
ASSEMBLY BILL NO. 58—ASSEMBLYMAN BEERS

PREFILED JANUARY 26, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Changes references to “real estate salesman” to “real estate sales associate” and references to “real estate broker-salesman” to “real estate broker-associate.” (BDR 54-1210)

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 ~~omitted material~~ is material to be omitted.

AN ACT relating to real estate licensure; changing references to “real estate salesman” to “real estate sales associate”; changing references to “real estate broker-salesman” to “real estate broker-associate”; 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 645.002 is hereby amended to read as follows:
2 645.002 “Advance fee” means a fee contracted for, claimed,
3 demanded, charged, received or collected for an advance fee listing,
4 advertisement or offer to sell or lease property, issued ~~for the purpose of~~
5 ~~promoting~~ **to promote** the sale or lease of a business or real estate or for
6 referral to a business or real estate brokers or ~~salesmen,~~ **real estate sales**
7 **associates** or both, before the last printing or other last issuance ~~thereof,~~
8 **of the listing, advertisement or offer to sell or lease property,** other than
9 by a newspaper of general circulation.
- 10 **Sec. 2.** NRS 645.035 is hereby amended to read as follows:
11 645.035 1. Within the meaning of this chapter, ~~a “real estate broker-~~
12 ~~salesman” is~~ **“real estate broker-associate” means** any person who holds
13 a real estate broker’s license, or who has passed the real estate broker’s
14 examination, but who, as an employee or as an independent contractor, for
15 compensation or otherwise, is associated with a licensed real estate broker
16 in the capacity of a ~~salesman,~~ **real estate sales associate** to do or to deal

1 in any act, acts or transactions included within the definition of a real estate
2 broker in NRS 645.030.

3 2. In this chapter the term “real estate ~~{salesman}~~ *sales associate*”
4 includes “real estate ~~{broker-salesman}~~ *broker-associate*” when
5 applicable.

6 **Sec. 3.** NRS 645.040 is hereby amended to read as follows:

7 645.040 ~~{Within the meaning of this chapter, a “real estate salesman”~~
8 ~~is}~~ *“Real estate sales associate” means* any person who, as an employee or
9 as an independent contractor, is associated with a licensed real estate
10 broker or registered owner-developer to do or to deal in any act, acts or
11 transactions set out or comprehended by the definition of a real estate
12 broker in NRS 645.030, for a compensation or otherwise.

13 **Sec. 4.** NRS 645.090 is hereby amended to read as follows:

14 645.090 Each member of the commission must:

15 1. Be a citizen of the United States.

16 2. Have been a resident of the State of Nevada for not less than 5
17 years.

18 3. Have been actively engaged in business as:

19 (a) A real estate broker within the State of Nevada for at least 3 years
20 immediately preceding the date of his appointment; or

21 (b) A real estate ~~{broker-salesman}~~ *broker-associate* within the State of
22 Nevada for at least 5 years immediately preceding the date of his
23 appointment.

24 **Sec. 5.** NRS 645.120 is hereby amended to read as follows:

25 645.120 The administrator shall:

26 1. Possess a broad knowledge of generally accepted real estate practice
27 and be reasonably well informed on laws governing real estate agency
28 contracts.

29 2. Not be interested in any real estate firm or brokerage firm, nor shall
30 he act as a *real estate* broker ~~{or-salesman}~~, *real estate sales associate* or
31 agent ~~{therefor.}~~ *for any real estate firm or brokerage firm.*

32 **Sec. 6.** NRS 645.130 is hereby amended to read as follows:

33 645.130 1. The real estate division may employ:

34 (a) Legal counsel, investigators and other professional consultants
35 without regard to the provisions of chapter 284 of NRS.

36 (b) Such other employees as are necessary to the discharge of its duties.

37 2. No employee of the real estate division may be interested in any real
38 estate firm or brokerage firm, nor may any employee act as a *real estate*
39 broker ~~{or-salesman}~~, *real estate sales associate* or agent ~~{therefor.}~~ *for*
40 *any real estate firm or brokerage firm.*

41 **Sec. 7.** NRS 645.180 is hereby amended to read as follows:

42 645.180 1. The division shall adopt a seal by which it shall
43 authenticate its proceedings.

2. Records kept in the office of the division ~~{under}~~ *pursuant to the* authority of this chapter are open to public inspection ~~{under}~~ *pursuant to the* regulations adopted by the real estate division, except that the division may refuse to make public, unless ordered to do so by a court:

(a) ~~{Real estate brokers' and real estate salesmen's examinations;}~~ *Examinations taken by real estate brokers and real estate sales associates;*

(b) Files compiled by the division while investigating possible violations of this chapter or chapter 119 of NRS; and

(c) The criminal and financial records of licensees, applicants for licenses and owner-developers.

3. Copies of all records and papers in the office of the division, certified and authenticated by the seal of the division, must be received in evidence in all courts equally and with like effect as the originals.

Sec. 8. NRS 645.230 is hereby amended to read as follows:

645.230 1. It is unlawful for any person, limited-liability company, partnership, association or corporation to engage in the business of, act in the capacity of, advertise or assume to act as, a:

(a) Real estate broker, real estate ~~{broker-salesman or real estate salesman}~~ *broker-associate or real estate sales associate* within the State of Nevada without first obtaining the appropriate license from the real estate division ~~{as provided for in}~~ *pursuant to the provisions of* this chapter; or

(b) Property manager within the State of Nevada without first obtaining from the real estate division ~~{as provided for in}~~ *pursuant to the provisions of* this chapter a license as a real estate broker, real estate ~~{broker-salesman or real estate salesman}~~ *broker-associate or real estate sales associate* and a permit to engage in property management.

2. The real estate division may prefer a complaint for a violation of this section before any court of competent jurisdiction and may assist in presenting the law or facts upon any trial for a violation of this section.

3. The district attorney of each county shall prosecute all violations of this section in their respective counties in which violations occur, unless prosecuted by the attorney general. Upon the request of the administrator, the attorney general shall prosecute any violation of this section in lieu of the district attorney.

