

ASSEMBLY BILL NO. 1—COMMITTEE OF THE WHOLE

PREFILED JULY 30, 2020

Referred to Committee of the Whole

SUMMARY—Ratifies certain technical corrections made to NRS and Statutes of Nevada. (BDR S-12)

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 statutes; ratifying certain technical corrections made to sections of NRS and Statutes of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-3 of this bill correct an error in chapter 255, Statutes of Nevada 2019 (A.B. 431), at pages 1455-58. A.B. 431 revised the right to vote of convicted persons so that any convicted person who is not incarcerated, including, without limitation, any person who is placed on probation, granted parole, granted a pardon or released from prison after completing a sentence of imprisonment, is immediately restored to the right to vote. A.B. 431 inadvertently failed to include this restoration of the right to vote in the correct section. To correct this clerical error and ensure that the intended persons are restored to the right to vote, NRS 213.157 was codified to clarify that a person who is placed on probation, granted parole or granted a pardon is immediately restored to the right to vote to be consistent with the other provisions in the bill. NRS 293.540 also was codified so that it is clear that a person's right to vote may only be suspended if the person is incarcerated. Section 7 of A.B. 431, which is added to NRS as a reviser's note, was codified to clarify that any person convicted before the effective date of the bill who is not incarcerated and has not already had his or her right to vote restored, is restored to the right to vote.

Section 4 of this bill corrects an error in chapter 600, Statutes of Nevada 2019 (S.B. 151), at page 3912. Section 1.7 of S.B. 151 increases the period for a tenant to act after receiving a notice to pay rent or surrender the premises from at or before noon on the fifth full day to before the close of business of the court that has jurisdiction on the seventh judicial day. Sections 1 and 1.7 of S.B. 151 maintained the requirement that a tenant of commercial premises pay rent or surrender the premises at or before noon on the fifth full day after service of the notice. However, S.B. 151 inadvertently failed to amend accordingly NRS 40.2512, which provides that a tenant commits an unlawful detainer when the tenant continues in possession of the premises without paying rent within the required period. To correct this technical error, **section 4** amends NRS 40.2512 to include the applicable periods



within which a tenant who is in default in the payment of rent is required to pay the required rent or surrender the premises.

Sections 5-7 of this bill correct an error in chapter 611, Statutes of Nevada 2019 (S.B. 161), at pages 3997-99. Sections 42.5, 43.3 and 43.7 of S.B. 161 exempt an Internet lender that makes loans exclusively through the Internet from: (1) the requirement set forth in NRS 675.090 to have a licensed office or place of business located in this State in order to obtain a license to engage in the business of lending for an office or place of business located outside this State; and (2) the prohibition set forth in NRS 675.230 against conducting the business of making loans in the same office or place of business at which certain other types of business are conducted. These sections of S.B. 161 inadvertently excluded the word “business” and, thus, failed to refer to an “Internet business lender” that makes “business” loans exclusively through the Internet. To correct this typographical error, **sections 5-7** amend sections 42.5, 43.3 and 43.7 of S.B. 161 to use the term “Internet business lender” and define the term “Internet business lender” to mean “a person who makes business loans exclusively through the Internet.”

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

Section 1. Section 3 of chapter 255, Statutes of Nevada 2019, at page 1455, is hereby amended to read as follows:

Sec. 3. NRS 213.157 is hereby amended to read as follows:

213.157 1. ~~{Except as otherwise provided in subsection 2, a}~~ A person convicted of a felony ~~{in the State of Nevada who}~~ :

(a) Who is placed on probation, granted parole or granted a pardon is immediately restored to the right to vote;

(b) Who has served his or her sentence and has been released from prison:

~~{(a)}~~ *(1)* Is immediately restored to the right to serve as a juror in a civil action.

~~{(b) Except as otherwise provided in paragraph (c), is}~~

(2) Is immediately restored to the right to vote.

