

ASSEMBLY BILL NO. 283—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF CONSUMER AFFAIRS DIVISION)

FEBRUARY 18, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing solicitation by telephone. (BDR 52-743)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to solicitation by telephone; requiring certain applicants for registration as a seller and certain persons associated with a seller to obtain a work card issued by the sheriff of the county in which the business of the seller is located; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 599B.090 is hereby amended to read as follows:
2 599B.090 1. An applicant for registration as a seller must submit to
3 the division, in such form as it prescribes, a written application for
4 registration. The application must:
5 (a) Set forth the name of the applicant, including each name under which
6 he intends to do business;
7 (b) Set forth the name of any parent or affiliated entity that:
8 (1) Will engage in a business or other transaction with the consumer
9 relating to any sale or donation solicited by the applicant; or
10 (2) Accepts responsibility for any statement or act of the applicant
11 relating to any sale or donation solicited by the applicant;
12 (c) Set forth the complete street address of each location, designating the
13 principal location, from which the applicant will be doing business;
14 (d) Contain a list of all telephone numbers to be used by the applicant,
15 with the address where each telephone using these numbers will be located;
16 (e) Set forth the name and address of each:

1 (1) Principal officer, director, trustee, shareholder, owner or partner
2 of the applicant, and of each other person responsible for the management
3 of the business of the applicant;

4 (2) Person responsible for a location from which the applicant will do
5 business; and

6 (3) Salesman to be employed by *or otherwise associated with* the
7 applicant;

8 (f) Be accompanied by a copy of any:

9 (1) Script, outline or presentation the applicant will require a
10 salesman to use when soliciting or, if no such document is used, a statement
11 to that effect;

12 (2) Sales or donation information or literature to be provided by the
13 applicant to a salesman, or of which the applicant will inform the salesman;
14 and

15 (3) Sales or donation information or literature to be provided by the
16 applicant to a consumer in connection with any solicitation;

17 (g) If the applicant is a corporation, be signed by an officer of the
18 corporation; and

19 (h) If the applicant is a natural person, be completed personally by the
20 applicant.

21 2. Any material submitted pursuant to paragraph (f) of subsection 1 is
22 submitted for the records of the division and not for the approval of the
23 division.

24 3. The information provided pursuant to paragraph (f) of subsection 1
25 by an applicant for registration as a seller is confidential and may only be
26 released to a law enforcement agency, to a court of competent jurisdiction
27 or by order of a court of competent jurisdiction.

28 4. If the applicant is other than a natural person, or if any parent or
29 affiliated entity is identified pursuant to paragraph (b) of subsection 1, the
30 applicant must, for itself and any such entity, identify its place of
31 organization and:

32 (a) In the case of a partnership, provide a copy of any written
33 partnership agreement; or

34 (b) In the case of a corporation, provide a copy of its articles of
35 incorporation and bylaws.

36 5. An application filed pursuant to this section must be verified and
37 accompanied by:

38 (a) A bond, letter of credit or certificate of deposit satisfying the
39 requirements of NRS 599B.100;

40 (b) A fee for registration in the amount of \$6,000;

41 (c) If subsection 6 applies, the additional bond, letter of credit or
42 certificate of deposit and the additional fee required by that subsection; and

(d) ~~If the applicant intends to offer for sale information or opinions relating to sporting events, a~~ A copy of:

(1) The work card issued to the seller pursuant to subsection 1 of NRS 599B.115 ~~};~~ **, if the seller is required to obtain a work card;** and

(2) The work cards of any other persons associated with the seller who are required to obtain work cards pursuant to subsection 2 of NRS 599B.115.

6. If an applicant intends to do business under any assumed or fictitious name, he must, for each such name:

(a) File an additional bond, letter of credit or certificate of deposit satisfying the requirements of NRS 599B.100; and

(b) Pay an additional fee for registration in the amount of \$6,000.

Sec. 2. NRS 599B.115 is hereby amended to read as follows:

599B.115 1. ~~Each~~ **Except as otherwise provided in subsection 5,** ~~each~~ applicant for registration as a seller ~~[who intends to offer for sale information or opinions relating to sporting events]~~ must obtain a work card issued pursuant to subsection 3 by the sheriff of the county in which the business of the applicant is located.

2. ~~Each~~ **Except as otherwise provided in subsection 5, each** principal officer, director, trustee, shareholder ~~[and employee of a seller who offers for sale information or opinions relating to sporting events, or an owner or partner of such]~~ **, owner, partner and employee of a seller, and each salesman associated with a seller who is not an employee of the seller,** must obtain a work card issued pursuant to subsection 3 by the sheriff of the county in which the business of the seller is located that authorizes his association with the seller.

3. The sheriff of a county shall issue a work card to ~~[a seller who intends to offer for sale information or opinions relating to sporting events, or a principal officer, director, trustee, shareholder or employee of such a seller,]~~ **each person who is required by this section to obtain a work card** ~~and~~ who complies with the requirements established by the sheriff for the issuance of such a card. A work card issued pursuant to this section must be renewed each year.

4. If the sheriff of a county requires an applicant for a work card to submit a set of his fingerprints with his application, the sheriff may submit the fingerprints to the central repository for Nevada records of criminal history and to the Federal Bureau of Investigation to determine the criminal history of the applicant.

5. A person who is licensed or registered pursuant to chapter 119A or 645 of NRS is not required to obtain a work card pursuant to this section.

Sec. 3. NRS 599B.140 is hereby amended to read as follows:

599B.140 1. Each person registered pursuant to the provisions of this chapter must renew his registration annually

by:

- 1 (a) Paying the fee for registration;
- 2 (b) Submitting to the division the application required by NRS
- 3 599B.090 or 599B.120, whichever applies; and
- 4 (c) If the person is a seller, ~~{who offers for sale information or opinions~~
- 5 ~~relating to sporting events,}~~ submitting to the division ~~{a}~~ :
- 6 (1) A copy of the work card obtained by:
- 7 ~~{(1)}~~ (I) The seller pursuant to subsection 1 of NRS 599B.115; and
- 8 ~~{(2)}~~ (II) Each principal officer, director, trustee, shareholder,
- 9 ~~{employee,}~~ owner, *partner* and ~~{partner}~~ *employee* of the seller, *and*
- 10 *each salesman associated with the seller who is not an employee of the*
- 11 *seller,* pursuant to subsection 2 of NRS 599B.115 ~~{;}~~ *and*
- 12 *(2) If applicable, a statement listing each person who, pursuant to*
- 13 *subsection 5 of NRS 599B.115, is not required to obtain a work card.*
- 14 2. Registration expires on the anniversary of the issuance of the
- 15 registration. A registrant who wishes to renew his registration must do so
- 16 on or before the date his registration expires.
- 17 3. For the purposes of NRS 599B.080, a person who fails to renew his
- 18 registration within the time required by this section is not registered
- 19 pursuant to this chapter.
- 20 4. Except as otherwise provided in NRS 599B.160, if any material
- 21 change in the information submitted for registration occurs before the date
- 22 for renewal, a registrant shall submit that information to the division within
- 23 10 days after the registrant obtains knowledge of the change.