Sec. 9. NRS 645.240 is hereby amended to read as follows:

645.240 1. The provisions of this chapter do not apply to, and the terms "real estate broker" and "real estate ~~{salesman}~~ *sales associate*" do not include, any:

(a) Person who, as owner or lessor, performs any of the acts mentioned in NRS 645.030, 645.040, 645.230 and 645.260, with reference to property owned or leased by them, or to the regular employees ~~{thereof}~~ with

1 respect to the property so owned or leased, where those acts are performed
2 in the regular course of or as an incident to the management of such
3 property and the investment therein. For the purposes of this paragraph,
4 “management” means activities which tend to preserve or increase the
5 income from the property by preserving the physical desirability of the
6 property or maintaining high standards of service to tenants. The term does
7 not include sales activities.

8 (b) Employee of a real estate broker while engaged in the collection of
9 rent for or on behalf of the broker.

10 (c) Person while performing the duties of a property manager for a
11 property ~~H~~ if the person maintains an office on the property and does not
12 engage in property management with regard to any other property.

13 (d) Person while performing the duties of a property manager for a
14 common-interest community governed by the provisions of chapter 116 of
15 NRS, a condominium project governed by the provisions of chapter 117 of
16 NRS, a time share governed by the provisions of chapter 119A of NRS, or
17 a planned unit development governed by the provisions of chapter 278A of
18 NRS ~~H~~ if the person is a member in good standing of, and, if applicable,
19 holds a current certificate, registration or other similar form of recognition
20 from, a nationally recognized organization or association for persons
21 managing such properties that has been approved by the real estate division
22 by regulation.

23 2. Except as otherwise provided in NRS 645.606 to 645.609, inclusive,
24 the provisions of this chapter do not apply to:

25 (a) Any bank, thrift company, credit union, trust company, savings and
26 loan association or any mortgage or farm loan association licensed ~~under~~
27 *pursuant to* the laws of this state or of the United States, with reference to
28 property it has acquired for development, for the convenient transaction of
29 its business, or as a result of foreclosure of property encumbered in good
30 faith as security for a loan or other obligation it has originated or holds.

31 (b) A corporation which, through its regular officers who receive no
32 special compensation for it, performs any of those acts with reference to
33 the property of the corporation.

34 (c) The services rendered by an attorney at law in the performance of
35 his duties as an attorney at law.

36 (d) A receiver, trustee in bankruptcy, administrator or executor, or any
37 other person doing any of the acts specified in NRS 645.030 ~~under~~
38 *pursuant to* the jurisdiction of any court.

39 (e) A trustee acting ~~under~~ *pursuant to* a trust agreement, deed of trust
40 or will, or the regular salaried employees thereof.

41 (f) The purchase, sale or locating of mining claims or options thereon or
42 interests therein.

43 (g) The State of Nevada or a political subdivision thereof.

Sec. 10. NRS 645.250 is hereby amended to read as follows:

645.250 Nothing contained in this chapter shall affect the power of cities and towns to tax, license and regulate real estate brokers or real estate ~~{salesmen.}~~ *sales associates*. The requirements of this chapter shall be in addition to the requirements of any existing or future ordinance of any city or town so taxing, licensing or regulating real estate brokers or real estate ~~{salesmen.}~~ *sales associates*.

Sec. 11. NRS 645.260 is hereby amended to read as follows:

645.260 Any person, limited-liability company, partnership, association or corporation who, for another, in consideration of compensation by fee, commission, salary or otherwise, or with the intention or expectation of receiving compensation, does, offers or attempts or agrees to do, engages in, or offers or attempts or agrees to engage in, either directly or indirectly, any single act or transaction contained in the definition of a real estate broker in NRS 645.030, whether the act is an incidental part of a transaction, or the entire transaction, is acting in the capacity of a real estate broker or real estate ~~{salesman}~~ *sales associate* within the meaning of this chapter.

Sec. 12. NRS 645.270 is hereby amended to read as follows:

645.270 A person, limited-liability company, partnership, association or corporation engaged in the business or acting in the capacity of a real estate broker or a real estate ~~{salesman}~~ *sales associate* within this state may not commence or maintain any action in the courts of this state for the collection of compensation for the performance of any of the acts mentioned in NRS 645.030 without alleging and proving that the person, limited-liability company, partnership, association or corporation was a licensed real estate broker or real estate ~~{salesman}~~ *sales associate* at the time the alleged cause of action arose.

Sec. 13. NRS 645.280 is hereby amended to read as follows:

645.280 1. It is unlawful for any licensed real estate broker, ~~{or broker-salesman or salesman}~~ *real estate broker-associate or real estate sales associate* to offer, promise, allow, give or pay, directly or indirectly, any part or share of his commission, compensation or finder's fee arising or accruing from any real estate transaction to any person who is not a licensed real estate broker, ~~{broker-salesman or salesman,}~~ *real estate broker-associate or real estate sales associate* in consideration of services performed or to be performed by the unlicensed person. A licensed real estate broker may pay a commission to a licensed broker of another state.

2. A real estate ~~{broker-salesman or salesman}~~ *broker-associate or real estate sales associate* shall not be associated with or accept compensation from any person other than the *real estate* broker or owner-developer under whom ~~{he}~~ *the real estate broker-associate or real estate sales associate* is at the time licensed.

3. It is unlawful for any licensed real estate ~~broker-salesman or salesman~~ *broker-associate or real estate sales associate* to pay a commission to any person except through the *real estate* broker or owner-developer under whom ~~he~~ *the real estate broker-associate or real estate sales associate* is at the time licensed.

Sec. 14. NRS 645.283 is hereby amended to read as follows:

645.283 1. An owner-developer who is registered with the real estate division may employ one or more licensed real estate ~~salesmen~~ *sales associates* to sell any single-family residence, owned by the owner-developer and not previously sold, which is within the area covered by his current registration.

2. The area covered by an owner-developer's registration may be enlarged from time to time upon application and payment of the required fee.

3. Registration may be kept in force by annual renewal.

Sec. 15. NRS 645.287 is hereby amended to read as follows:

645.287 1. Regulations adopted by the ~~real-estate~~ commission shall not establish any educational qualification or require any examination of an owner-developer, but shall provide appropriate standards of good moral character and financial stability.

2. Each owner-developer shall maintain a principal place of business and keep there the records concerning ~~salesmen~~ *real estate sales associates* employed by ~~him~~ *the owner-developer*.

Sec. 16. NRS 645.310 is hereby amended to read as follows:

645.310 1. All deposits accepted by every real estate broker or person registered as an owner-developer pursuant to this chapter, which are retained by him pending consummation or termination of the transaction involved, must be accounted for in the full amount at the time of the consummation or termination.

