

**NEVADA REVISED STATUTES**

**TITLE 10. PROPERTY RIGHTS AND TRANSACTIONS  
CHAPTER 111. ESTATES IN PROPERTY; CONVEYANCING AND RECORDING  
CONVEYANCING; STATUTE OF FRAUDS**

**NRS 111.115 Proof of execution of conveyance.**

The proof of the execution of any conveyance, whereby any real property is conveyed, or may be affected, shall be:

1. By the testimony of a subscribing witness; or
2. When all the subscribing witnesses are dead, or cannot be had, by evidence of the handwriting of the party, and of at least one subscribing witness, given by a credible witness to each signature.

**NRS 111.120 Conditions necessary before proof by subscribing witness can be taken.**

No proof by a subscribing witness shall be taken unless the witness shall be personally known to the person taking the proof to be the person whose name is subscribed to the conveyance as witness thereto, or shall be proved to be such by the oath or affirmation of a credible witness.

**NRS 111.125 Proof required from subscribing witnesses.**

No certificate of proof shall be granted unless subscribing witnesses shall prove:

1. That the person whose name is subscribed thereto as a party is the person described in, and who executed the same.
2. That such person executed the conveyance.
3. That such witness subscribed his name thereto as a witness thereof.

**NRS 111.130 Contents of certificate of proof.**

The certificate of proof shall set forth the following matters:

1. The fact that the subscribing witness was personally known to the person granting the certificate to be the person whose name is subscribed to such conveyance as a witness thereto, or was proved to be such by oath or affirmation of a witness, whose name shall be inserted in the certificate.
2. The proof given by such witness of the execution of such conveyance, and of the fact that the person whose name is subscribed to such conveyance as a party thereto is the person who executed the same, and that such witness subscribed his name to such conveyance as a witness thereof.

**NRS 111.135 When proof by evidence of handwriting may be taken.**

No proof by evidence of the handwriting of the party, and of a subscribing witness, shall be taken, unless the person taking the same shall be satisfied that all the subscribing witnesses to the conveyance are dead, or cannot be had to prove the execution thereof.

[14:9:1861; B § 242; BH § 2583; C § 2653; RL § 1031; NCL § 1489]

**NRS 111.140 Statements of witnesses under oath before certificate granted.**

No certificate of any such proof shall be granted unless:

1. A competent and credible witness shall state, on oath or affirmation, that he personally knew the person whose name is subscribed thereto as a party, well knew his signature (stating his means of knowledge), and believes the name of the person subscribed thereto as a party was

subscribed by such person.

2. A competent and credible witness shall, in like manner, state that he personally knew the person whose name is subscribed to such conveyance as a witness, well knew his signature (stating his means of knowledge), and believes the name subscribed thereto as a witness was thereto subscribed by such person.

**NRS 111.145 Witnesses to conveyance may be subpoenaed.**

Upon the application of any grantee in any conveyance required by this chapter to be recorded, or by any person claiming under such grantee, verified under the oath of the applicant, that any witness to such conveyance, residing in the county where such application is made, refuses to appear and testify touching the execution thereof, and that such conveyance cannot be proved without his evidence, any person authorized to take the acknowledgment or proof of such conveyance may issue a subpoena requiring such witness to appear before such person and testify touching the execution thereof.

**NRS 111.150 Penalty for failure of witness to appear when subpoenaed.**

1. Every person who, being served with a subpoena, shall, without reasonable cause, refuse or neglect to appear, or appearing shall refuse to answer upon oath touching the matters stated in NRS 111.145:

(a) Shall be liable to the party injured in the sum of \$100, and for such damages as may be sustained by him on account of such neglect or refusal; and

(b) May be committed to jail by the judge of some court of record, there to remain, without bail, until he shall submit to answer upon oath as stated aforesaid.

2. No person shall be required to attend who resides out of the county in which the proof is to be taken, nor unless his reasonable expenses shall have been first tendered to him.

**NRS 111.155 Conveyance acknowledged or proved may be read in evidence.**

Every conveyance, or other instrument, conveying or affecting real property, which shall be acknowledged, or proved and certified, as prescribed in this chapter, may, together with the certificate of acknowledgment, or proof, be read in evidence without further proof.

**ACKNOWLEDGMENT OF INSTRUMENTS**

**NRS 111.240 Acknowledgment of conveyances.**

Every conveyance in writing whereby any real property is conveyed or may be affected must be acknowledged or proved and certified in the manner provided in this chapter and in NRS 240.161 to 240.169, inclusive.

**NRS 111.245 Acknowledgment of married woman.**

Repealed. (See chapter 52, Statutes of Nevada 1999, at page 127.)

**NRS 111.265 Persons authorized to take acknowledgment or proof within state.**

The proof or acknowledgment of every conveyance affecting any real property, if acknowledged or proved within this state, must be taken by one of the following persons:

1. A judge or a clerk of a court having a seal.
2. A notary public.

3. A justice of the peace.

**UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT**

**NRS 111.3685. Validity of electronic documents.**

1. If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium, or be in writing, the requirement is satisfied by an electronic document satisfying the provisions of NRS 111.366 to 111.3697, inclusive, of this act.

2. If a law requires, as a condition for recording, that a document be signed, the requirement is satisfied by an electronic signature.

3. A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression or seal need not accompany an electronic signature.

**TITLE 11. DOMESTIC RELATIONS  
CHAPTER 122. MARRIAGE**

**VALIDITY OF MARRIAGE**

**NRS 122.030 Documents constituting presumptive evidence of marriage.**

1. With respect to any marriage solemnized before January 1, 1971, the original certificate and records of marriage made by the judge, justice or minister, as prescribed in this chapter, and the record thereof by the recorder of the county, or a copy or abstract of the record certified by the recorder, must be received in all courts and places as presumptive evidence of the fact of the marriage.

2. With respect to any marriage solemnized on or after January 1, 1971, the original certificate and records of marriage made by the judge, justice, minister or other church or religious official authorized to solemnize a marriage, notary public, commissioner of civil marriages or deputy commissioner of civil marriages, as prescribed in this chapter, and the record thereof by the county recorder or the county clerk, as the case may be, or a copy or abstract of the record certified by the county recorder or the county clerk, as the case may be, must be received in all courts and places as presumptive evidence of the fact of the marriage.

**AUTHENTICATION OF MARRIAGE**

**NRS 122.050 Form of marriage license.**

The marriage license must contain the name of each applicant as shown in the documents presented pursuant to subsection 2 of NRS 122.040 and the name, if any, selected by each applicant for use after the applicants are joined in marriage. The marriage license must be substantially in the following form:

MARRIAGE LICENSE  
(EXPIRES 1 YEAR AFTER ISSUANCE)

State of Nevada                    }  
  }ss.

County of \_\_\_\_\_ }

These presents are to authorize any minister, other church or religious official authorized to solemnize a marriage, notary public or marriage officiant who has obtained a certificate of permission to perform marriages, any Supreme Court justice, judge of the Court of Appeals or district judge within this State, or justice of the peace within a township wherein the justice of the peace is permitted to solemnize marriages or if authorized pursuant to subsection 3 of NRS 122.080, or a municipal judge if authorized pursuant to subsection 4 of NRS 122.080, or any commissioner of civil marriages or his or her deputy within a commissioner township wherein they are permitted to solemnize marriages or any mayor if authorized pursuant to subsection 5 of NRS 122.080, to join in marriage ..... of (City, town or location) ....., State of ..... State of birth (If not in U.S.A., name of country) .....; Date of birth ..... Name of Parent No. 1 ..... State of birth of Parent No. 1 (If not in U.S.A., name of country) ..... Name of Parent No. 2 ..... State of birth of Parent No. 2 (If not in U.S.A., name of country) ..... Number of this marriage (1st, 2nd, etc.) ..... Former Spouse: Deceased ..... Divorced ..... Annulled ..... When ..... Where ..... And ..... of (City, town or location) ....., State of ..... State of birth (If not in U.S.A., name of country) .....; Date of birth ..... Name of Parent No. 1 ..... State of birth of Parent No. 1 (If not in U.S.A., name of country) ..... Name of Parent No. 2 ..... State of birth of Parent No. 2 (If not in U.S.A., name of country) ..... Number of this marriage (1st, 2nd, etc.) ..... Former Spouse: Deceased ..... Divorced ..... Annulled ..... When ..... Where .....; and to certify the marriage according to law. After ..... (name) and ..... (name) are joined in marriage, ..... wishes to use the name ..... (New name) and ..... wishes to use the name ..... (New name) OR The parties have not designated any changes of name at the time of issuance of the marriage license.

Witness my hand and the seal of the county, this ..... day of the month of ..... of the year

.....

(Seal)

Clerk

Deputy clerk

**CERTIFICATES OF PERMISSION TO PERFORM MARRIAGES**

**NRS 122.062 Licensed, ordained or appointed ministers, other church or religious officials authorized to solemnize a marriage, notaries public and chaplains of Armed Forces to obtain certificates from county clerk; temporary replacements; solemnization by minister or other authorized person who resides in another state or who is retired.**

1. Any licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage in good standing within his or her church or religious organization, or either of them, incorporated, organized or established in this State, or a notary public appointed by the Secretary of State pursuant to chapter 240 of NRS and in good standing with the Secretary of State, may join together as husband and wife persons who present a marriage license obtained from any county clerk of the State, if the minister, other church or religious official authorized to solemnize a marriage or notary public first obtains a certificate of permission to perform marriages as provided in NRS 122.062 to 122.073, inclusive. The fact that a minister or other church or religious official authorized to solemnize a marriage is retired does not disqualify him or her from obtaining a certificate of permission to perform marriages if, before retirement, the minister or other church or religious official authorized to solemnize a

marriage had active charge of a church or religious organization for a period of at least 3 years.

2. A temporary replacement for a licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage certified pursuant to NRS 122.062 to 122.073, inclusive, may solemnize marriages pursuant to subsection 1 for a period not to exceed 90 days, if the requirements of this subsection are satisfied. The minister or other church or religious official authorized to solemnize a marriage whom he or she temporarily replaces shall provide him or her with a written authorization which states the period during which it is effective, and the temporary replacement shall obtain from the county clerk in the county in which he or she is a temporary replacement a written authorization to solemnize marriage and submit to the county clerk an application fee of \$25.

3. Any chaplain who is assigned to duty in this State by the Armed Forces of the United States may solemnize marriages if the chaplain obtains a certificate of permission to perform marriages from the county clerk of the county in which his or her duty station is located. The county clerk shall issue such a certificate to a chaplain upon proof of his or her military status as a chaplain and of his or her assignment.

4. A licensed, ordained or appointed minister, other church or religious official authorized to solemnize a marriage, active or retired, or a notary public may submit to the county clerk in the county in which a marriage is to be performed an application to perform a specific marriage in the county. The application must:

- (a) Include the full names and addresses of the persons to be married;
- (b) Include the date and location of the marriage ceremony;
- (c) Include the information and documents required pursuant to subsection 1 of NRS 122.064; and

(d) If the county clerk has established a training course for an applicant seeking to obtain a certificate of permission to perform marriages or a single marriage in this State, include verification that the applicant has satisfied the requirements of paragraph (d) of subsection (1) of NRS 122.064; and

- (e) Be accompanied by an application fee of \$25.

5. A county clerk may grant authorization to perform a specific marriage to a person who submitted an application pursuant to subsection 4 if the county clerk is satisfied that the minister or other church or religious official authorized to solemnize a marriage, whether he or she is active or retired, is in good standing with his or her church or religious organization or, in the case of a notary public, if the notary public is in good standing with the Secretary of State, and, if the county clerk has established a training course for an applicant seeking to obtain a certificate of permission to perform marriages or a single marriage in this State, that the applicant satisfied the requirements of paragraph (d) of subsection 1 of NRS 122.064. The authorization must be in writing and need not be filed with any other public officer. A separate authorization is required for each marriage performed. A person may not obtain more than five authorizations to perform a specific marriage pursuant to this section in any calendar year and must acknowledge that he or she is subject to the jurisdiction of the county clerk with respect to the provisions of this chapter governing the conduct of ministers, other church or religious officials authorized to solemnize a marriage or notaries public to the same extent as if he or she had obtained a certificate of permission to perform marriages.

**NRS 122.064 Initial application for certificate: Form; required information. [Effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish**

**procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]**

1. A certificate of permission to perform marriages or a renewal of such a certificate may be obtained only from the county clerk of the county in which the minister, other church or religious official authorized to solemnize a marriage, notary public or person who desires to be a marriage officiant resides, after the filing of a proper application. The initial application or application for renewal must:

(a) Be in writing and verified by the applicant.

(b) If the applicant is a minister or other church or religious official authorized to solemnize a marriage:

(1) Show the date of licensure, ordination or appointment of the minister or other church or religious official authorized to solemnize a marriage, and the name of the church or religious organization with which he or she is affiliated; and

(2) Be accompanied by one copy of the affidavit to solemnize marriages described in subsection 5.

(c) If the applicant is a notary public:

(1) Include the date of the appointment of the notary public by the Secretary of State; and

(2) Be accompanied by a verification issued by the Secretary of State within the 3 months immediately preceding the date of the application which states that the applicant has been appointed as a notary public by the Secretary of State pursuant to chapter 240 of NRS and is in good standing with the Secretary of State. The county clerk must refuse to issue a certificate of permission if the appointment of the notary public is suspended or revoked and may refuse to issue a certificate of permission if the notary public has committed any violations of chapter 240 of NRS.

(d) If the county clerk has established a training course for an applicant seeking to obtain a certificate of permission to perform marriages or a single marriage in this State:

(1) Include an additional fee not to exceed \$100 for the course; and

(2) Be accompanied by verification that the applicant successfully completed the course.

(e) Be accompanied by an application fee of \$25.

2. To determine the qualifications of any minister, other church or religious official authorized to solemnize a marriage, notary public or person who desires to be a marriage officiant who has filed an application for a certificate of permission, the county clerk with whom such application has been filed may require:

(a) The church or religious organization of the minister or other church or religious official authorized to solemnize a marriage to furnish any evidence which the county clerk considers necessary or helpful.

(b) An investigation of the background and present activities of the minister, other church or religious official authorized to solemnize a marriage, notary public or person who desires to be a marriage officiant. The cost of an investigation conducted pursuant to this paragraph must be charged to the applicant.

3. In addition to the requirement of good standing, the county clerk shall, before approving an initial application, satisfy himself or herself that:

(a) If the applicant is a minister or other church or religious official authorized to solemnize a marriage, the applicant's ministry is one of service to his or her church or religious organization or, in the case of a retired minister or other church or religious official authorized to solemnize a

marriage, that his or her active ministry was of such a nature.

(b) No certificate previously issued to the applicant has been cancelled for a knowing violation of the laws of this State or of the United States.

(c) The applicant has not been convicted of a felony, released from confinement or completed his or her parole or probation, whichever occurs later, within 10 years before the date of the application.

4. The county clerk may require any applicant to submit information in addition to that required by this section.

5. The affidavit of authority to solemnize marriages required by subparagraph (2) of paragraph (b) of subsection 1 must be in substantially the following form:

**AFFIDAVIT OF AUTHORITY TO SOLEMNIZE MARRIAGES FOR CHURCHES AND RELIGIOUS ORGANIZATIONS**

State of Nevada    }  
                                  }ss.  
County of .....}

The..... (name of church or religious organization) is organized and carries on its work in the State of Nevada. Its active meetings are located at..... (street address, city or town).

The..... (name of church or religious organization) hereby finds that..... (name of minister or other person authorized to solemnize marriages) is in good standing and is authorized by the..... (name of church or religious organization) to solemnize a marriage.

I am duly authorized by..... (name of church or religious organization) to complete and submit this affidavit.

Signature of Official  
Name of Official  
(type or print name)  
Title of Official  
Address  
City, State and Zip Code  
Telephone Number

Signed and sworn to (or affirmed) before me this..... day of the month of..... of the year.....

Notary Public for  
..... County, Nevada.

My appointment expires.....

6. Not later than 30 days after issuing or renewing a certificate of permission to perform marriages to a notary public, the county clerk must submit to the Secretary of State the name of the notary public to whom the certificate has been issued.

7. If a licensed, ordained or appointed minister, other church or religious official authorized to solemnize a marriage or marriage officiant who holds a certificate of permission to perform marriages changes his or her mailing address, the minister, other church or religious official authorized to solemnize a marriage or marriage officiant must notify the county clerk who issued the certificate of his or her new mailing address not later than 30 days after the change. Pursuant to NRS 122.068, a county clerk may revoke the certificate of permission to perform marriages of a licensed, ordained or appointed minister, other church or religious official authorized to solemnize a marriage or marriage officiant who fails to notify the county clerk of his or her new mailing address within 30 days after the change. If a notary public who holds a certificate of permission to perform marriages changes his or her mailing address, the notary public must submit to the Secretary of State a request for an amended certificate of appointment pursuant to NRS 240.036.

8. The fees collected by the county clerk pursuant to paragraph (d) of subsection 1 must be deposited in the account established pursuant to NRS 19.016.

**NRS 122.066 Database of ministers, other church or religious officials authorized to solemnize a marriage or notaries public who have been issued certificate of permission to perform marriages; maintenance of database by Secretary of State; entry of certain information into database by county clerk; approval of application for certificate; validity of certificate; removal of authority to solemnize marriage.**

1. The Secretary of State shall establish and maintain a statewide database of ministers, other church or religious officials authorized to solemnize a marriage or notaries public who have been issued a certificate of permission to perform marriages. The database must:

- (a) Serve as the official list of ministers, other church or religious officials authorized to solemnize a marriage or notaries public approved to perform marriages in this State;
- (b) Provide for a single method of storing and managing the official list;
- (c) Be a uniform, centralized and interactive database;
- (d) Be electronically secure and accessible to each county clerk in this State;
- (e) Contain the name, mailing address and other pertinent information of each minister, other church or religious official authorized to solemnize a marriage or notary public as prescribed by the Secretary of State; and
- (f) Include a unique identifier assigned by the Secretary of State to each minister, other church or religious official authorized to solemnize a marriage or notary public.

