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## CHAPTER 240 - NOTARIES PUBLIC

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## GENERAL PROVISIONS

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

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

## APPLICATIONS FOR APPOINTMENT

**NAC 240.205 Revocation of appointment for returned check which was used to pay application fee.** ([NRS 240.017](#))

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

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

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

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

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

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

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

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

**NAC 240.215 Fingerprints, written authorization and processing fee required to be submitted with application.** ([NRS 240.017](#), [240.030](#)) Each person applying for appointment as a notary public must submit:

1. A complete set of the fingerprints of the applicant and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

2. A fee in an amount equal to the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

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

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

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

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

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

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

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

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

**NAC 240.235 Period of appointment. ([NRS 240.017](#))**

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

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

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

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

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

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

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

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

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

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

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

(d) A statement that the notary public must respond to the complaint within 10 days after receiving the notice.

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

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

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

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

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

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

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

NONRESIDENT NOTARY PUBLIC  
AFFIDAVIT OF APPLICANT

STATE OF.....

COUNTY OF.....

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

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

2. I am employed by.....

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

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

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

.....  
Signature of Applicant

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

..... Signature of Notary Public

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

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

NONRESIDENT NOTARY PUBLIC  
AFFIDAVIT OF EMPLOYER OF APPLICANT

STATE OF.....

COUNTY OF.....

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

1. My business, .....(Name of Business)....., is licensed to do business in the State of Nevada.

2. The address of my place of business is.....

3. The telephone number at my place of business is.....

4. .....(Name of Employee/Applicant)..... is regularly employed at my place of business within the State of Nevada.

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

..... Signature of Employer

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

..... Signature of Notary Public

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

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

NONRESIDENT NOTARY PUBLIC  
AFFIDAVIT OF SELF-EMPLOYED APPLICANT

STATE OF.....

COUNTY OF.....

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

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

2. I am self-employed.

3. My business, .....(Name of Business)....., is licensed to do business in the State of Nevada.

4. The address of my place of business is.....

5. The telephone number at my place of business is.....

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

.....  
Signature of Self-Employed Applicant

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

.....  
Signature of Notary Public

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

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

1. The Secretary of State will provide at least one course of study per month for the mandatory training of notaries public.

2. An applicant for appointment as a notary public who is required pursuant to [NRS 240.018](#) to enroll in and successfully complete a course of study for the mandatory training of

notaries public must include with his or her application a certificate of successful completion of such a course, which must contain a validation stamp from the Secretary of State. A certificate of successful completion of a course of study for the mandatory training of notaries public is valid for 90 days after the date of its issuance.

3. The Secretary of State may authorize the provision of a course of study for the mandatory training of notaries public and electronic notaries public by a qualified third party subject to the terms and conditions established by the Secretary of State or a designee of the Secretary of State.

(Added to NAC by Sec’y of State, eff. 11-3-95; A by R114-07, 4-17-2008; R065-19, 12-30-2019)

#### STANDARDS OF PRACTICE

**NAC 240.300 “Secure location” interpreted. (NRS 240.017)** As used in [NRS 240.040](#) and [240.120](#), the Secretary of State will interpret the term “secure location” to include, without limitation:

1. In the sole possession of the notary public to whom a stamp or journal belongs; or
2. A locked location over which the notary public to whom a stamp or journal belongs has sole control.

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

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

1. For the purposes of subsection 9 of [NRS 240.075](#), the Secretary of State will deem a document that requires the signer to provide information within blank spaces to be filled out completely if the signer:

- (a) Provides information in each blank space; or
- (b) Designates any blank space in which information is not provided as not applicable or draws a line through the blank space.

2. If a document contains any blank signature line that is designated for an additional signer but the remainder of the document, exclusive of any such blank signature line, satisfies the requirements of subsection 1, the Secretary of State will deem the document to be filled out completely if it is clear that the notarization does not apply to any such blank signature line.

