

ASSEMBLY BILL NO. 409—ASSEMBLYMAN SEGERBLOM

MARCH 21, 2011

Referred to Committee on Government Affairs

SUMMARY—Enacts the Revised Uniform Law on Notarial Acts. (BDR 19-328)

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 notarial acts; enacting the Revised Uniform Law on Notarial Acts; repealing certain provisions of the Uniform Law on Notarial Acts; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law contains the Uniform Law on Notarial Acts, which provides the
2 manner in which notarial acts must be performed. (NRS 240.161-240.169) Existing
3 law also allows the Secretary of State to appoint electronic notaries public and
4 provides for the performance of notarial acts on electronic records by electronic
5 notaries public. (NRS 240.181-240.206) Under existing law, to become an
6 electronic notary public, a person must already be a notarial officer in Nevada and
7 must successfully complete a course of study on electronic notarization, enter into a
8 bond, pay an application fee and take an oath. (NRS 240.192)

9 This bill replaces the Uniform Law on Notarial Acts with the Revised Uniform
10 Law on Notarial Acts (RULONA) and maintains existing law relating to the
11 performance of notarial acts on electronic records by electronic notaries public. The
12 RULONA defines certain standard notarial acts, including, without limitation,
13 acknowledgment, the verification or witnessing of a signature and the certification
14 of a copy of a record, and specifies the manner in which the act must be performed.
15 **Sections 11 and 34** of this bill prohibit a notarial officer from performing a notarial
16 act with respect to a record to which the officer or the officer’s spouse or domestic
17 partner is a party or in which either of them has a direct beneficial interest. **Sections**
18 **12, 13 and 14** of this bill require a person seeking a notarial act to appear
19 personally before the notarial officer and require the notarial officer to identify the
20 person based on personal knowledge, certain types of identification or the oath or
21 affirmation of a credible witness. **Section 15** of this bill allows a notarial officer to
22 refuse to perform a notarial act if the notarial officer is not satisfied that the
23 signature is knowingly or voluntarily made or has concern as to the competency or
24 capacity of the person.



25 **Sections 17-19** of this bill provide for the recognition of notarial acts
26 performed by notarial officers in this State, in another state of the United States,
27 under the jurisdiction of a federally recognized Indian tribe or nation, or under
28 federal authority. **Section 20** of this bill provides for the recognition of notarial acts
29 performed in a foreign state.

30 **Section 21** of this bill requires the notarial act to be evidenced by a certificate
31 which satisfies certain requirements. **Sections 22-26** of this bill provide forms for
32 this certificate for certain types of notarial acts.

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

1 **Section 1.** Chapter 240 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 29, inclusive, of this
3 act.

4 **Sec. 2.** *“Notary public” means an individual appointed to*
5 *perform a notarial act by the Secretary of State pursuant to*
6 *NRS 240.010.*

7 **Sec. 3.** *“Verification on oath or affirmation” means a*
8 *declaration, made by an individual on oath or affirmation before a*
9 *notarial officer, that a statement in a document or electronic*
10 *document, whichever is applicable, is true.*

11 **Sec. 4.** *As used in NRS 240.1663, 240.1667, 240.167,*
12 *240.1685 and 240.169 and sections 4 to 29, inclusive, of this act,*
13 *unless the context otherwise requires, the words and terms defined*
14 *in sections 5 to 8, inclusive, of this act have the meanings ascribed*
15 *to them in those sections.*

16 **Sec. 5.** *“Person” means an individual, corporation, business*
17 *trust, statutory trust, estate, trust, partnership, limited-liability*
18 *company, association, joint venture, public corporation,*
19 *government or governmental subdivision, agency or*
20 *instrumentality, or any other legal or commercial entity.*

21 **Sec. 6.** *“Sign” means, with present intent to authenticate or*
22 *adopt a record to execute or adopt a tangible symbol.*

23 **Sec. 7.** *“Signature” means a tangible symbol that evidences*
24 *the signing of a document.*

25 **Sec. 8.** *“State” means a state of the United States, the*
26 *District of Columbia, Puerto Rico, the United States Virgin*
27 *Islands or any territory or insular possession subject to the*
28 *jurisdiction of the United States.*

29 **Sec. 9.** *NRS 240.1663, 240.1667, 240.167, 240.1685 and*
30 *240.169 and sections 4 to 29, inclusive, of this act may be cited as*
31 *the Revised Uniform Law on Notarial Acts.*

32 **Sec. 10.** *1. A notarial act may be performed in this State by*
33 *the following persons:*

34 *(a) A notary public of this State;*



- 1 (b) A judge, clerk or deputy clerk of any court of this State;
- 2 (c) A justice of the peace; or
- 3 (d) Any other person authorized to perform the specific act by
- 4 the law of this State.

5 2. The signature and title of a person performing a notarial
6 act in this State are prima facie evidence that the signature is
7 genuine and that the person holds the designated title.

