATE COUNTY CLERK WHICH INDICATES THAT THE APPLICANT FILED THE BOND REQUIRED PURSUANT TO THIS PARAGRAPH. <A]

[A> 2. THE APPLICATION FOR AN APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC MUST BE SUBMITTED AS AN ELECTRONIC DOCUMENT AND MUST CONTAIN, WITHOUT LIMITATION, THE FOLLOWING INFORMATION: <A]

[A> (A) THE APPLICANT'S FULL LEGAL NAME, AND THE NAME TO BE USED FOR APPOINTMENT, IF DIFFERENT. <A]

[A> (B) THE COUNTY IN WHICH THE APPLICANT RESIDES. <A]

[A> (C) THE ELECTRONIC MAIL ADDRESS OF THE APPLICANT. <A]

[A> (D) A DESCRIPTION OF THE TECHNOLOGY OR DEVICE, APPROVED BY THE SECRETARY OF STATE, THAT THE APPLICANT INTENDS TO USE TO CREATE HIS ELECTRONIC SIGNATURE IN PERFORMING ELECTRONIC **NOTARIAL** ACTS. <A]

[A> (E) THE ELECTRONIC SIGNATURE OF THE APPLICANT. <A]

[A> (F) ANY OTHER INFORMATION REQUESTED BY THE SECRETARY OF STATE. <A]

[A> 3. AN APPLICANT FOR APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC WHO RESIDES IN AN ADJOINING STATE, IN ADDITION TO THE REQUIREMENTS SET FORTH IN SUBSECTIONS 1 AND 2, MUST SUBMIT TO THE SECRETARY OF STATE WITH HIS APPLICATION: <A]

[A> (A) AN AFFIDAVIT SETTING FORTH THE ADJOINING STATE IN WHICH HE RESIDES, HIS MAILING ADDRESS AND THE ADDRESS OF HIS PLACE OF BUSINESS OR EMPLOYMENT THAT IS LOCATED WITHIN THE STATE OF NEVADA; <A]

[A> (B) A COPY OF HIS STATE BUSINESS LICENSE ISSUED PURSUANT TO NRS 360.780 AND ANY BUSINESS LICENSE REQUIRED BY THE LOCAL GOVERNMENT WHERE HIS BUSINESS IS LOCATED, IF HE IS SELF-EMPLOYED; AND <A]

[A> (C) UNLESS THE APPLICANT IS SELF-EMPLOYED, A COPY OF THE STATE BUSINESS LICENSE OF HIS EMPLOYER ISSUED PURSUANT TO NRS 360.780, A COPY OF ANY BUSINESS LICENSE OF HIS EMPLOYER THAT IS REQUIRED BY THE LOCAL GOVERNMENT WHERE THE BUSINESS IS LOCATED AND AN AFFIDAVIT FROM HIS EMPLOYER SETTING FORTH THE FACTS WHICH SHOW THAT THE EMPLOYER REGULARLY EMPLOYS THE APPLICANT AT AN OFFICE, BUSINESS OR FACILITY WHICH IS LOCATED WITHIN THE STATE OF NEVADA. <A]

[A> 4. IN COMPLETING AN APPLICATION, BOND, OATH OR OTHER DOCUMENT NECESSARY TO APPLY FOR APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC, AN APPLICANT MUST NOT BE REQUIRED TO DISCLOSE HIS RESIDENTIAL ADDRESS OR TELEPHONE NUMBER ON ANY SUCH DOCUMENT WHICH WILL BECOME AVAILABLE TO THE PUBLIC. <A]

[A> 5. THE BOND, TOGETHER WITH THE OATH, MUST BE FILED AND RECORDED IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY IN WHICH THE APPLICANT RESIDES WHEN HE APPLIES FOR HIS APPOINTMENT OR, IF THE APPLICANT IS A RESIDENT OF AN ADJOINING STATE, WITH THE CLERK OF THE COUNTY IN THIS STATE IN WHICH THE APPLICANT MAINTAINS A PLACE OF BUSINESS OR IS EMPLOYED. ON A FORM PROVIDED BY THE SECRETARY OF STATE, THE COUNTY CLERK SHALL IMMEDIATELY CERTIFY TO THE SECRETARY OF STATE THAT THE REQUIRED BOND AND OATH HAVE BEEN FILED AND RECORDED. UPON RECEIPT OF THE APPLICATION, FEE AND CERTIFICATION THAT THE REQUIRED BOND AND OATH HAVE BEEN FILED AND RECORDED, THE SECRETARY OF STATE SHALL ISSUE A CERTIFICATE OF APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC TO THE APPLICANT. <A]

[A> 6. THE TERM OF AN ELECTRONIC **NOTARY** PUBLIC COMMENCES ON THE EFFECTIVE DATE OF THE BOND REQUIRED PURSUANT TO PARAGRAPH (F) OF SUBSECTION 1. AN ELECTRONIC **NOTARY** PUBLIC SHALL NOT PERFORM AN ELECTRONIC **NOTARIAL** ACT AFTER THE EFFECTIVE DATE OF THE BOND UNLESS HE HAS BEEN ISSUED A CERTIFICATE OF APPOINTMENT PURSUANT TO SUBSECTION 5. <A]

[A> 7. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE SECRETARY OF STATE SHALL CHARGE A FEE OF \$ 10 FOR EACH DUPLICATE OR AMENDED CERTIFICATE OF APPOINTMENT WHICH IS ISSUED TO AN ELECTRONIC **NOTARY** PUBLIC. IF THE ELECTRONIC **NOTARY** PUBLIC DOES NOT RECEIVE AN ORIGINAL CERTIFICATE OF APPOINTMENT, THE SECRETARY OF STATE SHALL PROVIDE A DUPLICATE CERTIFICATE OF APPOINTMENT WITHOUT CHARGE IF THE ELECTRONIC **NOTARY** PUBLIC REQUESTS SUCH A DUPLICATE WITHIN 60 DAYS AFTER THE DATE ON WHICH THE ORIGINAL CERTIFICATE WAS ISSUED. <A]