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

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

1. A notary public may only charge the fee set forth in [NRS 240.100](#) for performing a marriage ceremony if the notary public possesses a valid certificate to perform marriages that has been issued to the notary public pursuant to [NRS 122.064](#).

2. A notary public who violates this section may have his or her appointment as a notary public suspended or revoked by the Secretary of State in accordance with the provisions of [NRS 240.150](#).

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

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

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

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

1. If a person is physically unable to sign a document that is presented to a notarial officer and directs a person other than the notarial officer to sign the person’s name on the document pursuant to [NRS 240.1655](#), both the person who is physically unable to sign the document and the person directed to sign the person’s name on the document shall appear before the notarial officer at the time the document is signed.

2. The following certificate is sufficient for an acknowledgment by a person who is physically unable to sign a document and directs another person to sign the person’s name on the document pursuant to [NRS 240.1655](#):

State of Nevada  
County of.....

This instrument was acknowledged before me on.....(date) by.....(name of person physically unable to sign the document) who directed that his or her signature be affixed to the above instrument by.....(name of person directed to sign the document).

.....  
(Signature of notarial officer)

(Seal, if any)

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

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

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

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

1. Govern all practice and procedure before the Secretary of State for the revocation of a notary public commission as provided in [NRS 240.150](#) or the revocation of a registration as an electronic notary public.

2. Must be liberally construed to secure just, speedy and economical determination of all issues presented to the Secretary of State and to effectuate the purposes of [chapter 233B](#) of NRS and [NRS 240.010](#) to [240.150](#), inclusive.

3. Must not be construed as conflicting with any provisions of NRS as they pertain to the powers and duties of the Secretary of State, but rather must be construed as being in harmony with them.

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

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

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

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

1. All written communications and documents should be addressed to the Secretary of State and will be deemed to be officially received only when delivered at the Office of the Secretary of State.

2. The principal office of the Secretary of State is: Office of the Secretary of State, Capitol Building, Carson City, Nevada 89701. The Office of the Secretary of State will be open from

8:00 a.m. to 5:00 p.m. each day except Saturday, Sunday and legal holidays.

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

**NAC 240.430 Parties.** ([NRS 240.017](#))

1. Parties to proceedings before the Secretary of State under [NAC 240.400](#) to [240.540](#), inclusive, consist of the staff of the Office of the Secretary of State and the notary public whose commission is subject to revocation, or his or her authorized representatives.

2. The Secretary of State's staff may appear at any hearing and have all rights of participation as a party to the proceeding. If counsel is desired, the Attorney General will represent the staff.

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

**NAC 240.440 Filing and service.** ([NRS 240.017](#))

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

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

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

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

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

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

**NAC 240.460 Show cause orders.** ([NRS 240.017](#))

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

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

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

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

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

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

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

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

**NAC 240.470 Failure to appear.** ([NRS 240.017](#))

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

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

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

**NAC 240.480 Appearance at hearing.** ([NRS 240.017](#))

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

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

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

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

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

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

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

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

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

**NAC 240.500 Conduct at hearings.** ([NRS 240.017](#))

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

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

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

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

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

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

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

- (a) Secretary of State's staff.
- (b) The notary public for whom the hearing is being held.
- (c) Rebuttal by the Secretary of State's staff.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### ELECTRONIC NOTARIZATION ENABLING ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. The Secretary of State may suspend or revoke the appointment of a notary public who performs or offers to perform an electronic notarial act without a registration as an electronic notary public that has been approved by the Secretary of State pursuant to [NAC 240.658](#) and is in active status.

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

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

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

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

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

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

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

1. A person registering as an electronic notary public must pay the registration fee required by [NRS 240.192](#) and the fee for the course of study provided pursuant to [NRS 240.195](#) using any of the following methods of payment:

- (a) A credit card.
- (b) A debit card.
- (c) The Trust Account for Advance Fees established by the Secretary of State pursuant to [NRS 225.165](#).
- (d) Any other method of payment used by the Secretary of State for the provision of online services.