2. If the county clerk approves an application for a certificate of permission to perform marriages, the county clerk shall:

- (a) Enter all information contained in the application into the electronic statewide database of ministers, other church or religious officials authorized to solemnize a marriage or notaries public maintained by the Secretary of State not later than 10 days after the certificate of permission to perform marriages is approved by the county clerk; and
- (b) Provide to the Secretary of State all information related to the minister, other church or religious official authorized to solemnize a marriage or notary public pursuant to paragraph (e) of subsection 1.

3. Upon approval of an application pursuant to subsection 2, the minister, other church or religious official authorized to solemnize a marriage or notary public:

- (a) Shall comply with the laws of this State governing the solemnization of marriage and conduct of ministers, other church or religious officials authorized to solemnize a marriage or

notaries public;

(b) Is subject to further review or investigation by the county clerk to ensure that he or she continues to meet the statutory requirements for a person authorized to solemnize a marriage; and

(c) Shall provide the county clerk with any changes to his or her status or information, including, without limitation, the address or telephone number of the church or religious organization, if applicable, or any other information pertaining to certification within 30 days after such a change. If a notary public to whom a certificate of permission to perform marriages has been issued changes his or her address, the notary public must submit to the Secretary of State a request for an amended certificate of appointment in accordance with NRS 240.036.

4. A certificate of permission is valid until:

(a) If the certificate is issued to a minister or other church or religious official authorized to solemnize a marriage, the county clerk has received an affidavit of removal of authority to solemnize marriages pursuant to NRS 122.0665 or the certificate of permission is revoked pursuant to NRS 122.068.

(b) If the certificate is issued to a notary public, the appointment as a notary public has expired or has been cancelled, revoked or suspended. If, after the expiration of his or her appointment, a notary public receives a new appointment, the notary public may reapply for a certificate of permission to perform marriages, without charge, if the reapplication occurs within 3 months after the expiration of the previous notary public appointment.

5. An affidavit of removal of authority to solemnize marriages that is received pursuant to paragraph (a) of subsection 4 must be sent to the county clerk within 5 days after the minister or other church or religious official authorized to solemnize a marriage ceased to be a member of the church or religious organization in good standing or ceased to be a minister or other church or religious official authorized to solemnize a marriage for the church or religious organization.

6. If the county clerk in the county where the certificate of permission was issued has reason to believe that:

(a) The minister or other church or religious official authorized to solemnize a marriage is no longer in good standing within his or her church or religious organization, or that he or she is no longer a minister or other church or religious official authorized to solemnize a marriage, or that such church or religious organization no longer exists; or

(b) The notary public is no longer in good standing with the Secretary of State or that the appointment of the notary public has expired, the county clerk may require satisfactory proof of the good standing of the minister, other church or religious official authorized to solemnize a marriage or notary public. If such proof is not presented within 15 days, the county clerk shall remove the certificate of permission by amending the electronic record of the minister, other church or religious official authorized to solemnize a marriage or notary public in the statewide database pursuant to subsection 1.

7. Except as otherwise provided in subsection 8, if any minister or other church or religious official authorized to solemnize a marriage to whom a certificate of permission has been issued severs ties with his or her church or religious organization or moves from the county in which his or her certificate was issued, the certificate shall expire immediately upon such severance or move, and the church or religious organization shall, within 5 days after the severance or move, file an affidavit of removal of authority to solemnize marriages pursuant to NRS 122.0665. If the minister or other church or religious official authorized to solemnize a marriage voluntarily advises the county clerk of the county in which his or her certificate was issued of his or her

severance with his or her church or religious organization, or that he or she has moved from the county, the certificate shall expire immediately upon such severance or move without any notification to the county clerk by the church or religious organization.

8. If any minister or other church or religious official authorized to solemnize a marriage, who is retired and to whom a certificate of permission has been issued, moves from the county in which his or her certificate was issued to another county in this State, the certificate remains valid until such time as the certificate otherwise expires or is removed or revoked as prescribed by law. The minister or other church or religious official authorized to solemnize a marriage must provide his or her new address to the county clerk in the county to which the minister or other church or religious official authorized to solemnize a marriage has moved.

9. If any notary public to whom a certificate of permission has been issued moves from the county in which his or her certificate was issued, the certificate shall expire immediately upon such move.

10. The Secretary of State may adopt regulations concerning the creation and administration of the statewide database. This section does not prohibit the Secretary of State from making the database publicly accessible for the purpose of viewing ministers, other church or religious officials who are authorized to solemnize a marriage or notaries public to whom a certificate of permission to perform marriages has been issued in this State.

#### **NRS 122.068 Revocation of certificates and removal of authority to solemnize marriages; hearing; duties of Secretary of State.**

1. Any county clerk who has issued a certificate of permission to perform marriages to a minister, other church or religious official authorized to solemnize a marriage or notary public pursuant to NRS 122.062 to 122.073, inclusive, may revoke the certificate for good cause shown after a hearing.

2. If the certificate of permission to perform marriages of any minister, other church or religious official authorized to solemnize a marriage or notary public is revoked or if the county clerk has received an affidavit of removal of authority to solemnize marriages pursuant to NRS 122.0665, the county clerk shall inform the Secretary of State of that fact, and the Secretary of State shall immediately remove the name of the minister, other church or religious official authorized to solemnize a marriage or notary public from the official list contained in the database of ministers, other church or religious officials authorized to solemnize a marriage or notaries public and shall notify each county clerk and county recorder in the State of the revocation or removal of authority.

#### **NRS 122.071 Judicial review.**

Any minister, other church or religious official authorized to solemnize a marriage or notary public whose application for a certificate of permission to perform marriages or renewal of such certificate is denied, or whose certificate of permission is revoked, is entitled to judicial review of such action in the district court of the county in which such action was taken.

(Added to NRS by 1967, 1291; A 2009, 731; 2013, 1195)

### **SOLEMNIZATION**

#### **NRS 122.090 Marriage solemnized by unauthorized person: When valid.**

No marriage solemnized before any person professing to be a judge, justice, minister or other

church or religious official authorized to solemnize a marriage, notary public to whom a certificate of permission to perform marriages has been issued, commissioner of civil marriages or deputy commissioner of civil marriages shall be deemed or adjudged to be void, nor shall the validity thereof be in any way affected on account of any want of jurisdiction or authority, provided it be consummated with a full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

**NRS 122.110 No particular form of solemnization required; witness.**

1. In the solemnization of marriage, no particular form is required except that the parties shall declare, in the presence of the justice, judge, minister or other church or religious official authorized to solemnize a marriage, notary public to whom a certificate of permission to perform marriages has been issued, justice of the peace, commissioner of civil marriages or deputy commissioner of civil marriages, and the attending witness, that they take each other as husband and wife.

2. In every case, there shall be at least one witness present besides the person performing the ceremony.

**NRS 122.120 Certificate of marriage: Form.**

1. After a marriage is solemnized, the person solemnizing the marriage shall give to each couple being married a certificate of marriage.

2. The certificate of marriage must contain the date of birth of each applicant as contained in the form of marriage license pursuant to NRS 122.050. If a male and female person who are the husband and wife of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, the certificate of marriage must state that the male and female person were rejoined in marriage and that the certificate is replacing a record of marriage which was lost or destroyed or is otherwise unobtainable. The certificate of marriage must be in substantially the following form:

STATE OF NEVADA  
MARRIAGE CERTIFICATE

State of Nevada                    }  
  }ss.  
County of                            }

This is to certify that the undersigned, ..... (a minister or other church or religious official authorized to solemnize a marriage, notary public, judge, justice of the peace of ..... County, commissioner of civil marriages or deputy commissioner of civil marriages, as the case may be), did on the ..... day of the month of ..... of the year ....., at ..... (address or church), ..... (city), Nevada, join or rejoin, as the case may be, in lawful wedlock ..... (name), of ..... (city), State of ....., date of birth ....., and ..... (name), of .....(city), State of ....., date of birth ....., with their mutual consent, in the presence of ..... and ..... (witnesses). (If a male and female person who are the husband and wife of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, this certificate replaces the record of the marriage of the male and female person who are being rejoined in marriage.)

.....

Signature of person performing the marriage  
(Seal of County Clerk)

.....  
Name under signature typewritten  
or printed in black ink

.....  
County Clerk

.....  
Official title of person performing  
the marriage

.....

.....  
Couple’s mailing address

3. All information contained in the certificate of marriage must be typewritten or legibly printed in black ink, except the signatures. The signature of the person performing the marriage must be an original signature.

**NRS 122.130 Certificate of marriage: Recording; loss or destruction before recording; replacement certificate; fees.**

1. Each person who solemnizes a marriage shall make a record of it and, within 10 days after the marriage, shall deliver to:

(a) If the board of county commissioners has adopted an ordinance pursuant to NRS 246.100, the county clerk of the county where the license was issued the original certificate of marriage required by NRS 122.120.

(b) If the board of county commissioners has not adopted an ordinance pursuant to NRS 246.100, the county recorder of the county where the license was issued the original certificate of marriage required by NRS 122.120.

2. If the original certificate of marriage that is held by the person who solemnizes the marriage is lost or destroyed before it is delivered pursuant to subsection 1, the county clerk may charge and collect from the person who solemnizes the marriage a fee of not more than \$15 for the preparation of an affidavit of loss or destruction and the issuance of a replacement certificate. All fees collected by the county clerk pursuant to this subsection must be deposited in the county general fund.

3. All original certificates must be recorded by the county recorder or filed by the county clerk in a book to be kept by him or her for that purpose. For recording or filing the original certificates, the county recorder or county clerk is entitled to the fees designated in subsection 2 of NRS 122.060 and subsection 3 of NRS 122.135. All such fees must be deposited in the county general fund.

**PROHIBITED ACTS AND PENALTIES**

**NRS 122.220 Solemnizing marriage without exhibition of marriage license.**

1. It is unlawful for any Supreme Court justice, judge of the Court of Appeals, judge of a district court, justice of the peace, municipal judge, minister or other church or religious official authorized to solemnize a marriage, notary public, commissioner of civil marriages or deputy commissioner of civil marriages to join together as husband and wife persons allowed by law to be joined in marriage, until the persons proposing such marriage exhibit to him or her a license from the county clerk as provided by law.

2. Any Supreme Court justice, judge of the Court of Appeals, judge of a district court, justice of the peace, municipal judge, minister or other church or religious official authorized to solemnize a marriage, notary public, commissioner of civil marriages or deputy commissioner of civil marriages who violates the provisions of subsection 1 is guilty of a misdemeanor.

**TITLE 19. MISCELLANEOUS MATTERS RELATED TO  
GOVERNMENT AND PUBLIC AFFAIRS  
CHAPTER 240. NOTARIES PUBLIC, COMMISSIONERS OF DEEDS  
AND COMMISSIONED ABSTRACTERS**

**GENERAL PROVISIONS**

**NRS 240.001 Definitions.** As used in NRS 240.001 to 240.206, inclusive, unless the context otherwise requires, the words and terms defined in NRS 240.002 to 240.0067, inclusive, have the meanings ascribed to them in those sections.

**NRS 240.002 “Acknowledgment” defined.** “Acknowledgment” means a declaration by a person that he or she has executed an instrument for the purposes stated therein and, if the instrument is executed in a representative capacity, that the person signed the instrument with proper authority and executed it as the act of the person or entity represented and identified therein.

**NRS 240.0025 “Credible witness” defined.** “Credible witness” means a person who:

1. Swears or affirms that the signer of a document is the person whom he or she claims to be; and
2. Is known personally to the signer of the document and the notarial officer.

**NRS 240.0028 “Domestic partners” defined.** “Domestic partners” has the meaning ascribed to it in NRS 122A.030.

**NRS 240.003 “In a representative capacity” defined.** “In a representative capacity” means:

1. For and on behalf of a corporation, partnership, trust or other entity, as an authorized officer, agent, partner, trustee or other representative;
2. As a public officer, personal representative, guardian or other representative, in the capacity recited in the instrument;
3. As an attorney-in-fact for a principal; or
4. In any other capacity as an authorized representative of another.

**NRS 240.0035 “Jurat” defined.** “Jurat” means a declaration by a notarial officer that the signer

of a document signed the document in the presence of the notarial officer and swore to or affirmed that the statements in the document are true.

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

1. Taking an acknowledgment;
2. Administering an oath or affirmation;
3. Certifying a copy;
4. Executing a jurat;
5. Noting a protest of a negotiable instrument; and
6. Performing such other duties as may be prescribed by a specific statute.

**NRS 240.005 “Notarial officer” defined.** “Notarial officer” means a notary public or an officer authorized to perform notarial acts.

**NRS 240.0055 “Notarial record” defined.** “Notarial record” means:

1. The journal that a notary public is required to keep pursuant to NRS 240.120;
  2. The journal that an electronic notary public is required to keep pursuant to NRS 240.201;
- and
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.

**NRS 240.0063 “Notary public” defined.** “Notary public” means a person appointed to perform a notarial act by the Secretary of State pursuant to NRS 240.010.

**NRS 240.0065 “Person” defined.** “Person” means a natural person.

**NRS 240.0067 “State” defined.** “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

**NRS 240.007 Information and documents filed with or obtained by Secretary of State: Public examination; confidentiality; disclosure.**

1. Except as otherwise provided in subsections 2 and 3, information and documents filed with or obtained by the Secretary of State pursuant to NRS 240.001 to 240.206, inclusive, are public information and are available for public examination.

2. Information and documents filed with or obtained by the Secretary of State pursuant to or in accordance with subsection 3 of NRS 240.010 are not public information and are confidential.

3. Except as otherwise provided in subsections 4 and 5 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 240.206, inclusive, are not public information and are confidential.

4. 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 240.206, inclusive, to the appropriate district attorney for the purpose of prosecuting a criminal action.

5. 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 240.206, inclusive, to an agency of this State or a political subdivision of this State.

## **APPOINTMENT AND PRACTICE**

### **NRS 240.010 Appointment by Secretary of State; cancellation of appointment; unlawful acts; injunctive relief.**

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 or another state has been revoked for cause.
  - (c) Who, except as otherwise provided in subsection 3, has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to:
    - (1) A crime involving moral turpitude; or
    - (2) Burglary, conversion, embezzlement, extortion, forgery, fraud, identity theft, larceny, obtaining money under false pretenses, robbery or any other crime involving misappropriation of the identity or property of another person or entity, if the Secretary of State is aware of such a conviction or plea before the Secretary of State 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 the person has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.
3. A person who has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime involving moral turpitude may apply for appointment as a notary public if the person provides proof satisfactory to the Secretary of State that:
  - (a) More than 10 years have elapsed since the date of the person's release from confinement or the expiration of the period of his or her parole, probation or sentence, whichever is later;
  - (b) The person has made complete restitution for his or her crime involving moral turpitude, if applicable;
  - (c) The person possesses his or her civil rights; and
  - (d) The crime for which the person was convicted or entered a plea is not one of the crimes enumerated in subparagraph (2) of paragraph (c) of subsection 2.
4. A notary public may cancel his or her appointment by submitting a written notice to the Secretary of State.
5. It is unlawful for a person to:
  - (a) Represent himself or herself as a notary public appointed pursuant to this section if the person has not received a certificate of appointment from the Secretary of State pursuant to this chapter, or if his or her appointment is expired, revoked or suspended or is otherwise not in good standing.
  - (b) Submit an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact.
  - (c) Violate any provision of this chapter, including, without limitation, the provisions of NRS 240.085.

6. Any person who violates a provision of paragraph (a) of subsection 5 is liable for a civil penalty of not more than \$2,000 for each violation, plus reasonable attorney's fees and costs.

7. Any person who is aware of a violation of this chapter by a notary public or a person applying for appointment as a notary public may file a complaint with the Secretary of State setting forth the details of the violation that are known by the person who is filing the complaint.

8. The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 5 and recover any penalties, attorney's fees and costs.

**NRS 240.015 General qualifications; expiration of appointment after termination of lawful admission for permanent residency in United States; conditions for appointment of resident of adjoining state.**

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

(a) Be a resident of this State.

(c) Be at least 18 years of age.

(d) Possess his or her civil rights.

(e) Have completed a course of study pursuant to NRS 240.018.

2. 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 that is registered pursuant to chapter 76 of NRS and any applicable business licensing requirements of the local government where the business is located; or

(b) Is regularly employed at an office, business or facility located within the State of Nevada by an employer registered 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 the person's 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 or her term of appointment as a notary public expires, the information required pursuant to subsection 2 of NRS 240.030.

**NRS 240.0155 Prohibition on collecting social security numbers or alternative personally identifying number from notary public or applicant for appointment as notary public.**

The Secretary of State shall not collect the social security number or an alternative personally identifying number, including, without limitation, an individual taxpayer identification number, from a notary public or an applicant for appointment as a notary public.

**NRS 240.017 Regulations of Secretary of State.** The Secretary of State:

1. May adopt regulations:

(a) Prescribing the procedure for the appointment and mandatory training of a notary public.

(b) Establishing procedures for the notarization of digital or electronic signatures.

2. Shall adopt regulations prescribing the form of each affidavit required pursuant to subsection 2 of NRS 240.030.

**NRS 240.018 Courses of study for mandatory training of notaries public; fees; persons required to enroll in and successfully complete course of study; Notary Public Training Account; disposition of excess fees.**

1. The Secretary of State may:
  - (a) Provide courses of study for the mandatory training of notaries public. Such courses of study:
    - (1) Must include at least 3 hours of instruction and an examination relating to the functions and duties of notaries public; and
    - (2) May be conducted in person or online by the Secretary of State or a vendor approved by the Secretary of State.
  - (b) Charge a reasonable fee to each person who enrolls in a course of study for the mandatory training of notaries public.
2. A course of study provided pursuant to this section must comply with the regulations adopted pursuant to subsection 1 of NRS 240.017.
3. The following persons are required to enroll in and successfully complete a course of study provided pursuant to this section:
  - (a) A person applying for appointment as a notary public for the first time.
  - (b) A person renewing his or her appointment as a notary public.
  - (c) A person who has committed a violation of this chapter or whose appointment as a notary public has been suspended, and who has been required by the Secretary of State to enroll in a course of study provided pursuant to this section.
4. The Secretary of State shall deposit the fees collected pursuant to paragraph (b) of subsection 1 in the Notary Public Training Account which is hereby created in the State General Fund. The Account must be administered by the Secretary of State. Any interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward. All claims against the Account must be paid as other claims against the State are paid. The money in the Account may be expended:
  - (a) To pay for expenses related to providing courses of study for the mandatory training of notaries public, including, without limitation, the rental of rooms and other facilities, advertising, travel and the printing and preparation of course materials; or
  - (b) For any other purpose authorized by the Legislature.
5. At the end of each fiscal year, the Secretary of State shall reconcile the amount of the fees collected pursuant to paragraph (b) of subsection 1 and the expenses related to administering the training of notaries public pursuant to this chapter and deposit any excess fees received with the State Treasurer for credit to the State General Fund.