Sec. 13. [A> 1. THE BOND REQUIRED TO BE FILED PURSUANT TO SECTION 12 OF THIS ACT MUST BE EXECUTED BY THE PERSON APPLYING TO BECOME AN ELECTRONIC **NOTARY** PUBLIC AS PRINCIPAL AND BY A SURETY COMPANY QUALIFIED AND AUTHORIZED TO DO BUSINESS IN THIS STATE. THE BOND MUST BE MADE PAYABLE TO THE STATE OF NEVADA AND BE CONDITIONED TO PROVIDE INDEMNIFICATION TO A PERSON DETERMINED TO HAVE SUFFERED DAMAGE AS A RESULT OF AN ACT BY THE ELECTRONIC **NOTARY** PUBLIC WHICH VIOLATES A PROVISION OF NRS 240.001 TO 240.169, INCLUSIVE, OR SECTIONS 3 TO 26, INCLUSIVE,

OF THIS ACT. THE SURETY COMPANY SHALL PAY A FINAL, NONAPPEALABLE JUDGMENT OF A COURT OF THIS STATE THAT HAS JURISDICTION, UPON RECEIPT OF WRITTEN NOTICE OF FINAL JUDGMENT. THE BOND MAY BE CONTINUOUS, BUT REGARDLESS OF THE DURATION OF THE BOND, THE AGGREGATE LIABILITY OF THE SURETY DOES NOT EXCEED THE PENAL SUM OF THE BOND. <A]

[A> 2. IF THE PENAL SUM OF THE BOND IS EXHAUSTED, THE SURETY COMPANY SHALL NOTIFY THE SECRETARY OF STATE IN WRITING WITHIN 30 DAYS AFTER ITS EXHAUSTION. <A]

[A> 3. THE SURETY BOND MUST COVER THE PERIOD OF THE APPOINTMENT OF THE ELECTRONIC **NOTARY** PUBLIC, EXCEPT WHEN A SURETY IS RELEASED. <A]

[A> 4. A SURETY ON A BOND FILED PURSUANT TO SECTION 12 OF THIS ACT MAY BE RELEASED AFTER THE SURETY GIVES 30 DAYS' WRITTEN NOTICE TO THE SECRETARY OF STATE AND THE ELECTRONIC **NOTARY** PUBLIC, BUT THE RELEASE DOES NOT DISCHARGE OR OTHERWISE AFFECT A CLAIM FILED BY A PERSON FOR DAMAGE RESULTING FROM AN ACT OF THE ELECTRONIC **NOTARY** PUBLIC WHICH IS ALLEGED TO HAVE OCCURRED WHILE THE BOND WAS IN EFFECT. <A]

[A> 5. THE APPOINTMENT OF AN ELECTRONIC **NOTARY** PUBLIC IS SUSPENDED BY OPERATION OF LAW WHEN THE ELECTRONIC **NOTARY** PUBLIC IS NO LONGER COVERED BY A SURETY BOND AS REQUIRED BY THIS SECTION AND SECTION 12 OF THIS ACT OR THE PENAL SUM OF THE BOND IS EXHAUSTED. IF THE SECRETARY OF STATE RECEIVES NOTICE PURSUANT TO SUBSECTION 4 THAT THE BOND WILL BE RELEASED OR PURSUANT TO SUBSECTION 2 THAT THE PENAL SUM OF THE BOND IS EXHAUSTED, THE SECRETARY OF STATE SHALL IMMEDIATELY NOTIFY THE ELECTRONIC **NOTARY** PUBLIC IN WRITING THAT HIS APPOINTMENT WILL BE SUSPENDED BY OPERATION OF LAW UNTIL ANOTHER SURETY BOND IS FILED IN THE SAME MANNER AND AMOUNT AS THE BOND BEING TERMINATED. <A]

[A> 6. THE SECRETARY OF STATE MAY REINSTATE THE APPOINTMENT OF AN ELECTRONIC **NOTARY** PUBLIC WHOSE APPOINTMENT HAS BEEN SUSPENDED PURSUANT TO SUBSECTION 5 IF THE ELECTRONIC **NOTARY** PUBLIC, BEFORE HIS CURRENT TERM OF APPOINTMENT EXPIRES: <A]

[A> (A) SUBMITS TO THE SECRETARY OF STATE: <A]

[A> (1) AN APPLICATION FOR AN AMENDED CERTIFICATE OF APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC; AND <A]

[A> (2) A CERTIFICATE ISSUED BY THE CLERK OF THE COUNTY IN WHICH THE APPLICANT RESIDES OR, IF THE APPLICANT IS A RESIDENT OF AN ADJOINING STATE, THE COUNTY IN THIS STATE IN WHICH THE APPLICANT MAINTAINS A PLACE OF BUSINESS OR IS EMPLOYED, WHICH INDICATES THAT THE APPLICANT FILED A NEW SURETY BOND WITH THE CLERK; AND <A]

[A> (B) PAYS TO THE SECRETARY OF STATE A FEE OF \$ 10. <A]

Sec. 14. [A> 1. THE INITIAL TERM OF APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC IS 2 YEARS. EACH TERM OF APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC SUBSEQUENT TO THE INITIAL TERM IS 4 YEARS. <A]