2. If any method of payment submitted by a person to the Secretary of State pursuant to subsection 1 is returned to the Secretary of State or otherwise dishonored upon presentation for payment because the person has insufficient money or credit, or because the person stopped payment on the method of payment, the Secretary of State may refuse to register the person as an electronic notary public or, if the Secretary of State has registered the person as an electronic notary public, immediately revoke the person's registration. If, pursuant to this subsection, the Secretary of State refuses to register a person as an electronic notary public or revokes the registration of a person as an electronic notary public, the Secretary of State will notify the

person of the refusal or revocation. A person whose registration is denied or revoked pursuant to this subsection must resubmit a registration as an electronic notary public pursuant to the provisions of this chapter and [chapter 240](#) of NRS.

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

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

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

- (a) Approve the registration of the person as an electronic notary public;
- (b) Cause the processing system maintained by the Office of the Secretary of State to be updated to indicate the registration of the person as an electronic notary public; and
- (c) Notify the person that he or she has been registered as an electronic notary public.

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

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

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

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

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

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

1. Ensure the integrity, security and authenticity of each electronic notarial act performed by the electronic notary public;
2. Maintain a secure backup of the electronic journal kept by the electronic notary public in accordance with [NRS 240.201](#);
3. Maintain a secure backup of each recording of an electronic notarial act performed by the electronic notary public which is made pursuant to [NRS 240.1995](#); and
4. Ensure that any audio-video communication for the purpose of performing an electronic notarial act is secure from unauthorized access or interception.

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

**NAC 240.668 Maintenance of record of electronic notarial act.** ([NRS 240.206](#)) An electronic notary public shall maintain an accurate and reliable record of each electronic notarial act performed by the electronic notary public.

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

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

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

- (a) Personal knowledge;
  - (b) The oath of a credible witness who personally knows the principal and the notary public;
- or
- (c) Each of the following:

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

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

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

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

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

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

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

**NAC 240.676 Electronic notarial act using audio-video communication: Agreement to performance of act by electronic notary public and principal.** ([NRS 240.017](#), [240.1991](#), [240.206](#)) An electronic notary public may perform an electronic notarial act using audio-video communication only if the electronic notary public and the principal agree to the performance of the electronic notarial act using audio-video communication.

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

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

1. Identify the principal in accordance with [NAC 240.670](#); and
2. Identify the electronic document that is the subject of the electronic notarial act as the document on which the principal executed his or her signature.

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

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

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

- (a) The principal or the electronic notary public exits the session;
- (b) The audio-video communication link is broken; or
- (c) The electronic notary public believes that the process of completing the electronic notarial act has been compromised and cannot be completed because of the resolution or quality of the audio or video transmission, or both.

2. As used in this section, "session" means the performance of one or more electronic notarial acts using audio-video communication on a single set of electronic documents as a

single event by a single electronic notary public with one or more principals and any applicable witness.

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

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

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

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

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

2. Except as otherwise provided in this subsection, a solution provider that stores the electronic journal of an electronic notary public and the recording made pursuant to [NRS 240.1995](#) of an electronic notarial act performed using audio-video communication must allow the electronic notary public sole control of his or her electronic journal and the recording made pursuant to [NRS 240.1995](#). The solution provider may allow access to the electronic journal of an electronic notary public or a recording made pursuant to [NRS 240.1995](#) if the electronic notary public has authorized such access or the access to the electronic journal or recording is authorized pursuant to this chapter or [chapter 240](#) of NRS.

3. As used in this section, “sole control” has the meaning ascribed to it in [NRS 240.201](#).

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

**NAC 240.686 Electronic notarial act using audio-video communication: Availability of recording to certain persons and entities.** ([NRS 240.017](#), [240.1995](#), [240.206](#)) The recording made pursuant to [NRS 240.1995](#) of an electronic notarial act performed using audio-video communication may be made available:

1. To the principal for whom the electronic notarial act was performed;
2. To the Secretary of State;
3. To a law enforcement or federal, state or local governmental agency in the course of an enforcement action or the performance of any lawful duty;
4. Pursuant to a court order or subpoena;
5. To the electronic notary public who performed the electronic notarial act for any purpose set forth in subsections 1 to 4, inclusive; or
6. To any other person who is authorized by the parties to the electronic notarial act to obtain the recording.