**NRS 240.020 Powers limited to areas within this State; term of office.** A person appointed as a notary public pursuant to this chapter may perform notarial acts in any part of this state for a term of 4 years, unless sooner removed. Such an appointment or registration as an electronic notary public pursuant to NRS 240.192 does not authorize the person to perform notarial acts in another state.

**NRS 240.030 Application for appointment; oath and bond; fingerprints; additional requirements for resident of adjoining state; commencement of term; fee for original, duplicate or amended certificate of appointment.**

1. Each person applying for appointment as a notary public must:
  - (a) At the time the applicant submits his or her 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 the applicant were a public officer.

(c) Submit to the Secretary of State proof satisfactory to the Secretary of State that the applicant 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 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.

(e) Submit to the Secretary of State a declaration under penalty of perjury stating that the applicant has not had an appointment as a notary public revoked or suspended in this State or any other state or territory of the United States.

(f) If required by the Secretary of State, 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 established by regulation of the Secretary of State which must not exceed 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.

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 the application:

(a) An affidavit setting forth the adjoining state in which the applicant resides, the applicant's mailing address and the address of the applicant's place of business or employment that is located within the State of Nevada;

(b) A copy of the applicant's state business license issued pursuant to chapter 76 of NRS and any business license required by the local government where the business is located, if the applicant is self-employed; and

(c) Unless the applicant is self-employed, a copy of the state business license of the applicant's employer, a copy of any business license of the applicant's employer that is required by the local government where the business is located and an affidavit from the applicant's 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.

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 or her 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 the applicant applies for the 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 the notary public 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.

**NRS 240.031 Annual submission of copy of business license by resident of adjoining state.**

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 or her appointment as a notary public, a copy of the state business license of the place of employment of the notary public in the State of Nevada issued pursuant to chapter 76 of NRS, a copy of any license required by the local government where the business is located and the information required pursuant to subsection 2 of NRS 240.030.

**NRS 240.033 Requirements for bond; notification of exhaustion of penal sum; release of surety; suspension of appointment; reinstatement of appointment.**

1. The bond required to be filed pursuant to NRS 240.030 must be executed by the person applying to become a 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 notary public which violates a provision of NRS 240.001 to 240.169, inclusive or, if applicable, an act by the electronic notary public which violates a provision of NRS 240.001 to 240.206, inclusive. 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.

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.

3. The surety bond must cover the period of the appointment of the notary public, except when a surety is released.

4. A surety on a bond filed pursuant to NRS 240.030 may be released after the surety gives 30 days' written notice to the Secretary of State and 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 notary public which is alleged to have occurred while the bond was in effect.

5. The appointment of a notary public is suspended by operation of law when the notary public is no longer covered by a surety bond as required by this section and NRS 240.030 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 notary public in writing that his or her 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.

6. The Secretary of State may reinstate the appointment of a notary public whose appointment has been suspended pursuant to subsection 5, if the notary public, before his or her

current term of appointment expires:

(a) Submits to the Secretary of State:

(1) An application for an amended certificate of appointment as a notary public; and  
(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.

(b) Pays to the Secretary of State a fee of \$10.

**NRS 240.036 Amended certificate of appointment: Required for certain changes in information; suspension for failure to obtain; fee; issuance.**

1. If, at any time during his or her appointment, a notary public changes his or her mailing address, county of residence or signature or, if the notary public is a resident of an adjoining state, changes his or her place of business or employment, the notary public shall submit to the Secretary of State a request for an amended certificate of appointment on a form provided by the Secretary of State. The request must:

(a) Include the new information;

(b) Be submitted within 30 days after making that change; and

(c) Be accompanied by a fee of \$10.

2. The Secretary of State may suspend the appointment of a notary public who fails to provide to the Secretary of State notice of a change in any of the information specified in subsection 1.

3. If a notary public changes his or her name during his or her appointment and the notary public intends to use his or her new name in the performance of notarial duties, the notary public shall submit to the Secretary of State a request for an amended certificate of appointment on a form provided by the Secretary of State. The request must:

(a) Include the new name and signature and the address of the notary public;

(b) Be submitted within 30 days after making the change; and

(c) Be accompanied by a fee of \$10.

4. Upon receipt of a request for an amended certificate of appointment and the appropriate fee, the Secretary of State shall issue an amended certificate of appointment.

5. When the notary public receives the amended certificate of appointment, the notary public shall:

(a) Destroy his or her notary's stamp and obtain a new notary's stamp which includes the information on the amended certificate.

(b) Notify the surety company which issued his or her bond of the changes.

**NRS 240.040 Use of stamp; embossed notarial seal not required; requirements of stamp; storage of stamp.**

1. The statement required by paragraph (d) of subsection 1 of NRS 240.1655 must:

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

(b) Set forth:

(1) The name of the notary public;

(2) The phrase "Notary Public, State of Nevada";

(3) The date on which the appointment of the notary public expires;

- (4) The number of the certificate of appointment of the notary public;
  - (5) If the notary public so desires, the Great Seal of the State of Nevada; and
  - (6) If the notary public is a resident of an adjoining state, the word “nonresident.”
2. After July 1, 1965, an embossed notarial seal is not required 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. A notary public shall keep his or her stamp in a secure location during any period in which the notary public is not using the stamp to perform a notarial act.
  6. As used in this section, “mechanical stamp” includes an imprint made by a computer or other similar technology.

**NRS 240.045 Replacement of lost or inoperable stamp; prerequisite to production of stamp.**

1. If the stamp of a notary public is lost, the notary public shall, within 10 days after the stamp is lost, submit to the Secretary of State a request for an amended certificate of appointment, on a form provided by the Secretary of State, and obtain a new stamp in accordance with NRS 240.036. The request must be accompanied by a fee of \$10.
2. If the stamp is destroyed, broken, damaged or otherwise rendered inoperable, the notary public shall immediately notify the Secretary of State of that fact and obtain a new stamp.
3. A person or governmental entity shall not make, manufacture or otherwise produce a notary’s stamp unless the notary public presents his or her original or amended certificate of appointment or a certified copy of his or her original or amended certificate of appointment to that person or governmental entity.

**NRS 240.051 Actions required upon resignation or death of notary public.**

1. If a notary public resigns or dies during his or her appointment, the notary public, or the executor of the estate of the notary public, as appropriate, shall:
  - (a) Notify the Secretary of State of the resignation or death; and
  - (b) Destroy the notary’s stamp.
2. Upon the receipt of the notice required by subsection 1, the Secretary of State shall cancel the appointment of the notary public, effective on the date on which the notice was received.

**NRS 240.060 Powers of notary public.** A notary public may, during normal business hours, perform notarial acts in lawful transactions for a person who requests the act and tenders the appropriate fee.

**NRS 240.061 Performance of authorized notarial acts; restricted notarial acts.**

1. A notarial officer may perform a notarial act authorized by NRS 240.001 to 240.169, inclusive, or by law of this State other than NRS 240.001 to 240.169, inclusive.
2. A notarial officer other than a notary public may not perform a notarial act with respect to a document to which the officer or the officer’s spouse or domestic partner is a party, or in which either of them has a direct beneficial interest. A notary public may not perform a notarial act if the notarial act is prohibited by NRS 240.001 to 240.169, inclusive. A notarial act performed in violation of this subsection is voidable.

**NRS 240.062 Personal knowledge of identity.** For the purposes of NRS 240.001 to 240.169, inclusive, a notarial officer has personal knowledge of the identity of a person appearing before the officer if the person is personally known to the officer through dealings sufficient to provide reasonable certainty that the person has the identity claimed.

**NRS 240.063 Evidentiary effect of signature; limitations on evidentiary effect of certification of documents.**

1. The signature of a notary public on a document shall be deemed to be evidence only that the notary public knows the contents of the document that constitute the signature, execution, acknowledgment, oath, affirmation or affidavit.

2. When a notary public certifies that a document is a certified or true copy of an original document, the certification shall not be deemed to be evidence that the notary public knows the contents of the document.

**NRS 240.065 Restrictions on powers of notary public; exception.**

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

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

(b) Except as otherwise provided in subsections 2 and 3, 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) The notary public and the person whose signature is to be acknowledged, sworn to or witnessed or attested are domestic partners; or

(d) The person whose signature is to be acknowledged, sworn to or witnessed or attested 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. A notary public who is registered to engage in the business of a document preparation service may perform a notarial act on a document if the notary public has received or will receive directly from a transaction relating to the document a fee for providing document preparation services in addition to the fee authorized pursuant to NRS 240.100 for the notarial act.

4. As used in this section, "relative" includes, without limitation:

(a) A spouse or domestic partner, parent, grandparent or stepparent;

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

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

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

(e) 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 or domestic partner of the notary public.

**NRS 240.075 Prohibited acts.** A notary public shall not:

1. Influence a person to enter or not enter into a lawful transaction involving a notarial act

performed by the notary public.

2. Certify an instrument containing a statement known by the notary public to be false.
3. Perform any act as a notary public with intent to deceive or defraud, including, without limitation, altering the journal that the notary public is required to keep pursuant to NRS 240.120.
4. Endorse or promote any product, service or offering if his or her appointment as a notary public is used in the endorsement or promotional statement.
5. Certify photocopies of a certificate of birth, death or marriage or a divorce decree.
6. Allow any other person to use his or her notary's stamp.
7. Allow any other person to sign the notary's name in a notarial capacity.
8. Perform a notarial act on a document that contains only a signature.
9. Perform a notarial act on a document, including a form that requires the signer to provide information within blank spaces, unless the document has been filled out completely and has been signed.
10. Make or note a protest of a negotiable instrument unless the notary public is employed by a depository institution and the protest is made or noted within the scope of that employment. As used in this subsection, "depository institution" has the meaning ascribed to it in NRS 657.037.
11. Affix his or her stamp to any document which does not contain a notarial certificate.

**NRS 240.085 Advertisements in language other than English to contain notice if notary public is not an attorney; use of certain non-English terms in advertisements prohibited; penalties.**

1. Every notary public who is not an attorney licensed to practice law in this State and who advertises his or her services as a notary public in a language other than English by any form of communication, except a single plaque on his or her desk, shall post or otherwise include with the advertisement a notice in the language in which the advertisement appears. The notice must be of a conspicuous size, if in writing, and must appear in substantially the following form:

I AM NOT AN ATTORNEY IN THE STATE OF NEVADA. I AM NOT LICENSED TO GIVE LEGAL ADVICE. I MAY NOT ACCEPT FEES FOR GIVING LEGAL ADVICE.

2. A notary public who is not an attorney licensed to practice law in this State shall not use the term "notario," "notario publico," "licenciado" or any other equivalent non-English term in any form of communication that advertises his or her services as a notary public, including, without limitation, a business card, stationery, notice and sign.

3. If the Secretary of State finds a notary public guilty of violating the provisions of subsection 1 or 2, the Secretary of State shall:

- (a) Suspend the appointment of the notary public for not less than 1 year.
- (b) Revoke the appointment of the notary public for a third or subsequent offense.
- (c) Assess a civil penalty of not more than \$2,000 for each violation.

4. Unless a greater penalty is provided pursuant to NRS 240.175, a notary public who is found guilty in a criminal prosecution of violating subsection 1 or 2 shall be punished by a fine of not more than \$2,000.

5. An employer of a notary public shall not:

- (a) Prohibit the notary public from meeting the requirements set forth in subsection 1; or
- (b) Advertise using the term "notario," "notario publico," "licenciado" or any other equivalent non-English term in any form of communication that advertises notary public services, including, without limitation, a business card, stationery, notice and sign, unless the notary public under his or her employment is an attorney licensed to practice law in this State.

6. If the Secretary of State finds the employer of a notary public guilty of violating a provision of subsection 5, the Secretary of State shall:

(a) Notify the employer in writing of the violation and order the immediate removal of such language.

(b) Assess a civil penalty of not more than \$2,000 for each violation.

7. Unless a greater penalty is provided pursuant to NRS 240.175, the employer of a notary public who is found guilty in a criminal prosecution of violating a provision of subsection 5 shall be punished by a fine of not more than \$2,000.

**NRS 240.100 Fees for services; additional fees for travel expenses; notarial acts performed within and outside scope of employment.**

1. Except as otherwise provided in subsection 3, a notary public may charge the following fees and no more:

For taking an acknowledgment, for the first signature of each signer	\$ 15.00
For each additional signature of each signer	7.50
For administering an oath or affirmation	7.50
For a certified copy	7.50
For a jurat, for each signature on the affidavit	15.00
For performing a marriage ceremony	75.00

2. All fees prescribed in this section are payable in advance, if demanded.

3. A notary public may charge an additional fee for traveling to perform a notarial act if:

(a) The person requesting the notarial act asks the notary public to travel;

(b) The notary public explains to the person requesting the notarial act that the fee is in addition to the fee authorized in subsection 1 and is not required by law;

(c) The person requesting the notarial act agrees in advance upon the hourly rate that the notary public will charge for the additional fee; and

(d) The additional fee does not exceed:

(1) If the person requesting the notarial act asks the notary public to travel between the hours of 6 a.m. and 7 p.m., \$15 per hour.

(2) If the person requesting the notarial act asks the notary public to travel between the hours of 7 p.m. and 6 a.m., \$30 per hour.

The 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.

4. A notary public is entitled to charge the amount of the additional fee agreed to in advance by the person requesting the notarial act pursuant to subsection 3 if:

(a) The person requesting the notarial act cancels the request after the notary public begins his or her travel to perform the requested notarial act.

(b) The notary public is unable to perform the requested notarial act as a result of the actions of the person who requested the notarial act or any other person who is necessary for the performance of the notarial act.

5. For each additional fee that a notary public charges for traveling to perform a notarial act pursuant to subsection 3, the notary public shall enter in the journal that he or she keeps pursuant to NRS 240.120:

(a) The amount of the fee; and

(b) The date and time that the notary public began and ended such travel.

6. A person who employs a notary public may prohibit the notary public from charging a fee for a notarial act that the notary public performs within the scope of the employment. Such a person shall not require the notary public whom the person employs to surrender to the person all or part of a fee charged by the notary public for a notarial act performed outside the scope of the employment of the notary public.

**NRS 240.110 Posting of table of fees.** If a notary public charges fees for performing notarial acts, the notary public shall publish and set up in some conspicuous place in his or her office a table of those fees, according to this chapter, for the inspection of all persons who have business in his or her office. The schedule must not be printed in smaller than 1/2-inch type. A notary public shall not charge fees unless the notary public has published and set up a table of fees in accordance with this subsection.

**NRS 240.120 Journal of notarial acts: Duty to maintain; contents; verification based upon credible witness; copy of entry; storage; period of retention; report of loss or theft; exceptions.**

1. Except as otherwise provided in subsection 2, each notary public shall keep a journal in his or her office in which the notary public shall enter for each notarial act performed, at the time the act is performed:

- (a) The fees charged, if any;
- (b) The title of the document;
- (c) The date on which the notary public performed the act;
- (d) Except as otherwise provided in subsection 3, the name and signature of the person whose signature is being notarized;
- (e) Subject to the provisions of subsection 4, a description of the evidence used by the notary public to verify the identification of the person whose signature is being notarized;
- (f) An indication of whether the notary public administered an oath; and
- (g) The type of certificate used to evidence the notarial act, as required pursuant to NRS 240.1655.

2. A notary public may make one entry in the journal which documents more than one notarial act if the notarial acts documented are performed:

- (a) For the same person and at the same time; and
- (b) On one document or on similar documents.

3. When performing a notarial act for a person, a notary public need not require the person to sign the journal if:

- (a) The notary public has performed a notarial act for the person within the previous 6 months;
- (b) The notary public has personal knowledge of the identity of the person; and
- (c) The person is an employer or coworker of the notary public and the notarial act relates to a transaction performed in the ordinary course of the person's business.

4. If, pursuant to subsection 3, a notary public does not require a person to sign the journal, the notary public shall enter "known personally" as the description required to be entered into the journal pursuant to paragraph (e) of subsection 1.

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

- (a) Require the witness to sign the journal in the space provided for the description of the

evidence used; and

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

6. The journal must:

(a) Be open to public inspection.

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

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

8. A notary public shall keep his or her journal in a secure location during any period in which the notary public is not making an entry or notation in the journal pursuant to this section.

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

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

11. The provisions of this section do not apply to a person who is authorized to perform a notarial act pursuant to paragraph (b), (c), (d) or (e) of subsection 1 of NRS 240.1635.

**NRS 240.130 Only authorized fees to be charged.** A notary public shall not charge a fee to perform a service unless the notary public is authorized to charge a fee for such a service pursuant to this chapter.

**NRS 240.143 Unlawful possession of certain personal property of notary public.**

1. The following items are the personal property of a notary public:

(a) His or her official stamp;

(b) His or her journal; and

(c) His or her certificate of appointment.

2. It is unlawful for a person who comes into possession of the official stamp, journal or certificate of appointment of a notary public to withhold such an item from the notary public, whether or not the person provided the notary public with the money to acquire the item.

**NRS 240.145 Unlawful reproduction or use of completed notarial certificate; penalty.**

1. It is unlawful for any person to:

(a) Photocopy or otherwise reproduce a completed notarial certificate with a notary's statement and signature if that certificate is reproduced for use in a mailing to endorse, promote or sell any product, service or offering; or

(b) Include a photocopy or other reproduction of a completed notarial certificate with a notary's statement and signature in a mailing to endorse, promote or sell any product, service or offering.

2. Unless a greater penalty is provided pursuant to NRS 240.175, any person who violates any of the provisions of subsection 1 is guilty of a gross misdemeanor.