8 3. The signature and title of a notarial officer described in
9 paragraph (a), (b) or (c) of subsection 1 conclusively establish the
10 authority of the officer to perform the notarial act.

11 **Sec. 11.** 1. A notarial officer may perform a notarial act
12 authorized by NRS 240.001 to 240.169, inclusive, and sections 4 to
13 29, inclusive, of this act or by law of this State other than NRS
14 240.001 to 240.169, inclusive, and sections 4 to 29, inclusive, of
15 this act.

16 2. A notarial officer other than a notary public may not
17 perform a notarial act with respect to a record to which the officer
18 or the officer's spouse or domestic partner is a party, or in which
19 either of them has a direct beneficial interest. A notary public may
20 not perform a notarial act if the notarial act is prohibited by NRS
21 240.001 to 240.169, inclusive and sections 4 to 29, inclusive, of
22 this act. A notarial act performed in violation of this subsection is
23 voidable.

24 3. For the purposes of this section, a person is the domestic
25 partner of a notarial officer if the person and the notarial officer
26 are domestic partners, as that term is defined in NRS 122A.030.

27 **Sec. 12.** 1. A notarial officer who takes an
28 acknowledgement of a document shall determine, from personal
29 knowledge or satisfactory evidence of the identity of the person,
30 that the person appearing before the notarial officer and making
31 the acknowledgment has the identity claimed and that the
32 signature on the document is the signature of the person.

33 2. A notarial officer who takes a verification on oath or
34 affirmation shall determine, from personal knowledge or
35 satisfactory evidence of the identity of the person, that the person
36 appearing before the officer and making the verification has the
37 identity claimed and that the signature on the statement verified is
38 the signature of the individual.

39 3. A notarial officer who witnesses or attests to a signature
40 shall determine, from personal knowledge or satisfactory evidence
41 of the identity of the person, that the person appearing before the
42 officer and signing the document has the identity claimed.

43 4. A notarial officer who certifies or attests a copy of a
44 document or an item that was copied shall determine that the copy



1 *is a full, true and accurate transcription or reproduction of the*
2 *document or item.*

3 *5. A notarial officer who makes or notes a protest of a*
4 *negotiable instrument shall determine the matters set forth in*
5 *subsection 2 of NRS 104.3505.*

6 *6. A notarial officer who administers an oath or affirmation*
7 *shall determine, from personal knowledge or satisfactory evidence,*
8 *the identity of the person taking the oath or affirmation.*

9 *7. A notarial officer who executes a jurat shall administer an*
10 *oath or affirmation to the affiant and determine, from personal*
11 *knowledge or satisfactory evidence, that the affiant is the person*
12 *named in the document. The affiant shall sign the document in*
13 *the presence of the notarial officer. The notarial officer shall*
14 *administer the oath or affirmation required pursuant to this*
15 *subsection in substantially the following form:*

16
17 *Do you (solemnly swear or affirm) that the statements in*
18 *this document are true, (so help you God)?*

19 **Sec. 13.** *If a notarial act relates to a statement made in or a*
20 *signature executed on a document, the person making the*
21 *statement or executing the signature shall appear personally*
22 *before the notarial officer.*

23 **Sec. 14.** *1. A notarial officer has personal knowledge of the*
24 *identity of a person appearing before the officer if the person is*
25 *personally known to the officer through dealings sufficient to*
26 *provide reasonable certainty that the person has the identity*
27 *claimed.*

28 *2. A notarial officer has satisfactory evidence of the identity*
29 *of a person appearing before the officer if the officer can identify*
30 *the person:*

31 *(a) By means of:*

32 *(1) A passport, driver's license or government-issued*
33 *nondriver identification card which is current or expired not more*
34 *than 3 years before performance of the notarial act;*

35 *(2) Another form of government identification issued to a*
36 *person which is current or expired not more than 3 years before*
37 *performance of the notarial act, contains the signature or a*
38 *photograph of the person and is satisfactory to the notarial officer;*
39 *or*

40 *(3) A consular identification card.*

41 *(b) By a verification on oath or affirmation of a credible*
42 *witness personally appearing before the officer and known to the*
43 *officer or whom the officer can identify on the basis of a passport,*
44 *driver's license or government-issued nondriver identification*
45 *card which is current or expired not more than 3 years before*



1 *performance of the notarial act. The oath or affirmation must be*
2 *in substantially the following form:*

3
4 *Do you (solemnly swear, or affirm) that you personally*
5 *know(name of the person who signed the document)*
6 *....., (so help you God)?*
7

8 *3. A notarial officer may require a person to provide*
9 *additional information or identification credentials necessary to*
10 *assure the officer of the identity of the person.*

11 *4. As used in this section, "consular identification card"*
12 *means an identification card issued by a consulate of a foreign*
13 *government, which consulate is located in this State.*