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

**NAC 240.689 Electronic notarial act using audio-video communication: Access to certain documents and information by employer and solution provider.** ([NRS 240.017](#), [240.1995](#), [240.206](#)) For any authorized purpose and to ensure compliance with the provisions of this chapter and [chapter 240](#) of NRS governing electronic notarial acts, the employer of an electronic notary public who performs an electronic notarial act using audio-video communication or the solution provider whose electronic notarization solution was used to

perform such an electronic notarial act, or both the employer of the electronic notary public and the solution provider, may access:

1. The electronic seal of the electronic notary public;
  2. The electronic signature of the electronic notary public;
  3. If the electronic notary used an electronic notarization solution to perform the electronic notarial act, the electronic notarization solution; or
  4. The recording made pursuant to [NRS 240.1995](#) of the electronic notarial act.
- (Added to NAC by Sec'y of State by R065-19, eff. 12-30-2019)

**NAC 240.695 Requirements for credential analysis to confirm identity of principal.** ([NRS 240.017](#), [240.1991](#), [240.1997](#), [240.206](#))

1. To conduct a credential analysis for the purpose of identifying the principal pursuant to [NRS 240.1997](#) and [NAC 240.670](#) and [240.678](#), an electronic notary public shall use a reputable third-party vendor or software tool that:

(a) Demonstrates a proven credential analysis process that enables the electronic notary public to compare for consistency the information and photograph on a credential presented by a principal and the principal as viewed by the electronic notary public; and

(b) Employs a technology that:

(1) Requires a credential to pass a test of its authenticity that:

(I) Is consistent with sound commercial practices;

(II) Uses appropriate technologies to confirm the integrity of visual, physical or cryptographic security features;

(III) Uses appropriate technologies to confirm that the credential is not fraudulent or inappropriately modified; and

(IV) Uses information held or published by the issuer of the credential or another authoritative source, as available, to confirm the validity of the details of the credential; and

(2) Provides the output of the authenticity test to the electronic notary public.

2. If an electronic notary public is unable to validate a credential presented by a principal or determines that the information and photograph on the credential are not consistent with the principal as viewed by the electronic notary public, the electronic notary public must not:

(a) Complete the electronic notarial act; or

(b) Make any further attempt to complete an electronic notarial act for the principal by using the credential to confirm the identity of the principal.

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

**NAC 240.697 Requirements for dynamic knowledge-based authentication assessment to confirm identity of principal.** ([NRS 240.017](#), [240.1991](#), [240.1997](#), [240.206](#))

To conduct a dynamic knowledge-based authentication assessment for the purpose of identifying the principal pursuant to [NRS 240.1997](#) and [NAC 240.670](#) and [240.678](#), an electronic notary public shall use a procedure that:

1. Requires the principal to:

(a) Answer five questions concerning the principal that are drawn from public or private data sources and provide a minimum of five possible answers per question; and

(b) Obtain a passing score by answering correctly at least 80 percent of the questions within a period of 2 minutes;

2. If the principal does not obtain a passing score as required by paragraph (b) of subsection 1, authorizes the principal to make two additional attempts to obtain that passing score with the same electronic notary public within a 48-hour period but at least two of the questions previously answered by the principal must be replaced with different questions each time that the principal makes an additional attempt to obtain the passing score;

3. Confirms affirmatively whether the principal has correctly answered the questions; and

4. Keeps confidential the questions asked to the principal and the answers provided by the principal to the questions.

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

**NAC 240.700 Application by solution provider to conduct identity proofing; authority of Secretary of State upon receipt of application. ([NRS 240.017](#), [240.1991](#), [240.1997](#), [240.206](#))**

1. An electronic notary public may use a solution provider who is registered with the Secretary of State pursuant to [NAC 240.720](#) and [240.722](#) to confirm the identity of a principal as required by [NRS 240.1997](#) and [NAC 240.670](#) if the solution provider is approved by the Secretary of State to conduct identity proofing.

