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CHAPTER 240 - NOTARIES PUBLIC AND COMMISSIONED ABSTRACTERS

NOTARIES PUBLIC

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NOTARIES PUBLIC

General Provisions

NRS 240.001 Definitions. As used in [NRS 240.001](#) to [240.169](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 240.002](#) to [240.005](#), inclusive, have the meanings ascribed to them in those sections.
(Added to NRS by 1995, 187; A 1997, 930; [1999, 74](#); [2001, 652](#); [2003, 606](#); [2005, 2274](#))

NRS 240.002 “Acknowledgment” defined. “Acknowledgment” means a declaration by a person that he has executed an instrument for the purposes stated therein and, if the instrument is executed in a representative capacity, that he signed the instrument with proper authority and executed it as the act of the person or entity represented and identified therein.
(Added to NRS by 1995, 187)

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 claims to be; and
2. Is known personally to the signer of the document and the notarial officer.

(Added to NRS by [2003, 606](#))

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.

(Added to NRS by 1995, 188)

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.

(Added to NRS by [2003, 606](#))

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.

(Added to NRS by 1995, 188; A 1995, 1597; 1997, 930; [2003, 606](#))

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

(Added to NRS by 1995, 188)

NRS 240.007 Information and documents filed with or obtained by Secretary of State: Public examination; confidentiality and disclosure of information, documents or evidence connected with investigations.

1. Except as otherwise provided in subsection 2, information and documents filed with or obtained by the Secretary of State pursuant to [NRS 240.001](#) to [240.169](#), inclusive, are public information and are available for public examination.

2. Except as otherwise provided in subsections 3 and 4 and in [NRS 239.0115](#), information and documents obtained by or filed with the Secretary of State in connection with an investigation concerning a possible violation of the provisions of [NRS 240.001](#) to [240.169](#), inclusive, are not public information and are confidential.

3. The Secretary of State may submit any information or evidence obtained in connection with an investigation concerning a possible violation of the provisions of [NRS 240.001](#) to [240.169](#), inclusive, to the appropriate district attorney for the purpose of prosecuting a criminal action.

4. The Secretary of State may disclose any information or documents obtained in connection with an investigation concerning a possible violation of the provisions of [NRS 240.001](#) to [240.169](#), inclusive, to an agency of this State or a political subdivision of this State.

(Added to NRS by [1999, 74](#); A [2005, 2274](#); [2007, 2066](#))

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 has been revoked.
 - (c) Who has been convicted of a crime involving moral turpitude, if the Secretary of State is aware of such a conviction before he makes the appointment.
 - (d) Against whom a complaint that alleges a violation of a provision of this chapter is pending.
 - (e) Who has not submitted to the Secretary of State proof satisfactory to the Secretary of State that he has enrolled in and successfully completed a course of study provided pursuant to [NRS 240.018](#).
3. A notary public may cancel his appointment by submitting a written notice to the Secretary of State.
4. It is unlawful for a person to:
 - (a) Represent himself as a notary public appointed pursuant to this section if he has not received a certificate of appointment from the Secretary of State pursuant to this chapter.
 - (b) Submit an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact.
5. The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 4.

[1:22:1907; RL § 2762; NCL § 4732] + [Part 1:108:1866; B § 2599; BH § 1636; C § 1782; RL § 2765; NCL § 4765] + [4:22:1907; added 1913, 31; 1919 RL § 2764; NCL § 4735]—(NRS A 1959, 220; 1975, 1519; 1979, 24; 1995, 190; 1997, 930; [2005, 2275](#); [2007, 1097](#))

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) During the period of his appointment, be a citizen of the United States or lawfully admitted for permanent residency in the United States as verified by the United States Citizenship and Immigration Services.
 - (b) Be a resident of this State.
 - (c) Be at least 18 years of age.
 - (d) Possess his civil rights.
2. If a person appointed as a notary public ceases to be lawfully admitted for permanent residency in the United States during his appointment, he shall, within 90 days after his lawful admission has expired or is otherwise terminated, submit to the Secretary of State evidence that he is lawfully readmitted for permanent residency as verified by the United States Citizenship and Immigration Services. If the person fails to submit such evidence within the prescribed time, his appointment expires by operation of law.
3. The Secretary of State may appoint a person who resides in an adjoining state as a notary public if the person:
 - (a) Maintains a place of business in the State of Nevada; or
 - (b) Is regularly employed at an office, business or facility located within the State of Nevada by an employer licensed to do business in this State.

