

ASSEMBLY BILL NO. 65—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE SECRETARY OF STATE)

PREFILED DECEMBER 20, 2014

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to public affairs.
(BDR 19-445)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to public affairs; making various changes relating to the regulation of notaries public; authorizing the Secretary of State to conduct certain examinations of the records of a document preparation service; revising provisions relating to the authentication by the Secretary of State of certain information contained on notarized documents; revising the definition of “document preparation service” to exclude certain nonprofit organizations and collection agencies; making various changes relating to the regulation of document preparation services; authorizing the Secretary of State to adopt regulations prescribing procedures to prevent the filing of certain documents in his or her office; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law prohibits persons with certain criminal convictions from becoming
- 2 notaries public and provides for the revocation of the appointment of notaries
- 3 public who are convicted of certain crimes. (NRS 240.010, 240.150) **Sections 1**
- 4 **and 6** of this bill clarify that those convictions include a conviction that follows a
- 5 plea of nolo contendere or no contest. **Section 1** also prohibits the Secretary of
- 6 State from appointing as a notary public a person whose previous appointment as a
- 7 notary public in this State or another state has been revoked for cause.



8 Existing law prohibits a person who has not been appointed as a notary public
9 from representing himself or herself as a notary public. (NRS 240.010) **Section 1**
10 expands this prohibition to include those persons whose appointment has expired or
11 been suspended or revoked, and provides a civil penalty for such a violation.

12 Existing law requires that applicants for appointment as notaries public
13 complete 4 hours of instruction relating to the functions and duties of notaries
14 public. (NRS 240.018) **Section 3** of this bill shortens the course to 3 hours and
15 requires an examination. **Section 3** also requires a person renewing his or her
16 appointment as a notary public to retake the course, and allows the Secretary of
17 State to require a notary public who has violated any provision of chapter 240 of
18 NRS to retake the course. Additionally, **section 3** authorizes the Secretary of State
19 to use an outside vendor to administer the course and examination. **Section 6.5** of
20 this bill makes similar conforming changes to the course and examination
21 requirements for an electronic notary public.

22 Existing law requires the Secretary of State to issue, upon request and the
23 payment of certain fees, an authentication to verify that: (1) the signature of a
24 notarial officer on a document is valid; and (2) the notarial officer holds the office
25 indicated on the document. (NRS 240.1657) **Section 6.3** of this bill requires a
26 request for authentication to include a statement signed under penalty of perjury
27 that the document will not be used to: (1) harass a person; or (2) accomplish any
28 fraudulent, criminal or other unlawful purpose. **Section 6.3** also prohibits bringing
29 a civil action against the Secretary of State on the basis that: (1) the Secretary of
30 State has issued an authentication; and (2) the document has been used to harass a
31 person or accomplish any fraudulent, criminal or other unlawful purpose.
32 Additionally, **section 6.3** provides that a person who uses a document for which an
33 authentication has been issued for such unlawful purposes is guilty of a category C
34 felony.

35 Existing law prohibits certain actions by notaries public. (NRS 240.075)
36 **Section 4** of this bill prohibits a notary public from affixing his or her stamp to any
37 document which does not contain a notarial certificate.

38 Existing law prohibits the use of the Spanish term “notario” or “notario
39 publico” in any signage or advertisement by a notary public who is not also an
40 attorney licensed to practice law in this State. (NRS 240.085) **Section 5** of this bill
41 extends this prohibition to the employers of notaries public, and requires the
42 imposition of a civil penalty for violating such a prohibition.

43 Existing law requires that a person who wishes to register as a documentation
44 preparation service must be a citizen or legal resident of the United States. (NRS
45 240A.100) **Section 9** of this bill allows a person who holds employment
46 authorization from the United States Citizenship and Immigration Services to
47 register as a documentation preparation service. **Section 9** also provides that an
48 application for registration that is not completed within 6 months must be denied.
49 Finally, **section 9** prohibits the Secretary of State from registering as a document
50 preparation service any person whose previous registration as a document
51 preparation service in this State or another state has been revoked for cause.