[A> 2. THE APPOINTMENT OF AN ELECTRONIC **NOTARY** PUBLIC IS SUSPENDED BY OPERATION OF LAW WHEN THE ELECTRONIC **NOTARY** PUBLIC IS NO LONGER APPOINTED AS A **NOTARY** PUBLIC IN THIS STATE. IF THE APPOINTMENT OF AN ELECTRONIC **NOTARY** PUBLIC HAS EXPIRED OR BEEN REVOKED OR SUSPENDED, THE SECRETARY OF STATE SHALL IMMEDIATELY NOTIFY THE ELECTRONIC **NOTARY** PUBLIC IN WRITING THAT HIS APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC WILL BE SUSPENDED BY OPERATION OF LAW UNTIL HE IS APPOINTED AS A **NOTARY** PUBLIC IN THIS STATE. <A]

[A> 3. IF, AT ANY TIME DURING HIS APPOINTMENT, AN ELECTRONIC **NOTARY** PUBLIC CHANGES HIS ELECTRONIC MAIL ADDRESS, COUNTY OF RESIDENCE, NAME, ELECTRONIC SIGNATURE OR THE TECHNOLOGY OR DEVICE USED TO CREATE HIS ELECTRONIC SIGNATURE, THE ELECTRONIC **NOTARY** PUBLIC SHALL, WITHIN 10 DAYS AFTER MAKING THE CHANGE, SUBMIT TO THE SECRETARY OF STATE: <A]

[A> (A) AN ELECTRONIC DOCUMENT, SIGNED WITH THE ELECTRONIC SIGNATURE SUBMITTED BY THE ELECTRONIC **NOTARY** PUBLIC PURSUANT TO SUBSECTION 2 OF SECTION 12 OF THIS ACT, THAT INCLUDES THE CHANGE OF INFORMATION; AND <A]

[A> (B) A FEE OF \$ 10. <A]

Sec. 15. [A> 1. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION 2, AN APPLICANT FOR APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC MUST SUCCESSFULLY: <A]

[A> (A) COMPLETE A COURSE OF STUDY THAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION 5; AND <A]

[A> (B) PASS AN EXAMINATION AT THE COMPLETION OF THE COURSE. <A]

[A> 2. THE FOLLOWING PERSONS MUST SUCCESSFULLY COMPLETE A COURSE OF STUDY AS REQUIRED PURSUANT TO SUBSECTION 1: <A]

[A> (A) A PERSON APPLYING FOR HIS FIRST APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC; <A]

[A> (B) A PERSON RENEWING HIS APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC IF HIS APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC HAS BEEN EXPIRED FOR A PERIOD OF MORE THAN 1 YEAR; AND <A]

[A> (C) A PERSON RENEWING HIS APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC IF, DURING THE 4 YEARS IMMEDIATELY PRECEDING HIS 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 APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC NEED NOT SUCCESSFULLY COMPLETE A COURSE OF STUDY AS REQUIRED PURSUANT TO SUBSECTION 1 IF HIS APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC HAS BEEN EXPIRED FOR A PERIOD OF 1 YEAR OR LESS. <A]

[A> 3. A COURSE OF STUDY REQUIRED TO BE COMPLETED PURSUANT TO SUBSECTION 1 MUST: <A]

[A> (A) INCLUDE AT LEAST 3 HOURS OF INSTRUCTION; <A]

[A> (B) PROVIDE INSTRUCTION IN ELECTRONIC **NOTARIZATION**, INCLUDING, WITHOUT LIMITATION, **NOTARIAL** LAW AND ETHICS, TECHNOLOGY AND PROCEDURES; <A]

[A> (C) INCLUDE AN EXAMINATION OF THE COURSE CONTENT; <A]

[A> (D) COMPLY WITH THE REGULATIONS ADOPTED PURSUANT TO SECTION 25 OF THIS ACT; AND <A]

[A> (E) BE APPROVED BY THE SECRETARY OF STATE. <A]

[A> 4. THE SECRETARY OF STATE MAY, WITH RESPECT TO A COURSE OF STUDY REQUIRED TO BE COMPLETED PURSUANT TO SUBSECTION 1: <A]

[A> (A) PROVIDE SUCH A COURSE OF STUDY; AND <A]

[A> (B) CHARGE A REASONABLE FEE TO EACH PERSON WHO ENROLLS IN SUCH A COURSE OF STUDY. <A]

[A> 5. A COURSE OF STUDY PROVIDED PURSUANT TO THIS SECTION MUST SATISFY THE CRITERIA SET FORTH IN SUBSECTION 3 AND COMPLY WITH THE REQUIREMENTS SET FORTH IN THE REGULATIONS ADOPTED PURSUANT TO SECTION 25 OF THIS ACT. <A]

[A> 6. THE SECRETARY OF STATE SHALL DEPOSIT THE FEES COLLECTED PURSUANT TO PARAGRAPH (B) OF SUBSECTION 4 IN THE **NOTARY** PUBLIC TRAINING FUND CREATED PURSUANT TO NRS 240.018. <A]

Sec. 16. [A> A PERSON APPOINTED AS AN ELECTRONIC **NOTARY** PUBLIC PURSUANT TO SECTIONS 3 TO 26, INCLUSIVE, OF THIS ACT MAY, DURING NORMAL BUSINESS HOURS, PERFORM THE FOLLOWING ELECTRONIC **NOTARIAL** ACTS FOR A PERSON WHO REQUESTS THE ELECTRONIC **NOTARIAL** ACT AND TENDERS THE APPROPRIATE FEE: <A]

[A> 1. TAKING AN ACKNOWLEDGMENT; <A]

[A> 2. EXECUTING A JURAT; AND <A]

[A> 3. ADMINISTERING AN OATH OR AFFIRMATION. <A]

Sec. 17. [A> 1. AN ELECTRONIC **NOTARY** PUBLIC MAY CHARGE THE FOLLOWING FEES AND NO MORE: <A]

[A> (A) FOR TAKING AN ACKNOWLEDGMENT, FOR EACH SIGNATURE ... \$ 10 <A]

[A> (B) FOR EXECUTING A JURAT, FOR EACH SIGNATURE ... \$ 10 <A]