14 **Sec. 15. 1.** *A notarial officer may refuse to perform a*
15 *notarial act if the notarial officer is not satisfied that:*

16 *(a) The person executing the record is competent or has the*
17 *capacity to execute the record; or*

18 *(b) The person's signature is knowingly and voluntarily made.*

19 *2. A notarial officer may refuse to perform a notarial act*
20 *unless refusal is prohibited by law other than NRS 240.1663,*
21 *240.1667, 240.167, 240.1685 and 240.169 and sections 4 to 29,*
22 *inclusive, of this act.*

23 **Sec. 16.** *If a person is physically unable to sign a record, the*
24 *person may direct a person other than the notarial officer to sign*
25 *the person's name on the record. The notarial officer shall insert*
26 *"Signature affixed by (insert name of other person) at the*
27 *direction of (insert name of person)" or words of similar import.*

28 **Sec. 17. 1.** *A notarial act performed in another state has*
29 *the same effect under the law of this State as if performed by a*
30 *notarial officer of this State, if the act performed in that state is*
31 *performed by:*

32 *(a) A notary public of that state;*

33 *(b) A judge, clerk or deputy clerk of a court of that state; or*

34 *(c) Any other person authorized by the law of that state to*
35 *perform the notarial act.*

36 *2. The signature and title of a person performing a notarial*
37 *act in another state are prima facie evidence that the signature is*
38 *genuine and that the person holds the designated title.*

39 *3. The signature and title of a notarial officer described in*
40 *paragraph (a) or (b) of subsection 1 conclusively establish the*
41 *authority of the notarial officer to perform the notarial act.*

42 **Sec. 18. 1.** *A notarial act performed under the authority*
43 *and in the jurisdiction of a federally recognized Indian tribe or*
44 *nation has the same effect as if performed by a notarial officer of*



1 *this State, if the act performed in the jurisdiction of that tribe or*
2 *nation is performed by:*

3 (a) *A notary public of that tribe or nation;*

4 (b) *A judge, clerk or deputy clerk of a court of that tribe or*
5 *nation; or*

6 (c) *Any other person authorized by the law of that tribe or*
7 *nation to perform the notarial act.*

8 2. *The signature and title of a person performing a notarial*
9 *act under the authority of and in the jurisdiction of a federally*
10 *recognized Indian tribe or nation are prima facie evidence that the*
11 *signature is genuine and that the person holds the designated title.*

12 3. *The signature and title of a notarial officer described in*
13 *paragraph (a) or (b) of subsection 1 conclusively establish the*
14 *authority of the notarial officer to perform the notarial act.*

15 **Sec. 19.** 1. *A notarial act performed under federal law has*
16 *the same effect under the law of this State as if performed by a*
17 *notarial officer of this State, if the act performed under federal*
18 *law is performed by:*

19 (a) *A judge, clerk or deputy clerk of a court;*

20 (b) *A person in military service or performing duties under the*
21 *authority of military service who is authorized to perform notarial*
22 *acts under federal law;*

23 (c) *A person designated a notarizing officer by the United*
24 *States Department of State for performing notarial acts overseas;*
25 *or*

26 (d) *Any other person authorized by federal law to perform the*
27 *notarial act.*

28 2. *The signature and title of a person acting under federal*
29 *authority and performing a notarial act are prima facie evidence*
30 *that the signature is genuine and that the person holds the*
31 *designated title.*

32 3. *The signature and title of an officer described in*
33 *paragraph (a), (b) or (c) of subsection 1 conclusively establish the*
34 *authority of the officer to perform the notarial act.*

35 **Sec. 20.** 1. *If a notarial act is performed under authority*
36 *and in the jurisdiction of a foreign state or constituent unit of a*
37 *foreign state or is performed under the authority of a*
38 *multinational or international governmental organization, the act*
39 *has the same effect under the law of this State as if performed by a*
40 *notarial officer of this State.*

41 2. *If the title of office and indication of authority to perform*
42 *notarial acts in a foreign state appears in a digest of foreign law or*
43 *in a list customarily used as a source for that information, the*
44 *authority of an officer with that title to perform notarial acts is*
45 *conclusively established.*



1 3. *The signature and official stamp of a person holding an*
2 *office described in subsection 2 are prima facie evidence that the*
3 *signature is genuine and the person holds the designated title.*

4 4. *An apostille in the form prescribed by the Hague*
5 *Convention of October 5, 1961, and issued by a foreign state party*
6 *to the Convention conclusively establishes that the signature of the*
7 *notarial officer is genuine and that the officer holds the indicated*
8 *office.*

9 5. *A consular authentication issued by a person designated by*
10 *the United States Department of State as a notarizing officer for*
11 *performing notarial acts overseas and attached to the document or*
12 *electronic record with respect to which the notarial act is*
13 *performed conclusively establishes that the signature of the*
14 *notarial officer is genuine and that the officer holds the indicated*
15 *office.*