52 Existing law exempts certain persons from registering as a documentation
53 preparation service. (NRS 240A.030) **Section 8** of this bill clarifies which nonprofit
54 organizations are not required to register and adds collection agencies to the list of
55 such persons.

56 Existing law requires that a document prepared by a documentation preparation
57 service must include the name, address, phone number and registration number of
58 the document preparation service. (NRS 240A.200) **Section 11** of this bill deletes
59 this requirement but requires a document preparation service to provide this
60 information on any document on which the information is requested.



61 **Section 7** of this bill specifically authorizes the Secretary of State to inspect the
62 documents required to be maintained by document preparation services to ensure
63 compliance with the law.

64 Existing law authorizes the Secretary of State to adopt regulations prescribing
65 procedures to prevent the filing of false or forged documents in his or her office.
66 (NRS 225.083) **Section 11.5** of this bill authorizes the Secretary of State also to
67 adopt regulations prescribing procedures to prevent the filing of documents in his
68 or her office that: (1) are fraudulent; (2) contain a false statement of material fact;
69 or (3) are filed for the purpose of harassing or defrauding a person.

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

1 **Section 1.** NRS 240.010 is hereby amended to read as follows:
2 240.010 1. The Secretary of State may appoint notaries
3 public in this State.

4 2. The Secretary of State shall not appoint as a notary public a
5 person:

6 (a) Who submits an application containing a substantial and
7 material misstatement or omission of fact.

8 (b) Whose previous appointment as a notary public in this State
9 *or another state* has been revoked *H for cause*.

10 (c) Who, except as otherwise provided in subsection 3, has been
11 convicted of *H*, *or entered a plea of guilty, guilty but mentally ill*
12 *or nolo contendere to:*

13 (1) A crime involving moral turpitude; or

14 (2) Burglary, conversion, embezzlement, extortion, forgery,
15 fraud, identity theft, larceny, obtaining money under false pretenses,
16 robbery or any other crime involving misappropriation of the
17 identity or property of another person or entity,

18 *➔* if the Secretary of State is aware of such a conviction *or plea*
19 before the Secretary of State makes the appointment.

20 (d) Against whom a complaint that alleges a violation of a
21 provision of this chapter is pending.

22 (e) Who has not submitted to the Secretary of State proof
23 satisfactory to the Secretary of State that the person has enrolled in
24 and successfully completed a course of study provided pursuant to
25 NRS 240.018.

26 3. A person who has been convicted of *, or entered a plea of*
27 *guilty, guilty but mentally ill or nolo contendere to*, a crime
28 involving moral turpitude may apply for appointment as a notary
29 public if the person provides proof satisfactory to the Secretary of
30 State that:

31 (a) More than 10 years have elapsed since the date of the
32 person's release from confinement or the expiration of the period of
33 his or her parole, probation or sentence, whichever is later;



1 (b) The person has made complete restitution for his or her
2 crime involving moral turpitude, if applicable;

3 (c) The person possesses his or her civil rights; and

4 (d) The crime for which the person was convicted *or entered a*
5 *plea* is not one of the crimes enumerated in subparagraph (2) of
6 paragraph (c) of subsection 2.

7 4. A notary public may cancel his or her appointment by
8 submitting a written notice to the Secretary of State.

9 5. It is unlawful for a person to:

10 (a) Represent himself or herself as a notary public appointed
11 pursuant to this section if the person has not received a certificate of
12 appointment from the Secretary of State pursuant to this chapter ~~H~~,
13 *or if his or her appointment is expired, revoked or suspended or is*
14 *otherwise not in good standing.*

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

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

21 7. The Secretary of State may request that the Attorney General
22 bring an action to enjoin any violation of paragraph (a) of subsection
23 5 ~~H~~ *and recover any penalties, attorney's fees and costs.*

24 **Sec. 2.** NRS 240.015 is hereby amended to read as follows:

25 240.015 1. Except as otherwise provided in this section, a
26 person appointed as a notary public must:

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

31 (b) Be a resident of this State.

32 (c) Be at least 18 years of age.

33 (d) Possess his or her civil rights.