[A> (C) FOR ADMINISTERING AN OATH OR AFFIRMATION WITHOUT A SIGNATURE ...  
\$ 10 <A]

[A> 2. AN ELECTRONIC **NOTARY** PUBLIC SHALL NOT CHARGE A FEE TO PERFORM A SERVICE UNLESS HE IS AUTHORIZED TO CHARGE A FEE FOR SUCH A SERVICE PURSUANT TO THIS SECTION. <A]

[A> 3. ALL FEES PRESCRIBED IN THIS SECTION ARE PAYABLE IN ADVANCE, IF DEMANDED. <A]

[A> 4. AN ELECTRONIC **NOTARY** PUBLIC MAY CHARGE AN ADDITIONAL FEE FOR TRAVELING TO PERFORM AN ELECTRONIC **NOTARIAL** ACT IF: <A]

[A> (A) THE PERSON REQUESTING THE ELECTRONIC **NOTARIAL** ACT ASKS THE ELECTRONIC **NOTARY** PUBLIC TO TRAVEL; <A]

[A> (B) THE ELECTRONIC **NOTARY** PUBLIC EXPLAINS TO THE PERSON REQUESTING THE ELECTRONIC **NOTARIAL** ACT THAT THE FEE FOR TRAVEL IS IN ADDITION TO THE FEE AUTHORIZED IN SUBSECTION 1 AND IS NOT REQUIRED BY LAW; <A]

[A> (C) THE PERSON REQUESTING THE ELECTRONIC **NOTARIAL** ACT AGREES IN ADVANCE UPON THE HOURLY RATE THAT THE ELECTRONIC **NOTARY** PUBLIC WILL CHARGE FOR THE ADDITIONAL FEE FOR TRAVEL; AND <A]

[A> (D) THE ADDITIONAL FEE FOR TRAVEL DOES NOT EXCEED: <A]

[A> (1) IF THE PERSON REQUESTING THE ELECTRONIC **NOTARIAL** ACT ASKS THE ELECTRONIC **NOTARY** PUBLIC TO TRAVEL BETWEEN THE HOURS OF 6 A.M. AND 7 P.M., \$ 10 PER HOUR. <A]

[A> (2) IF THE PERSON REQUESTING THE ELECTRONIC **NOTARIAL** ACT ASKS THE ELECTRONIC **NOTARY**



PUBLIC TO TRAVEL BETWEEN THE HOURS OF 7 P.M. AND 6 A.M., \$ 25 PER HOUR. THE ELECTRONIC **NOTARY** PUBLIC MAY CHARGE A MINIMUM OF 2 HOURS FOR SUCH TRAVEL AND SHALL CHARGE ON A PRO RATA BASIS AFTER THE FIRST 2 HOURS. <A]

[A> 5. AN ELECTRONIC **NOTARY** PUBLIC IS ENTITLED TO CHARGE THE AMOUNT OF THE ADDITIONAL FEE FOR TRAVEL AGREED TO IN ADVANCE BY THE PERSON REQUESTING THE ELECTRONIC **NOTARIAL** ACT PURSUANT TO SUBSECTION 4 IF: <A]

[A> (A) THE PERSON REQUESTING THE ELECTRONIC **NOTARIAL** ACT CANCELS HIS REQUEST AFTER THE ELECTRONIC **NOTARY** PUBLIC BEGINS HIS TRAVEL TO PERFORM THE REQUESTED ELECTRONIC **NOTARIAL** ACT. <A]

[A> (B) THE ELECTRONIC **NOTARY** PUBLIC IS UNABLE TO PERFORM THE REQUESTED ELECTRONIC **NOTARIAL** ACT AS A RESULT OF THE ACTIONS OF THE PERSON WHO REQUESTED THE ELECTRONIC **NOTARIAL** ACT OR ANY OTHER PERSON WHO IS NECESSARY FOR THE PERFORMANCE OF THE ELECTRONIC **NOTARIAL** ACT. <A]

[A> 6. FOR EACH ADDITIONAL FEE FOR TRAVEL THAT AN ELECTRONIC **NOTARY** PUBLIC CHARGES PURSUANT TO SUBSECTION 4, THE ELECTRONIC **NOTARY** PUBLIC SHALL ENTER IN THE JOURNAL THAT HE KEEPS PURSUANT TO SECTION 20 OF THIS ACT: <A]

[A> (A) THE AMOUNT OF THE FEE; AND <A]

[A> (B) THE DATE AND TIME THAT THE ELECTRONIC **NOTARY** PUBLIC BEGAN AND ENDED SUCH TRAVEL. <A]

[A> 7. A PERSON WHO EMPLOYS AN ELECTRONIC **NOTARY** PUBLIC MAY PROHIBIT THE ELECTRONIC **NOTARY** PUBLIC FROM CHARGING A FEE FOR AN ELECTRONIC **NOTARIAL** ACT THAT THE ELECTRONIC **NOTARY** PUBLIC PERFORMS WITHIN THE SCOPE OF HIS EMPLOYMENT. SUCH A PERSON SHALL NOT REQUIRE THE ELECTRONIC **NOTARY** PUBLIC WHOM HE EMPLOYS TO SURRENDER TO HIM ALL OR PART OF A FEE CHARGED BY THE ELECTRONIC **NOTARY** PUBLIC FOR AN ELECTRONIC **NOTARIAL** ACT PERFORMED OUTSIDE THE SCOPE OF HIS EMPLOYMENT. <A]

Sec. 18. [A> 1. AN ELECTRONIC **NOTARY** PUBLIC SHALL NOT WILLFULLY ELECTRONICALLY **NOTARIZE** THE SIGNATURE OR ELECTRONIC SIGNATURE OF A PERSON UNLESS THE PERSON IS IN THE PRESENCE OF THE ELECTRONIC **NOTARY** PUBLIC AT THE TIME OF **NOTARIZATION** AND: <A]