16 6. *As used in this section, "foreign state" means a*
17 *government other than the United States, a state or a federally*
18 *recognized Indian tribe or nation.*

19 **Sec. 21. 1. A notarial act must be evidenced by a certificate.**
20 *The certificate must:*

21 (a) *Be executed contemporaneously with the performance of*
22 *the notarial act;*

23 (b) *Be signed and dated by the notarial officer and, if the*
24 *notarial officer is a notary public, be signed in the same manner*
25 *as on file with the Secretary of State;*

26 (c) *Identify the jurisdiction in which the notarial act is*
27 *performed;*

28 (d) *Contain the title of office of the notarial officer; and*

29 (e) *If the officer is a notary public, indicate the date of*
30 *expiration, if any, of the officer's appointment.*

31 2. *If a notarial act is performed by a notary public regarding*
32 *a document, the notary public's stamp must be affixed to or*
33 *embossed on the certificate. If a notarial act is performed*
34 *regarding a document by a notarial officer other than a notary*
35 *public and the certificate contains the information specified in*
36 *paragraphs (b), (c) and (d) of subsection 1, an official stamp may*
37 *be affixed to or embossed on the certificate.*

38 3. *A certificate of a notarial act is sufficient if it meets the*
39 *requirements of subsections 1 and 2 and:*

40 (a) *Is in the appropriate short form as set forth in NRS*
41 *240.1663, 240.1667, 240.167, 240.1685 or 240.169 or sections 22*
42 *to 26, inclusive, of this act;*

43 (b) *Is in a form otherwise permitted by the law of this State;*

44 (c) *Is in a form permitted by the law applicable in the*
45 *jurisdiction in which the notarial act was performed; or*



1 (d) Sets forth the actions of the notarial officer and the actions
2 are sufficient to meet the requirements of the notarial act as
3 provided in sections 12, 13 and 14 of this act or law other than
4 NRS 240.1663, 240.1667, 240.167, 240.1685 and 240.169 and
5 sections 4 to 29, inclusive, of this act.

6 4. By executing a certificate of a notarial act, a notarial
7 officer certifies that the officer has complied with the
8 requirements and made the determinations specified in sections
9 12, 13 and 14 of this act.

10 5. A notarial officer may not affix the officer's signature to a
11 certificate until the notarial act has been performed.

12 6. If a notarial act is performed regarding a document, a
13 certificate must be part of, or securely attached to, the document.

14 **Sec. 22.** The following certificate is sufficient for an
15 acknowledgment in an individual capacity, if completed with the
16 information required by subsections 1 and 2 of section 21 of this
17 act:

18
19 State of Nevada
20 County of

21
22 This record was acknowledged before me on(date)
23 by.....(name(s) of person(s))
24

25
26 Signature of notarial officer
27

28 (Stamp)
29

30
31 Title of office, if notarial officer
32 is not a notary public

33 **Sec. 23.** The following certificate is sufficient for an
34 acknowledgment in a representative capacity, if completed with
35 the information required by subsections 1 and 2 of section 21 of
36 this act:
37

38 State of Nevada
39 County of

40
41 This record was acknowledged before me on(date) by
42(name(s) of person(s)) as(type of authority, such as
43 officer or trustee) of(name of party on behalf of whom record
44 was executed)



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.....
Signature of notarial officer

(Stamp)

.....
*Title of office, if notarial officer
is not a notary public*

Sec. 24. *The following certificate is sufficient for a verification on oath or affirmation, if completed with the information required by subsections 1 and 2 of section 21 of this act:*

*State of Nevada
County of*

*Signed and sworn to [or affirmed] before me on(date) by
.....(name(s) of person(s) making statement)*

.....
Signature of notarial officer

(Stamp)

.....
*Title of office, if notarial officer
is not a notary public*

Sec. 25. *The following certificate is sufficient for witnessing or attesting a signature, if completed with the information required by subsections 1 and 2 of section 21 of this act:*

*State of Nevada
County of*

*Signed [or attested] before me on by(date) by(name(s)
of person(s))*

.....
Signature of notarial officer

(Stamp)

.....
*Title of office, if notarial officer
is not a notary public*



1 **Sec. 26.** *The following certificate is sufficient for certifying a*
2 *copy of a document, if completed with the information required by*
3 *subsections 1 and 2 of section 21 of this act:*

4
5 *State of Nevada*
6 *County of*

7
8 *I certify that this is a true and correct copy of a document in*
9 *the possession of*

10
11 *Dated*

12
13 *Signature of notarial officer*

14
15 *(Stamp)*

16
17
18 *.....*
19 *Title of office, if notarial officer*
20 *is not a notary public*