**NRS 240.147 Unlawful destruction, defacement or concealment of notarial record.** It is unlawful for a person to knowingly destroy, deface or conceal a notarial record.

**NRS 240.150 Liability for misconduct or neglect; liability of employer; penalties for willful violation or neglect of duty; procedure upon revocation or suspension.**

1. For misconduct or neglect in a case in which a notary public appointed pursuant to the

authority of this State may act, either by the law of this State or of another state, territory or country, or by the law of nations, or by commercial usage, the notary public is liable on his or her official bond to the parties injured thereby, for all the damages sustained.

2. The employer of a notary public may be assessed a civil penalty by the Secretary of State of not more than \$2,000 for each violation specified in subsection 4 committed by the notary public, and the employer is liable for any damages proximately caused by the misconduct of the notary public, if:

(a) The notary public was acting within the scope of his or her employment at the time the notary public engaged in the misconduct; and

(b) The employer of the notary public consented to the misconduct of the notary public.

3. The Secretary of State may refuse to appoint or may suspend or revoke the appointment of a notary public who fails to provide to the Secretary of State, within a reasonable time, information that the Secretary of State requests from the notary public in connection with a complaint which alleges a violation of this chapter.

4. Except as otherwise provided in this chapter, for any willful violation or neglect of duty or other violation of this chapter, or upon proof that a notary public has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime described in paragraph (c) of subsection 2 of NRS 240.010:

(a) The appointment of the notary public may be suspended for a period determined by the Secretary of State, but not exceeding the time remaining on the appointment;

(b) The appointment of the notary public may be revoked after a hearing; or

(c) The notary public may be assessed a civil penalty of not more than \$2,000 for each violation.

5. If the Secretary of State revokes or suspends the appointment of a notary public pursuant to this section, the Secretary of State shall:

(a) Notify the notary public in writing of the revocation or suspension;

(b) Cause notice of the revocation or suspension to be published on the website of the Secretary of State; and

(c) If a county clerk has issued a certificate of permission to perform marriages to the notary public pursuant to NRS 122.064, notify the county clerk of the revocation or suspension.

6. Except as otherwise provided by law, the Secretary of State may assess the civil penalty that is authorized pursuant to this section upon a notary public whose appointment has expired if the notary public committed the violation that justifies the civil penalty before his or her appointment expired.

7. The appointment of a notary public may be suspended or revoked by the Secretary of State pending a hearing if the Secretary of State believes it is in the public interest or is necessary to protect the public.

### **NRS 240.155 Notarization of signature of person not in presence of notary public unlawful; penalty.**

1. A notary public who is appointed pursuant to this chapter shall not willfully notarize the signature of a person unless the person is in the presence of the notary public and:

(a) Is known to the notary public; or

(b) If unknown to the notary public, provides a credible witness or documentary evidence of identification to the notary public.

2. Unless a greater penalty is provided pursuant to NRS 240.175, a person who:

- (a) Violates the provisions of subsection 1; or
  - (b) Aids and abets a notary public to commit a violation of subsection 1,
- is guilty of a gross misdemeanor.

## **UNIFORM LAW ON NOTARIAL ACTS**

### **NRS 240.161 Short title; uniformity of application and construction.**

1. NRS 240.161 to 240.169, inclusive, may be cited as the Uniform Law on Notarial Acts.
2. These sections must be applied and construed to effectuate their general purpose to make uniform the law with respect to the subject of these sections among states enacting them.

### **NRS 240.1635 Notarial acts in this State.**

1. A notarial act may be performed within this State by the following persons:
  - (a) A notary public of this State;
  - (b) A judge, clerk or deputy clerk of any court of this State;
  - (c) A justice of the peace;
  - (d) Any other person authorized to perform the specific act by the law of this State; or
  - (e) A person authorized to perform the specific act by the law of a federally recognized Indian tribe or nation.
2. Notarial acts performed within this State under federal authority as provided in NRS 240.1645 have the same effect as if performed by a notarial officer of this State.
3. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

### **NRS 240.164 Notarial acts in other jurisdictions of United States.**

1. A notarial act has the same effect under the law of this State as if performed by a notarial officer of this State, if performed in another state, commonwealth, territory, district or possession of the United States by any of the following persons:
  - (a) A notary public of that jurisdiction;
  - (b) A judge, clerk or deputy clerk of a court of that jurisdiction; or
  - (c) Any other person authorized by the law of that jurisdiction to perform notarial acts.
2. Notarial acts performed in other jurisdictions of the United States under federal authority as provided in NRS 240.1645 have the same effect as if performed by a notarial officer of this State.
3. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.
4. The signature and indicated title of an officer listed in paragraph (a) or (b) of subsection 1 conclusively establish the authority of a holder of that title to perform a notarial act.

### **NRS 240.1645 Notarial acts under federal authority.**

1. A notarial act has the same effect under the law of this State as if performed by a notarial officer of this State if performed anywhere by any of the following persons under authority granted by the law of the United States:
  - (a) A judge, clerk or deputy clerk of a court;
  - (b) A commissioned officer on active duty in the military service of the United States;
  - (c) An officer of the foreign service or consular officer of the United States; or
  - (d) Any other person authorized by federal law to perform notarial acts.

2. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

3. The signature and indicated title of an officer listed in paragraph (a), (b) or (c) of subsection 1 conclusively establish the authority of a holder of that title to perform a notarial act.

**NRS 240.165 Foreign notarial acts.**

1. A notarial act has the same effect under the law of this State as if performed by a notarial officer of this State if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multinational or international organization by the following persons:

- (a) A notary public;
- (b) A judge, clerk or deputy clerk of a court of record;
- (c) A person authorized by the law of that jurisdiction to perform notarial acts;
- (d) A person authorized by federal law to perform notarial acts; or
- (e) A person authorized by the law of a federally recognized Indian tribe or nation to perform notarial acts.

2. A certificate by an officer of the foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by an officer of the foreign service or consular officer of that nation stationed in the United States, conclusively establishes a matter relating to the authenticity or validity of the notarial act set forth in the certificate.

3. An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

4. An official stamp or seal of an officer listed in paragraph (a) or (b) of subsection 1 is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

5. If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

**NRS 240.1655 Notarial acts.**

1. A notarial act must be evidenced by a certificate that:

(a) Identifies the county, including, without limitation, Carson City, in this State in which the notarial act was performed in substantially the following form:

State of Nevada

County of .....

(b) Except as otherwise provided in this paragraph, includes the name of the person whose signature is being notarized. If the certificate is for certifying a copy of a document, the certificate must include the name of the person presenting the document. If the certificate is for the jurat of a subscribing witness, the certificate must include the name of the subscribing witness.

(c) Is signed and dated in ink by the notarial officer performing the notarial act. If the notarial officer is a notary public, the certificate must be signed in the same manner as the signature of the notarial officer that is on file with the Secretary of State.

(d) If the notarial officer performing the notarial act is a notary public, includes the statement imprinted with the stamp of the notary public, as described in NRS 240.040.

(e) If the notarial officer performing the notarial act is not a notary public, includes the title of the office of the notarial officer and may include the official stamp or seal of that office. If the

officer is a commissioned officer on active duty in the military service of the United States, the certificate must also include the officer's rank.

2. Except as otherwise provided in subsection 8, a notarial officer shall:

(a) In taking an acknowledgment, determine, from personal knowledge or satisfactory evidence, that the person making the acknowledgment is the person whose signature is on the document. The person who signed the document shall present the document to the notarial officer in person.

(b) In administering an oath or affirmation, determine, from personal knowledge or satisfactory evidence, the identity of the person taking the oath or affirmation.

(c) In certifying a copy of a document, photocopy the entire document and certify that the photocopy is a true and correct copy of the document that was presented to the notarial officer.

(d) In making or noting a protest of a negotiable instrument, verify compliance with the provisions of subsection 2 of NRS 104.3505.

(e) In executing a jurat, administer an oath or affirmation to the affiant and determine, from personal knowledge or satisfactory evidence, that the affiant is the person named in the document. The affiant shall sign the document in the presence of the notarial officer. The notarial officer shall administer the oath or affirmation required pursuant to this paragraph in substantially the following form:

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

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

(a) Is in the short form set forth in NRS 240.166 to 240.169, inclusive;

(b) Is in a form otherwise prescribed by the law of this State;

(c) Is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or

(d) Sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

4. For the purposes of paragraphs (a), (b) and (e) of subsection 2, a notarial officer has satisfactory evidence that a person is the person whose signature is on a document if the person:

(a) Is personally known to the notarial officer;

(b) Is identified upon the oath or affirmation of a credible witness who personally appears before the notarial officer;

(c) Is identified on the basis of an identifying document which contains a signature and a photograph;

(d) Is identified on the basis of a consular identification card;

(e) Is identified upon an oath or affirmation of a subscribing witness who is personally known to the notarial officer; or

(f) In the case of a person who is 65 years of age or older and cannot satisfy the requirements of paragraphs (a) to (e), inclusive, is identified upon the basis of an identification card issued by a governmental agency or a senior citizen center.

5. An oath or affirmation administered pursuant to paragraph (b) of subsection 4 must be in substantially the following form:

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

6. A notarial officer shall not affix his or her signature over printed material.

7. By executing a certificate of a notarial act, the notarial officer certifies that the notarial officer has complied with all the requirements of this section.

8. If a person is physically unable to sign a document that is presented to a notarial officer pursuant to this section, the person may direct a person other than the notarial officer to sign the person's name on the document. The notarial officer shall insert "Signature affixed by (insert name of other person) at the direction of (insert name of person)" or words of similar import.

9. As used in this section, unless the context otherwise requires, "consular identification card" means an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada.

**NRS 240.1657 Authentication of signature of notarial officer by Secretary of State; limitation on actions brought against Secretary of State; prohibited acts; penalties; regulations.**

1. Except as otherwise provided in subsection 2, the Secretary of State shall, upon request and payment of a fee of \$20, issue an authentication to verify that the signature of the notarial officer on a document intended for use in a foreign country is genuine and that the notarial officer holds the office indicated on the document. If the document:

(a) Is intended for use in a foreign country that is a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue an apostille in the form prescribed by the Hague Convention of October 5, 1961.

(b) Is intended for use in a foreign country that is not a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue a certification.

2. The Secretary of State shall not issue an authentication pursuant to subsection 1 if:

(a) The document has not been notarized in accordance with the provisions of this chapter;

(b) The Secretary of State has reasonable cause to believe that the document may be used to accomplish any fraudulent, criminal or other unlawful purpose; or

(c) The request to issue an authentication does not include a statement, in the form prescribed by the Secretary of State and signed under penalty of perjury, that the document for which the authentication is requested will not be used to:

(1) Harass a person; or

(2) Accomplish any fraudulent, criminal or other unlawful purpose.

3. No civil action may be brought against the Secretary of State on the basis that:

(a) The Secretary of State has issued an authentication pursuant to subsection 1; and

(b) The document has been used to:

(1) Harass a person; or

(2) Accomplish any fraudulent, criminal or other unlawful purpose.

4. A person who uses a document for which an authentication has been issued pursuant to subsection 1 to:

(a) Harass a person; or

(b) Accomplish any fraudulent, criminal or other unlawful purpose, is guilty of a category C felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years, and may be further punished by a fine of not more than \$5,000.

5. The Secretary of State may adopt regulations to carry out the provisions of this section.

**NRS 240.166 Short form for acknowledgment in individual capacity.** Upon compliance with

the requirements of NRS 240.1655, the following certificate is sufficient for an acknowledgment in an individual capacity:

State of Nevada  
County of.....

This instrument was acknowledged before me on .....(date)..... by .....(name(s) of person(s)).....

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
(Title and rank (optional))

**NRS 240.1663 Short form for administering oath or affirmation of office.** Upon compliance with the requirements of NRS 240.1655, the following certificate is sufficient for administering an oath or affirmation of office:

State of Nevada  
County of.....

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

.....  
(Signature of person taking oath or affirmation of office)

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

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
(Title and rank (optional))

**NRS 240.1665 Short form for acknowledgment in representative capacity.** Upon compliance with the requirements of NRS 240.1655, the following certificate is sufficient for an acknowledgment in a representative capacity:

State of Nevada  
County of.....

This instrument was acknowledged before me on .....(date)..... by .....(name(s) of person(s))..... as .....(type of authority, e.g., officer, trustee, etc.)..... of .....(name of party on behalf of whom instrument was executed).....

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
(Title and rank (optional))

**NRS 240.1667 Short form for acknowledgment containing power of attorney.** Upon compliance with the requirements of NRS 240.1655, the following certificate is sufficient for an acknowledgment that contains a power of attorney:

State of Nevada

County of .....

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

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
(Title and rank (optional))

**NRS 240.167 Short form for execution of jurat.** Upon compliance with the requirements of NRS 240.1655, the following certificate is sufficient for executing a jurat:

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))

**NRS 240.168 Short form for certifying copy of document.** Upon compliance with the requirements of NRS 240.1655, the following certificate is sufficient for certifying a copy of a document:

State of Nevada

County of.....

I certify that this is a true and correct copy of a document in the possession of .....(name of person who presents the document).....

Dated.....

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
(Title and rank (optional))

**NRS 240.1685 Short form for jurat of subscribing witness.** Upon compliance with the

requirements of NRS 240.1655, the following certificate is sufficient for a jurat of a subscribing witness:

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))

**NRS 240.169 Short form for acknowledgment of credible witness.** Upon compliance with the requirements of NRS 240.1655, the following certificate is sufficient for an acknowledgment of a credible witness:

State of Nevada

County of.....

This instrument was acknowledged before me on .....(date)..... by .....(name of person)..... who personally appeared before me and whose identity I verified upon the oath of .....(name of credible witness)....., a credible witness personally known to me and to the person who acknowledged this instrument before me.

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
(Title and rank (optional))

**PENALTIES**

**NRS 240.175 Criminal penalties.** A person who willfully violates a provision of NRS 240.001 to 240.169, inclusive, or a regulation or order adopted or issued pursuant thereto is guilty of a category D felony and shall be punished as provided in NRS 193.130 if the offense results in irreparable harm to a person.

**ELECTRONIC NOTARY PUBLIC ENABLING ACT**

**NRS 240.181 Short title.** NRS 240.181 to 240.206, inclusive, may be cited as the Electronic Notarization Enabling Act.

**NRS 240.182 Definitions.** As used in NRS 240.181 to 240.206, inclusive, unless the context otherwise requires, the words and terms defined in NRS 240.1821 to 240.1882, inclusive, have

the meanings ascribed to them in those sections.

**NRS 240.1821 “Audio-video communication” defined.** “Audio-video communication” means communication by which a person is able to see, hear and communicate with another person in real time using electronic means.

**NRS 240.1823 “Credential” defined.** “Credential” means a tangible record evidencing the identity of a person.

**NRS 240.1825 “Dynamic knowledge-based authentication assessment” defined.** “Dynamic knowledge-based authentication assessment” means an identity assessment that is based on a set of questions formulated from public or private data sources for which the person taking the assessment has not previously provided an answer and that meets any rules or regulations adopted by the Secretary of State.

**NRS 240.183 “Electronic” defined.** “Electronic” means of or relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

**NRS 240.184 “Electronic document” defined.** “Electronic document” means a document that is created, generated, sent, communicated, received or stored by electronic means.

**NRS 240.185 “Electronic notarial act” defined.** “Electronic notarial act” means an act that an electronic notary public of this State is authorized to perform. The term includes:

1. Taking an acknowledgment;
2. Administering an oath or affirmation;
3. Executing a jurat;
4. Certifying a true and correct copy; and
5. Performing such other duties as may be prescribed by a specific statute.

**NRS 240.186 “Electronic notary public” defined.** “Electronic notary public” means a person registered with the Secretary of State pursuant to NRS 240.181 to 240.206, inclusive, to perform electronic notarial acts.

**NRS 240.187 “Electronic seal” defined.** “Electronic seal” means information within a notarized electronic document that includes the name, jurisdiction and expiration date of the registration of an electronic notary public and generally includes the information required to be set forth in a mechanical stamp pursuant to NRS 240.040.

**NRS 240.188 “Electronic signature” defined.** “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.

**NRS 240.1882 “In the presence of” or “appear before” defined.** “In the presence of” or “appear before” means being:

1. In the same physical location as another person and close enough to see, hear, communicate with and exchange credentials with that person; or

2. In a different physical location from another person but able to see, hear and communicate with the person by means of audio-video communication that meets any rules or regulations adopted by the Secretary of State.

**NRS 240.189 Applicability.** An electronic notary public shall comply with those provisions of NRS 240.001 to 240.169, inclusive, which are not inconsistent with NRS 240.181 to 240.206, inclusive. To the extent that the provisions of NRS 240.001 to 240.169, inclusive, conflict with the provisions of NRS 240.181 to 240.206, inclusive, the provisions of NRS 240.181 to 240.206, inclusive, control.

**NRS 240.191 Unlawful acts; injunctive relief.**

1. It is unlawful for a person to:

(a) Represent himself or herself as an electronic notary public if the person has not registered with the Secretary of State pursuant to NRS 240.192.

(b) Submit a registration as an electronic notary public that contains a substantial and material misstatement or omission of fact.

2. The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 1.

**NRS 240.192 Registration; oath and bond; fee.**

1. Except as otherwise provided in subsection 5, each person registering as an electronic notary public must:

(a) At the time of registration, be a notarial officer in this State who has complied with the requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030 and have complied with all applicable notarial requirements set forth in this chapter;

(b) Register with the Secretary of State by submitting an electronic registration pursuant to subsection 2;

(c) Pay to the Secretary of State a registration fee of \$50, which is in addition to the application fee required pursuant to NRS 240.030 to be a notarial officer in this State; and

(d) Submit to the Secretary of State with the registration proof satisfactory to the Secretary of State that the registrant has:

(1) Successfully completed any required course of study on electronic notarization provided pursuant to NRS 240.195; and

(2) Complied with the requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030 and 240.033.

2. Unless the Secretary of State establishes a different process for submitting a registration as an electronic notary public, the registration as an electronic notary public must be submitted as an electronic document by electronic mail to [nvnotary@sos.nv.gov](mailto:nvnotary@sos.nv.gov) or, if another electronic mail address is designated by the Secretary of State, to such other designated electronic mail address, and must contain, without limitation, the following information:

(a) All information required to be included in an application for appointment as a notary public pursuant to NRS 240.030.