2. To apply for approval to conduct identity proofing, an applicant must submit a written application to the Secretary of State that identifies the identity proofing provided by the solution provider and includes evidence sufficient to demonstrate that the identity proofing provided by the solution provider meets or exceeds the accuracy of a dynamic knowledge-based authentication assessment that satisfies the requirements of [NAC 240.697](#).

3. Upon receipt of an application submitted pursuant to subsection 2, the Secretary of State may:

(a) Request additional information from the applicant;

(b) Approve the application if the application is complete and the Secretary of State determines that the identity proofing provided by the solution provider meets or exceeds the accuracy of a dynamic knowledge-based authentication assessment that satisfies the requirements of [NAC 240.697](#); or

(c) Reject the application if the application is incomplete or the Secretary of State determines that the identify proofing provided by the solution provider does not meet or exceed the accuracy of a dynamic knowledge-based authentication assessment that satisfies the requirements of [NAC 240.697](#).

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

**NAC 240.705 Information required in electronic seal; electronic document rendered tamper-evident; notation required if audio-video communication used to perform electronic notarial act. ([NRS 240.017](#), [240.199](#), [240.202](#), [240.206](#))**

1. Except as otherwise provided in this section, the electronic seal of an electronic notary public must include the information required to be set forth in a mechanical stamp pursuant to [NRS 240.040](#) and must generally conform to the size and other requirements set forth in [NRS 240.040](#) for a mechanical stamp.

2. After the electronic seal, electronic signature and electronic notarial certificate are affixed or attached to or logically associated with an electronic document and the electronic notarial act is complete, the electronic document must be rendered tamper-evident.

3. If an electronic notary public performs an electronic notarial act using audio-video communication, the electronic notary public must include adjacent to the electronic seal or in the electronic notarial certificate a notation indicating that the electronic notarial act was performed using audio-video communication. The notation required by this subsection must be the following statement or a substantially similar statement:

“Notarial act performed by audio-video communication.”

4. As used in this section, “tamper-evident” means that an electronic document on which an electronic notarial act is performed will display evidence of any change made to the electronic document after the performance of the electronic notarial act.

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

**NAC 240.708 Requirements for electronic journal of electronic notarial acts. ([NRS 240.017](#), [240.201](#), [240.206](#))** An electronic journal kept by an electronic notary public pursuant to [NRS 240.201](#):

1. Must not allow the electronic notary public or any other person to delete a record included in the electronic journal or alter the content or sequence of such a record after the record is entered into the electronic journal; and

2. Must be securely backed-up by the electronic notary public and the solution provider whose electronic notarization solution was used by the electronic notary public.

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

**NAC 240.710 Electronic journal must not include identifying information or recording.** ([NRS 240.017](#), [240.201](#), [240.206](#)) An electronic notary public shall not include in the electronic journal kept by the electronic notary public pursuant to [NRS 240.201](#):

1. The personally identifying information of any person unless such information is required to be included in the electronic journal pursuant to this chapter or [chapter 240](#) of NRS.

2. The recording required by [NRS 240.1995](#) for an electronic notarial act performed using audio-video communication.

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

**NAC 240.712 Inspection of electronic journal.** ([NRS 240.017](#), [240.201](#), [240.206](#)) An electronic notary public shall allow for the inspection of the electronic journal of the electronic notary public, as required by [NRS 240.201](#).

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

**NAC 240.720 Solution provider: Registration required; information submitted for registration; confidentiality of certain information.** ([NRS 240.206](#))

1. A person shall not act as a solution provider unless the person is registered with the Secretary of State pursuant to this section and [NAC 240.722](#) and maintains a current state business license issued pursuant to [chapter 76](#) of NRS at all times that an electronic notary public is using the electronic notarization solution of the solution provider.