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

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



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

3 (a) Maintains a place of business in the State of Nevada that is
4 licensed pursuant to chapter 76 of NRS and any applicable business
5 licensing requirements of the local government where the business
6 is located; or

7 (b) Is regularly employed at an office, business or facility
8 located within the State of Nevada by an employer licensed to do
9 business in this State.

10 ➔ If such a person ceases to maintain a place of business in this
11 State or regular employment at an office, business or facility located
12 within this State, the Secretary of State may suspend the person's
13 appointment. The Secretary of State may reinstate an appointment
14 suspended pursuant to this subsection if the notary public submits to
15 the Secretary of State, before his or her term of appointment as a
16 notary public expires, the information required pursuant to
17 subsection 2 of NRS 240.030.

18 **Sec. 3.** NRS 240.018 is hereby amended to read as follows:

19 240.018 1. The Secretary of State may:

20 (a) Provide courses of study for the mandatory training of
21 notaries public. Such courses of study ~~must~~ :

22 (1) *Must* include at least ~~4~~ 3 hours of instruction *and an*
23 *examination* relating to the functions and duties of notaries public
24 ~~;~~ *and*

25 (2) *May be conducted in person or online by the Secretary*
26 *of State or a vendor approved by the Secretary of State.*

27 (b) Charge a reasonable fee to each person who enrolls in a
28 course of study for the mandatory training of notaries public.

29 2. A course of study provided pursuant to this section must
30 comply with the regulations adopted pursuant to subsection 1 of
31 NRS 240.017.

32 3. The following persons are required to enroll in and
33 successfully complete a course of study provided pursuant to this
34 section:

35 (a) A person applying for appointment as a notary public for the
36 first time.

37 (b) A person renewing his or her appointment as a notary public
38 ~~. If the appointment has expired for a period greater than 1 year.~~

39 (c) A person ~~renewing his or her appointment as a notary~~
40 ~~public, if during the immediately preceding 4 years the person has~~
41 ~~been fined for failing to comply with a statute or regulation of this~~
42 ~~State relating to notaries public.~~

43 ~~➔ A person who holds a current appointment as a notary public is~~
44 ~~not required to enroll in and successfully complete a course of study~~
45 ~~provided pursuant to this section if the person is in compliance with~~



1 ~~all of the statutes and regulations of this State relating to notaries~~
2 ~~public.] who has committed a violation of this chapter or whose~~
3 ~~appointment as a notary public has been suspended, and who has~~
4 ~~been required by the Secretary of State to enroll in a course of~~
5 ~~study provided pursuant to this section.~~

6 4. The Secretary of State shall deposit the fees collected
7 pursuant to paragraph (b) of subsection 1 in the Notary Public
8 Training Account which is hereby created in the State General Fund.
9 The Account must be administered by the Secretary of State. Any
10 interest and income earned on the money in the Account, after
11 deducting any applicable charges, must be credited to the Account.
12 Any money remaining in the Account at the end of a fiscal year does
13 not revert to the State General Fund, and the balance in the Account
14 must be carried forward. All claims against the Account must be
15 paid as other claims against the State are paid. The money in the
16 Account may be expended:

17 (a) To pay for expenses related to providing courses of study for
18 the mandatory training of notaries public, including, without
19 limitation, the rental of rooms and other facilities, advertising, travel
20 and the printing and preparation of course materials; or

21 (b) For any other purpose authorized by the Legislature.

22 5. At the end of each fiscal year, the Secretary of State shall
23 reconcile the amount of the fees collected pursuant to paragraph (b)
24 of subsection 1 and the expenses related to administering the
25 training of notaries public pursuant to this chapter and deposit any
26 excess fees received with the State Treasurer for credit to the State
27 General Fund.

28 **Sec. 4.** NRS 240.075 is hereby amended to read as follows:

29 240.075 A notary public shall not:

30 1. Influence a person to enter or not enter into a lawful
31 transaction involving a notarial act performed by the notary public.

32 2. Certify an instrument containing a statement known by the
33 notary public to be false.

34 3. Perform any act as a notary public with intent to deceive or
35 defraud, including, without limitation, altering the journal that the
36 notary public is required to keep pursuant to NRS 240.120.