(b) A description of the technology or device that the registrant intends to use to create his or her electronic signature in performing electronic notarial acts.

(c) The electronic signature of the registrant.

(d) Any other information required pursuant to any rules or regulations adopted by the

Secretary of State.

3. Unless the Secretary of State establishes a different process for the payment of the registration fee required pursuant to paragraph (c) of subsection 1, the registration fee must be paid by check or draft, made payable to the Secretary of State and transmitted to the Office of the Secretary of State.

4. Except as otherwise provided in subsection 5, registration as an electronic notary public shall be deemed effective upon the payment of the registration fee required pursuant to paragraph (c) of subsection 1 if the registrant has satisfied all other applicable requirements.

5. The Secretary of State may establish a process for a person to simultaneously apply for appointment as a notary public and register as an electronic notary public. If the Secretary of State establishes such a process, registration as an electronic notary public shall be deemed effective upon the person complying with:

(a) The requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030 and 240.033 and with all other applicable notarial requirements set forth in this chapter; and

(b) The requirements set forth in this section to register as an electronic notary.

**NRS 240.193 Requirements for bond; notification of exhaustion of penal sum; release of surety; suspension of appointment; reinstatement of appointment. Repealed.**

**NRS 240.194 Period of registration; suspension of registration by operation of law; changes of information.**

1. The period of registration of an electronic notary public is coterminous with his or her term of appointment as a notary public pursuant to NRS 240.010. Registration as an electronic notary public must be renewed at the same time a person renews his or her appointment as a notary public.

2. The registration 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 registration 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 or her registration as an electronic notary public will be suspended by operation of law until he or she is appointed as a notary public in this State.

3. If, at any time, a registered electronic notary public changes his or her electronic mail address, county of residence, name, electronic signature or the technology or device used to create his or her electronic signature, the electronic notary public shall, within 10 days after making the change, submit to the Secretary of State:

(a) An electronic document, signed with the electronic signature submitted by the electronic notary public pursuant to subsection 2 of NRS 240.192, that includes the change of information; and

(b) A fee of \$10.

**NRS 240.1943 Course of study for registration.**

1. Except as otherwise provided in this section, a notary public who registers with the Secretary of State as an electronic notary public pursuant to NRS 240.192 for the first time must successfully complete any required course of study on electronic notarization required pursuant to NRS 240.195 before filing such registration with the Secretary of State.

2. A notary public may register with the Secretary of State as an electronic notary public

pursuant to NRS 240.192 and thereafter perform the functions of an electronic notary public pursuant to this chapter without completing any course of study on electronic notarization required pursuant to NRS 240.195 if, at the time of registration, the course of study is not yet offered by the Secretary of State or a vendor approved by the Secretary of State.

3. If a notary public registers and performs the functions of an electronic notary public without first completing any required course of study on electronic notarization pursuant to subsection 2, he or she must complete the required course of study and pass any required examination within 120 days after the course of study is first offered by the Secretary of State or a vendor approved by the Secretary of State. The registrant shall thereafter complete any required course of study in accordance with paragraph (b) or (c) of subsection 3 of NRS 240.195, as applicable.

**NRS 240.195 Courses of study required; persons required to successfully complete course of study; fees; regulations.**

1. In addition to any courses of study a notary public is required to complete pursuant to NRS 240.018, the Secretary of State may, by rule or regulation, require a notary public who registers with the Secretary of State as an electronic notary public pursuant to NRS 240.192 to complete an additional course of study on electronic notarization in accordance with this section.

2. Except as otherwise provided in subsection 3, a registrant as an electronic notary public must successfully:

(a) Complete any course of study on electronic notarization that is required pursuant to subsection 1 in accordance with the requirements of subsection 6; and

(b) Pass an examination at the completion of the course.

3. The following persons are required to enroll in and successfully complete any course of study on electronic notarization that is required pursuant to subsection 1:

(a) A person registering for the first time as an electronic notary public;

(b) A person renewing his or her registration as an electronic notary public; and

(c) A person who has committed a violation of this chapter or whose registration as an electronic notary public has been suspended, and who has been required by the Secretary of State to enroll in a course of study provided pursuant to this section.

4. A course of study required to be completed pursuant to subsection 1 must:

(a) Be taken online and be of a duration of not more than 3 hours, including instruction and completion of an examination of the course content;

(b) Provide instruction in electronic notarization, including, without limitation, notarial law and ethics, technology and procedures;

(c) Comply with any regulations adopted pursuant to NRS 240.206 relating to courses of study on electronic notarization; and

(d) Be approved by the Secretary of State.

5. The Secretary of State may, with respect to a course of study required to be completed pursuant to subsection 1, charge a reasonable fee to each person who enrolls in such a course of study.

6. A course of study provided pursuant to this section:

(a) Must satisfy the criteria set forth in subsection 4 and comply with any requirements set forth in the regulations adopted pursuant to NRS 240.206 relating to courses of study on electronic notarization.

(b) May be provided by the Secretary of State or a vendor approved by the Secretary of State.

7. The Secretary of State shall deposit the fees collected pursuant to subsection 5 in the Notary Public Training Account created pursuant to NRS 240.018.

**NRS 240.196 Powers of electronic notary public.** A person registered as an electronic notary public pursuant to NRS 240.181 to 240.206, inclusive, may perform the following electronic notarial acts for a person who requests the electronic notarial act and tenders any authorized fee:

1. Taking an acknowledgment;
2. Executing a jurat;
3. Administering an oath or affirmation;
4. Certifying a true and correct copy; and
5. Performing such other duties as prescribed by law.

**NRS 240.197 Fees for services; additional fees for travel expenses; electronic notarial acts performed within and outside scope of employment; exceptions.**

1. Except as otherwise provided in this section:

(a) An electronic notary public may charge the following fees:

- (1) For taking an acknowledgment, for each signature.....\$25
- (2) For executing a jurat, for each signature.....\$25
- (3) For administering an oath or affirmation.....\$25

(b) An electronic notary public shall not charge a fee to perform an electronic notarial act unless he or she is authorized to charge a fee for such an electronic notarial act pursuant to this section.

(c) All fees prescribed in this section are payable in advance, if demanded.

(d) An electronic notary public may charge an additional fee for traveling to perform an electronic notarial act if:

(1) The person requesting the electronic notarial act asks the electronic notary public to travel;

(2) 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 paragraph (a) and is not required by law;

(3) 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

(4) The additional fee for travel does not exceed:

(I) 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.

(II) 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.

(e) 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 paragraph (d) if:

(1) The person requesting the electronic notarial act cancels the request after the electronic notary public begins traveling to perform the requested electronic notarial act.

(2) 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.

(f) For each additional fee for travel that an electronic notary public charges pursuant to paragraph (d), the electronic notary public shall enter in the electronic journal that he or she keeps pursuant to NRS 240.201:

(1) The amount of the fee; and

(2) The date and time that the electronic notary public began and ended such travel.

(g) An electronic notary public may charge a reasonable fee to recover any cost of providing a copy of an entry or a recording of an audio-video communication in an electronic journal maintained pursuant to NRS 240.201.

2. 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 the employment. Such a person shall not require the electronic notary public whom the person employs to surrender to the person all or part of a fee charged by the electronic notary public for an electronic notarial act performed outside the scope of the employment of the electronic notary public.

3. An electronic notary public who is an officer or employee of the State or a local government shall not charge a fee for an electronic notarial act that the electronic notary public performs within the scope of such employment.

4. This section does not apply to any compensation for services provided by an electronic notary public which do not constitute electronic notarial acts or comply with the other requirements of this chapter.

**NRS 240.198 Notarization of signature of person not in presence of notary public unlawful; penalty; powers limited to areas within this State; certain notarial acts deemed performed within this State.** Except as otherwise specifically provided by law:

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) Is known to the electronic notary public; or

(b) If unknown to the electronic notary public, provides a credible witness or documentary evidence of identification to the electronic notary public.

2. A person who:

(a) Violates the provisions of subsection 1; or

(b) Aids and abets an electronic notary public to commit a violation of subsection 1, is guilty of a gross misdemeanor.

3. Registration as an electronic notary public pursuant to NRS 240.181 to 240.206, inclusive, does not authorize the electronic notary public to perform notarial acts in another state.

4. A notarial act performed by an electronic notary public in this State for a person located outside this State by means of audio-video communication in accordance with the provisions of this chapter shall not be deemed to be performed outside this State.

**NRS 240.199 Evidence of electronic notarial act; electronic document to be tamper-evident.**

1. 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) The electronic signature of the electronic notary public;

- (b) The electronic seal of the electronic notary public; and
- (c) The wording of a notarial certificate pursuant to NRS 240.1655, 240.166 to 240.167, inclusive, 240.1685 or 240.169, including, without limitation, language explicitly stating that the notarial act was performed using audio-video communication, if applicable.

2. Upon the completion of an electronic notarial act in accordance with subsection 1, an electronic notary public shall use technology to render the electronic document tamper-evident.

**NRS 240.1992 Short form for certifying copy of electronic document.** Upon compliance with the requirements of NRS 240.199, the following certificate is sufficient for certifying that a paper document is a true and correct copy of an electronic document:

State of Nevada

County of.....

I certify that this is a true and correct copy of an electronic document printed by me or under my supervision. I further certify that, at the time of printing, no security features present on the electronic document indicated any changes or errors in an electronic signature or other information in the electronic document since its creation or execution.

Dated.....

.....

(Signature of notarial officer)

(Seal, if any)

.....

(Title and rank (optional))

**NRS 240.1991 Requirements for use of audio-video communication: Technology.**

1. An electronic notary public may perform any of the acts set forth in NRS 240.196 using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and any rules or regulations adopted by the Secretary of State.
2. Before an electronic notary public performs electronic notarial acts using audio-video communication, he or she must register with the Secretary of State pursuant to NRS 240.192 and identify the technology that the electronic notary public intends to use, which must conform to any rules or regulations adopted by the Secretary of State.
3. If an electronic notarial act is performed using audio-video communication:
  - (a) The technology used must allow the persons communicating to see and speak to each other simultaneously;
  - (b) The signal transmission must be in real time; and
  - (c) The electronic notarial act must be recorded in accordance with NRS 240.1995.

**NRS 240.1993 Requirements for use of audio-video communication: Location.**

1. An electronic notary public may perform an electronic notarial act using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and any rules or regulations adopted by the Secretary of State for a person who is physically located:
  - (a) In this State;
  - (b) Outside this State but within the United States; or
  - (c) Outside the United States if:
    - (1) The electronic notary public has no actual knowledge of the electronic notarial act being prohibited in the jurisdiction in which the person is physically located; and

(2) The person placing his or her electronic signature on the electronic document confirms to the electronic notary public that the requested electronic notarial act and the electronic document:

(I) Are part of or pertain to a matter that is to be filed with or is currently before a court, governmental entity or other entity in the United States;

(II) Relate to property located in the United States; or

(III) Relate to a transaction substantially connected to the United States.

2. An electronic notary public who is registered with the Secretary of State pursuant to NRS 240.192 may perform an electronic notarial act using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and any rules or regulations adopted by the Secretary of State if the electronic notary public is physically present in this State at the time of performing the electronic notarial act, regardless of whether the person who placed the electronic signature on the electronic document is physically located in another jurisdiction at the time of the electronic notarial act. The validity of the notarial act will be determined by applying the laws of this State.

**NRS 240.1995 Duty to record electronic notarial acts performed using audio-video communication; identification by personal knowledge or credible witness; period of retention.**

1. An electronic notary public shall arrange for a recording to be made of each electronic notarial act performed using audio-video communication. Before performing any electronic notarial act using audio-video communication, the electronic notary public must inform all participating persons that the electronic notarization will be electronically recorded.

2. If the person for whom the electronic notarial act is being performed is identified by personal knowledge, the recording of the electronic notarial act must include an explanation by the electronic notary public as to how he or she knows the person and how long he or she has known the person.

3. If the person for whom the electronic notarial act is being performed is identified by a credible witness:

(a) The credible witness must appear before the electronic notary public; and

(b) The recording of the electronic notarial act must include:

(1) A statement by the electronic notary public as to whether he or she identified the credible witness by personal knowledge or satisfactory evidence; and

(2) An explanation by the credible witness as to how he or she knows the person for whom the electronic notarial act is being performed and how long he or she has known the person.

4. An electronic notary public shall keep a recording made pursuant to this section for a period of not less than 7 years, regardless of whether the electronic notarial act was actually completed.

**NRS 240.1997 Electronic notarial acts using audio-video communication: Confirmation of identity.**

1. For the purposes of performing an electronic notarial act for a person using audio-video communication, an electronic notary public has satisfactory or documentary evidence of the identity of the person if the electronic notary public confirms the identity of the person by:

(a) Personal knowledge;

(b) Each of the following:

(1) Remote presentation by the person of a government-issued identification credential that

contains a photograph and the signature of the person;

(2) Credential analysis of the government-issued identification credential and the data thereon; and

(3) A dynamic knowledge-based authentication assessment;

(c) Any other method that complies with any rules or regulations adopted by the Secretary of State; or

(d) A valid certificate that complies with any rules or regulations adopted by the Secretary of State.

2. As used in this section:

(a) "Certificate" has the meaning ascribed to it in NRS 720.030.

(b) "Credential analysis" means a process or service that complies with any rules or regulations adopted by the Secretary of State through which a third party affirms the validity of a government-issued identification credential or any data thereon through the review of data sources.

(c) "Remote presentation" means the transmission of a quality image of a government-issued identification credential to an electronic notary public through communication technology for the purpose of enabling the electronic notary public to identify the person appearing before the electronic notary public and to perform a credential analysis.

#### **NRS 240.1999 Recording certain electronic documents relating to real property.**

1. If an electronic document relating to real property located in this State contains an electronic acknowledgment, notwithstanding any omission or error in the certificate of acknowledgment or failure of the document to show an acknowledgment in compliance with applicable law, upon the document being recorded with the county recorder of the county in which the real property is located or filed with the Secretary of State:

(a) The electronic document shall be deemed to be lawfully recorded or filed; and

(b) All persons, including, without limitation, any creditor, encumbrancer, mortgagee, subsequent purchaser for valuable consideration or any other subsequent transferee thereof or of any interest therein, are deemed to have notice of its contents.

2. For the purposes of this section, a document is deemed to comply with all applicable requirements upon the acceptance for recording by the county recorder of the county in which the real property is located or the filing of the document with the Secretary of State, as required by law.

#### **NRS 240.201 Duty to keep electronic journal of electronic notarial acts; suspension of registration for failure to produce electronic journal entry; period of retention of notarial records upon surrender, revocation or expiration of registration.**

1. An electronic notary public shall keep an electronic journal of each electronic notarial act which includes, without limitation, the requirements of subsections 1 and 5 of NRS 240.120, but does not include the electronic signatures of the person for whom the electronic notarial act was performed and any witnesses.

2. An electronic notary public who performs electronic notarial acts shall:

(a) Describe each electronic notarial act in the electronic journal and specify whether the electronic notarial act was performed using audio-video communication;

(b) Maintain and protect the electronic journal at all times under his or her sole control; and

(c) Provide for lawful inspection and copying of the electronic journal.

3. An electronic notary public may maintain more than one electronic journal to record

electronic notarial acts.

4. The fact that the employer or contractor of an electronic notary public keeps a record of electronic notarial acts does not relieve the electronic notary public of the duties required by this section.

5. An electronic journal must:

(a) Enable access by a password or other secure means of authentication; and

(b) Be capable of providing tangible or electronic copies of any entry made therein.

6. The Secretary of State may suspend the registration of an electronic notary public who fails to produce any electronic journal entry within 10 days after receipt of a request from the Secretary of State.

7. Upon surrender, revocation or expiration of a registration as an electronic notary public, all notarial records required pursuant to NRS 240.001 to 240.206, inclusive, must, except as otherwise provided by law, be kept by the electronic notary public for a period of 7 years after the termination of the registration of the electronic notary public.

8. As used in this section, "sole control" means being in the direct physical custody of or safeguarded by an electronic notary public with a password or other secure means of authentication.

**NRS 240.202 Use of electronic signature and electronic seal; safeguarding of electronic signature, electronic seal and notarial records; maintenance of technology or device used to create electronic signature.**

1. The electronic signature and electronic seal of an electronic notary public must be used only for the purposes of performing electronic notarial acts.

2. An electronic notary public shall safeguard his or her electronic signature, the electronic seal and all notarial records maintained by the electronic notary public as follows:

(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.

(b) An electronic notary public shall not permit his or her electronic signature or electronic seal to be used by any other person.

(c) An electronic notary public shall not surrender or destroy his or her notarial records except as otherwise required by the order of a court or as allowed pursuant to NRS 240.001 to 240.206, inclusive, or any regulations adopted pursuant thereto.

(d) Except as otherwise provided in subsection 3, an electronic notary public, within 10 days after discovering that his or her electronic signature or electronic seal has been stolen, lost, damaged or otherwise rendered incapable of affixing a legible image, shall:

(1) Inform the appropriate law enforcement agency in the case of theft or vandalism; and

(2) Notify the Secretary of State and the entity from which the electronic notary public obtained the electronic signature or electronic seal in writing, including, without limitation, a signature using the name under which the electronic notary public is registered pursuant to NRS 240.192.

3. An electronic notary public shall take reasonable steps to maintain the technology or device used to create his or her 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 or her electronic signature has been rendered ineffective or unsecure, an electronic notary public shall cease performing electronic notarial acts until:

- (a) A new technology or device is acquired; and
- (b) The electronic notary public sends an electronic notice to the Secretary of State that includes the electronic signature of the electronic notary public required pursuant to paragraph (c) of subsection 2 of NRS 240.192 relating to the new technology or device.

**NRS 240.203 Notice to Secretary of State of death of electronic notary public or surrender, revocation or expiration of registration; duty to erase, delete, destroy or otherwise render ineffective notary's electronic signature technology or device.**

1. Except as otherwise provided in subsection 3, if an electronic notary public dies during his or her period of registration, or if the registration of the electronic notary public is surrendered or revoked or expires, the electronic notary public, the executor of his or her estate or an authorized representative of the electronic notary public, as appropriate, shall:

- (a) Notify the Secretary of State of the death, surrender, revocation or expiration; and
- (b) Erase, delete, destroy or otherwise render ineffective the technology or device used to create his or her electronic signature.