21 **Sec. 27.** *Except as otherwise provided in subsection 2 of*
22 *section 11 of this act, the failure of a notarial officer to perform*
23 *the duties or meet the requirements specified in NRS 240.1663,*
24 *240.1667, 240.167, 240.1685 and 240.169 and sections 4 to 29,*
25 *inclusive, of this act does not invalidate a notarial act performed*
26 *by the notarial officer. The validity of a notarial act under NRS*
27 *240.1663, 240.1667, 240.167, 240.1685 and 240.169 and sections 4*
28 *to 29, inclusive, of this act does not prevent an aggrieved person*
29 *from seeking to invalidate the document or transaction that is the*
30 *subject of the notarial act or from seeking other remedies based on*
31 *law of this State other than NRS 240.1663, 240.1667, 240.167,*
32 *240.1685 and 240.169 and sections 4 to 29, inclusive, of this act or*
33 *law of the United States. This section does not validate a purported*
34 *notarial act performed by a person who does not have the*
35 *authority to perform the act.*

36 **Sec. 28.** *In applying and construing NRS 240.1663,*
37 *240.1667, 240.167, 240.1685 and 240.169 and sections 4 to 29,*
38 *inclusive, of this act consideration must be given to the need to*
39 *promote uniformity of the law with respect to its subject matter*
40 *among states that enact it.*

41 **Sec. 29.** *The provisions of NRS 240.1663, 240.1667, 240.167,*
42 *240.1685 and 240.169 and sections 4 to 29, inclusive, of this act*
43 *modify, limit and supersede the federal Electronic Signatures in*
44 *Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but*
do not modify, limit or supersede section 101(c) of that act, 15



1 *U.S.C. § 7001(c), or authorize electronic delivery of any of the*
2 *notices described in section 103(b) of that act, 15 U.S.C. § 7003(b).*

3 **Sec. 30.** NRS 240.001 is hereby amended to read as follows:

4 240.001 As used in NRS 240.001 to 240.206, inclusive, *and*
5 *sections 2 to 29, inclusive, of this act*, unless the context otherwise
6 requires, the words and terms defined in NRS 240.002 to 240.0055,
7 inclusive, *and sections 2 and 3 of this act* have the meanings
8 ascribed to them in those sections.

9 **Sec. 31.** NRS 240.004 is hereby amended to read as follows:

10 240.004 “Notarial act” means an act that a notarial officer of
11 this state is authorized to perform. The term includes:

- 12 1. Taking an acknowledgment;
- 13 2. Administering an oath or affirmation;
- 14 3. *Taking a verification on oath or affirmation;*
- 15 4. *Witnessing or attesting a signature;*
- 16 5. Certifying *or attesting* a copy;
- 17 ~~4.~~ 6. Executing a jurat;
- 18 ~~5.~~ 7. Noting a protest of a negotiable instrument; and
- 19 ~~6.~~ 8. Performing such other duties as may be prescribed by a
20 specific statute.

21 **Sec. 32.** NRS 240.020 is hereby amended to read as follows:

22 240.020 A person appointed as a notary public pursuant to ~~this~~
23 ~~chapter~~ *NRS 240.001 to 240.155, inclusive*, may perform notarial
24 acts *pursuant to NRS 240.001 to 240.169, inclusive, and sections 4*
25 *to 29, inclusive, of this act* in any part of this state for a term of 4
26 years, unless sooner removed. Such an appointment does not
27 authorize the person to perform notarial acts in another state.

28 **Sec. 33.** NRS 240.040 is hereby amended to read as follows:

29 240.040 1. The ~~statement~~ *stamp* required by ~~paragraph (d)~~
30 ~~of~~ subsection ~~1~~ *2* of ~~NRS 240.1655~~ *section 21 of this act* must:

31 (a) Be imprinted in indelible, photographically reproducible ink
32 with a rubber or other mechanical stamp; and

33 (b) Set forth:

- 34 (1) The name of the notary public;
- 35 (2) The phrase “Notary Public, State of Nevada”;
- 36 (3) The date on which the appointment of the notary public
37 expires;
- 38 (4) The number of the certificate of appointment of the
39 notary public;
- 40 (5) If the notary public so desires, the Great Seal of the State
41 of Nevada; and
- 42 (6) If the notary public is a resident of an adjoining state, the
43 word “nonresident.”

44 2. After July 1, 1965, an embossed notarial seal is not required
45 on notarized documents.



3. The stamp required pursuant to subsection 1 must:

(a) Be a rectangle, not larger than 1 inch by 2 1/2 inches, and may contain a border design; and

(b) Produce a legible imprint.