37 4. Endorse or promote any product, service or offering if his or
38 her appointment as a notary public is used in the endorsement or
39 promotional statement.

40 5. Certify photocopies of a certificate of birth, death or
41 marriage or a divorce decree.

42 6. Allow any other person to use his or her notary's stamp.

43 7. Allow any other person to sign the notary's name in a
44 notarial capacity.



1 8. Perform a notarial act on a document that contains only a
2 signature.

3 9. Perform a notarial act on a document, including a form that
4 requires the signer to provide information within blank spaces,
5 unless the document has been filled out completely and has been
6 signed.

7 10. Make or note a protest of a negotiable instrument unless the
8 notary public is employed by a depository institution and the protest
9 is made or noted within the scope of that employment. As used in
10 this subsection, "depository institution" has the meaning ascribed to
11 it in NRS 657.037.

12 *11. Affix his or her stamp to any document which does not*
13 *contain a notarial certificate.*

14 **Sec. 5.** NRS 240.085 is hereby amended to read as follows:

15 240.085 1. Every notary public who is not an attorney
16 licensed to practice law in this State and who advertises his or her
17 services as a notary public in a language other than English by any
18 form of communication, except a single plaque on his or her desk,
19 shall post or otherwise include with the advertisement a notice in the
20 language in which the advertisement appears. The notice must be of
21 a conspicuous size, if in writing, and must appear in substantially
22 the following form:
23

24 I AM NOT AN ATTORNEY IN THE STATE OF
25 NEVADA. I AM NOT LICENSED TO GIVE LEGAL
26 ADVICE. I MAY NOT ACCEPT FEES FOR GIVING
27 LEGAL ADVICE.
28

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

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

38 (a) Suspend the appointment of the notary public for not less
39 than 1 year.

40 (b) Revoke the appointment of the notary public for a third or
41 subsequent offense.

42 *(c) Assess a civil penalty of not more than \$2,000 for each*
43 *violation.*



1 4. A notary public who is found guilty in a criminal
2 prosecution of violating subsection 1 or 2 shall be punished by a
3 fine of not more than \$2,000.

4 **5. *An employer of a notary public shall not:***

5 ***(a) Prohibit the notary public from meeting the requirements***
6 ***set forth in subsection 1; or***

7 ***(b) Advertise using the term "notario," "notario publico" or***
8 ***any other equivalent non-English term in any form of***
9 ***communication that advertises notary public services, including,***
10 ***without limitation, a business card, stationery, notice and sign,***
11 ***unless the notary public under his or her employment is an***
12 ***attorney licensed to practice law in this State.***

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

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

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

20 **7. *The employer of a notary public who is found guilty in a***
21 ***criminal prosecution of violating a provision of subsection 5 shall***
22 ***be punished by a fine of not more than \$2,000.***

23 **Sec. 6.** NRS 240.150 is hereby amended to read as follows:

24 240.150 1. For misconduct or neglect in a case in which a
25 notary public appointed pursuant to the authority of this State may
26 act, either by the law of this State or of another state, territory or
27 country, or by the law of nations, or by commercial usage, the
28 notary public is liable on his or her official bond to the parties
29 injured thereby, for all the damages sustained.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

32 **Sec. 6.3.** NRS 240.1657 is hereby amended to read as follows:

33 240.1657 1. Except as otherwise provided in subsection 2,
34 the Secretary of State shall, upon request and payment of a fee of
35 \$20, issue an authentication to verify that the signature of the
36 notarial officer on a document is genuine and that the notarial
37 officer holds the office indicated on the document. If the document:

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

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



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

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

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

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

12 (1) *Harass a person; or*

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

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

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

19 (b) *The document has been used to:*

20 (1) *Harass a person; or*

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

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

25 (a) *Harass a person; or*

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

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

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

34 **Sec. 6.5.** NRS 240.195 is hereby amended to read as follows:

35 240.195 1. Except as otherwise provided in subsection 2, an
36 applicant for appointment as an electronic notary public must
37 successfully:

38 (a) Complete a course of study that is in accordance with the
39 requirements of subsection 5; and