2. Upon receipt of the notice required by subsection 1, the Secretary of State shall cancel the registration of the electronic notary public, effective on the date on which the notice was received.

3. A former electronic notary public whose previous registration as an electronic notary public was not revoked and whose previous registration 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 or her electronic signature if the former electronic notary public renews his or her registration, using the same electronic signature, within 3 months after the expiration of his or her previous registration as an electronic notary public.

**NRS 240.204 Unlawful acts.**

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 registered in accordance with NRS 240.181 to 240.206, inclusive, is guilty of a gross misdemeanor.

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 gross misdemeanor.

**NRS 240.205 Authentication of signature of electronic notary public by Secretary of State; penalty; regulations.**

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) Signed by the Secretary of State; and
- (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.

2. The Secretary of State shall not issue an authentication pursuant to subsection 1 if:

- (a) The electronic document has not been electronically notarized in accordance with the provisions of NRS 240.001 to 240.206, inclusive;
- (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; or

(c) The request to issue an authentication does not include a statement, in the form prescribed by the Secretary of State and signed under penalty of perjury, that the document for which the authentication is requested will not be used to:

(1) Harass a person; or

(2) Accomplish any fraudulent, criminal or other unlawful purpose.

3. No civil action may be brought against the Secretary of State on the basis that:

(a) The Secretary of State has issued an authentication pursuant to subsection 1; and

(b) The document has been used to:

(1) Harass a person; or

(2) Accomplish any fraudulent, criminal or other unlawful purpose.

4. A person who uses a document for which an authentication has been issued pursuant to subsection 1 to:

(a) Harass a person; or

(b) Accomplish any fraudulent, criminal or other unlawful purpose,

is guilty of a category C felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years, and may be further punished by a fine of not more than \$5,000.

5. The Secretary of State may adopt regulations to carry out the provisions of this section.

**NRS 240.206 Regulations.** The Secretary of State may adopt regulations to carry out the provisions of NRS 240.181 to 240.206, inclusive.

## **TITLE 59. ELECTRONIC RECORDS AND TRANSACTIONS CHAPTER 719. ELECTRONIC TRANSACTIONS (UNIFORM ACT)**

### **NRS 719.280 Notarization and acknowledgment.**

If a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

## **NEVADA ADMINISTRATIVE CODE CHAPTER 240. NOTARIES PUBLIC**

### **GENERAL PROVISIONS**

**NAC 240.200 Fee for processing application for notary public or electronic notary public nonrefundable.** (NRS 240.017, 240.192, 240.206) The fee required to be paid to the Secretary of State pursuant to the provisions of paragraph (a) of subsection 1 of NRS 240.030 and NRS 240.192 at the time the application for appointment as a notary public or registration as an electronic notary public is submitted is imposed for the purpose of processing the application or registration and is not refundable.

(Added to NAC by Sec'y of State, eff. 9-1-94; A by R065-19, 12-30-2019)

### **APPLICATIONS FOR APPOINTMENT**

**NAC 240.205 Revocation of appointment for returned check which was used to pay**

**application fee.** (NRS 240.017)

1. If a check which is used to pay the application fee for appointment as a notary public or the fee for filing the required bond and oath is returned by a bank for lack of sufficient funds, the Secretary of State may immediately and without a hearing revoke the appointment of the notary public.

2. A notary public whose appointment is revoked pursuant to this section must reapply for appointment pursuant to the provisions of NRS 240.030.

(Added to NAC by Sec'y of State, eff. 11-3-95)

**NAC 240.210 Form of name: Application; bond; official signature.** (NRS 240.017)

1. A person applying for appointment as a notary public may use his or her given name, a short or familiar form of his or her given name or the first initial of his or her given name, followed by the person's surname.

2. The bond that a person applying for appointment as a notary public must enter into pursuant to the provisions of paragraph (d) of subsection 1 of NRS 240.030 must be entered under the same form of the person's name that appears on the application for appointment.

3. A notary public may use his or her given name, a short or familiar form of his or her given name or the first initial of his or her given name, followed by the notary public's surname, as his or her official signature which must be consistent with the original signature on the application for appointment as a notary public.

(Added to NAC by Sec'y of State, eff. 9-1-94; A by R065-19, 12-30-2019)

**NAC 240.215 Fingerprints, written authorization and processing fee required to be submitted with application.** (NRS 240.017, 240.030) 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.

(Added to NAC by Sec'y of State by R116-13, eff. 3-28-2014)

**NAC 240.220 Incomplete applications.** (NRS 240.017) If an application for appointment as a notary public is incomplete, the Secretary of State will retain the application for at least 1 year from the date of receipt of the application. If the clerk of the county in which the applicant resides does not certify to the Secretary of State that the applicant's bond and oath have been filed and recorded within 1 year from the date of receipt of the application, the Secretary of State may destroy the application.

(Added to NAC by Sec'y of State, eff. 9-1-94)

**NAC 240.223 Assignment of identification number.** (NRS 240.017)

1. The Secretary of State will assign a unique number to each original certificate of appointment prepared by his or her Office. The number will be used to identify the notary public whose name appears on the certificate of appointment, must remain assigned to the notary public throughout the period of his or her appointment and must be included on each duplicate or amended certificate of appointment issued to the notary public by the Secretary of State.

2. If a notary public applies for a subsequent period of appointment, he or she must be

assigned a new number.

3. No certificate of appointment issued before October 1, 1995, and no statement or stamp prepared before that date for use pursuant to NRS 240.040 need contain the number assigned to the notary public.

(Added to NAC by Sec'y of State, eff. 11-3-95)

**NAC 240.235 Period of appointment.** (NRS 240.017)

1. Except as otherwise provided in subsection 2, the period of appointment of a notary public begins on the effective date of the bond entered into pursuant to the provisions of NRS 240.030.

2. If the bond does not have an effective date, or if no bond is required, the period of appointment begins on the date the Secretary of State signs the certificate of appointment.

(Added to NAC by Sec'y of State, eff. 11-3-95)

**NAC 240.240 Cancellation of appointment.** (NRS 240.017) The cancellation of the appointment of a notary public pursuant to subsection 4 of NRS 240.010 is effective upon receipt by the Secretary of State of the notice requesting cancellation of the appointment.

(Added to NAC by Sec'y of State, eff. 9-1-94; A 11-3-95; R175-97, 1-20-98)

**NAC 240.250 Complaint of alleged violation of chapter to be filed with Secretary of State; notification of complaint to be provided to notary public; determination of Secretary of State regarding hearing.** (NRS 240.017)

1. A person may file a complaint in writing with the Secretary of State alleging that a notary public has violated one or more of the provisions of chapter 240 of NRS. The complaint must include:

- (a) The name of the notary public;
- (b) If known, the name of the county in which the notary public resides;
- (c) If known and if assigned, the number on the certificate of appointment of the notary public;
- (d) An explanation of the reason for the complaint and, if known, the citation of each statutory provision which the notary public is alleged to have violated;
- (e) A copy of each document which is related to the matter;
- (f) Whether the notarial act was an electronic notarial act performed using audio-video communication; and
- (g) Such other information as the person considers relevant to the matter.

2. The complaint may be filed in person, by facsimile machine or by mail.

3. Within 15 days, excluding Saturdays, Sundays and legal holidays, after receiving a complaint, the Secretary of State will notify in writing the notary public who is the subject of the complaint. In the notice, the Secretary of State will include a copy of the complaint. The notice must be sent by certified mail or other delivery method with a tracking mechanism and must contain:

- (a) A statement of the statutory provision which the notary public is alleged to have violated;
- (b) An explanation of the possible disciplinary actions that may be taken against the notary public;
- (c) Instructions for the notary public to respond to the complaint by mail or by facsimile machine; and
- (d) A statement that the notary public must respond to the complaint within 10 days after receiving the notice.

4. If, after receiving the response from the notary public, the Secretary of State determines that a hearing is not warranted, he or she will provide notification of his or her determination and the reasons therefor to the notary public and the person who filed the complaint.

(Added to NAC by Sec’y of State, eff. 11-3-95; A by R065-19, 12-30-2019)

**NAC 240.260 Requirements to qualify as resident; residency in this state required during term of appointment. (NRS 240.017)**

1. No applicant for appointment as a notary public qualifies as a resident of this state pursuant to the requirements of NRS 240.015 unless he or she has been actually, physically and corporeally present in this state with the intent to establish permanent habitation for at least 30 days before the date on which he or she submitted his or her application.

2. A notary public must maintain residency in this state during the term of his or her appointment.

(Added to NAC by Sec’y of State, eff. 11-3-95)

**NAC 240.262 Nonresident applicant for appointment as notary public: Form of affidavit setting forth address of applicant’s residence and place of business or employment. (NRS 240.017)** The following form must be used by an applicant for appointment as a notary public who resides in an adjoining state if the applicant is not self-employed:

NONRESIDENT NOTARY PUBLIC  
AFFIDAVIT OF APPLICANT

STATE OF.....

COUNTY OF.....

I, .....(Name of Applicant)....., being first duly sworn, state upon personal knowledge and under penalty of perjury as follows:

1. The address of my residence is.....

.....

2. I am employed by.....

3. The address of my place of employment is.....

.....

4. The telephone number at my place of employment is.....

DATED this.....(day) of.....(month) of.....(year)

.....  
Signature of Applicant

Signed and sworn to before me on.....(date).....by.....  
(Signature of Applicant).....

.....  
Signature of Notary Public

(Added to NAC by Sec’y of State by R175-97, eff. 1-20-98)

**NAC 240.264 Nonresident applicant for appointment as notary public: Form of affidavit confirming applicant's employment within State of Nevada if applicant not self-employed.** (NRS 240.017) The following form must be used by the employer an applicant for appointment as a notary public who resides in an adjoining state if the applicant is not self-employed:

NONRESIDENT NOTARY PUBLIC  
AFFIDAVIT OF EMPLOYER OF APPLICANT

STATE OF.....  
COUNTY OF.....

I, .....(Name of Employer)....., being first duly sworn, state upon personal knowledge and under penalty of perjury as follows:

- 1. My business, .....(Name of Business)....., is licensed to do business in the State of Nevada.
- 2. The address of my place of business is.....  
.....
- 3. The telephone number at my place of business is.....
- 4. ....(Name of Employee/Applicant)..... is regularly employed at my place of business within the State of Nevada.

DATED this.....(day) of.....(month) of.....(year)

.....  
Signature of Employer

Signed and sworn to before me on .....(date).....by.....  
(Signature of Employer).....

.....  
Signature of Notary Public  
(Added to NAC by Sec'y of State by R175-97, eff. 1-20-98)

**NAC 240.266 Nonresident applicant for appointment as notary public: Form of affidavit for self-employed applicant confirming maintenance by applicant of business within State of Nevada.** (NRS 240.017) The following form must be used by an applicant for appointment as a notary public who resides in an adjoining state if the applicant is self-employed:

NONRESIDENT NOTARY PUBLIC  
AFFIDAVIT OF SELF-EMPLOYED APPLICANT

STATE OF.....  
COUNTY OF.....

I, .....(Name of Self-Employed Applicant)....., being first duly sworn, state upon personal knowledge and under penalty of perjury as follows:

1. The address of my residence is.....
2. I am self-employed.
3. My business, .....(Name of Business)....., is licensed to do business in the State of Nevada.
4. The address of my place of business is.....
5. The telephone number at my place of business is.....

DATED this.....(day) of.....(month) of.....(year)

Signature of Self-Employed Applicant  
 Signed and sworn to before me on .....(date).....by.....  
 (Signature of Self-Employed Applicant).....

Signature of Notary Public  
 (Added to NAC by Sec’y of State by R175-97, eff. 1-20-98)

**NAC 240.270 Courses of study for mandatory training of notaries public.** (NRS 240.017, 240.018)

1. The Secretary of State will provide at least one course of study per month for the mandatory training of notaries public.
2. An applicant for appointment as a notary public who is required pursuant to NRS 240.018 to enroll in and successfully complete a course of study for the mandatory training of notaries public must include with his or her application a certificate of successful completion of such a course, which must contain a validation stamp from the Secretary of State. A certificate of successful completion of a course of study for the mandatory training of notaries public is valid for 90 days after the date of its issuance.
3. The Secretary of State may authorize the provision of a course of study for the mandatory training of notaries public and electronic notaries public by a qualified third party subject to the terms and conditions established by the Secretary of State or a designee of the Secretary of State.  
 (Added to NAC by Sec’y of State, eff. 11-3-95; A by R114-07, 4-17-2008; R065-19, 12-30-2019)

**STANDARDS OF PRACTICE**

**NAC 240.300 “Secure location” interpreted.** (NRS 240.017) 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.

(Added to NAC by Sec’y of State by R116-13, eff. 3-28-2014)

**NAC 240.310 Circumstances in which Secretary of State will deem document requiring provision of information within blank spaces to be filled out completely.** (NRS 240.017)

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.

(Added to NAC by Sec’y of State by R116-13, eff. 3-28-2014)

**NAC 240.320 Possession of valid certificate of permission to perform marriages required to charge fee for performance of marriage ceremony; penalty for violation. (NRS 240.017)**

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.

(Added to NAC by Sec’y of State by R116-13, eff. 3-28-2014)

**NAC 240.330 Use of “known personally” in journal of notarial acts as evidence of verification of identification. (NRS 240.017)** A notary public may enter in his or her journal “known personally” as the description of the evidence used by the notary public to verify the identification of a person whose signature is being notarized pursuant to NRS 240.120 if the notary public has personal knowledge of the identity of the person.

(Added to NAC by Sec’y of State by R116-13, eff. 3-28-2014)

**NAC 240.340 Person physically unable to sign document who directs another person to sign required to appear before notarial officer with such other person at time of signing; short form for acknowledgment. (NRS 240.017)**

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))  
(Added to NAC by Sec’y of State by R116-13, eff. 3-28-2014)

## **RULES OF PRACTICE AND PROCEDURE FOR REVOCATION OF COMMISSION**

**NAC 240.400 Scope and construction.** (NRS 240.017, 240.206) NAC 240.400 to 240.540, inclusive:

1. Govern all practice and procedure before the Secretary of State for the revocation of a notary public commission as provided in NRS 240.150 or the revocation of a registration as an electronic notary public.
2. Must be liberally construed to secure just, speedy and economical determination of all issues presented to the Secretary of State and to effectuate the purposes of chapter 233B of NRS and NRS 240.010 to 240.150, inclusive.
3. Must not be construed as conflicting with any provisions of NRS as they pertain to the powers and duties of the Secretary of State, but rather must be construed as being in harmony with them.

[Sec’y of State, Practice Reg. 1 §§ 1.1, 1.2 & 1.4, eff. 6-23-76] — (NAC A by Sec’y of State by R065-19, 12-30-2019) — (Substituted in revision for NAC 240.010)

**NAC 240.410 Relief from regulations.** (NRS 240.017) In special cases, where good cause appears, not contrary to law, the Secretary of State may permit deviation from NAC 240.400 to 240.540, inclusive, where compliance is found to be impractical and unnecessary.

[Sec’y of State, Practice Reg. 1 § 1.3, eff. 6-23-76] — (Substituted in revision for NAC 240.020)

**NAC 240.420 Communications with Secretary of State.** (NRS 240.017)

1. All written communications and documents should be addressed to the Secretary of State and will be deemed to be officially received only when delivered at the Office of the Secretary of State.
2. The principal office of the Secretary of State is: Office of the Secretary of State, Capitol Building, Carson City, Nevada 89701. The Office of the Secretary of State will be open from 8:00 a.m. to 5:00 p.m. each day except Saturday, Sunday and legal holidays.

[Sec’y of State, Practice Reg. 2, eff. 6-23-76] — (Substituted in revision for NAC 240.030)

**NAC 240.430 Parties.** (NRS 240.017)

1. Parties to proceedings before the Secretary of State under NAC 240.400 to 240.540, inclusive, consist of the staff of the Office of the Secretary of State and the notary public whose commission is subject to revocation, or his or her authorized representatives.
2. The Secretary of State’s staff may appear at any hearing and have all rights of participation as a party to the proceeding. If counsel is desired, the Attorney General will represent the staff.

[Sec’y of State, Practice Reg. 3, eff. 6-23-76] — (Substituted in revision for NAC 240.040)

**NAC 240.440 Filing and service.** (NRS 240.017)

1. An original and two legible copies of all documents, motions or other papers must be filed with the Secretary of State. The Secretary of State will retain the original document, motion or other paper. If the Attorney General will be representing the staff of the Office of the Secretary

of State at any hearing, the Secretary of State will provide to the Attorney General a copy of all documents, motions and other papers.

2. All notices, opinions, decisions, orders or documents required to be served by the Secretary of State and all documents filed by any party may be served personally or by certified mail, and if service is made by mail, service is complete when a true copy of the documents, properly addressed and stamped, is deposited in the United States mail.

3. All documents required to be served by any party must contain an acknowledgment or certificate of service.

[Sec'y of State, Practice Reg. 5, eff. 6-23-76] — (NAC A 9-1-94) — (Substituted in revision for NAC 240.050)

**NAC 240.450 Briefs.** (NRS 240.017) The Secretary of State may order briefs to be filed within such time as may be allowed by the Secretary of State and the brief must be accompanied by proof of service in accordance with subsection 3 of NAC 240.440.

[Sec'y of State, Practice Reg. 6 § 6.11, eff. 6-23-76] — (Substituted in revision for NAC 240.060)

**NAC 240.460 Show cause orders.** (NRS 240.017)

1. Hearings will be held before the Secretary of State pursuant to a show cause order being issued to the notary public concerned by the Secretary of State. The Secretary of State may designate one of his or her deputies or another competent person to act in his or her place at the hearing.

2. The show cause order must be substantially in the form available from the Office of the Secretary of State, and must include:

(a) A statement of the time, place and nature of the hearing.

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(c) A reference to the cause for which the notary public's commission is subject to revocation.

(d) A short and plain statement of the matters asserted.