[A> (A) IS KNOWN TO THE ELECTRONIC **NOTARY** PUBLIC; OR <A]

[A> (B) IF UNKNOWN TO THE ELECTRONIC **NOTARY** PUBLIC, PROVIDES A CREDIBLE WITNESS OR DOCUMENTARY EVIDENCE OF IDENTIFICATION TO THE ELECTRONIC **NOTARY** PUBLIC. <A]

[A> 2. A PERSON WHO: <A]

[A> (A) VIOLATES THE PROVISIONS OF SUBSECTION 1; OR <A]

[A> (B) AIDS AND ABETS AN ELECTRONIC **NOTARY** PUBLIC TO COMMIT A VIOLATION OF SUBSECTION 1, IS GUILTY OF A GROSS MISDEMEANOR. <A]

[A> 3. AN ELECTRONIC **NOTARY** PUBLIC SHALL NOT ELECTRONICALLY **NOTARIZE** ANY ELECTRONIC DOCUMENT RELATED TO THE FOLLOWING: <A]

[A> (A) A WILL, CODICIL OR TESTAMENTARY TRUST; AND <A]

[A> (B) ANY TRANSACTION GOVERNED BY THE UNIFORM COMMERCIAL CODE OTHER THAN NRS 104.1306,

104.2101 TO 104.2725, INCLUSIVE, AND 104A.2101 TO 104A.2532, INCLUSIVE. <A]

[A> 4. AN APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC PURSUANT TO SECTIONS 3 TO 26, INCLUSIVE, OF THIS ACT DOES NOT AUTHORIZE THE ELECTRONIC **NOTARY** PUBLIC TO PERFORM **NOTARIAL** ACTS IN ANOTHER STATE. <A]

Sec. 19. [A> AN ELECTRONIC **NOTARIAL** ACT MUST BE EVIDENCED BY THE FOLLOWING, WHICH MUST BE ATTACHED TO OR LOGICALLY ASSOCIATED WITH THE ELECTRONIC DOCUMENT THAT IS THE SUBJECT OF THE ELECTRONIC **NOTARIAL** ACT AND WHICH MUST BE IMMEDIATELY PERCEPTIBLE AND REPRODUCIBLE: <A]

[A> 1. THE ELECTRONIC SIGNATURE OF THE ELECTRONIC **NOTARY** PUBLIC; <A]

[A> 2. THE ELECTRONIC SEAL OF THE ELECTRONIC **NOTARY** PUBLIC; AND <A]

[A> 3. THE WORDING OF A **NOTARIAL** CERTIFICATE PURSUANT TO NRS 240.1655, 240.166 TO 240.167, INCLUSIVE, 240.1685 OR 240.169. <A]

Sec. 20. [A> 1. AN ELECTRONIC **NOTARY** PUBLIC SHALL KEEP A JOURNAL OF EACH ELECTRONIC **NOTARIAL** ACT WHICH INCLUDES, WITHOUT LIMITATION, THE REQUIREMENTS OF SUBSECTIONS 1 AND 2 OF NRS 240.120. <A]

[A> 2. THE SECRETARY OF STATE MAY SUSPEND THE APPOINTMENT OF AN ELECTRONIC **NOTARY** PUBLIC WHO FAILS TO PRODUCE ANY JOURNAL ENTRY WITHIN 10 DAYS AFTER RECEIPT OF A REQUEST FROM THE SECRETARY OF STATE. <A]

[A> 3. UPON RESIGNATION, REVOCATION OR EXPIRATION OF AN APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC, ALL **NOTARIAL** RECORDS REQUIRED PURSUANT TO THIS CHAPTER MUST BE DELIVERED TO THE SECRETARY OF STATE. <A]

Sec. 21. [A> 1. THE ELECTRONIC SIGNATURE AND ELECTRONIC SEAL OF AN ELECTRONIC **NOTARY** PUBLIC MUST BE USED ONLY FOR THE PURPOSES OF PERFORMING ELECTRONIC **NOTARIAL** ACTS. <A]

[A> 2. AN ELECTRONIC **NOTARY** PUBLIC SHALL SAFEGUARD HIS ELECTRONIC SIGNATURE, THE ELECTRONIC SEAL AND ALL **NOTARIAL** RECORDS MAINTAINED BY THE ELECTRONIC **NOTARY** PUBLIC AS FOLLOWS: <A]

[A> (A) WHEN NOT IN USE, THE ELECTRONIC **NOTARY** PUBLIC SHALL KEEP THE ELECTRONIC SIGNATURE, ELECTRONIC SEAL AND ALL **NOTARIAL** RECORDS SECURE, UNDER THE EXCLUSIVE CONTROL OF THE ELECTRONIC **NOTARY** PUBLIC AND PROTECTED BY A PASSWORD WHERE APPLICABLE. <A]

[A> (B) AN ELECTRONIC **NOTARY** PUBLIC SHALL NOT PERMIT HIS ELECTRONIC SIGNATURE OR ELECTRONIC SEAL TO BE USED BY ANY OTHER PERSON. <A]

[A> (C) AN ELECTRONIC **NOTARY** PUBLIC SHALL NOT SURRENDER OR DESTROY HIS **NOTARIAL** RECORDS EXCEPT AS OTHERWISE REQUIRED BY THE ORDER OF A COURT OR AS ALLOWED PURSUANT TO THIS CHAPTER OR ANY REGULATIONS ADOPTED PURSUANT THERETO. <A]

[A> (D) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION 3, AN ELECTRONIC **NOTARY** PUBLIC, WITHIN 10 DAYS AFTER DISCOVERING THAT HIS ELECTRONIC SIGNATURE OR ELECTRONIC SEAL HAS BEEN STOLEN, LOST, DAMAGED OR OTHERWISE RENDERED INCAPABLE OF AFFIXING A LEGIBLE IMAGE, SHALL: <A]