2. To register with the Secretary of State as a solution provider, a person must submit a registration to the Secretary of State as an electronic document and include in the registration the following information:

- (a) The legal name of the solution provider;
- (b) The type of business organization of the solution provider;
- (c) The mailing address and the physical address of the solution provider;
- (d) The name and phone number of a contact person for the solution provider;
- (e) The name of the electronic notarization solution provided by the solution provider;

(f) The name of the provider of the identity proofing, dynamic knowledge-based authentication assessment, credential analysis and digital certificate services for the solution provider;

(g) The business identification number assigned by the Secretary of State to the solution provider pursuant to [NRS 225.082](#);

(h) A description of the technology used by the solution provider to ensure compliance with the provisions of this chapter and [chapter 240](#) of NRS relating to the performance of electronic notarial acts;

(i) The plan of the solution provider for the retention, storage and disposition of documents, electronic journals kept pursuant to [NRS 240.201](#), the recordings required by [NRS 240.1995](#) of electronic notarial acts performed using audio-video communication and any other records pertaining to the performance of an electronic notarial act if, for any reason, the solution provider no longer makes its electronic notarization solution available to electronic notaries public; and

(j) A declaration that the electronic notarization solution provided by the solution provider complies with the laws of this State governing electronic notarial acts.

3. Notwithstanding any other provision of law, the information provided to the Secretary of State pursuant to paragraph (h) of subsection 2 by a person registering with the Secretary of State as a solution provider is confidential proprietary information of the solution provider and is not a public record.

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

**NAC 240.722 Solution provider: Requirements for registration; notice to Secretary of State of change in electronic notarization solution.** ([NRS 240.206](#))

1. The Secretary of State will register a solution provider if the electronic notarization solution provided by the solution provider meets all of the following requirements:

(a) Provides secure access to the electronic notarization solution by password or another secure means that identifies the electronic notary public accessing the electronic notarization solution.

(b) Uses a registry of persons registered as electronic notaries public maintained by the Secretary of State, if any, to verify that the registration of an electronic notary public logging into the electronic notarization solution to perform an electronic notarial act is in active status and prohibits a person whose registration as an electronic notary public is not in active status, as indicated in the registry maintained by the Secretary of State, if any, from beginning or completing an electronic notarial act using the electronic notarization solution.

(c) Provides for uninterrupted, continuous and simultaneous audio-video communication between an electronic notary public and a principal.

(d) Provides audio-video communication with a video resolution and audio quality that ensures that:

(1) An electronic notary public and a principal are able to see, hear and communicate with each other in real time; and

(2) An electronic notary public is able to match the appearance of a principal with the credential presented by the principal.

(e) Provides a secure communication link for audio-video communication that ensures that only the parties to an electronic notarial act and those persons authorized by each party to the electronic notarial act are part of the audio-video communication.

(f) Provides an electronic journal of electronic notarial acts that complies with the provisions of this chapter and [chapter 240](#) of NRS governing the requirement for an electronic notary public to keep an electronic journal of each electronic notarial act.

(g) Provides for the recording of an electronic notarial act performed by audio-video communication that complies with [NRS 240.1995](#) and [NAC 240.682](#) to [240.689](#), inclusive, and that is of sufficient quality to ensure verification of the recorded electronic notarial act.

(h) Is capable of confirming that an electronic document presented for the performance of an electronic notarial act is the same electronic document on which the electronic notarial act was performed.

(i) Enables an electronic notary public to affix the wording of a notarial certificate required by [NRS 240.1655](#), [240.166](#) to [240.167](#), inclusive, [240.1685](#) or [240.169](#), as applicable, and the electronic notary seal of the electronic notary public.

(j) Enables a person viewing an electronic document on which an electronic notarial act was performed to view the electronic signature and electronic seal of the electronic notary public who performed the electronic notarial act.