È If such a person ceases to maintain a place of business in this State or regular employment at an office, business or facility located within this State, the Secretary of State may suspend his appointment. The Secretary of State may reinstate an appointment suspended pursuant to this subsection if the notary public submits to the Secretary of State, before his term of appointment as a notary public expires, an affidavit which contains the information required pursuant to subsection 2 of [NRS 240.030](#).

(Added to NRS by 1985, 1204; A 1993, 261; 1995, 190; 1997, 931; [2005, 1581](#))

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](#).
- (Added to NRS by 1985, 1204; A 1995, 191; 1997, 931; [2001, 652](#); [2007, 1098](#))

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 Fund.

1. The Secretary of State may:
 - (a) Provide courses of study for the mandatory training of notaries public. Such courses of study must include at least 4 hours of instruction relating to the functions and duties of notaries public.
 - (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 appointment as a notary public, if his appointment as a notary public has expired for a period greater than 1 year.
 - (c) A person renewing his appointment as a notary public, if during the immediately preceding 4 years he has been fined for failing to comply with a statute or regulation of this State relating to notaries public.

È A person who holds a current appointment as a notary public is not required to enroll in and successfully complete a course of study provided pursuant to this section if he is in compliance with all of the statutes and regulations of this State relating to notaries public.

4. The Secretary of State shall deposit the fees collected pursuant to paragraph (b) of subsection 1 in the Notary Public Training Fund which is hereby created as a special revenue fund in the State Treasury. The Fund must be administered by the Secretary of State. Any interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Any money remaining in the Fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward. All claims against the Fund must be paid as other claims against the State are paid. The money in the Fund may be

expended only 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.

(Added to NRS by [2001, 651](#); A [2007, 1098](#))

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 does not authorize the person to perform notarial acts in another state.

[Part 2:22:1907; RL § 2763; NCL § 4733]—(NRS A 1975, 1519; 1997, 931)

NRS 240.030 Application for appointment; oath and bond; additional requirements for resident of adjoining state; 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 he submits his application, pay to the Secretary of State \$35.

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

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

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

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

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

(b) Unless the applicant is self-employed, an affidavit from his employer setting forth the facts that show:

(1) The employer is licensed to do business in the State of Nevada; and

(2) 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 residential address or telephone number on any such document which will become available to the public.

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

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

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

[2:39:1864; A 1865, 407; 1883, 82; 1949, 69; 1943 NCL § 4715] + [3:39:1864; A 1911, 361; RL § 2746; NCL § 4716]—(NRS A 1973, 386; 1979, 77; 1981, 325; 1983, 706; 1985, 1205; 1987, 1113; 1989, 148; 1995, 191, 1595; 1997, 931; [1999, 74](#); [2001, 652](#); [2007, 44](#), [1099](#))

NRS 240.031 Annual submission of affidavit 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 appointment as a notary public, an affidavit containing the information required pursuant to subsection 2 of [NRS 240.030](#).

(Added to NRS by 1997, 929)

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. 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 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 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.

(Added to NRS by 1995, 189; A 1997, 933; [2005, 2275](#))

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 appointment, a notary public changes his mailing address, county of residence or signature or, if he is a resident of an adjoining state, changes his place of business or employment, he 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 name during his appointment and he intends to use his new name in the performance of his notarial duties, he 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 his new name and signature and his address;

(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, he shall:

(a) Destroy his 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 bond of the changes.

(Added to NRS by 1995, 188; A 1997, 933)

NRS 240.040 Use of stamp; embossed notarial seal not required; requirements 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 stamp over printed material.