[A> (1) INFORM THE APPROPRIATE LAW ENFORCEMENT AGENCY IN THE CASE OF THEFT OR VANDALISM; AND <A]

[A> (2) NOTIFY THE SECRETARY OF STATE IN WRITING, INCLUDING, WITHOUT LIMITATION, A SIGNATURE USING THE NAME ON THE CERTIFICATE OF APPOINTMENT ISSUED PURSUANT TO SUBSECTION 5 OF SECTION 12 OF THIS ACT. <A]

[A> 3. AN ELECTRONIC **NOTARY** PUBLIC SHALL TAKE REASONABLE STEPS TO MAINTAIN THE TECHNOLOGY OR DEVICE USED TO CREATE HIS ELECTRONIC SIGNATURE, AND TO ENSURE THAT THE TECHNOLOGY OR DEVICE HAS NOT BEEN RECALLED, REVOKED, TERMINATED OR OTHERWISE RENDERED INEFFECTIVE OR UNSECURE BY THE ENTITY THAT CREATED THE TECHNOLOGY OR DEVICE. UPON LEARNING THAT THE TECHNOLOGY OR DEVICE USED TO CREATE HIS ELECTRONIC SIGNATURE HAS BEEN RENDERED INEFFECTIVE OR UNSECURE, AN ELECTRONIC **NOTARY** PUBLIC SHALL CEASE PERFORMING ELECTRONIC **NOTARIAL** ACTS UNTIL: <A]

[A> (A) A NEW TECHNOLOGY OR DEVICE IS ACQUIRED; AND <A]

[A> (B) THE ELECTRONIC **NOTARY** PUBLIC SENDS AN ELECTRONIC NOTICE TO THE SECRETARY OF STATE THAT INCLUDES, WITHOUT LIMITATION, THE INFORMATION REQUIRED PURSUANT TO PARAGRAPHS (D) AND (E) OF SUBSECTION 2 OF SECTION 12 OF THIS ACT RELATING TO THE NEW TECHNOLOGY OR DEVICE. <A]

Sec. 22. [A> 1. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION 3, IF AN ELECTRONIC **NOTARY** PUBLIC DIES OR RESIGNS DURING HIS APPOINTMENT, OR IF THE APPOINTMENT OF THE ELECTRONIC **NOTARY** PUBLIC IS REVOKED OR EXPIRES, THE ELECTRONIC **NOTARY** PUBLIC, THE EXECUTOR OF HIS ESTATE OR HIS AUTHORIZED REPRESENTATIVE, AS APPROPRIATE, SHALL: <A]

[A> (A) NOTIFY THE SECRETARY OF STATE OF THE RESIGNATION OR DEATH; AND <A]

[A> (B) ERASE, DELETE, DESTROY OR OTHERWISE RENDER INEFFECTIVE THE TECHNOLOGY OR DEVICE USED TO CREATE HIS ELECTRONIC SIGNATURE. <A]

[A> 2. UPON RECEIPT OF THE NOTICE REQUIRED BY SUBSECTION 1, THE SECRETARY OF STATE SHALL CANCEL THE APPOINTMENT OF THE ELECTRONIC **NOTARY** PUBLIC, EFFECTIVE ON THE DATE ON WHICH THE NOTICE WAS RECEIVED. <A]

[A> 3. A FORMER ELECTRONIC **NOTARY** PUBLIC WHOSE PREVIOUS APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC WAS NOT REVOKED AND WHOSE PREVIOUS APPLICATION FOR APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC WAS NOT DENIED IS NOT REQUIRED TO ERASE, DELETE, DESTROY OR OTHERWISE RENDER INEFFECTIVE THE TECHNOLOGY OR DEVICE USED TO CREATE HIS ELECTRONIC SIGNATURE IF HE RENEWS HIS APPOINTMENT, USING THE SAME ELECTRONIC SIGNATURE, WITHIN 3 MONTHS AFTER THE EXPIRATION OF HIS PREVIOUS APPOINTMENT AS AN ELECTRONIC **NOTARY** PUBLIC. <A]

Sec. 23. [A> 1. A PERSON WHO KNOWINGLY CREATES, MANUFACTURES OR DISTRIBUTES SOFTWARE OR HARDWARE FOR THE PURPOSE OF ALLOWING A PERSON TO ACT AS AN ELECTRONIC **NOTARY** PUBLIC WITHOUT BEING APPOINTED IN ACCORDANCE WITH SECTIONS 3 TO 26, INCLUSIVE, OF THIS ACT IS GUILTY OF A CATEGORY C FELONY AND SHALL BE PUNISHED AS PROVIDED IN NRS 193.130. <A]

[A> 2. A PERSON WHO WRONGFULLY OBTAINS, CONCEALS, DAMAGES OR DESTROYS THE TECHNOLOGY OR DEVICE USED TO CREATE THE ELECTRONIC SIGNATURE OF AN ELECTRONIC **NOTARY** PUBLIC IS GUILTY OF A CATEGORY D FELONY AND SHALL BE PUNISHED AS PROVIDED IN NRS 193.130. <A]

Sec. 24. [A> 1. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION 2, THE SECRETARY OF STATE SHALL, UPON REQUEST, ISSUE AN AUTHENTICATION TO VERIFY THAT THE ELECTRONIC SIGNATURE OF THE ELECTRONIC **NOTARY** PUBLIC ON AN ELECTRONIC DOCUMENT IS GENUINE AND THAT THE ELECTRONIC **NOTARY** PUBLIC HOLDS THE OFFICE INDICATED ON THE ELECTRONIC DOCUMENT. THE AUTHENTICATION MUST BE: <A]

[A> (A) SIGNED BY THE SECRETARY OF STATE; AND <A]