3. The show cause order constitutes notice of the hearing, as required by NRS 233B.121. A show cause order will be served at least 20 days before the time set for the hearing. A hearing which has previously been continued may be reset on notice of not less than 10 days. Hearings will be held at such place in the State as may be designated by the Secretary of State in the show cause order.

[Sec'y of State, Practice Reg. 6 § 6.1, eff. 6-23-76] — (NAC A 9-1-94) — (Substituted in revision for NAC 240.070)

**NAC 240.470 Failure to appear.** (NRS 240.017)

1. If a party fails to appear at a hearing scheduled by the Secretary of State in a show cause order and no continuance has been requested or granted, the Secretary of State may hear the evidence of such witnesses as may have appeared and the Secretary of State may proceed to consider the matter and dispose of it on the basis of the evidence before him or her in the manner required by NAC 240.400 to 240.540, inclusive.

2. Where, because of accident, sickness or other reasonable cause, a person fails to appear for a hearing scheduled by the Secretary of State or fails to request a continuance, the person may, within a reasonable period of time, not to exceed 15 days, apply to the Secretary of State to reopen the proceedings, and the Secretary of State upon finding such cause sufficient and reasonable will immediately fix a time and place for hearing and give the person notice of the hearing. At the time and place fixed, a hearing must be held at which the person may testify in his or her own behalf or present such other evidence as may be beneficial to his or her cause.

Witnesses who have previously testified are not required to appear at the second hearing unless so directed by the Secretary of State.

[Sec’y of State, Practice Reg. 6 § 6.2, eff. 6-23-76] — (Substituted in revision for NAC 240.080)

**NAC 240.480 Appearance at hearing.** (NRS 240.017)

1. At any hearing, all parties named are entitled to make an appearance, introduce evidence, examine and cross-examine witnesses, make arguments and participate in the conduct of the proceedings.

2. Parties shall enter their appearance at the beginning of a hearing or at any time as may be designated by the Secretary of State by giving their names and addresses and stating their position or interest to the Secretary of State.

3. Appearances and representation of parties must be made as follows:

(a) A party is entitled to be heard in person or by his or her attorney.

(b) An attorney appearing as counsel in any proceeding must be an attorney at law, admitted to practice and in good standing before the highest court of any state. If the attorney is not admitted and entitled to practice before the Supreme Court of Nevada, an attorney so admitted and entitled to practice must be associated.

4. Following the entry of an appearance by an attorney for a party, all notices, pleadings and orders thereafter served must be served upon the attorney and service is considered valid service for all purposes upon the party represented.

[Sec’y of State, Practice Reg. 4 §§ 4.1-4.4, eff. 6-23-76] — (Substituted in revision for NAC 240.090)

**NAC 240.490 Withdrawal of attorney.** (NRS 240.017) Any attorney of record wishing to withdraw from a proceeding before the Secretary of State shall, in writing, immediately notify the Secretary of State and the party he or she represented.

[Sec’y of State, Practice Reg. 4 § 4.5, eff. 6-23-76] — (Substituted in revision for NAC 240.100)

**NAC 240.500 Conduct at hearings.** (NRS 240.017)

1. A person appearing in a proceeding shall conform to the recognized standards of ethical and courteous conduct. All parties to hearings, their counsel and spectators will conduct themselves in a respectful manner.

2. Smoking is not permitted at hearings of the Secretary of State while in session.

[Sec’y of State, Practice Reg. 4 § 4.6 + Reg. 6 § 6.4, eff. 6-23-76] — (Substituted in revision for NAC 240.110)

**NAC 240.510 Hearings: Preliminary procedure; evidence.** (NRS 240.017)

1. The Secretary of State will call the proceeding to order and proceed to take the appearances of the parties. The parties may then make opening statements if they desire.

2. All testimony to be considered by the Secretary of State in any hearing, except matters noticed officially or entered by stipulation, must be sworn testimony. Before taking the witness stand, each person shall swear or affirm that the testimony he or she is about to give in hearing before the Secretary of State is the truth, the whole truth and nothing but the truth.

3. Evidence will ordinarily be received in the following order:

(a) Secretary of State’s staff.

(b) The notary public for whom the hearing is being held.

(c) Rebuttal by the Secretary of State’s staff.

Ê This procedure may be modified by the Secretary of State. Closing statements by the parties may be allowed by the Secretary of State.

4. With the approval of the Secretary of State, the parties may stipulate as to any fact at issue,

either by written stipulation introduced in evidence as an exhibit or by oral statement shown upon the record. Any such stipulation is binding upon all parties to the stipulation, and it may be treated as evidence at the hearing. The Secretary of State may require proof by evidence of the facts stipulated to, notwithstanding the stipulation of the parties.

5. In conducting any investigation, inquiry or hearing, neither the Secretary of State nor any officer or employee of the Office, are bound by the technical rules of evidence and no informality in any proceeding or in the manner of taking testimony may invalidate any order, decision or regulation made, approved or confirmed by the Secretary of State. Rules of evidence before the courts of Nevada may be generally followed but may be relaxed in the discretion of the Secretary of State if deviation from the technical rules of evidence will aid in ascertaining the facts. When objection is made to the admissibility of evidence, such evidence may be received subject to later ruling by the Secretary of State. Parties objecting to the introduction of evidence shall briefly state the grounds of objection at the time such evidence is offered. Formal exceptions to rulings are unnecessary and need not be taken.

6. The Secretary of State may take official notice of judicially cognizable facts and of recognized technical facts within the Secretary of State's specialized knowledge, including the following matters:

(a) Rules, regulations, official reports, decisions, and orders of the Secretary of State and any regulatory agency of the State of Nevada.

(b) Contents of decisions, orders, standards, or records of the Secretary of State.

(c) Matters of common knowledge and technical facts of established character.

(d) Official documents, if pertinent, when properly introduced into the record of formal proceedings by reference.

[Sec'y of State, Practice Reg. 6 §§ 6.3, 6.5-6.8 & 6.12, eff. 6-23-76] — (Substituted in revision for NAC 240.120)

**NAC 240.520 Continuances.** (NRS 240.017) The Secretary of State may prior to a hearing or during a hearing, and upon proper showing, grant continuances for submission of further or additional proof of any subject matter.

[Sec'y of State, Practice Reg. 6 § 6.10, eff. 6-23-76] — (Substituted in revision for NAC 240.130)

**NAC 240.530 Decisions and orders.** (NRS 240.017)

1. A decision or order which is adverse to a party in any hearing must be in writing or stated in the record, and must include findings of fact and conclusions of law, separately stated.

2. Orders or decisions must be rendered within 30 days of the completion of the hearing.

3. A proceeding stands submitted for decision by the Secretary of State after the taking of evidence or the filing of briefs or the presentation of such oral argument as may have been permitted by the Secretary of State.

4. Decisions and orders of the Secretary of State will be served by sending a copy by certified mail to the parties of record or their representatives or by personal service thereof. Additional copies of orders may be obtained upon written request.

[Sec'y of State, Practice Reg. 7, eff. 6-23-76] — (Substituted in revision for NAC 240.140)

**NAC 240.540 Transcripts of hearings.** (NRS 240.017) The Secretary of State will cause a record to be made of all hearings, in accordance with NRS 233B.121. Parties desiring copies of transcripts may obtain them from the Office of the Secretary of State upon payment of the fees fixed for them.

[Sec'y of State, Practice Reg. 6 § 6.13, eff. 6-23-76] — (Substituted in revision for NAC 240.150)

## **ELECTRONIC NOTARIZATION ENABLING ACT**

**NAC 240.600 Definitions.** (NRS 240.206) As used in NAC 240.600 to 240.735, inclusive, unless the context otherwise requires, the words and terms defined in NAC 240.610 to 240.635, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Sec’y of State by R065-19, eff. 12-30-2019)

**NAC 240.610 “Credential” defined.** (NRS 240.206) “Credential” has the meaning ascribed to it in NRS 240.1823 and includes, without limitation, a card or other document issued by a governmental entity as a means of identifying the principal that contains the photograph and signature of the principal and constitutes satisfactory evidence of the identity of a principal for the purposes of NRS 240.1655.

(Added to NAC by Sec’y of State by R065-19, eff. 12-30-2019)

**NAC 240.615 “Electronic notarial certificate” defined.** (NRS 240.206) “Electronic notarial certificate” means the portion of an electronic document that:

1. Is completed by an electronic notary public; and
2. Bears the electronic signature and electronic seal of the electronic notary public and the wording of the applicable notarial certificate as required by NRS 240.1655, 240.166 to 240.167, inclusive, 240.1685 or 240.169.

(Added to NAC by Sec’y of State by R065-19, eff. 12-30-2019)

**NAC 240.617 “Electronic notarization solution” defined.** (NRS 240.206) “Electronic notarization solution” means a set of applications, programs, hardware, software or technology designed to enable the performance of an electronic notarial act.

(Added to NAC by Sec’y of State by R065-19, eff. 12-30-2019)

**NAC 240.624 “Identity proofing” defined.** (NRS 240.206) “Identity proofing” means a process or service through which the identity of a principal is affirmed through a review of personal information from public or proprietary data sources.

(Added to NAC by Sec’y of State by R065-19, eff. 12-30-2019)

**NAC 240.630 “Principal” defined.** (NRS 240.206) “Principal” means the natural person for whom an electronic notarial act is performed.

(Added to NAC by Sec’y of State by R065-19, eff. 12-30-2019)

**NAC 240.635 “Solution provider” defined.** (NRS 240.206) “Solution provider” means a third-party vendor that provides an electronic notarization solution.

(Added to NAC by Sec’y of State by R065-19, eff. 12-30-2019)

**NAC 240.645 Registration required; suspension or revocation of appointment of notary public for performing or offering to perform electronic notarial act without valid registration.** (NRS 240.192, 240.206)

1. A person may not perform an electronic notarial act, including, without limitation, an electronic notarial act performed using audio-video communication, unless the Secretary of State has approved the registration of the person as an electronic notary public pursuant to NAC 240.658 and the registration is in active status.

2. The Secretary of State may suspend or revoke the appointment of a notary public who

performs or offers to perform an electronic notarial act without a registration as an electronic notary public that has been approved by the Secretary of State pursuant to NAC 240.658 and is in active status.

(Added to NAC by Sec'y of State by R065-19, eff. 12-30-2019)

**NAC 240.648 Additional information required for registration.** (NRS 240.192, 240.206) In addition to the information required by NRS 240.192, a person registering as an electronic notary public must include with his or her registration:

1. The notary public commission number assigned to the person by the Secretary of State;
2. The name of each solution provider whose electronic notarization solution the person intends to use to perform an electronic notarial act;
3. A copy of the electronic seal and electronic signature of the person that is:
  - (a) An exact representation of the handwritten signature of the person on file with the Secretary of State; and
  - (b) In a file format that can be read without additional software and be compared for authentication purposes to the person's handwritten signature on file with the Secretary of State;
4. A certificate or other proof of successful completion of the course of study on electronic notarization provided pursuant to NRS 240.195, which indicates successful completion of the course not earlier than 90 days before submission of the registration; and
5. A statement certifying that the person will comply with the applicable provisions of this chapter and chapter 240 of NRS.

(Added to NAC by Sec'y of State by R065-19, eff. 12-30-2019)

**NAC 240.650 Course of study and payment of fee required for registration.** (NRS 240.192, 240.206) A notary public seeking to register as an electronic notary public must successfully complete the required course of study on electronic notarization provided pursuant to NRS 240.195 and pay the fee charged by the Secretary of State to each person who enrolls in such a course of study. The required course of study on electronic notarization provided pursuant to NRS 240.195 and the fee for that course is in addition to the requirements imposed on the notary public to successfully complete a course of study pursuant to NRS 240.018 and to pay the fee for that course.

(Added to NAC by Sec'y of State by R065-19, eff. 12-30-2019)

**NAC 240.654 Methods of payment of fee for registration; authority of Secretary of State to refuse or revoke registration if method of payment is dishonored or stopped; resubmission of registration after refusal or revocation.** (NRS 240.192, 240.206)

1. A person registering as an electronic notary public must pay the registration fee required by NRS 240.192 and the fee for the course of study provided pursuant to NRS 240.195 using any of the following methods of payment:
  - (a) A credit card.
  - (b) A debit card.
  - (c) The Trust Account for Advance Fees established by the Secretary of State pursuant to NRS 225.165.
  - (d) Any other method of payment used by the Secretary of State for the provision of online services.
2. If any method of payment submitted by a person to the Secretary of State pursuant to subsection 1 is returned to the Secretary of State or otherwise dishonored upon presentation for

payment because the person has insufficient money or credit, or because the person stopped payment on the method of payment, the Secretary of State may refuse to register the person as an electronic notary public or, if the Secretary of State has registered the person as an electronic notary public, immediately revoke the person's registration. If, pursuant to this subsection, the Secretary of State refuses to register a person as an electronic notary public or revokes the registration of a person as an electronic notary public, the Secretary of State will notify the person of the refusal or revocation. A person whose registration is denied or revoked pursuant to this subsection must resubmit a registration as an electronic notary public pursuant to the provisions of this chapter and chapter 240 of NRS.

(Added to NAC by Sec'y of State by R065-19, eff. 12-30-2019)

**NAC 240.658 Approval of registration; authority of Secretary of State to refuse registration; effective date of registration.** (NRS 240.192, 240.206)

1. If a person who is registering as an electronic notary public satisfies all of the requirements for such a registration pursuant to this chapter and chapter 240 of NRS, the Secretary of State will:

(a) Approve the registration of the person as an electronic notary public;

(b) Cause the processing system maintained by the Office of the Secretary of State to be updated to indicate the registration of the person as an electronic notary public; and

(c) Notify the person that he or she has been registered as an electronic notary public.

2. If a person who is registering as an electronic notary public does not satisfy all of the requirements for registration set forth in this chapter and chapter 240 of NRS, the Secretary of State may refuse to register the person as an electronic notary public. If the Secretary of State refuses to register a person as an electronic notary public pursuant to this subsection, the Secretary of State will notify the person of the refusal.

3. The registration of a person as an electronic notary public becomes effective at the time the processing system maintained by the Secretary of State has been updated pursuant to paragraph (b) of subsection 1 to indicate such a registration.

(Added to NAC by Sec'y of State by R065-19, eff. 12-30-2019)

**NAC 240.660 Commission number assigned to notary public retained.** (NRS 240.192, 240.206) A notary public who is registered by the Secretary of State as an electronic notary public retains the commission number assigned by the Secretary of State to the notary public.

(Added to NAC by Sec'y of State by R065-19, eff. 12-30-2019)

**NAC 240.665 Duties of electronic notary public.** (NRS 240.206) An electronic notary public shall take reasonable steps to:

1. Ensure the integrity, security and authenticity of each electronic notarial act performed by the electronic notary public;

2. Maintain a secure backup of the electronic journal kept by the electronic notary public in accordance with NRS 240.201;

3. Maintain a secure backup of each recording of an electronic notarial act performed by the electronic notary public which is made pursuant to NRS 240.1995; and

4. Ensure that any audio-video communication for the purpose of performing an electronic notarial act is secure from unauthorized access or interception.

(Added to NAC by Sec'y of State by R065-19, eff. 12-30-2019)

**NAC 240.668 Maintenance of record of electronic notarial act.** (NRS 240.206) An electronic

notary public shall maintain an accurate and reliable record of each electronic notarial act performed by the electronic notary public.

(Added to NAC by Sec'y of State by R065-19, eff. 12-30-2019)

**NAC 240.670 Electronic notarial act using audio-visual communication: Confirmation of identity of principal.** (NRS 240.206)

1. Before performing an electronic notarial act by means of audio-visual communication, an electronic notary public shall confirm the identity of the principal by:

(a) Personal knowledge;

(b) The oath of a credible witness who personally knows the principal and the notary public;

or

(c) Each of the following:

(1) Remote presentation by the person of a government-issued identification credential that contains a photograph and the signature of the person;

(2) Credential analysis of the government-issued identification credential and the data thereon that satisfies the requirements of NAC 240.695; and

(3) A dynamic knowledge-based authentication assessment that satisfies the requirements of NAC 240.697 or identity proofing in accordance with NAC 240.700.

2. If an electronic notary public is unable to determine that a credential presented by a principal is a valid identification of the principal or is unable to match the physical features of the principal with the credential presented by the principal, the electronic notary public must not take any further action to complete an electronic notarial act by using that credential to confirm the identity of the principal.

(Added to NAC by Sec'y of State by R065-19, eff. 12-30-2019)

**NAC 240.674 Electronic notarial act using audio-video communication: Performance of act for person physically located outside United States.** (NRS 240.017, 240.206) For the purposes of NRS 240.1993, an electronic notarial act using audio-video communication is performed for a person who is physically located outside the United States if the person is physically located outside the geographic boundaries of a state or commonwealth of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

(Added to NAC by Sec'y of State by R065-19, eff. 12-30-2019)

**NAC 240.676 Electronic notarial act using audio-video communication: Agreement to performance of act by electronic notary public and principal.** (NRS 240.017, 240.1991, 240.206)

An electronic notary public may perform an electronic notarial act using audio-video communication only if the electronic notary public and the principal agree to the performance of the electronic notarial act using audio-video communication.

(Added to NAC by Sec'y of State by R065-19, eff. 12-30-2019)

**NAC 240.678 Electronic notarial act using audio-video communication: Identification of principal and electronic document.** (NRS 240.017, 240.1991, 240.206) An electronic notary public who is performing an electronic notarial act using audio-video communication shall:

1. Identify the principal in accordance with NAC 240.670; and

2. Identify the electronic document that is the subject of the electronic notarial act as the document on which the principal executed his or her signature.

(Added to NAC by Sec'y of State by R065-19, eff. 12-30-2019)

**NAC 240.680 Electronic notarial act using audio-video communication: Requirement to restart performance of act under certain circumstances.** (NRS 240.017, 240.1991, 240.206)

1. An electronic notary public who is performing an electronic notarial act using audio-video communication must start the performance of the electronic notarial act from the beginning, including, without limitation, confirming the identity of the principal in accordance with NRS 240.1997 and NAC 240.670, if, at any time during the performance of the electronic notarial act:

(a) The principal or the electronic notary public exits the session;

(b) The audio-video communication link is broken; or

(c) The electronic notary public believes that the process of completing the electronic notarial act has been compromised and cannot be completed because of the resolution or quality of the audio or video transmission, or both.