2. Every real estate ~~salesman or broker-salesman~~ *broker-associate or real estate sales associate* who receives any money on behalf of a *real estate* broker or owner-developer shall pay over the money promptly to the real estate broker or owner-developer.

3. A real estate broker shall not commingle the money or other property of his client with his own.

4. If a real estate broker receives money, as a *real estate* broker, which belongs to others, he shall promptly deposit the money in a separate checking account located in a bank in this state which must be designated a trust account. All down payments, earnest money deposits, rents, or other money which he receives, on behalf of his client or any other person, must be deposited in the account unless all persons who have any interest in the money have agreed otherwise in writing. A real estate broker may pay to any seller or the seller's authorized agent the whole or any portion of such

1 special deposit. The real estate broker is personally responsible and liable
2 for such deposit at all times. A real estate broker shall not ~~permit~~ **allow**
3 any advance payment of money belonging to others to be deposited in the
4 real estate broker's business or personal account or to be commingled with
5 any money he may have on deposit.

6 5. Every real estate broker required to maintain a separate trust
7 account shall keep records of all money deposited therein. The records
8 must clearly indicate the date and from whom he received money, the date
9 deposited, the dates of withdrawals, and other pertinent information
10 concerning the transaction, and must show clearly for whose account the
11 money is deposited and to whom the money belongs. The real estate
12 broker shall balance each separate trust account at least monthly. The real
13 estate broker shall provide to the division, on a form provided by the
14 division, an annual accounting which shows an annual reconciliation of
15 each separate trust account. All such records and money are subject to
16 inspection and audit by the division and its authorized representatives. All
17 such separate trust accounts must designate the real estate broker as trustee
18 and provide for withdrawal of money without previous notice.

19 6. Each real estate broker shall notify the division of the names of the
20 banks in which he maintains trust accounts and specify the names of the
21 accounts on forms provided by the division.

22 7. If a real estate broker who has money in a trust account dies or
23 becomes mentally disabled, the division, upon application to the district
24 court, may have a trustee appointed to administer and distribute the money
25 in the account with the approval of the court. The trustee may serve
26 without posting a bond.

27 **Sec. 17.** NRS 645.323 is hereby amended to read as follows:

28 645.323 A person shall not accept an advance fee listing unless he is
29 licensed as a real estate broker, ~~broker-salesman or salesman~~ **real estate**
30 **broker-associate or real estate sales associate** pursuant to this chapter.

31 **Sec. 18.** NRS 645.330 is hereby amended to read as follows:

32 645.330 1. Except as otherwise provided by specific statute, the
33 division may approve an application for a license for a person who meets
34 all the following requirements:

35 (a) Has a good reputation for honesty, trustworthiness and integrity and
36 who offers proof of those qualifications satisfactory to the division.

37 (b) Has not made a false statement of material fact on his application.

38 (c) Is competent to transact the business of a real estate broker,
39 ~~broker-salesman or salesman~~ **real estate broker-associate or real estate**
40 **sales associate** in a manner which will safeguard the interests of the public.

41 (d) Has submitted the statement required pursuant to NRS 645.358 if
42 the person is a natural person.

43 (e) Has passed the examination.

2. The division:

(a) May deny a license to any person who has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, engaging in a real estate business without a license, possessing for ~~the purpose of~~ sale any controlled substance or any crime involving moral turpitude, in any court of competent jurisdiction in the United States or elsewhere; and

(b) Shall not issue a license to such a person until at least 3 years after:

(1) The person pays any fine or restitution ordered by the court; or

(2) The expiration of the period of the person's parole, probation or sentence,
whichever is later.

3. Suspension or revocation of a license pursuant to this chapter or any prior revocation or current suspension in this or any other state, district or territory of the United States or any foreign country within 10 years before the date of the application is grounds for refusal to grant a license.

4. A person may not be licensed as a real estate broker unless he has been actively engaged as a full-time licensed real estate ~~broker-salesman or salesman~~ *broker-associate or real estate sales associate* in this state, or actively engaged as a full-time licensed real estate broker, ~~broker-salesman or salesman~~ *real estate broker-associate or real estate sales associate* in another state or the District of Columbia, for at least 2 of the 4 years immediately preceding the issuance of a *real estate* broker's license.

Sec. 19. NRS 645.335 is hereby amended to read as follows:

645.335 1. For the purposes of this section, "depository financial institution" means any bank, savings and loan association, savings bank, thrift company, credit union or other institution which:

(a) Holds or receives deposits, savings or share accounts;

(b) Issues certificates of deposit; or

(c) Provides to its customers other depository accounts which are subject to withdrawal by checks, drafts or other instruments or by electronic means to effect payment to a third party.

2. The purposes of this section are to help maintain the separation between depository financial institutions and the business of real estate and to minimize the possibility of unfair competitive activities by depository financial institutions against real estate brokers and ~~salesmen~~ *real estate sales associates*.

3. No depository financial institution or its holding company, parent, subsidiary or affiliate may directly or indirectly be licensed to sell real estate in this state.

Sec. 20. NRS 645.343 is hereby amended to read as follows:

645.343 1. In addition to the other requirements contained in this chapter, an applicant for an original real estate ~~{salesman's}~~ **sales associate's** license must furnish proof satisfactory to the real estate division that he has successfully completed a course of instruction in the principles, practices, procedures, law and ethics of real estate, which course may be an extension or correspondence course offered by the University and Community College System of Nevada, any other accredited college or university or by any other college or school approved by the commission. The course of instruction must include the subject of disclosure of required information in real estate transactions, including instruction on methods a seller may use to obtain the required information.

2. An applicant for an original real estate broker's or ~~{broker-salesman's}~~ **real estate broker-associate's** license must furnish proof satisfactory to the real estate division that he has successfully completed 45 semester units or the equivalent in quarter units of college level courses which include:

(a) Three semester units or an equivalent number of quarter units in real estate law, including at least 18 classroom hours of the real estate law of Nevada and another course of equal length in the principles of real estate;

(b) Nine semester units or the equivalent in quarter units of college level courses in real estate appraisal and business or economics; and

(c) Nine semester units or the equivalent in quarter units of college level courses in real estate, business or economics.