[A> (B) IN CONFORMANCE WITH ANY RELEVANT INTERNATIONAL TREATIES, AGREEMENTS AND CONVENTIONS SUBSCRIBED TO BY THE GOVERNMENT OF THE UNITED STATES, INCLUDING, WITHOUT LIMITATION, THE HAGUE CONVENTION OF OCTOBER 5, 1961. <A]

[A> 2. THE SECRETARY OF STATE SHALL NOT ISSUE AN AUTHENTICATION PURSUANT TO SUBSECTION 1 IF:  
<A]

[A> (A) THE ELECTRONIC DOCUMENT HAS NOT BEEN ELECTRONICALLY **NOTARIZED** IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER AND SECTIONS 3 TO 26, INCLUSIVE, OF THIS ACT; OR <A]

[A> (B) THE SECRETARY OF STATE HAS REASONABLE CAUSE TO BELIEVE THAT THE ELECTRONIC DOCUMENT MAY BE USED TO ACCOMPLISH ANY FRAUDULENT, CRIMINAL OR UNLAWFUL PURPOSE. <A]

Sec. 25. [A> THE SECRETARY OF STATE MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF SECTIONS 3 TO 26, INCLUSIVE, OF THIS ACT. <A]

Sec. 26. [A> AN ELECTRONIC **NOTARY** PUBLIC SHALL COMPLY WITH THOSE PROVISIONS OF NRS 240.001 TO 240.169, INCLUSIVE, WHICH ARE NOT INCONSISTENT WITH SECTIONS 3 TO 26, INCLUSIVE, OF THIS ACT. TO THE EXTENT THAT THE PROVISIONS OF NRS 240.001 TO 240.169, INCLUSIVE, CONFLICT WITH THE PROVISIONS OF SECTIONS 3 TO 26, INCLUSIVE, OF THIS ACT, THE PROVISIONS OF SECTIONS 3 TO 26, INCLUSIVE, OF THIS ACT CONTROL. <A]

Sec. 27. NRS 240.001 is hereby amended to read as follows:

240.001 As used in NRS 240.001 to 240.169, inclusive, [A> AND SECTIONS 3 TO 26, INCLUSIVE, OF THIS ACT, <A] unless the context otherwise requires, the words and terms defined in NRS 240.002 to 240.005, inclusive, [A> AND SECTION 2 OF THIS ACT <A] have the meanings ascribed to them in those sections.

Sec. 28. NRS 240.007 is hereby amended to read as follows:

240.007 1. Except as otherwise provided in [D> subsection 2, <D] [A> SUBSECTIONS 2 AND 3, <A] information and documents filed with or obtained by the Secretary of State pursuant to NRS 240.001 to 240.169, inclusive, [A> AND SECTIONS 2 TO 26, INCLUSIVE, OF THIS ACT <A] are public information and are available for public examination.

2. [A> INFORMATION AND DOCUMENTS FILED WITH OR OBTAINED BY THE SECRETARY OF STATE PURSUANT TO OR IN ACCORDANCE WITH SUBSECTION 6 OF NRS 240.010 ARE NOT PUBLIC INFORMATION AND ARE CONFIDENTIAL. <A]

[A> 3. <A] Except as otherwise provided in subsections [D> 3 <D] [A> 4 <A] and [D> 4 <D] [A> 5 <A] and in NRS 239.0115, information and documents obtained by or filed with the Secretary of State in connection with an investigation concerning a possible violation of the provisions of NRS 240.001 to 240.169, inclusive, [A> AND SECTIONS 2 TO 26, INCLUSIVE, OF THIS ACT <A] are not public information and are confidential.

[D> 3. <D] [A> 4. <A] The Secretary of State may submit any information or evidence obtained in connection with an investigation concerning a possible violation of the provisions of NRS 240.001 to 240.169, inclusive, [A> AND SECTIONS 2 TO 26, INCLUSIVE, OF THIS ACT <A] to the appropriate district attorney for the purpose of prosecuting a criminal action.

[D> 4. <D] [A> 5. <A] The Secretary of State may disclose any information or documents obtained in connection with an investigation concerning a possible violation of the provisions of NRS 240.001 to 240.169, inclusive, [A> AND SECTIONS 2 TO 26, INCLUSIVE, OF THIS ACT <A] to an agency of this State or a political

subdivision of this State.

Sec. 29. 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 has been revoked.

(c) [D> Who <D] [A> EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION 6, WHO <A] has been convicted of a crime involving moral turpitude, if the Secretary of State is aware of such a conviction before he 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 he has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.

3. A **notary** public may cancel his appointment by submitting a written notice to the Secretary of State.

4. It is unlawful for a person to:

(a) Represent himself as a **notary** public appointed pursuant to this section if he has not received a certificate of appointment from the Secretary of State pursuant to this chapter.

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

5. The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 4.

[A> 6. A PERSON WHO HAS BEEN CONVICTED OF A CRIME INVOLVING MORAL TURPITUDE MAY APPLY FOR APPOINTMENT AS A **NOTARY** PUBLIC IF HE PROVIDES PROOF SATISFACTORY TO THE SECRETARY OF STATE THAT: <A]

[A> (A) MORE THAN 10 YEARS HAVE ELAPSED SINCE THE DATE OF HIS RELEASE FROM CONFINEMENT OR THE EXPIRATION OF THE PERIOD OF HIS PAROLE, PROBATION OR SENTENCE, WHICHEVER IS LATER; <A]

[A> (B) HE HAS MADE COMPLETE RESTITUTION FOR HIS CRIME INVOLVING MORAL TURPITUDE, IF APPLICABLE; AND <A]

[A> (C) HE POSSESSES HIS CIVIL RIGHTS. <A]

Sec. 30. NRS 240.015 is hereby amended to read as follows:

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

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

(b) Be a resident of this State.

(c) Be at least 18 years of age.

(d) Possess his civil rights.