2. As used in this section, “session” means the performance of one or more electronic notarial acts using audio-video communication on a single set of electronic documents as a single event by a single electronic notary public with one or more principals and any applicable witness.

(Added to NAC by Sec’y of State by R065-19, eff. 12-30-2019)

**NAC 240.682 Electronic notarial act using audio-video communication: Duty of electronic notary public and solution provider to protect recording and identifying information from unauthorized access.** (NRS 240.017, 240.1995, 240.206) An electronic notary public performing an electronic notarial act using audio-video communication and the solution provider whose electronic notarization solution is used to perform the electronic notarial act using audio-video communication shall ensure that the recording of the electronic notarial act made pursuant to NRS 240.1995 and any personally identifying information disclosed during the performance of the electronic notarial act is protected from unauthorized access.

(Added to NAC by Sec’y of State by R065-19, eff. 12-30-2019)

**NAC 240.684 Electronic notarial act using audio-video communication: Use of solution provider to store electronic journal and recording.** (NRS 240.017, 240.1995, 240.201, 240.206)

1. An electronic notary public may use a solution provider to store the electronic journal of the electronic notary public and the recording made pursuant to NRS 240.1995 of an electronic notarial act performed using audio-video communication if the solution provider has registered with the Secretary of State pursuant to NAC 240.722 and the registration is in active status.

2. Except as otherwise provided in this subsection, a solution provider that stores the electronic journal of an electronic notary public and the recording made pursuant to NRS 240.1995 of an electronic notarial act performed using audio-video communication must allow the electronic notary public sole control of his or her electronic journal and the recording made pursuant to NRS 240.1995. The solution provider may allow access to the electronic journal of an electronic notary public or a recording made pursuant to NRS 240.1995 if the electronic notary public has authorized such access or the access to the electronic journal or recording is authorized pursuant to this chapter or chapter 240 of NRS.

3. As used in this section, “sole control” has the meaning ascribed to it in NRS 240.201.

(Added to NAC by Sec’y of State by R065-19, eff. 12-30-2019)

**NAC 240.686 Electronic notarial act using audio-video communication: Availability of recording to certain persons and entities.** (NRS 240.017, 240.1995, 240.206) The recording

made pursuant to NRS 240.1995 of an electronic notarial act performed using audio-video communication may be made available:

1. To the principal for whom the electronic notarial act was performed;
2. To the Secretary of State;
3. To a law enforcement or federal, state or local governmental agency in the course of an enforcement action or the performance of any lawful duty;
4. Pursuant to a court order or subpoena;
5. To the electronic notary public who performed the electronic notarial act for any purpose set forth in subsections 1 to 4, inclusive; or
6. To any other person who is authorized by the parties to the electronic notarial act to obtain the recording.

(Added to NAC by Sec'y of State by R065-19, eff. 12-30-2019)

**NAC 240.689 Electronic notarial act using audio-video communication: Access to certain documents and information by employer and solution provider.** (NRS 240.017, 240.1995, 240.206) For any authorized purpose and to ensure compliance with the provisions of this chapter and chapter 240 of NRS governing electronic notarial acts, the employer of an electronic notary public who performs an electronic notarial act using audio-video communication or the solution provider whose electronic notarization solution was used to perform such an electronic notarial act, or both the employer of the electronic notary public and the solution provider, may access:

1. The electronic seal of the electronic notary public;
2. The electronic signature of the electronic notary public;
3. If the electronic notary used an electronic notarization solution to perform the electronic notarial act, the electronic notarization solution; or
4. The recording made pursuant to NRS 240.1995 of the electronic notarial act.

(Added to NAC by Sec'y of State by R065-19, eff. 12-30-2019)

**NAC 240.695 Requirements for credential analysis to confirm identity of principal.** (NRS 240.017, 240.1991, 240.1997, 240.206)

1. To conduct a credential analysis for the purpose of identifying the principal pursuant to NRS 240.1997 and NAC 240.670 and 240.678, an electronic notary public shall use a reputable third-party vendor or software tool that:

(a) Demonstrates a proven credential analysis process that enables the electronic notary public to compare for consistency the information and photograph on a credential presented by a principal and the principal as viewed by the electronic notary public; and

(b) Employs a technology that:

- (1) Requires a credential to pass a test of its authenticity that:
  - (I) Is consistent with sound commercial practices;
  - (II) Uses appropriate technologies to confirm the integrity of visual, physical or cryptographic security features;
  - (III) Uses appropriate technologies to confirm that the credential is not fraudulent or inappropriately modified; and
  - (IV) Uses information held or published by the issuer of the credential or another authoritative source, as available, to confirm the validity of the details of the credential; and
- (2) Provides the output of the authenticity test to the electronic notary public.

2. If an electronic notary public is unable to validate a credential presented by a principal or

determines that the information and photograph on the credential are not consistent with the principal as viewed by the electronic notary public, the electronic notary public must not:

- (a) Complete the electronic notarial act; or
- (b) Make any further attempt to complete an electronic notarial act for the principal by using the credential to confirm the identity of the principal.

(Added to NAC by Sec'y of State by R065-19, eff. 12-30-2019)

**NAC 240.697 Requirements for dynamic knowledge-based authentication assessment to confirm identity of principal.** (NRS 240.017, 240.1991, 240.1997, 240.206) To conduct a dynamic knowledge-based authentication assessment for the purpose of identifying the principal pursuant to NRS 240.1997 and NAC 240.670 and 240.678, an electronic notary public shall use a procedure that:

1. Requires the principal to:
  - (a) Answer five questions concerning the principal that are drawn from public or private data sources and provide a minimum of five possible answers per question; and
  - (b) Obtain a passing score by answering correctly at least 80 percent of the questions within a period of 2 minutes;
2. If the principal does not obtain a passing score as required by paragraph (b) of subsection 1, authorizes the principal to make two additional attempts to obtain that passing score with the same electronic notary public within a 48-hour period but at least two of the questions previously answered by the principal must be replaced with different questions each time that the principal makes an additional attempt to obtain the passing score;
3. Confirms affirmatively whether the principal has correctly answered the questions; and
4. Keeps confidential the questions asked to the principal and the answers provided by the principal to the questions.

(Added to NAC by Sec'y of State by R065-19, eff. 12-30-2019)

**NAC 240.700 Application by solution provider to conduct identity proofing; authority of Secretary of State upon receipt of application.** (NRS 240.017, 240.1991, 240.1997, 240.206)

1. An electronic notary public may use a solution provider who is registered with the Secretary of State pursuant to NAC 240.720 and 240.722 to confirm the identity of a principal as required by NRS 240.1997 and NAC 240.670 if the solution provider is approved by the Secretary of State to conduct identity proofing.

2. To apply for approval to conduct identity proofing, an applicant must submit a written application to the Secretary of State that identifies the identity proofing provided by the solution provider and includes evidence sufficient to demonstrate that the identity proofing provided by the solution provider meets or exceeds the accuracy of a dynamic knowledge-based authentication assessment that satisfies the requirements of NAC 240.697.

3. Upon receipt of an application submitted pursuant to subsection 2, the Secretary of State may:

- (a) Request additional information from the applicant;
- (b) Approve the application if the application is complete and the Secretary of State determines that the identity proofing provided by the solution provider meets or exceeds the accuracy of a dynamic knowledge-based authentication assessment that satisfies the requirements of NAC 240.697; or
- (c) Reject the application if the application is incomplete or the Secretary of State determines that the identity proofing provided by the solution provider does not meet or exceed the accuracy

of a dynamic knowledge-based authentication assessment that satisfies the requirements of NAC 240.697.

(Added to NAC by Sec’y of State by R065-19, eff. 12-30-2019)

**NAC 240.705 Information required in electronic seal; electronic document rendered tamper-evident; notation required if audio-video communication used to perform electronic notarial act.** (NRS 240.017, 240.199, 240.202, 240.206)

1. Except as otherwise provided in this section, the electronic seal of an electronic notary public must include the information required to be set forth in a mechanical stamp pursuant to NRS 240.040 and must generally conform to the size and other requirements set forth in NRS 240.040 for a mechanical stamp.

2. After the electronic seal, electronic signature and electronic notarial certificate are affixed or attached to or logically associated with an electronic document and the electronic notarial act is complete, the electronic document must be rendered tamper-evident.

3. If an electronic notary public performs an electronic notarial act using audio-video communication, the electronic notary public must include adjacent to the electronic seal or in the electronic notarial certificate a notation indicating that the electronic notarial act was performed using audio-video communication. The notation required by this subsection must be the following statement or a substantially similar statement: “Notarial act performed by audio-video communication.”

4. As used in this section, “tamper-evident” means that an electronic document on which an electronic notarial act is performed will display evidence of any change made to the electronic document after the performance of the electronic notarial act.

(Added to NAC by Sec’y of State by R065-19, eff. 12-30-2019)

**NAC 240.708 Requirements for electronic journal of electronic notarial acts.** (NRS 240.017, 240.201, 240.206) An electronic journal kept by an electronic notary public pursuant to NRS 240.201:

1. Must not allow the electronic notary public or any other person to delete a record included in the electronic journal or alter the content or sequence of such a record after the record is entered into the electronic journal; and

2. Must be securely backed-up by the electronic notary public and the solution provider whose electronic notarization solution was used by the electronic notary public.

(Added to NAC by Sec’y of State by R065-19, eff. 12-30-2019)

**NAC 240.710 Electronic journal must not include identifying information or recording.** (NRS 240.017, 240.201, 240.206) An electronic notary public shall not include in the electronic journal kept by the electronic notary public pursuant to NRS 240.201:

1. The personally identifying information of any person unless such information is required to be included in the electronic journal pursuant to this chapter or chapter 240 of NRS.

2. The recording required by NRS 240.1995 for an electronic notarial act performed using audio-video communication.

(Added to NAC by Sec’y of State by R065-19, eff. 12-30-2019)

**NAC 240.712 Inspection of electronic journal.** (NRS 240.017, 240.201, 240.206) An electronic notary public shall allow for the inspection of the electronic journal of the electronic notary public, as required by NRS 240.201.

(Added to NAC by Sec’y of State by R065-19, eff. 12-30-2019)

**NAC 240.720 Solution provider: Registration required; information submitted for registration; confidentiality of certain information.** (NRS 240.206)

1. A person shall not act as a solution provider unless the person is registered with the Secretary of State pursuant to this section and NAC 240.722 and maintains a current state business license issued pursuant to chapter 76 of NRS at all times that an electronic notary public is using the electronic notarization solution of the solution provider.

2. To register with the Secretary of State as a solution provider, a person must submit a registration to the Secretary of State as an electronic document and include in the registration the following information:

- (a) The legal name of the solution provider;
- (b) The type of business organization of the solution provider;
- (c) The mailing address and the physical address of the solution provider;
- (d) The name and phone number of a contact person for the solution provider;
- (e) The name of the electronic notarization solution provided by the solution provider;
- (f) The name of the provider of the identity proofing, dynamic knowledge-based authentication assessment, credential analysis and digital certificate services for the solution provider;
- (g) The business identification number assigned by the Secretary of State to the solution provider pursuant to NRS 225.082;
- (h) A description of the technology used by the solution provider to ensure compliance with the provisions of this chapter and chapter 240 of NRS relating to the performance of electronic notarial acts;
- (i) The plan of the solution provider for the retention, storage and disposition of documents, electronic journals kept pursuant to NRS 240.201, the recordings required by NRS 240.1995 of electronic notarial acts performed using audio-video communication and any other records pertaining to the performance of an electronic notarial act if, for any reason, the solution provider no longer makes its electronic notarization solution available to electronic notaries public; and
- (j) A declaration that the electronic notarization solution provided by the solution provider complies with the laws of this State governing electronic notarial acts.

3. Notwithstanding any other provision of law, the information provided to the Secretary of State pursuant to paragraph (h) of subsection 2 by a person registering with the Secretary of State as a solution provider is confidential proprietary information of the solution provider and is not a public record.

(Added to NAC by Sec'y of State by R065-19, eff. 12-30-2019)

**NAC 240.722 Solution provider: Requirements for registration; notice to Secretary of State of change in electronic notarization solution.** (NRS 240.206)

1. The Secretary of State will register a solution provider if the electronic notarization solution provided by the solution provider meets all of the following requirements:

- (a) Provides secure access to the electronic notarization solution by password or another secure means that identifies the electronic notary public accessing the electronic notarization solution.
- (b) Uses a registry of persons registered as electronic notaries public maintained by the Secretary of State, if any, to verify that the registration of an electronic notary public logging into the electronic notarization solution to perform an electronic notarial act is in active status and prohibits a person whose registration as an electronic notary public is not in active status, as indicated in the registry maintained by the Secretary of State, if any, from beginning or

completing an electronic notarial act using the electronic notarization solution.

(c) Provides for uninterrupted, continuous and simultaneous audio-video communication between an electronic notary public and a principal.

(d) Provides audio-video communication with a video resolution and audio quality that ensures that:

(1) An electronic notary public and a principal are able to see, hear and communicate with each other in real time; and

(2) An electronic notary public is able to match the appearance of a principal with the credential presented by the principal.

(e) Provides a secure communication link for audio-video communication that ensures that only the parties to an electronic notarial act and those persons authorized by each party to the electronic notarial act are part of the audio-video communication.

(f) Provides an electronic journal of electronic notarial acts that complies with the provisions of this chapter and chapter 240 of NRS governing the requirement for an electronic notary public to keep an electronic journal of each electronic notarial act.

(g) Provides for the recording of an electronic notarial act performed by audio-video communication that complies with NRS 240.1995 and NAC 240.682 to 240.689, inclusive, and that is of sufficient quality to ensure verification of the recorded electronic notarial act.

(h) Is capable of confirming that an electronic document presented for the performance of an electronic notarial act is the same electronic document on which the electronic notarial act was performed.

(i) Enables an electronic notary public to affix the wording of a notarial certificate required by NRS 240.1655, 240.166 to 240.167, inclusive, 240.1685 or 240.169, as applicable, and the electronic notary seal of the electronic notary public.

(j) Enables a person viewing an electronic document on which an electronic notarial act was performed to view the electronic signature and electronic seal of the electronic notary public who performed the electronic notarial act.

(k) Provides a method for determining whether an electronic document on which an electronic notarial act was performed has been altered after the electronic seal of the electronic notary public who performed the electronic notarial act has been affixed to the electronic document and the electronic notarial act was completed.

(l) Prevents unauthorized access to:

(1) An audio-video communication between an electronic notary public and a principal;

(2) The recording of an electronic notarial act required by NRS 240.1995 for an electronic notarial act performed using audio-video communication;

(3) Any personally identifying information used in a credential analysis, in identity proofing or in any other part of an audio-video communication, including, without limitation:

(I) A method of credential analysis and the output of that analysis;

(II) Any credential presented to an electronic notary public;

(III) The questions and answers used to conduct a dynamic knowledge-based authentication assessment pursuant to NRS 240.1997 and NAC 240.697;

(IV) Birthdates; and

(V) Social security numbers; and

(4) The electronic document on which an electronic notarial act was performed.

(m) Provides a method for generating a paper copy of the electronic journal of an electronic notary public and an electronic document on which an electronic notarial act was performed,

including, without limitation, the electronic notarial certificate for the electronic document, the electronic signature and electronic seal of the electronic notary public who performed the electronic notarial act and any other document associated with the electronic document.

2. If there is any change in an electronic notarization solution provided by a solution provider that affects the ability of an electronic notary public to comply with the requirements of this chapter or chapter 240 of NRS when performing an electronic notarial act, the solution provider must notify the Secretary of State of the change. Upon receiving notice of the change, the Secretary of State will determine whether the electronic notarization solution continues to satisfy the requirements of this chapter and chapter 240 of NRS. If the Secretary of State determines that the electronic notarization solution no longer satisfies the requirement of this chapter and chapter 240 of NRS, an electronic notary public must not use the electronic notarization solution to perform an electronic notarial act in this State.

3. As used in this section, “real time” means the actual span of uninterrupted, simultaneous communication during which all parts of an electronic notarial act using audio-video communication occur.

(Added to NAC by Sec’y of State by R065-19, eff. 12-30-2019)

**NAC 240.725 Solution provider: Duty to ensure electronic notary public is registered and complies with requirements.** (NRS 240.017, 240.206) A solution provider shall take reasonable steps to ensure that an electronic notary public using its electronic notarization solution is registered with the Secretary of State and is in compliance with the requirements of this chapter and chapter 240 of NRS for the performance of an electronic notarial act.

(Added to NAC by Sec’y of State by R065-19, eff. 12-30-2019)

**NAC 240.730 Electronic notary public: Prohibited acts.** (NRS 240.206) An electronic notary public shall not:

1. Engage in any act prohibited by NRS 240.075.
2. Perform an electronic notarial act using audio-video communication while the electronic notary public is at a location outside this State.
3. Fail to record an electronic notarial act performed using audio-video communication as required by NRS 240.1995 or fail to keep such a recording in accordance with the requirements of NRS 240.1995.
4. Use an electronic seal or digital certificate that is invalid or fails to meet the requirements of this chapter or chapter 240 of NRS during the performance of an electronic notarial act.
5. Fail to notify the Secretary of State of a change in his or her electronic seal or digital certificate.
6. Use his or her electronic seal, alone or together with his or her electronic signature, except in the performance of an electronic notarial act.
7. Allow unauthorized access to the electronic journal kept by the electronic notary public pursuant to NRS 240.201, his or her electronic signature or his or her digital certificate, or to the electronic notarization solution used by the electronic notary public to perform an electronic notarial act.
8. Violate any other provision of this chapter or chapter 240 of NRS relating to the performance of an electronic notarial act.

(Added to NAC by Sec’y of State by R065-19, eff. 12-30-2019)

**NAC 240.735 Penalties, prohibitions, liabilities, sanctions and remedies.** (NRS 240.206) The

penalties, prohibitions, liabilities, sanctions and remedies for the improper performance of an electronic notarial act are the same as provided by law for the improper performance of a notarial act that is not an electronic notarial act.

(Added to NAC by Sec'y of State by R065-19, eff. 12-30-2019)