3. On and after January 1, 1986, in addition to other requirements contained in this chapter, an applicant for an original real estate broker's or ~~{broker-salesman's}~~ **real estate broker-associate's** license must furnish proof satisfactory to the real estate division that he has completed 64 semester units or the equivalent in quarter units of college level courses. This educational requirement includes and is not in addition to the requirements listed in subsection 2.

4. For the purposes of this section, each person holding a valid real estate ~~{salesman's license under}~~ **sales associate's license pursuant to** the provisions of this chapter is entitled to receive credit for the equivalent of 16 semester units of college level courses for each two years of active experience he has as a licensed real estate ~~{salesman.}~~ **sales associate**. This credit may not be applied against the requirement in subsection 2 for 18 classroom hours of the real estate law of Nevada.

5. The educational requirements of this section may be waived partially or completely by the commission if the applicant for an original real estate broker's or ~~{broker-salesman's}~~ **real estate broker-associate's** license furnishes proof satisfactory to the commission that he resides in a rural county where educational resources are not available and where

1 excess travel would work a hardship on the applicant in meeting the
2 requirements.

3 6. An applicant for a **real estate** broker's license pursuant to NRS
4 645.350 must meet the educational prerequisites applicable on the date his
5 application is received by the real estate division.

6 7. For the purposes of this section, "college level courses" are courses
7 offered by any accredited college or university or by any other institution
8 which meet the standards of education established by the commission. The
9 commission may adopt regulations setting forth standards of education
10 which are equivalent to the college level courses outlined in this
11 subsection. The regulations may take into account the standard of
12 instructors, the scope and content of the instruction, hours of instruction
13 and such other criteria as the commission requires.

14 **Sec. 21.** NRS 645.345 is hereby amended to read as follows:

15 645.345 The division, with the approval of the commission, shall:

16 1. Adopt reasonable regulations defining what constitutes:

17 (a) A course of instruction in real estate principles, practices,
18 procedures, law and ethics, which course of instruction must include the
19 subjects upon which an applicant is examined in determining his fitness to
20 receive an original real estate ~~{salesman's}~~ **sales associate's** license.

21 (b) A school offering such a course.

22 2. Adopt regulations providing for the establishment and maintenance
23 of a uniform and reasonable standard of instruction to be observed in and
24 by such schools.

25 **Sec. 22.** NRS 645.350 is hereby amended to read as follows:

26 645.350 1. An application for a license as a real estate broker,
27 ~~{broker-salesman-or-salesman}~~ **real estate broker-associate or real estate**
28 **sales associate** must be submitted in writing to the division upon ~~{blanks}~~
29 **forms** prepared or furnished by the division.

30 2. Every application for a real estate broker's, ~~{broker-salesman's-or}~~
31 ~~salesman's}~~ **real estate broker-associate's or real estate sales associate's**
32 license must set forth the following information:

33 (a) The name, age and address of the applicant. If the applicant is a
34 partnership or an association which is applying to do business as a real
35 estate broker, the application must contain the name and address of each
36 member thereof. If the application is for a corporation which is applying to
37 do business as a real estate ~~{salesman, real estate broker-salesman}~~ **sales**
38 **associate, real estate broker-associate** or real estate broker, the application
39 must contain the name and address of each officer and director thereof. If
40 the applicant is a limited-liability company which is applying to do
41 business as a real estate broker, the company's articles of organization
42 must designate a manager, and the name and address of the manager and
43 each member must be listed in the application.

1 (b) In the case of a *real estate* broker, the name under which the
2 business is to be conducted. The name is a fictitious name if it does not
3 contain the name of the applicant or the names of the members of the
4 applicant's company, firm, partnership or association. Except as otherwise
5 provided in NRS 645.387, a license must not be issued under a fictitious
6 name which includes the name of a real estate ~~salesman or broker-~~
7 ~~salesman.~~ *sales associate or real estate broker-associate*. A license must
8 not be issued under the same fictitious name to more than one licensee
9 within the state. All licensees doing business under a fictitious name shall
10 comply with other pertinent statutory regulations regarding the use of
11 fictitious names.

12 (c) In the case of a *real estate* broker, the place or places, including the
13 street number, city and county, where the business is to be conducted.

14 (d) If the applicant is a natural person, the social security number of the
15 applicant.

16 (e) The business or occupation engaged in by the applicant for at least 2
17 years immediately preceding the date of the application, and the location
18 thereof.

19 (f) The time and place of the applicant's previous experience in the real
20 estate business as a *real estate* broker ~~for salesman.~~, *real estate broker-*
21 *associate or real estate sales associate*.

22 (g) Whether the applicant has ever been convicted of or is under
23 indictment for a felony or has entered a plea of guilty, guilty but mentally
24 ill or nolo contendere to a charge of felony, and if so, the nature of the
25 felony.

26 (h) Whether the applicant has been convicted of or entered a plea of
27 nolo contendere to forgery, embezzlement, obtaining money under false
28 pretenses, larceny, extortion, conspiracy to defraud, engaging in the
29 business of selling real estate without a license or any crime involving
30 moral turpitude.

31 (i) Whether the applicant has been refused a real estate broker's,
32 ~~broker-salesman's or salesman's~~ *real estate broker-associate's or real*
33 *estate sales associate's* license in any state, or whether his license as a *real*
34 *estate* broker ~~for salesman~~, *real estate broker associate or real estate*
35 *sales associate* has been revoked or suspended by any other state, district
36 or territory of the United States or any other country.

37 (j) If the applicant is a member of a limited-liability company,
38 partnership or association, or an officer of a corporation, the name and
39 address of the office of the limited-liability company, partnership,
40 association or corporation of which the applicant is a member or officer.

41 3. An applicant for a license as a ~~broker-salesman or salesman~~ *real*
42 *estate broker-associate or real estate sales associate* shall provide a
43 verified statement from the *real estate* broker with whom ~~he~~ *the real*

1 *estate broker-associate or real estate sales associate* will be associated,
2 expressing the intent of that *real estate* broker to associate the applicant
3 with him and to be responsible for the applicant's activities as a licensee.

