

ASSEMBLY BILL NO. 189—ASSEMBLYMEMBER KOENIG

PREFILED FEBRUARY 3, 2025

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to notaries public.
(BDR 19-879)

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

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

AN ACT relating to notaries public; defining certain terms relevant to the administration of an oath or affirmation by a notarial officer; specifying certain circumstances under which a notarial officer may administer an oath or affirmation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a notarial officer to administer an oath or affirmation. (NRS 240.004, 240.196) **Sections 2 and 3** of this bill define the terms “oath” and “affirmation” for purposes of the administration of an oath or affirmation by a notarial officer. **Section 4** of this bill specifies the circumstances under which a notarial officer may administer an oath or affirmation and provides that under any circumstance in which an oath or affirmation is required for any purpose: (1) a person may provide either an oath or an affirmation; and (2) an oath and an affirmation have the same legal effect. **Section 4** additionally provides that an oath or affirmation may be provided in writing, orally or by any other equivalent communication mode, in accordance with the circumstances under which the oath or affirmation is required and in compliance with the requirements of any law, regulation or rule of procedure applicable to such circumstances. **Section 5** of this bill makes the provisions of **sections 2-4** applicable to other provisions of existing law which also apply to notarial officers.



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

Section 1. Chapter 240 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *"Affirmation" means a solemn and formal declaration, equivalent in nature to an oath, which asserts that a statement or series of statements is true.*

Sec. 3. *"Oath" means an outward pledge made by a person, signifying that the attestation or promise of the person is given under an immediate sense of responsibility to a higher power or God. The term includes, without limitation, any form of attestation by which a person signifies his or her obligation, under conscience, to perform an act faithfully and truthfully.*

Sec. 4. 1. *Under any circumstance in which an oath or affirmation is required for any purpose:*

(a) A person may provide either an oath or an affirmation; and

(b) An oath and an affirmation have the same legal effect.

2. *An oath or affirmation may be provided in writing, orally or by any other equivalent mode of communication, including, without limitation, a communication mode, as defined in NRS 388.417, in accordance with the circumstances under which the oath or affirmation is required and in compliance with the requirements of any law, regulation or rule of procedure applicable to such circumstances.*

3. *A notarial officer may administer an oath or affirmation in accordance with the requirements of this chapter and in compliance with the requirements of any law, regulation or rule of procedure applicable to the circumstances under which the oath or affirmation is administered, including, without limitation, for:*

(a) Testimony in a legal proceeding, including, without limitation, a pretrial hearing, examination, deposition or other proceeding; or

(b) The assumption of an office or any duties associated with a position that mandates such a pledge.

Sec. 5. NRS 240.001 is hereby amended to read as follows:

240.001 *As used in NRS 240.001 to 240.206, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in NRS 240.002 to 240.0067, inclusive, and sections 2 and 3 of this act have the meanings ascribed to them in those sections.*