~~{(c) Two years after the date of his or her release from prison, is restored to the right to vote if the person has previously been convicted in this State:~~

~~— (1) Of a category B felony involving the use of force or violence.~~

~~— (2) Of an offense involving the use of force or violence that would constitute a category B felony if committed as of the date of his or her release from prison.~~

~~{(d)}~~ *(3)* Four years after the date of his or her release from prison, is restored to the right to hold office.



~~[(e)]~~ (4) Six years after the date of his or her release from prison, is restored to the right to serve as a juror in a criminal action.

2. ~~Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has been released from prison if the person has previously been convicted in this State:~~

~~—(a) Of a category A felony.~~

~~—(b) Of an offense that would constitute a category A felony if committed as of the date of his or her release from prison.~~

~~—(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.~~

~~—(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her release from prison.~~

~~—(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.~~

~~—A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in subsection 1.~~

~~—3. Except for a person subject to the limitations set forth in subsection 2, upon~~ **Upon** his or her release from prison, a person so released must be given an official document which provides:

(a) That the person has been released from prison;

(b) That the person is restored to his or her civil ~~rights to vote and~~ **right** to serve as a juror in a civil action as of the ~~applicable dates set forth in paragraphs (a), (b) and (c) of subsection 1;~~ **date of his or her release from prison;**

(c) The date on which his or her civil right to hold office will be restored to the person pursuant to **subparagraph (3) of paragraph** ~~[(d)]~~ **(b)** of subsection 1; and

(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to **subparagraph (4) of paragraph** ~~[(e)]~~ **(b)** of subsection 1.

~~4. Subject to the limitations set forth in subsection 2, a]~~

3. A person who has been released from prison in this State or elsewhere and whose official documentation of his or



her release from prison is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

~~15.1~~ 4. A person who has been released from prison in this State or elsewhere may present:

(a) Official documentation of his or her release from prison, if it contains the provisions set forth in subsection ~~13.1~~ 2; or

(b) A court order restoring his or her civil rights, as proof that the person has been restored to the civil rights set forth in subsection 1.

Sec. 2. Section 5 of chapter 255, Statutes of Nevada 2019, at page 1457, is hereby amended to read as follows:

Sec. 5. NRS 293.540 is hereby amended to read as follows:

293.540 1. The county clerk shall cancel the preregistration of a person:

(a) If the county clerk has personal knowledge of the death of the person or if an authenticated certificate of the death of the person is filed in the county clerk's office.

(b) At the request of the person.

(c) If the county clerk has discovered an incorrect preregistration pursuant to the provisions of NRS 293.5235 and the person has failed to respond within the required time.

(d) As required by NRS 293.541.

(e) Upon verification that the application to preregister to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

2. The county clerk shall cancel the registration of a person:

(a) If the county clerk has personal knowledge of the death of the person or if an authenticated certificate of the death of the person is filed in the county clerk's office.

(b) If the county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that the person lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.



(c) Upon the determination that the person has been convicted of a felony ~~unless:~~

~~— (1) If the person was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS 213.090, 213.155 or 213.157.~~

~~— (2) If the person was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.}~~ **and is currently incarcerated.**

(d) Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

(e) Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.

(f) At the request of the person.

(g) If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

(h) As required by NRS 293.541.

(i) Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

Sec. 3. Section 7 of chapter 255, Statutes of Nevada 2019, at page 1458, is hereby amended to read as follows:

Sec. 7. Any person residing in this State who:

1. Before July 1, 2019, was **placed on or** discharged from probation ~~{pursuant to NRS 176A.850,}~~ **, granted a pardon, granted or** discharged from parole ~~{pursuant to NRS 213.155}~~ or released from prison ; ~~{pursuant to NRS 213.157, as those sections existed before July 1, 2019;}~~

2. Is not ~~{serving a sentence of imprisonment on July 1, 2019;}~~ **incarcerated;** and

3. Has not already had his or her right to vote restored,
↳ is immediately restored the right to vote.

Sec. 4. Chapter 600, Statutes of Nevada 2019, at page 3912, is hereby amended by adding thereto a new section to be designated as section 1.5, immediately following section 1.3, to read as follows:

Sec. 1.5. NRS 40.2512 is hereby amended to read as follows:

40.2512 1. Except as otherwise provided in subsection 2, a tenant of real property or a mobile home for a term less



than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after default in the payment of any rent and after a notice in writing, requiring in the alternative the payment of the rent or the surrender of the detained premises, remains uncomplished for a period of ~~{7 judicial days, or in the case of}~~ :

(a) *Five days for a commercial premise;*

(b) *Seven judicial days for real property other than a commercial premise; or*

(c) *Ten days for a mobile home lot, {10 days}*

↳ after service thereof. The notice may be served at any time after the rent becomes due.

2. Except as otherwise provided in NRS 118A.315, the provisions of subsection 1 do not apply to a person who provides to the landlord proof that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

Sec. 5. Section 42.5 of chapter 611, Statutes of Nevada 2019, at page 3997, is hereby amended to read as follows:

Sec. 42.5. NRS 675.020 is hereby amended to read as follows:

675.020 As used in this chapter, unless the context otherwise requires:

1. "Amount of cash advance" means the amount of cash or its equivalent actually received by a borrower or paid out at his or her direction or on his or her behalf.

2. "Amount of loan obligation" means the amount of cash advance plus the aggregate of charges added thereto pursuant to authority of this chapter.

3. "Commissioner" means the Commissioner of Financial Institutions.

4. "Community" means a contiguous area of the same economic unit or metropolitan area as determined by the Commissioner, and may include all or part of a city or several towns or cities.

5. *"Internet business lender" means a person who makes business loans exclusively through the Internet.*

6. "License" means a license, issued under the authority of this chapter, to make loans in accordance with the provisions of this chapter, at a single place of business.

~~{6.}~~ 7. "Licensee" means a person to whom one or more licenses have been issued.



Sec. 6. Section 43.3 of chapter 611, Statutes of Nevada 2019, at page 3998, is hereby amended to read as follows:

Sec. 43.3. NRS 675.090 is hereby amended to read as follows:

675.090 1. Application for a license must be in writing, under oath, and in the form prescribed by the Commissioner.

2. The application must:

(a) Provide the address of the office or other place of business for which the application is submitted.

(b) Contain such further relevant information as the Commissioner may require, including the names and addresses of the partners, officers, directors or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by NRS 675.110 and 675.120.

3. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if ~~the applicant~~ :

(a) The applicant is an Internet business lender; or

(b) The applicant or a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State . ~~[and if the applicant submits]~~

4. A person who wishes to apply for a license pursuant to subsection 3 must submit with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

↪ The person must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

~~[4.]~~ 5. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as



the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 7. Section 43.7 of chapter 611, Statutes of Nevada 2019, at page 3999, is hereby amended to read as follows:

Sec. 43.7. NRS 675.230 is hereby amended to read as follows:

675.230 1. Except as otherwise provided in ~~{subsection}~~ *subsections 2 and 3*, a licensee may not conduct the business of making loans under this chapter within any office, suite, room or place of business in which any other business is solicited or engaged in, except an insurance agency or notary public, or in association or conjunction with any other business, unless authority to do so is given by the Commissioner.

2. A licensee may conduct the business of making loans pursuant to this chapter in the same office or place of business as a mortgage company if:

(a) The licensee and the mortgage company:

- (1) Operate as separate legal entities;
- (2) Maintain separate accounts, books and records;
- (3) Are subsidiaries of the same parent corporation;

and

(4) Maintain separate licenses; and

(b) The mortgage company is licensed by this state pursuant to chapter 645B of NRS and does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

3. A licensee who is an Internet business lender may conduct the business of making loans pursuant to this chapter within any office, suite, room or place of business in which any other business is solicited or engaged in.

Sec. 8. This act becomes effective upon passage and approval.