4 4. If a limited-liability company, partnership or association is to do
5 business as a real estate broker, the application for a *real estate* broker's
6 license must be verified by at least two members ~~thereof.~~ *of the limited-*
7 *liability company, partnership or association.* If a corporation is to do
8 business as a real estate broker, the application must be verified by the
9 president and the secretary ~~thereof.~~ *of the corporation.*

10 **Sec. 23.** NRS 645.355 is hereby amended to read as follows:

11 645.355 An applicant for a license as a *real estate* broker, ~~broker-~~
12 ~~salesman or salesman~~ *real estate broker-associate or real estate sales*
13 *associate* in this state must, as part of his application, be fingerprinted.
14 Each applicant shall, at his own expense ~~and~~ and on a card provided by the
15 division, arrange to be fingerprinted by any police or sheriff's office and
16 shall attach his fingerprint card, after his fingerprints are taken, to his
17 application. The division may mail the applicant's fingerprint card to the
18 Federal Bureau of Investigation, Washington, D.C., for its report, and to
19 such other law enforcement agencies as the division may deem necessary.

20 **Sec. 24.** NRS 645.358 is hereby amended to read as follows:

21 645.358 1. A natural person who applies for the issuance or renewal
22 of a license as a real estate broker, ~~broker-salesman or salesman~~ *real*
23 *estate broker-associate or real estate sales associate* shall submit to the
24 division the statement prescribed by the welfare division of the department
25 of human resources pursuant to NRS 425.520. The statement must be
26 completed and signed by the applicant.

27 2. The division shall include the statement required pursuant to
28 subsection 1 in:

29 (a) The application or any other forms that must be submitted for the
30 issuance or renewal of the license; or

31 (b) A separate form prescribed by the division.

32 3. A license as a real estate broker, ~~broker-salesman or salesman~~ *real*
33 *estate broker-associate or real estate sales associate* may not be issued or
34 renewed by the division if the applicant is a natural person who:

35 (a) Fails to submit the statement required pursuant to subsection 1; or

36 (b) Indicates on the statement submitted pursuant to subsection 1 that he
37 is subject to a court order for the support of a child and is not in
38 compliance with the order or a plan approved by the district attorney or
39 other public agency enforcing the order for the repayment of the amount
40 owed pursuant to the order.

41 4. If an applicant indicates on the statement submitted pursuant to
42 subsection 1 that he is subject to a court order for the support of a child and
43 is not in compliance with the order or a plan approved by the district

1 attorney or other public agency enforcing the order for the repayment of
2 the amount owed pursuant to the order, the division shall advise the
3 applicant to contact the district attorney or other public agency enforcing
4 the order to determine the actions that the applicant may take to satisfy the
5 arrearage.

6 **Sec. 25.** NRS 645.387 is hereby amended to read as follows:

7 645.387 1. Any natural person who meets the qualifications of a real
8 estate ~~broker-salesman or salesman~~ **broker-associate or real estate sales**
9 **associate** and:

10 (a) Except as otherwise provided in subsection 2, is the sole shareholder
11 of a corporation organized pursuant to the provisions of chapter 89 of
12 NRS; or

13 (b) Is the manager of a limited-liability company organized pursuant to
14 the provisions of chapter 86 of NRS,
15 may be licensed on behalf of the corporation or limited-liability company
16 ~~for the purpose of associating~~ **to associate** with a licensed real estate
17 broker in the capacity of a ~~broker-salesman or salesman~~ **real estate**
18 **broker-associate or real estate sales associate.**

19 2. The spouse of the owner of the corporation who has a community
20 interest in any shares of the corporation shall not be deemed a second
21 shareholder of the corporation for the purposes of paragraph (a) of
22 subsection 1 ~~if~~ if the spouse does not vote any of those shares.

23 3. A license issued pursuant to this section entitles only the sole
24 shareholder of the corporation or the manager of the limited-liability
25 company to act as a ~~broker-salesman or salesman~~ **real estate broker-**
26 **associate or real estate sales associate**, and only as an officer or agent of
27 the corporation or limited-liability company and not on his own behalf.
28 The licensee shall not do or deal in any act, acts or transactions included
29 within the definition of a real estate broker in NRS 645.030, except as that
30 activity is ~~permitted~~ **allowed** pursuant to this chapter to licensed ~~broker-~~
31 ~~salesmen and salesmen~~ **real estate broker-associates and real estate sales**
32 **associates.**

33 4. The corporation or limited-liability company shall, within 30 days
34 after a license is issued on its behalf pursuant to this section and within 30
35 days after any change in its ownership, file an affidavit with the division
36 stating:

37 (a) For a corporation, the number of issued and outstanding shares of
38 the corporation and the names of all persons to whom the shares have been
39 issued.

40 (b) For a limited-liability company, the names of members who have an
41 interest in the company.

42 5. A license issued pursuant to this section automatically expires upon:

1 (a) The death of the licensed shareholder in the corporation or the
2 manager of the limited-liability company.

3 (b) The issuance of shares in the corporation to more than one person
4 other than the spouse.

5 6. Nothing in this section alters any of the rights, duties or liabilities
6 which otherwise arise in the legal relationship between a real estate broker,
7 ~~{broker-salesman or salesman}~~ *real estate broker-associate or real estate*
8 *sales associate* and a person who deals with him.

9 **Sec. 26.** NRS 645.400 is hereby amended to read as follows:

10 645.400 1. In addition to the information required by this chapter,
11 applications for *real estate* brokers' ~~{or salesmen's}~~, *real estate broker-*
12 *associate's or real estate sales associate's* licenses must contain such other
13 information pertaining to the applicants as the division may require.

14 2. The division may require such other proof through the application
15 or otherwise, with due regard to the paramount interests of the public as to
16 the honesty, truthfulness, integrity and competency of the applicant.

17 3. The commission may adopt regulations connected with the
18 application for any examination and license.

19 **Sec. 27.** NRS 645.410 is hereby amended to read as follows:

20 645.410 1. The commission shall adopt regulations establishing the
21 fee for an examination for a license as a real estate broker, ~~{broker-~~
22 ~~salesman or salesman}~~ *real estate broker-associate or real estate sales*
23 *associate* and all other fees necessary for the administration of the
24 examination.

25 2. Every application for examination for a license as a real estate
26 broker, ~~{broker-salesman or salesman under}~~ *real estate broker-associate*
27 *or real estate sales associate pursuant to* the provisions of this chapter
28 must be accompanied by the applicable fees established pursuant to
29 subsection 1. The applicant must pay the original license fee and the fee
30 for the real estate education, research and recovery fund at the time he files
31 his application for a license.