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

[10:39:1864; B § 339; BH § 2244; C § 2411; RL § 2753; NCL § 4723]—(NRS A 1965, 647; 1985, 1205; 1995, 191, 1596; 1997, 934; [2003, 606](#))

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 original or amended certificate of appointment or a certified copy of his original or amended certificate of appointment to that person or governmental entity.

(Added to NRS by 1995, 188; A 1997, 935)

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

1. If a notary public resigns or dies during his appointment, the notary public, or the executor of his estate, 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.

(Added to NRS by 1995, 189)

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.

[Part 1911 CPA § 541; RL § 5483; NCL § 9030] + [4:39:1864; B § 333; BH § 2238; C § 2405; RL § 2747; NCL § 4717] + [5:39:1864; B § 334; BH § 2239; C § 2406; RL § 2748; NCL § 4718] + [6:39:1864; B § 335; BH § 2240; C § 2407; RL § 2749; NCL §

4719] + [7:39:1864; B § 336; BH § 2241; C § 2408; RL § 2750; NCL § 4720]—(NRS A 1985, 1206; 1987, 1303; 1995, 192, 1596; [2007, 45](#))

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.

(Added to NRS by 1997, 929; A [2003, 607](#))

NRS 240.065 Restrictions on powers of notary public; exception.

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

(a) He executed or is named in the instrument acknowledged or sworn to;

(b) Except as otherwise provided in subsection 2, he 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; or

(c) The person whose signature is to be acknowledged or sworn to is 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 he has or will receive directly from a transaction relating to the instrument or pleading a fee for providing legal services in excess of the fee authorized pursuant to [NRS 240.100](#) for the notarial act.

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

(a) A spouse, 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 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 of the notary public.

(Added to NRS by 1985, 1205; A 1995, 192; 1997, 935; [2005, 67](#))

NRS 240.069 Powers and duties of certified court reporter appointed as notary public with limited powers. Repealed. (See chapter 22, [Statutes of Nevada 2007, at page 46.](#))

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 him to be false.

3. Perform any act as a notary public with intent to deceive or defraud, including, without limitation, altering the journal that he is required to keep pursuant to [NRS 240.120](#).

4. Endorse or promote any product, service or offering if his 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 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.

(Added to NRS by 1985, 1205; A 1987, 1114; 1995, 193; [2001, 653](#))

NRS 240.085 Advertisements in language other than English to contain notice if notary public is not an attorney; penalties.

1. Every notary public who is not an attorney licensed to practice law in this State and who advertises his services as a notary public in a language other than English by any form of communication, except a single plaque on his 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" or any other equivalent non-English term in any form of communication that advertises his 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, he 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.

4. 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.

(Added to NRS by 1983, 307; A 1985, 1206; [2005, 68](#))

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.....	\$5.00
For each additional signature of each signer.....	2.50
For administering an oath or affirmation without a signature.....	2.50
For a certified copy.....	2.50
For a jurat, for each signature on the affidavit.....	5.00

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., \$10 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., \$25 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 his request after the notary public begins his 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 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 his employment. Such a person shall not require the notary public whom he employs to surrender to him all or part of a fee charged by the notary public for a notarial act performed outside the scope of his employment.

[17:39:1864; B § 346; BH § 2251; C § 2418; RL § 2760; NCL § 4730] + [1:94:1865; B § 2735; BH § 2318; C § 2457; RL § 1994; NCL § 2925] + [1:49:1883; BH § 2342; C § 2468; RL § 2005; NCL § 2936] + [15:94:1865; B § 2749; BH § 2329; C § 2467; RL § 2004; NCL § 2935] + [16:49:1883; A 1889, 39; C § 2481; RL § 2018; NCL § 2949] + [Part 25:49:1883; BH § 2366; C § 2490; RL § 2027; NCL § 2958]—(NRS A 1981, 325; 1985, 1207; 1993, 261; 1995, 193; 1997, 935; [1999, 76](#); [2003, 607](#))

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

[Part 23:49:1883; BH § 2364; C § 2488; RL § 2025; NCL § 2956]—(NRS A 1985, 1207; 1995, 193; 1997, 936)

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

1. Each notary public shall keep a journal in his office in which he 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 he performed the service;
- (d) The name and signature of the person whose signature is being notarized;
- (e) 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 he administered an oath; and
- (g) The type of certificate used to evidence the notarial act, as required pursuant to [NRS 240.1655](#).