4. A notary public shall not affix his or her stamp over printed material.

5. As used in this section, "mechanical stamp" includes an imprint made by a computer or other similar technology.

Sec. 34. NRS 240.065 is hereby amended to read as follows:

240.065 1. A notary public may not perform a notarial act if:

(a) The notary public executed or is named in the instrument acknowledged or sworn to;

(b) Except as otherwise provided in subsection 2, the notary public has or will receive directly from a transaction relating to the instrument or pleading a commission, fee, advantage, right, title, interest, property or other consideration in excess of the fee authorized pursuant to NRS 240.100 for the notarial act; ~~(c)~~

(c) The *notary public and the* person whose signature is to be acknowledged or sworn to *are domestic partners*;

(d) *The person whose signature is to be acknowledged or sworn to* is a relative *of the domestic partner of the notary public or a relative* of the notary public by marriage or consanguinity.

2. A notary public who is an attorney licensed to practice law in this State may perform a notarial act on an instrument or pleading if the notary public has or will receive directly from a transaction relating to the instrument or pleading a fee for providing legal services in excess of the fee authorized pursuant to NRS 240.100 for the notarial act.

3. As used in this section ~~(c)~~, "relative":

(a) *"Domestic partners" has the meaning ascribed to it in NRS 122A.030.*

(b) *"Relative"* includes, without limitation:

~~(a)~~ (1) A spouse, parent, grandparent or stepparent;

~~(b)~~ (2) A natural born child, stepchild or adopted child;

~~(c)~~ (3) A grandchild, brother, sister, half brother, half sister, stepbrother or stepsister;

~~(d)~~ (4) A grandparent, parent, brother, sister, half brother, half sister, stepbrother or stepsister of the spouse of the notary public; and

~~(e)~~ (5) A natural born child, stepchild or adopted child of a sibling or half sibling of the notary public or of a sibling or half sibling of the spouse of the notary public.



1 **Sec. 35.** NRS 240.120 is hereby amended to read as follows:

2 240.120 1. Each notary public shall keep a journal in his or
3 her office in which the notary public shall enter for each notarial act
4 performed, at the time the act is performed:

5 (a) The fees charged, if any;

6 (b) The title of the document;

7 (c) The date on which the notary public performed the service;

8 (d) The name and signature of the person whose signature is
9 being notarized;

10 (e) A description of the evidence used by the notary public to
11 verify the identification of the person whose signature is being
12 notarized;

13 (f) An indication of whether the notary public administered an
14 oath; and

15 (g) The type of certificate used to evidence the notarial act, as
16 required pursuant to ~~[NRS 240.1655.]~~ *section 21 of this act.*

17 2. If the notary verifies the identification of the person whose
18 signature is being notarized on the basis of a credible witness, the
19 notary public shall:

20 (a) Require the witness to sign the journal in the space provided
21 for the description of the evidence used; and

22 (b) Make a notation in the journal that the witness is a credible
23 witness.

24 3. The journal must:

25 (a) Be open to public inspection.

26 (b) Be in a bound volume with preprinted page numbers.

27 4. A notary public shall, upon request and payment of the fee
28 set forth in NRS 240.100, provide a certified copy of an entry in his
29 or her journal.

30 5. A notary public shall retain each journal that the notary
31 public has kept pursuant to this section until 7 years after the date on
32 which he or she ceases to be a notary public.

33 6. A notary public shall file a report with the Secretary of State
34 and the appropriate law enforcement agency if the journal of the
35 notary public is lost or stolen.

36 7. The provisions of this section do not apply to a person who
37 is authorized to perform a notarial act pursuant to paragraph (b), (c)
38 or (d) of subsection 1 of ~~[NRS 240.1635.]~~ *section 10 of this act.*

39 **Sec. 36.** NRS 240.1663 is hereby amended to read as follows:

40 240.1663 ~~[Upon compliance with the requirements of NRS~~
41 ~~240.1655, the]~~ *The* following certificate is sufficient for
42 administering an oath or affirmation of office ~~[:]~~, *if completed with*
43 *the information required by subsections 1 and 2 of section 21 of*
44 *this act:*



1 State of Nevada
2 County of

3
4 I,(name of person taking oath or affirmation of office).....,
5 do solemnly swear (or affirm) that I will support, protect and defend
6 the Constitution and Government of the United States and the
7 Constitution and Government of the State of Nevada against all
8 enemies, whether domestic or foreign, and that I will bear true faith,
9 allegiance and loyalty to the same, any ordinance, resolution or law
10 of any state notwithstanding, and that I will well and faithfully
11 perform all the duties of the office of(title of office)....., on
12 which I am about to enter; (if an oath) so help me God; (if an
13 affirmation) under the pains and penalties of perjury.

14
15
16 (Signature of person taking oath
17 or affirmation of office)

18
19 Signed and sworn to (or affirmed) before me on(date).....
20 by(name of person taking oath or affirmation of office).....