32 **Sec. 28.** NRS 645.420 is hereby amended to read as follows:

33 645.420 1. The division shall notify each applicant in writing
34 whether he passed or failed the examination.

35 2. The division shall act upon all applications for licenses as real estate
36 brokers, ~~{broker-salesmen or real estate salesmen}~~ *real estate broker-*
37 *associates or real estate sales associates* within 60 days ~~{from}~~ *after* the
38 date of receiving the completed application for a license.

39 3. If in the opinion of the real estate division additional investigation
40 of the applicant appears necessary, the real estate division may extend the
41 60-day period and may make such additional investigation as is necessary
42 or desirable before acting on the applicant's application.

1 4. The burden of proof is on the applicant to establish to the
2 satisfaction of the real estate division that he is qualified to receive a
3 license.

4 5. Passing the examination creates no vested right in the applicant to
5 hold a license pending his appeal of a denial of his licensing by the
6 division.

7 6. The division, upon the discovery of any error in the issuance of a
8 license which is related to the qualification or fitness of the licensee, may
9 invalidate the license. The division shall promptly notify the licensee, in
10 writing, of the invalidation and the licensee shall surrender the license to
11 the division within 20 days after notice is sent by the division. A licensee
12 whose license is invalidated ~~under~~ *pursuant to* this subsection and is
13 surrendered within the time specified is entitled to a hearing as for a denial
14 of application in accordance with the provisions of NRS 645.440.

15 **Sec. 29.** NRS 645.475 is hereby amended to read as follows:

16 645.475 1. An applicant for a real estate broker's license may take
17 the written examination before he has complied with the experience
18 requirements of subsection 4 of NRS 645.330, but the division shall not
19 approve the issuance of a *real estate* broker's license until all the
20 requirements of this chapter are met.

21 2. An applicant, pursuant to subsection 1, who passes the *real estate*
22 broker's examination must be issued a ~~broker-salesman's~~ *real estate*
23 *broker-associate's* license. The applicant may be issued a *real estate*
24 broker's license upon:

25 (a) Making proper application to the division; and

26 (b) Satisfying the experience requirements of subsection 4 of NRS
27 645.330.

28 **Sec. 30.** NRS 645.490 is hereby amended to read as follows:

29 645.490 ~~[1.—Upon satisfactorily passing the written examination and~~
30 ~~upon complying with all other provisions of law and conditions of this~~
31 ~~chapter, a license shall thereupon be granted by the division to the~~
32 ~~successful applicant therefor as a real estate broker, broker-salesman or~~
33 ~~salesman, and the]~~ *The division shall issue a license as a real estate*
34 *broker, real estate broker-associate or real estate sales associate to an*
35 *applicant who satisfactorily passes the written examination and complies*
36 *with all other provisions of law and requirements of this chapter. The*
37 applicant, upon receiving the license, may conduct the business of a real
38 estate broker, ~~broker-salesman or salesman~~ *real estate broker-associate*
39 *or real estate sales associate* in this state.

40 ~~[2.—The division shall issue licenses as real estate broker, broker-~~
41 ~~salesman or salesman to all applicants who qualify and comply with all~~
42 ~~provisions of law and all requirements of this chapter.]~~

43 **Sec. 31.** NRS 645.520 is hereby amended to read as follows:

645.520 1. The division shall issue to each licensee a license in such form and size as is prescribed by the division.

2. Each license must:

(a) Show the name and address of the licensee, and in case of a real estate ~~broker-salesman's or salesman's~~ *broker-associate's or real estate sales associate's* license show the name of the real estate broker with whom ~~he~~ *the real estate broker-associate or real estate sales associate* will be associated.

(b) Have imprinted ~~thereon~~ the seal of the division ~~[-]~~ *on the license*.

(c) Contain any additional matter prescribed by the division.

3. No real estate ~~broker-salesman or salesman~~ *broker-associate or real estate sales associate* may be associated with or employed by more than one *real estate* broker or owner-developer at the same time.

Sec. 32. NRS 645.530 is hereby amended to read as follows:

645.530 1. The license of each real estate ~~broker-salesman or salesman~~ *broker-associate or real estate sales associate* must be delivered or mailed to the real estate broker with whom the licensee is associated or to the owner-developer by whom ~~he~~ *the licensee* is employed and must be kept in the custody and control of the *real estate* broker or owner-developer.

2. Each real estate broker shall:

(a) Display his license conspicuously in his place of business. If a real estate broker maintains more than one place of business within the state, an additional license must be issued to the *real estate* broker for each branch office so maintained by him, and the additional license must be displayed conspicuously in each branch office.

(b) Prominently display in his place of business the ~~licenses of all~~ *license of each* real estate ~~broker-salesmen and salesmen~~ *broker-associate and real estate sales associate* associated with ~~him therein~~ *the real estate broker in his place of business* or in connection ~~therewith~~ *with his place of business*.

3. Each owner-developer shall prominently display in his place of business the license of each real estate ~~broker-salesman and salesman~~ *broker-associate and real estate sales associate* employed by him.

Sec. 33. NRS 645.570 is hereby amended to read as follows:

645.570 1. ~~Notice in writing must be given by the broker or a corporate officer~~ *The real estate broker or corporate officer must give written notice* to the division within 10 days ~~of~~ *after* any change of name or business location of any licensee or of a change of association of any ~~broker-salesman or salesman~~ licensee ~~[-]~~ *who is a real estate broker-associate or real estate sales associate*. Upon the surrender of the license previously issued and the payment of the fee required ~~by law~~ *pursuant to NRS 645.830*, the division shall issue the license for the unexpired term.

1 2. Upon the transfer of association of any ~~broker-salesman or~~
2 ~~salesman licensee, application accompanied by the fee required by law~~
3 ~~must be made~~ *licensee who is a real estate broker-associate or real estate*
4 *sales associate, the licensee must apply and pay in the fee required*
5 *pursuant to NRS 645.830* to the division for the reissuance of the license
6 to the ~~broker-salesman or salesman~~ *real estate broker-associate or real*
7 *estate sales associate* for the unexpired term. Such a transfer may only be
8 into an association with a licensed *real estate* broker or registered owner-
9 developer who must certify to the honesty, truthfulness and good
10 reputation of the transferee.

11 3. Failure to give notice as required by this section constitutes cause
12 for the revocation of any outstanding license or involuntary inactivation of
13 the license.