2. 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.

3. The journal must:

- (a) Be open to public inspection.
- (b) Be in a bound volume with preprinted page numbers.

4. 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 journal.

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

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

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

[Part 18:49:1883; BH § 2359; C § 2483; RL § 2020; NCL § 2951] + [Part 21:49:1883; BH § 2362; C § 2486; RL § 2023; NCL § 2954]—(NRS A 1967, 533; 1993, 262; 1995, 193, 1596; 1997, 936; [2001, 654](#); [2007, 46](#))

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

[17:49:1883; BH § 2358; C § 2482; RL § 2019; NCL § 2950] + [Part 21:49:1883; BH § 2362; C § 2486; RL § 2023; NCL § 2954]—(NRS A 1967, 533; 1997, 937)

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 official stamp;
- (b) His journal; and
- (c) His 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.
(Added to NRS by 1997, 930)

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. Any person who violates any of the provisions of subsection 1 is guilty of a gross misdemeanor.
(Added to NRS by 1995, 189)

NRS 240.147 Unlawful destruction, defacement or concealment of notarial record.

1. It is unlawful for a person to knowingly destroy, deface or conceal a notarial record.
2. As used in this section, "notarial record" means:
 - (a) The journal that a notary public is required to keep pursuant to [NRS 240.120](#); and
 - (b) A document or other evidence retained by a notary public to record the performance of a notarial act.
(Added to NRS by 1997, 930)

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, he is liable on his official bond to the parties injured thereby, for all the damages sustained.
2. The employer of a notary public 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 employment at the time he 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 him 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 the notary public has been convicted of a crime involving moral turpitude:
 - (a) A notary public or other person who violates a provision of this chapter may be fined not more than \$2,000 for each violation;
 - (b) 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 his appointment;
 - (c) The appointment of the notary public may be revoked; or
 - (d) The notary public may be fined and his appointment may be:
 - (1) Revoked; or
 - (2) Suspended for a period determined by the Secretary of State.
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; and
 - (b) Cause notice of the revocation or suspension to be published in a newspaper of general circulation in the county in which the notary public resides or works.
6. Except as otherwise provided by law, the Secretary of State may impose the fine 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 fine before his appointment expired.

[13:39:1864; B § 342; BH § 2247; C § 2414; RL § 2756; NCL § 4726]—(NRS A 1985, 1208; 1995, 194; 1997, 937)

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. 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,
È is guilty of a gross misdemeanor.
(Added to NRS by [2005, 2274](#); A [2007, 1100](#))

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.
(Added to NRS by 1993, 200; A 1995, 194; [2005, 2276](#))

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; or
 - (d) Any other person authorized to perform the specific act by the law of this State.
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.
(Added to NRS by 1993, 200)

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.
(Added to NRS by 1993, 201)

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.
(Added to NRS by 1993, 201)

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; or
 - (c) A person authorized by the law of that jurisdiction 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.
(Added to NRS by 1993, 201; A 1997, 939; [2001, 654](#); [2005, 2276](#))

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.
- (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. 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 he:

(a) Is personally known to the notarial officer;

(b) Is identified upon the oath or affirmation of a credible witness;

(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 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. 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.