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

41 2. The following persons ~~must~~ *are required to enroll in and*
42 *successfully complete a course of study as required pursuant to*
43 *subsection 1:*

44 (a) A person applying for his or her first appointment as an
45 electronic notary public;



1 (b) A person renewing his or her appointment as an electronic
2 notary public ; ~~if the appointment as an electronic notary public has~~
3 ~~been expired for a period of more than 1 year;~~ and

4 (c) A person ~~renewing his or her appointment as an electronic~~
5 ~~notary public if, during the 4 years immediately preceding the~~
6 ~~application for renewal, the Secretary of State took action against~~
7 ~~the person pursuant to NRS 240.150 for failing to comply with any~~
8 ~~provision of this chapter or any regulations adopted pursuant~~
9 ~~thereto.~~

10 ~~→ A person renewing his or her appointment as an electronic notary~~
11 ~~public need not successfully complete a course of study as required~~
12 ~~pursuant to subsection 1 if the appointment as an electronic notary~~
13 ~~public has been expired for a period of 1 year or less;~~ *who has*
14 *committed a violation of this chapter or whose appointment or an*
15 *electronic notary public has been suspended, and who has been*
16 *required by the Secretary of State to enroll in a course of study*
17 *provided pursuant to this section.*

18 3. A course of study required to be completed pursuant to
19 subsection 1 must:

20 (a) Include at least 3 hours of instruction;

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

24 (c) Include an examination of the course content;

25 (d) Comply with the regulations adopted pursuant to NRS
26 240.206; and

27 (e) Be approved by the Secretary of State.

28 4. The Secretary of State may, with respect to a course of study
29 required to be completed pursuant to subsection 1:

30 (a) Provide such a course of study; and

31 (b) Charge a reasonable fee to each person who enrolls in such a
32 course of study.

33 5. A course of study provided pursuant to this section ~~must~~ :

34 (a) *Must* satisfy the criteria set forth in subsection 3 and comply
35 with the requirements set forth in the regulations adopted pursuant
36 to NRS 240.206.

37 (b) *May be provided in person or online by the Secretary of*
38 *State or a vendor approved by the Secretary of State.*

39 6. The Secretary of State shall deposit the fees collected
40 pursuant to paragraph (b) of subsection 4 in the Notary Public
41 Training Account created pursuant to NRS 240.018.

42 **Sec. 7.** Chapter 240A of NRS is hereby amended by adding
43 thereto a new section to read as follows:

44 *The Secretary of State may conduct periodic, special or any*
45 *other examinations of any records required to be maintained*



1 *pursuant to this chapter or any other provisions of NRS pertaining*
2 *to the duties of a registrant as the Secretary of State deems*
3 *necessary to determine whether a violation of this chapter or any*
4 *other provision of NRS pertaining to the duties of a registrant has*
5 *occurred.*

6 **Sec. 8.** NRS 240A.030 is hereby amended to read as follows:

7 240A.030 1. "Document preparation service" means a person
8 who:

9 (a) For compensation and at the direction of a client, provides
10 assistance to the client in a legal matter, including, without
11 limitation:

12 (1) Preparing or completing any pleading, application or
13 other document for the client;

14 (2) Translating an answer to a question posed in such a
15 document;

16 (3) Securing any supporting document, such as a birth
17 certificate, required in connection with the legal matter; or

18 (4) Submitting a completed document on behalf of the client
19 to a court or administrative agency; or

20 (b) Holds himself or herself out as a person who provides such
21 services.

22 2. The term does not include:

23 (a) A person who provides only secretarial or receptionist
24 services.

25 (b) An attorney authorized to practice law in this State, or an
26 employee of such an attorney who is paid directly by the attorney or
27 law firm with whom the attorney is associated and who is acting in
28 the course and scope of that employment.

29 (c) A law student certified by the State Bar of Nevada for
30 training in the practice of law.

31 (d) A governmental entity or an employee of such an entity who
32 is acting in the course and scope of that employment.