14 **Sec. 34.** NRS 645.575 is hereby amended to read as follows:

15 645.575 1. The commission shall prescribe standards for the
16 continuing education of persons licensed pursuant to this chapter by
17 adopting regulations which include:

18 (a) For renewal of a license which is on active status, a requirement for
19 the hours of attendance at any approved educational course, seminar or
20 conference of:

21 (1) Thirty hours within the 2-year period immediately after initial
22 licensing; and

23 (2) Fifteen hours within each subsequent 2-year period before
24 renewal.

25 For each period, at least 6 of the hours must be devoted to ethics,
26 professional conduct or the legal aspects of real estate.

27 (b) For reinstatement of a license which has been placed on inactive
28 status, a requirement for total attendance at any approved educational
29 course, seminar or conference of:

30 (1) Thirty hours if the license was on inactive status for 2 years or
31 less during the initial license period;

32 (2) Fifteen hours if the license was on inactive status for a period of 2
33 years or less, no part of which was during the initial license period;

34 (3) Forty-five hours if the license was on inactive status for a period
35 of more than 2 years, part of which was during the initial license period; or

36 (4) Thirty hours if the license was on inactive status for a period of
37 more than 2 years, no part of which was during the initial license period.

38 For each period, at least 6 of the hours must be devoted to ethics,
39 professional conduct or the legal aspects of real estate.

40 (c) A basis and method of qualifying educational programs and
41 certifying attendance which will satisfy the requirements of this section.

42 (d) A procedure for the evaluation of petitions based on a claim of
43 equivalency with the requirements of paragraph (a) or (b).

- 1 (e) A system of controlling and reporting qualifying attendance.
- 2 (f) A statement of the conditions for which an extension of time may be
- 3 granted to comply with the continuing education requirements as well as a
- 4 method of applying and qualifying for an extension.

5 2. The standards prescribed in subsection 1 must ~~permit~~ **allow**

6 alternatives of subject material, taking cognizance of specialized areas of

7 practice and alternatives in sources of programs considering availability in

8 area and time. The standards must include, where qualified, generally

9 accredited educational institutions, private vocational schools, educational

10 programs and seminars of professional societies and organizations, other

11 organized educational programs on technical subjects, or equivalent

12 offerings. The commission shall qualify only those educational courses

13 that it determines address the appropriate subject matter and are given by

14 an accredited university or community college. Subject to the provisions of

15 this section, the commission has exclusive authority to determine what is

16 an appropriate subject matter for qualification as a continuing education

17 course.

18 3. Except as otherwise provided in this subsection, the license of a **real**

19 **estate** broker, ~~broker-salesman or salesman~~ **real estate broker-associate**

20 **or real estate sales associate** must not be renewed or reinstated unless the

21 administrator finds that the applicant for the renewal license or for

22 reinstatement to active status has completed the continuing education

23 required by this chapter. Any amendment or repeal of a regulation does not

24 operate to prevent an applicant from complying with this section for the

25 next licensing period following the amendment or repeal.

26 **Sec. 35.** NRS 645.577 is hereby amended to read as follows:

27 645.577 1. The division may place a license on inactive status for

28 any of the following reasons:

29 (a) At the request of the licensee.

30 (b) If a **real estate** broker's license or a corporate officer's license, for

31 failure to immediately notify the division in writing of any change in the

32 name of his firm or its business location.

33 (c) If a ~~broker-salesman's~~ **real estate broker-associate's** license or a

34 ~~salesman's~~ **real estate sales associate's** license, for failure to notify the

35 division of a change in the **real estate** broker or owner-developer with

36 whom he will be associated within 30 days after his previous association

37 was terminated.

38 (d) For failure to apply and pay the fee for renewal before the license

39 expired.

40 (e) If inactivated upon the placing of the **real estate** broker under whose

41 supervision the licensee worked in an inactive status.

42 (f) As a result of a formal disciplinary proceeding.

2. Any licensee whose license has been placed on inactive status may not engage in the business of a real estate broker, ~~broker-salesman or salesman~~ *real estate broker-associate or real estate sales associate* until he has met all of the requirements for reinstatement of his license to active status.

Sec. 36. NRS 645.580 is hereby amended to read as follows:

645.580 1. When any real estate ~~broker-salesman or salesman~~ *broker-associate or real estate sales associate* terminates, for any reason, his association with the real estate broker with whom he was associated, or his employment with the owner-developer by whom ~~he~~ *the real estate broker-associate or real estate sales associate* was employed, the real estate broker or owner-developer shall:

(a) Deliver or mail by certified mail to the division the real estate ~~broker-salesman's or salesman's~~ *broker-associate's or real estate sales associate's* license, together with a written statement of the circumstances surrounding the termination of the association or the employment, within 10 days after the termination occurs.

(b) At the time of delivering or mailing the license to the division, address a communication to the last known residence address of the ~~broker-salesman or salesman,~~ *real estate broker-associate or real estate sales associate*, advising him that his license has been delivered or mailed to the division. A copy of the communication must accompany the license when delivered or mailed to the division.

2. A ~~broker-salesman or salesman~~ *real estate broker-associate or real estate sales associate* must, within 30 days after termination of that association, become associated with or employed by another *real estate broker* or owner-developer or request that his license be placed on inactive status.

3. It is unlawful for any real estate ~~salesman~~ *sales associate* to perform any of the acts contemplated by this chapter, either directly or indirectly, under authority of the license on or after the date of receipt of the license from the *real estate broker* or owner-developer by the division and until the license is transferred or reissued or a new license is issued.

Sec. 37. NRS 645.6052 is hereby amended to read as follows:

645.6052 1. A person who is licensed pursuant to this chapter as a real estate broker, real estate ~~broker-salesman or real estate salesman~~ *broker-associate or real estate sales associate* may apply to the real estate division for a permit to engage in property management.

2. An applicant for a permit must:

(a) Furnish proof satisfactory to the division that he has successfully completed at least 24 classroom hours of instruction in property management;

and

1 (b) Comply with all other requirements established by the commission
2 for the issuance of a permit.

3 3. A permit expires, and may be renewed, at the same time as the
4 license of the holder of the permit.