21
22
23 (Signature of notarial officer)

24 (Seal, if any)
25
26 (Title and rank (optional))

27 **Sec. 37.** NRS 240.1667 is hereby amended to read as follows:
28 240.1667 ~~Upon compliance with the requirements of NRS~~
29 ~~240.1655, the~~ **The** following certificate is sufficient for an
30 acknowledgment that contains a power of attorney ~~[-]~~, **if completed**
31 **with the information required by subsections 1 and 2 of section 21**
32 **of this act:**

33
34 State of Nevada
35 County of

36
37 This instrument was acknowledged before me on(date).....
38 by(name of person holding power of attorney)..... as attorney-
39 in-fact for(name of principal/person whose name is in the
40 document).....

41
42
43 (Signature of notarial officer)

44 (Seal, if any)



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.....

(Title and rank (optional))

Sec. 38. NRS 240.167 is hereby amended to read as follows:

240.167 ~~[Upon compliance with the requirements of NRS 240.1655, the]~~ *The following certificate is sufficient for executing a jurat [:], if completed with the information required by subsections 1 and 2 of section 21 of this act:*

State of Nevada
County of

Signed and sworn to (or affirmed) before me on(date).....
by(name(s) of person(s) making statement).....

.....

(Signature of notarial officer)

(Seal, if any)

.....

(Title and rank (optional))

Sec. 39. NRS 240.1685 is hereby amended to read as follows:

240.1685 ~~[Upon compliance with the requirements of NRS 240.1655, the]~~ *The following certificate is sufficient for a jurat of a subscribing witness [:], if completed with the information required by subsections 1 and 2 of section 21 of this act:*

State of Nevada
County of

On(date).....,(subscribing witness)..... personally appeared before me, whom I know to be the person who signed this jurat of a subscribing witness while under oath, and swears that he or she was present and witnessed(signer of the document)..... sign his or her name to the above document.

.....

(Signature of subscribing witness)

Signed and sworn before me on(date)..... by(subscribing witness).....

.....

(Signature of notarial officer)

(Seal, if any)

.....

(Title and rank(optional))



- 1 1. The electronic signature of the electronic notary public;
- 2 2. The electronic seal of the electronic notary public; and
- 3 3. The wording of a notarial certificate pursuant to NRS
- 4 ~~[240.1655, 240.166 to 240.167, inclusive,]~~ 240.1663, 240.1667,
- 5 240.167, 240.1685 or 240.169 ~~[.]~~, or sections 22 to 26, inclusive, of
- 6 *this act.*

7 **Sec. 44.** NRS 105.050 is hereby amended to read as follows:

8 105.050 1. If a security instrument filed with the Secretary of
9 State grants an interest, as security, in any real property owned by
10 the public utility, a notice of filing of a security instrument affecting
11 real property must be recorded in the office of the county recorder in
12 the county where the real property is located, stating:

13 (a) The name of the public utility which executed the security
14 instrument;

15 (b) That a security instrument affecting real property in the
16 county has been executed by the public utility; and

17 (c) That the security instrument was filed, and other security
18 instruments may later be on file, in the Office of the Secretary of
19 State.

20 ➤ The notice required by this section must be acknowledged or
21 proved and certified in the manner provided in chapter 111 of NRS
22 and in NRS ~~[240.161 to 240.169, inclusive,]~~ 240.1663, 240.1667,
23 240.167, 240.1685 and 240.169 and sections 4 to 29, inclusive, of
24 *this act.*

25 2. After such recording, no notice need be recorded regarding
26 other security instruments executed by the public utility. The notice
27 recorded under subsection 1 is sufficient to provide notice of all
28 subsequent security instruments:

29 (a) Executed by the public utility;

30 (b) Filed with the Secretary of State; and

31 (c) Granting an interest, as security, in any real property, and
32 fixtures thereto, located in the county where the notice is recorded.

33 3. Notices recorded pursuant to subsection 1 must be recorded
34 and indexed by the county recorder in the same records and indexes
35 as are mortgages on real property.

36 **Sec. 45.** NRS 111.240 is hereby amended to read as follows:

37 111.240 Every conveyance in writing whereby any real
38 property is conveyed or may be affected must be acknowledged or
39 proved and certified in the manner provided in this chapter and in
40 NRS ~~[240.161 to 240.169, inclusive,]~~ 240.1663, 240.1667, 240.167,
41 240.1685 and 240.169 and sections 4 to 29, inclusive, of *this act.*

42 **Sec. 46.** NRS 278.374 is hereby amended to read as follows:

43 278.374 1. Except as otherwise provided in subsection 2, a
44 final map presented for filing must include a certificate signed and
45 acknowledged, in the manner provided in NRS ~~[240.1665 or]~~



1 240.167, *or section 23 of this act*, by each person who is an owner
2 of the land:

3 (a) Consenting to the preparation and recordation of the final
4 map.

5 (b) Offering for dedication that part of the land which the person
6 wishes to dedicate for public use, subject to any reservation
7 contained therein.

8 (c) Reserving any parcel from dedication.