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

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

(a) Maintains a place of business in the State of Nevada [D> ; <D] [A> THAT IS LICENSED PURSUANT TO NRS 360.780 AND ANY APPLICABLE BUSINESS LICENSING REQUIREMENTS OF THE LOCAL GOVERNMENT WHERE THE BUSINESS IS LOCATED; <A] or

(b) Is regularly employed at an office, business or facility located within the State of Nevada by an employer licensed to do business in this State. If such a person ceases to maintain a place of business in this State or regular employment at an office, business or facility located within this State, the Secretary of State may suspend his appointment. The Secretary of State may reinstate an appointment suspended pursuant to this subsection if the **notary** public submits to the Secretary of State, before his term of appointment as a **notary** public expires, [D> an affidavit which contains <D] the information required pursuant to subsection 2 of NRS 240.030.

Sec. 31. NRS 240.030 is hereby amended to read as follows:

240.030 1. Each person applying for appointment as a **notary** public must:

(a) At the time he submits his application, pay to the Secretary of State \$ 35.

(b) Take and subscribe to the oath set forth in Section 2 of Article 15 of the Constitution of the State of Nevada as if he were a public officer.

(c) Submit to the Secretary of State proof satisfactory to the Secretary of State that he has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.

(d) Enter into a bond to the State of Nevada in the sum of \$ 10,000, to be filed with the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. The applicant [D> shall <D] [A> MUST <A] submit to the Secretary of State a certificate issued by the appropriate county clerk which indicates that the applicant filed the bond required pursuant to this paragraph.

2. In addition to the requirements set forth in subsection 1, an applicant for appointment as a **notary** public who resides in an adjoining state must submit to the Secretary of State with his application:

(a) An affidavit setting forth the adjoining state in which he resides, his mailing address and the address of his place of business or employment that is located within the State of Nevada; [D> and <D]

(b) [A> A COPY OF HIS STATE BUSINESS LICENSE ISSUED PURSUANT TO NRS 360.780 AND ANY BUSINESS LICENSE REQUIRED BY THE LOCAL GOVERNMENT WHERE THE BUSINESS IS LOCATED, IF HE IS SELF-

EMPLOYED; AND <A]

[A> (C) <A] Unless the applicant is self-employed, [A> A COPY OF THE STATE BUSINESS LICENSE OF HIS EMPLOYER, A COPY OF ANY BUSINESS LICENSE OF HIS EMPLOYER THAT IS REQUIRED BY THE LOCAL GOVERNMENT WHERE THE BUSINESS IS LOCATED AND <A] an affidavit from his employer setting forth the facts [D> that <D] [A> WHICH <A] show [D> : <D]

[D> (1) The employer is licensed to do business in the State of Nevada; and <D]

[D> (2) The <D] [A> THAT THE <A] employer regularly employs the applicant at an office, business or facility which is located within the State of Nevada.

3. In completing an application, bond, oath or other document necessary to apply for appointment as a **notary** public, an applicant must not be required to disclose his residential address or telephone number on any such document which will become available to the public.

4. The bond, together with the oath, must be filed and recorded in the office of the county clerk of the county in which the applicant resides when he applies for his appointment or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. On a form provided by the Secretary of State, the county clerk shall immediately certify to the Secretary of State that the required bond and oath have been filed and recorded. Upon receipt of the application, fee and certification that the required bond and oath have been filed and recorded, the Secretary of State shall issue a certificate of appointment as a **notary** public to the applicant.

5. The term of a **notary** public commences on the effective date of the bond required pursuant to paragraph (d) of subsection 1. A **notary** public shall not perform a **notarial** act after the effective date of the bond unless he has been issued a certificate of appointment.

6. Except as otherwise provided in this subsection, the Secretary of State shall charge a fee of \$ 10 for each duplicate or amended certificate of appointment which is issued to a **notary**. If the **notary** public does not receive an original certificate of appointment, the Secretary of State shall provide a duplicate certificate of appointment without charge if the **notary** public requests such a duplicate within 60 days after the date on which the original certificate was issued.

Sec. 32. NRS 240.031 is hereby amended to read as follows:

240.031 A **notary** public who is a resident of an adjoining state shall submit to the Secretary of State annually, within 30 days before the anniversary date of his appointment as a **notary** public, [D> an affidavit containing <D] [A> A COPY OF THE STATE BUSINESS LICENSE OF HIS PLACE OF EMPLOYMENT IN THE STATE OF NEVADA ISSUED PURSUANT TO NRS 360.780, A COPY OF ANY LICENSE REQUIRED BY THE LOCAL GOVERNMENT WHERE THE BUSINESS IS LOCATED AND <A] the information required pursuant to subsection 2 of NRS 240.030.

Sec. 33. NRS 240.147 is hereby amended to read as follows:

240.147 [D> 1. <D] It is unlawful for a person to knowingly destroy, deface or conceal a **notarial** record.

[D> 2. As used in this section, "**notarial** record" means: <D]

[D> (a) The journal that a **notary** public is required to keep pursuant to NRS 240.120; and <D]

[D> (b) A document or other evidence retained by a **notary** public to record the performance of a **notarial** act. <D]

Sec. 34. This act becomes effective on July 1, 2009.

**SPONSOR:**

Senate Committee on Government Affairs

**SUBJECT:** DIGITAL SIGNATURES (97%); UNIFORM COMMERCIAL CODE (96%); SELF EMPLOYMENT (93%); REGIONAL & LOCAL GOVERNMENTS (93%); LEGISLATION (81%); CRIMINAL OFFENSES (81%); LICENSES & PERMITS (63%); LEGISLATIVE BODIES (62%); CIVIL RIGHTS (62%); COMMERCIAL LAW (62%); LEGISLATORS (62%); PAROLE (61%); TRUST ARRANGEMENTS (50%); WILLS (50%);

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