(k) Provides a method for determining whether an electronic document on which an electronic notarial act was performed has been altered after the electronic seal of the electronic notary public who performed the electronic notarial act has been affixed to the electronic document and the electronic notarial act was completed.

(l) Prevents unauthorized access to:

(1) An audio-video communication between an electronic notary public and a principal;

(2) The recording of an electronic notarial act required by [NRS 240.1995](#) for an electronic notarial act performed using audio-video communication;

(3) Any personally identifying information used in a credential analysis, in identity proofing or in any other part of an audio-video communication, including, without limitation:

(I) A method of credential analysis and the output of that analysis;

(II) Any credential presented to an electronic notary public;

(III) The questions and answers used to conduct a dynamic knowledge-based authentication assessment pursuant to [NRS 240.1997](#) and [NAC 240.697](#);

(IV) Birthdates; and

(V) Social security numbers; and

(4) The electronic document on which an electronic notarial act was performed.

(m) Provides a method for generating a paper copy of the electronic journal of an electronic notary public and an electronic document on which an electronic notarial act was performed, including, without limitation, the electronic notarial certificate for the electronic document, the electronic signature and electronic seal of the electronic notary public who performed the electronic notarial act and any other document associated with the electronic document.

2. If there is any change in an electronic notarization solution provided by a solution provider that affects the ability of an electronic notary public to comply with the requirements of this chapter or [chapter 240](#) of NRS when performing an electronic notarial act, the solution provider must notify the Secretary of State of the change. Upon receiving notice of the change, the Secretary of State will determine whether the electronic notarization solution continues to satisfy the requirements of this chapter and [chapter 240](#) of NRS. If the Secretary of State determines that the electronic notarization solution no longer satisfies the requirement of this chapter and [chapter 240](#) of NRS, an electronic notary public must not use the electronic notarization solution to perform an electronic notarial act in this State.

3. As used in this section, “real time” means the actual span of uninterrupted, simultaneous communication during which all parts of an electronic notarial act using audio-video communication occur.

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

**NAC 240.725 Solution provider: Duty to ensure electronic notary public is registered and complies with requirements.** ([NRS 240.017](#), [240.206](#)) A solution provider shall take reasonable steps to ensure that an electronic notary public using its electronic notarization solution is registered with the Secretary of State and is in compliance with the requirements of this chapter and [chapter 240](#) of NRS for the performance of an electronic notarial act.

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

**NAC 240.730 Electronic notary public: Prohibited acts.** ([NRS 240.206](#)) An electronic notary public shall not:

1. Engage in any act prohibited by [NRS 240.075](#).
2. Perform an electronic notarial act using audio-video communication while the electronic notary public is at a location outside this State.
3. Fail to record an electronic notarial act performed using audio-video communication as required by [NRS 240.1995](#) or fail to keep such a recording in accordance with the requirements of [NRS 240.1995](#).
4. Use an electronic seal or digital certificate that is invalid or fails to meet the requirements of this chapter or [chapter 240](#) of NRS during the performance of an electronic notarial act.
5. Fail to notify the Secretary of State of a change in his or her electronic seal or digital certificate.
6. Use his or her electronic seal, alone or together with his or her electronic signature, except in the performance of an electronic notarial act.
7. Allow unauthorized access to the electronic journal kept by the electronic notary public pursuant to [NRS 240.201](#), his or her electronic signature or his or her digital certificate, or to the electronic notarization solution used by the electronic notary public to perform an electronic notarial act.
8. Violate any other provision of this chapter or [chapter 240](#) of NRS relating to the performance of an electronic notarial act.

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

**NAC 240.735 Penalties, prohibitions, liabilities, sanctions and remedies.** ([NRS 240.206](#)) The penalties, prohibitions, liabilities, sanctions and remedies for the improper performance of an electronic notarial act are the same as provided by law for the improper performance of a notarial act that is not an electronic notarial act.

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