9 (d) Granting any permanent easement for utility or video service
10 network installation or access, as designated on the final map,
11 together with a statement approving such easement, signed by the
12 public utility, video service provider or person in whose favor the
13 easement is created or whose services are required.

14 2. If the map presented for filing is an amended map of a
15 common-interest community, the certificate need only be signed and
16 acknowledged by a person authorized to record the map under
17 chapter 116 of NRS.

18 3. A final map of a common-interest community presented for
19 recording and, if required by local ordinance, a final map of any
20 other subdivision presented for recording must include:

21 (a) A report from a title company in which the title company
22 certifies that it has issued a guarantee for the benefit of the local
23 government which lists the names of:

24 (1) Each owner of record of the land to be divided; and

25 (2) Each holder of record of a security interest in the land to
26 be divided, if the security interest was created by a mortgage or a
27 deed of trust.

28 ➔ The guarantee accompanying a final map of a common-interest
29 community must also show that there are no liens of record against
30 the common-interest community or any part thereof for delinquent
31 state, county, municipal, federal or local taxes or assessments
32 collected as taxes or special assessments.

33 (b) The written consent of each holder of record of a security
34 interest listed pursuant to subparagraph (2) of paragraph (a), to the
35 preparation and recordation of the final map. A holder of record
36 may consent by signing:

37 (1) The final map; or

38 (2) A separate document that is filed with the final map and
39 declares his or her consent to the division of land.

40 4. For the purpose of this section, the following shall be
41 deemed not to be an interest in land:

42 (a) A lien for taxes or special assessments.

43 (b) A trust interest under a bond indenture.



1 5. As used in this section, "guarantee" means a guarantee of the
2 type filed with the Commissioner of Insurance pursuant to
3 paragraph (e) of subsection 1 of NRS 692A.120.

4 **Sec. 47.** NRS 278.496 is hereby amended to read as follows:

5 278.496 1. A map of reversion presented for recording must
6 include a certificate signed and acknowledged, pursuant to NRS
7 ~~[240.166, 240.1665 or]~~ 240.167, *or sections 22 and 23 of this act*
8 by each person who is an owner of the land consenting to the
9 preparation and recordation of the map for the purpose of reversion.

10 2. A governing body may by ordinance require a map of
11 reversion presented for recording to include:

12 (a) A report from a title company which lists the names of:

13 (1) Each owner of record of the land; and

14 (2) Each holder of record of a security interest in the land, if
15 the security interest was created by a mortgage or a deed of trust.

16 (b) The written consent of each holder of record of a security
17 interest listed pursuant to subparagraph (2) of paragraph (a), to the
18 preparation and recordation of the map of reversion. A holder of
19 record of a security interest may consent by signing:

20 (1) The map of reversion; or

21 (2) A separate document that is recorded with the map of
22 reversion and declares his or her consent to the reversion, if the map
23 contains a notation that a separate document has been recorded to
24 this effect.

25 3. For the purpose of this section, the following shall be
26 deemed not to be an interest in land:

27 (a) A lien for taxes or special assessments.

28 (b) A trust interest under a bond indenture.

29 **Sec. 48.** NRS 533.382 is hereby amended to read as follows:

30 533.382 Except as otherwise provided in NRS 533.387, every
31 conveyance of an application or permit to appropriate any of the
32 public waters, a certificate of appropriation, an adjudicated or
33 unadjudicated water right or an application or permit to change the
34 place of diversion, manner of use or place of use of water must be:

35 1. Made by deed;

36 2. Acknowledged in the manner provided in NRS ~~[240.161 to~~
37 ~~240.168, inclusive;]~~ 240.1663, 240.1667, 240.167, 240.1685 and
38 *240.169 and sections 4 to 29, inclusive, of this act;* and

39 3. Recorded in the office of the county recorder of each county
40 in which the water is applied to beneficial use and in each county in
41 which the water is diverted from its natural source.

42 **Sec. 49.** NRS 240.161, 240.1635, 240.164, 240.1645, 240.165,
43 240.1655, 240.1657, 240.166, 240.1665 and 240.168 are hereby
44 repealed.



- 1 **Sec. 50.** 1. This act becomes effective on January 1, 2012.
2 2. Sections 4 to 29, inclusive, of this act apply to a notarial act
3 performed on or after January 1, 2012.

LEADLINES OF REPEALED SECTIONS

240.161 Short title; uniformity of application and construction.

240.1635 Notarial acts in this State.

240.164 Notarial acts in other jurisdictions of United States.

240.1645 Notarial acts under federal authority.

240.165 Foreign notarial acts.

240.1655 Notarial acts.

240.1657 Authentication of signature of notarial officer by Secretary of State.

240.166 Short form for acknowledgment in individual capacity.

240.1665 Short form for acknowledgment in representative capacity.

240.168 Short form for certifying copy of document.