33 (e) A nonprofit organization *formed pursuant to title 7 of NRS*
34 *which ~~qualifies as~~ the Secretary of the Treasury has determined*
35 *is* a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and
36 which provides legal services to persons free of charge, or an
37 employee of such an organization who is acting in the course and
38 scope of that employment.

39 (f) A legal aid office or lawyer referral service operated,
40 sponsored or approved by a duly accredited law school, a
41 governmental entity, the State Bar of Nevada or any other bar
42 association which is representative of the general bar of the
43 geographical area in which the bar association exists, or an
44 employee of such an office or service who is acting in the course
45 and scope of that employment.



1 (g) A military legal assistance office or a person assigned to
2 such an office who is acting in the course and scope of that
3 assignment.

4 (h) A person licensed by or registered with an agency or entity
5 of the United States Government acting within the scope of his or
6 her license or registration, including, without limitation, an
7 accredited immigration representative and an enrolled agent
8 authorized to practice before the Internal Revenue Service, but not
9 including a bankruptcy petition preparer as defined by section 110
10 of the United States Bankruptcy Code, 11 U.S.C. § 110.

11 (i) A corporation, limited-liability company or other entity
12 representing or acting for itself through an officer, manager,
13 member or employee of the entity, or any such officer, manager,
14 member or employee who is acting in the course and scope of that
15 employment.

16 (j) A commercial wedding chapel.

17 (k) A person who provides legal forms or computer programs
18 that enable another person to create legal documents.

19 (l) A commercial registered agent.

20 (m) A person who holds a license, permit, certificate,
21 registration or any other type of authorization required by chapter
22 645 or 692A of NRS, or any regulation adopted pursuant thereto,
23 and is acting within the scope of that authorization.

24 *(n) A collection agency that is licensed pursuant to chapter*
25 *649 of NRS.*

26 3. As used in this section:

27 (a) "Commercial registered agent" has the meaning ascribed to it
28 in NRS 77.040.

29 (b) "Commercial wedding chapel" means a permanently affixed
30 structure which operates a business principally for the performance
31 of weddings and which is licensed for that purpose.

32 **Sec. 9.** NRS 240A.100 is hereby amended to read as follows:

33 240A.100 1. A person who wishes to engage in the business
34 of a document preparation service must be registered by the
35 Secretary of State pursuant to this chapter. An applicant for
36 registration must be a citizen or legal resident of the United States
37 *or hold a valid Employment Authorization Document issued by the*
38 *United States Citizenship and Immigration Services of the*
39 *Department of Homeland Security, and be* at least 18 years of age.

40 2. The Secretary of State shall not register as a document
41 preparation service any person:

42 (a) Who is suspended or has previously been disbarred from the
43 practice of law in any jurisdiction;



1 (b) Whose registration as a document preparation service *in this*
2 *State or another state* has previously been revoked ~~by the~~
3 ~~Secretary of State;~~ *for cause;*

4 (c) Who has previously been convicted of , *or entered a plea of*
5 *guilty, guilty but mentally ill or nolo contendere to,* a gross
6 misdemeanor pursuant to paragraph (b) of subsection 1 of NRS
7 240A.290; or

8 (d) Who has, within the 10 years immediately preceding the date
9 of the application for registration as a document preparation service,
10 been:

11 (1) Convicted of , *or entered a plea of guilty, guilty but*
12 *mentally ill or nolo contendere to,* a crime involving theft, fraud or
13 dishonesty;

14 (2) Convicted of , *or entered a plea of guilty, guilty but*
15 *mentally ill or nolo contendere to,* the unauthorized practice of law
16 pursuant to NRS 7.285 or the corresponding statute of any other
17 jurisdiction; or

18 (3) Adjudged by the final judgment of any court to have
19 committed an act involving theft, fraud or dishonesty.

20 3. An application for registration as a document preparation
21 service must be made under penalty of perjury on a form prescribed
22 by regulation of the Secretary of State and must be accompanied
23 by a cash bond or surety bond meeting the requirements of
24 NRS 240A.120.

25 4. After the investigation of the history of the applicant is
26 completed, the Secretary of State shall issue a certificate of
27 registration if the applicant is qualified for registration and has
28 complied with the requirements of this section. Each certificate of
29 registration must bear the name of the registrant and a registration
30 number unique to that registrant. The Secretary of State shall
31 maintain a record of the name and registration number of each
32 registrant.