(Added to NRS by 1993, 202; A 1995, 195; 1997, 940; [2001, 655](#); [2003, 608, 1932](#))

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

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 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 the United States or 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; or

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

(Added to NRS by [2005, 2274](#))

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))

(Added to NRS by 1993, 202; A 1995, 196; [2001, 655](#); [2003, 610](#))

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))

(Added to NRS by [2001, 651](#); A [2003, 610](#))

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))

(Added to NRS by 1993, 203; A 1995, 196; [2001, 656](#); [2003, 611](#))

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))

(Added to NRS by 1997, 929; A [2001, 656](#); [2003, 611](#))

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))

(Added to NRS by 1993, 203; A 1995, 196; [2001, 657](#); [2003, 611](#))

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))

(Added to NRS by 1993, 203; A 1995, 197; 1997, 940; [2001, 657](#); [2003, 612](#))

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))

(Added to NRS by 1995, 190; A [2003, 612](#))

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))

(Added to NRS by 1995, 190; A 1997, 940; [2003, 613](#))

COMMISSIONED ABSTRACTERS

NRS 240.240 Creation of office. The office of commissioned abstracter, in and for the several counties of this State, is hereby created.

[1:180:1927; NCL § 1450]

NRS 240.250 Appointment and commission. The Secretary of State is empowered to appoint and commission commissioned abstracters in and for the several counties of this State, in any number in which applications may be made to him, as in his judgment may be deemed advisable.

[2:180:1927; NCL § 1451]—(NRS A 1997, 941)

NRS 240.260 Term of office. The term of office of a commissioned abstracter shall be for 4 years.

[Part 3:180:1927; NCL § 1452]

NRS 240.270 Fee for commission; oath and bond.

1. Each commissioned abstractor, before entering upon the acts authorized in [NRS 240.240](#) to [240.330](#), inclusive, and at the time he receives his commission, shall:

(a) Pay to the Secretary of State the sum of \$10.

(b) Take the official oath as prescribed by law, which oath shall be endorsed on his commission.

(c) Enter into a bond to the State of Nevada in the sum of \$2,000, to be approved by the district judge of the county for which the commissioned abstractor may be appointed.

2. Each commissioned abstractor shall have his commission, together with the bond, recorded in the office of the clerk of the county for which he has been appointed.

[5:180:1927; A 1951, 8]—(NRS A 1979, 78)

NRS 240.280 Seal.

1. Each commissioned abstractor shall provide an official seal with which he shall authenticate all his official acts. There shall be engraved on the official seal:

(a) The name of the county for which he has been commissioned.

(b) The name of the State.

(c) The name of the commissioned abstractor.

(d) The words "Commissioned Abstractor."

2. An impression of the official seal shall be made on the official bond of each commissioned abstractor before recording the bond.

[6:180:1927; NCL § 1455]

NRS 240.290 Acts may be performed anywhere in State. All acts of any commissioned abstractor performed anywhere within this State shall be of the same force and validity as if performed within the county for which he was appointed and in which he resides.

[4:180:1927; NCL § 1453]

NRS 240.300 Powers. A commissioned abstractor shall have authority:

1. To make search and examination of all public records and compile abstracts of title to real property or other property therefrom.

2. To make abstracts or copies of any and all instruments of record in any public office within this state, and certify the same in his official name and title, and under his official seal.

[7:180:1927; NCL § 1456]

NRS 240.310 Fees. Each commissioned abstractor shall be entitled to charge and receive, from a person or persons by whom he is employed, for services rendered, such fees as would be considered just and reasonable.

[8:180:1927; NCL § 1457]

NRS 240.320 Revocation of commission. The Secretary of State may at any time, for cause, revoke the commission of a commissioned abstractor.

[Part 3:180:1927; NCL § 1452]—(NRS A 1997, 941)

NRS 240.330 Penalties.

1. For any misconduct or neglect in any of the matters in which any commissioned abstractor appointed under the authority of [NRS 240.240](#) to [240.330](#), inclusive, is authorized to act, he shall be liable on his official bond to the person or persons injured thereby for all damages sustained.

2. For any willful violation or neglect any commissioned abstractor shall be subject to criminal prosecution, and may be punished by fine not exceeding \$2,000 and removal from office.

[9:180:1927; NCL § 1458]