33 *5. An application for registration as a document preparation*
34 *service that is not completed within 6 months after the date on*
35 *which the application was submitted must be denied.*

36 **Sec. 10.** NRS 240A.110 is hereby amended to read as follows:
37 240A.110 1. The registration of a document preparation
38 service is valid for 1 year after the date of issuance of the certificate
39 of registration, unless the registration is suspended or revoked.
40 Except as otherwise provided in this section, the registration may be
41 renewed subject to the same conditions as the initial registration. An
42 application for renewal must be made under penalty of perjury on a
43 form prescribed by regulation of the Secretary of State and must be
44 accompanied by a cash bond or surety bond meeting the



1 requirements of NRS 240A.120, unless the bond previously filed by
2 the registrant remains on file and in effect.

3 2. *The registration of a registrant who holds a valid*
4 *Employment Authorization Document issued by the United States*
5 *Citizenship and Immigration Services of the Department of*
6 *Homeland Security must expire on the date on which that person's*
7 *employment authorization expires.*

8 3. The Secretary of State may:

9 (a) Conduct any investigation of a registrant that the Secretary
10 of State deems appropriate.

11 (b) Require a registrant to submit a complete set of fingerprints
12 and written permission authorizing the Secretary of State to forward
13 the fingerprints to the Central Repository for Nevada Records of
14 Criminal History for submission to the Federal Bureau of
15 Investigation for its report.

16 ~~3.4~~ 4. After any investigation of the history of a registrant is
17 completed, unless the Secretary of State elects or is required to deny
18 renewal pursuant to this section or NRS 240A.270, the Secretary of
19 State shall renew the registration if the registrant is qualified for
20 registration and has complied with the requirements of this section.

21 **Sec. 11.** NRS 240A.200 is hereby amended to read as follows:

22 240A.200 ~~{Any}~~ *If a document prepared for a client by a*
23 *registrant ~~{must include, below any required signature of the client,}~~*
24 *includes a place on the document for the registrant to provide*
25 *information, including, without limitation, the name, business*
26 *address, ~~{and}~~ telephone number and registration number of the*
27 *registrant ~~{}~~, the registrant shall include the requested*
28 *information on the document.*

29 **Sec. 11.5.** NRS 225.083 is hereby amended to read as follows:

30 225.083 1. The Secretary of State shall prominently post the
31 following notice at each office and each location on his or her
32 Internet website at which documents are accepted for filing:

33
34 The Secretary of State is not responsible for the content,
35 completeness or accuracy of any document filed in this office.
36 Customers should periodically review the documents on file
37 in this office to ensure that the documents pertaining to them
38 are complete and accurate.

39
40 Pursuant to NRS 239.330, any person who knowingly offers
41 any false or forged instrument for filing in this office is guilty
42 of a category C felony and shall be punished by imprisonment
43 in the state prison for a minimum term of not less than 1 year
44 and a maximum term of not more than 5 years and may be
45 further punished by a fine of not more than \$10,000.



1 Additionally, any person who knowingly offers any false or
2 forged instrument for filing in this office may also be subject
3 to civil liability.
4

5 2. The Secretary of State may adopt regulations prescribing
6 procedures to prevent the filing ~~{of false or forged documents}~~ in his
7 or her office ~~H~~ of:

8 (a) *False, fraudulent or forged documents.*

9 (b) *Documents that contain a false statement of material fact.*

10 (c) *Documents that are filed for the purpose of harassing or*
11 *defrauding a person.*

12 **Sec. 12.** 1. The provisions of NRS 240.018, as amended by
13 section 3 of this act, do not apply to a notary public whose
14 appointment as a notary public expires before July 1, 2015.

15 2. The provisions of NRS 240.195, as amended by section 6.5
16 of this act, do not apply to an electronic notary public whose
17 appointment as an electronic notary public expires before July 1,
18 2015.

19 **Sec. 13.** This act becomes effective on July 1, 2015.