5 4. An applicant for the renewal of a permit must:

6 (a) Furnish proof satisfactory to the division that he has successfully
7 completed at least 3 of the hours of the continuing education required for
8 the renewal of his license pursuant to NRS 645.575 in an approved
9 educational course, seminar or conference concerning property
10 management; and

11 (b) Comply with all other requirements established by the commission
12 for the renewal of a permit.

13 5. The commission may adopt such regulations as it determines are
14 necessary to carry out the provisions of this section. The regulations may,
15 without limitation:

16 (a) Establish additional requirements for the issuance or renewal of a
17 permit.

18 (b) Establish a fee for the issuance and renewal of a permit.

19 (c) Set forth standards of education for the approval of a course of
20 instruction to qualify a person for a permit pursuant to this section.

21 **Sec. 38.** NRS 645.610 is hereby amended to read as follows:

22 645.610 The administrator may investigate the actions of any real
23 estate broker, ~~broker-salesman, salesman,~~ *real estate broker-associate,*
24 *real estate sales associate,* owner-developer or any person who acts in any
25 such capacity within this state.

26 **Sec. 39.** NRS 645.630 is hereby amended to read as follows:

27 645.630 The commission may require a licensee or owner-developer
28 to pay an administrative fine of not more than \$5,000 for each violation he
29 commits or suspend, revoke or place conditions upon his license or
30 registration, or do both, at any time if the licensee or owner-developer has,
31 by false or fraudulent representation, obtained a license or registration, or
32 the licensee or owner-developer, whether or not acting as such, is found
33 guilty of:

34 1. Making any material misrepresentation.

35 2. Making any false promises of a character likely to influence,
36 persuade or induce.

37 3. Accepting a commission or valuable consideration as a real estate
38 ~~broker-salesman or salesman~~ *broker-associate or real estate sales*
39 *associate* for the performance of any of the acts specified in this chapter or
40 chapter 119 or 119A of NRS from any person except the licensed real
41 estate broker with whom he is associated or the owner-developer by whom
42 he is employed.

1 4. Representing or attempting to represent a real estate broker other
2 than the **real estate** broker with whom he is associated, without the express
3 knowledge and consent of the **real estate** broker with whom he is
4 associated.

5 5. Failing to maintain, for review and audit by the division, each
6 brokerage agreement governed by the provisions of this chapter and
7 entered into by the licensee.

8 6. Failing, within a reasonable time, to account for or to remit any
9 money which comes into his possession and which belongs to others.

10 7. If he is required to maintain a trust account:

11 (a) Failing to balance the trust account at least monthly; and

12 (b) Failing to submit to the division an annual accounting of the trust
13 account as required in NRS 645.310.

14 8. Commingling the money or other property of his clients with his
15 own or converting the money of others to his own use.

16 9. In the case of a ~~{broker-salesman or salesman,}~~ **real estate broker-**
17 **associate or real estate sales associate**, failing to place in the custody of
18 his licensed **real estate** broker or owner-developer, as soon as possible, any
19 deposit or other money or consideration entrusted to him by any person
20 dealing with him as the representative of his licensed **real estate** broker.

21 10. Accepting other than cash as earnest money unless that fact is
22 communicated to the owner before his acceptance of the offer to purchase
23 and that fact is shown in the receipt for the earnest money.

24 11. Upon acceptance of an agreement, in the case of a **real estate**
25 broker, failing to deposit any check or cash received as earnest money
26 before the end of the next banking day unless otherwise provided in the
27 purchase agreement.

28 12. Inducing any party to a brokerage agreement, sale or lease to break
29 it ~~{in order}~~ to substitute a new brokerage agreement, agreement of sale or
30 lease with the same or another party if the inducement to make the
31 substitution is offered to secure personal gain to the licensee or owner-
32 developer.

33 If discipline is imposed pursuant to this section, the costs of the
34 proceeding, including investigative costs and attorney's fees, may be
35 recovered by the board.

36 **Sec. 40.** NRS 645.633 is hereby amended to read as follows:

37 645.633 The commission may take action pursuant to NRS 645.630
38 against any person subject to that section who is guilty of:

39 1. Willfully using any trade name, service mark or insignie of
40 membership in any real estate organization of which the licensee is not a
41 member ~~{}~~ without the legal right to do so.

2. Violating any order of the commission, any agreement with the division, any of the provisions of this chapter, chapter 116, 119, 119A, 119B, 645A or 645C of NRS or any regulation adopted thereunder.

3. Paying a commission, compensation or a finder's fee to any person for performing the services of a *real estate* broker, ~~{broker-salesman-or salesman}~~ *real estate broker-associate or real estate sales associate* who has not first secured his license pursuant to this chapter. This subsection does not apply to payments to a *real estate* broker who is licensed in his state of residence.

4. A felony, or has entered a plea of guilty, guilty but mentally ill or nolo contendere to a charge of felony or any crime involving fraud, deceit, misrepresentation or moral turpitude.

5. Guaranteeing, or having authorized or ~~{permitted}~~ *allowed* any person to guarantee, future profits which may result from the resale of real property.

6. Failure to include a fixed date of expiration in any written brokerage agreement or to leave a copy of the brokerage agreement with the client.

7. Accepting, giving or charging any undisclosed commission, rebate or direct profit on expenditures made for a client.

8. Gross negligence or incompetence in performing any act for which he is required to hold a license pursuant to this chapter, chapter 119, 119A or 119B of NRS.

9. Any other conduct which constitutes deceitful, fraudulent or dishonest dealing.

10. Any conduct which took place before his being licensed, which was in fact unknown to the division and which would have been grounds for denial of a license had the division been aware of the conduct.

11. Knowingly ~~{permitting}~~ *allowing* any person whose license has been revoked or suspended to act as a real estate broker, ~~{broker-salesman or-salesman,}~~ *real estate broker-associate or real estate sales associate*, with or on behalf of the licensee.

Action may also be taken pursuant to NRS 645.630 against a person subject to that section for the suspension or revocation of a real estate broker's, ~~{broker-salesman's-or-salesman's}~~ *real estate broker-associate's or real estate sales associate's* license issued to him by any other jurisdiction.

Sec. 41. NRS 645.635 is hereby amended to read as follows:

645.635 The commission may take action pursuant to NRS 645.630 against any person subject to that section who is guilty of:

1. Offering real estate for sale or lease without the knowledge and consent of the owner or his authorized agent or on terms other than those authorized by the owner or his authorized agent.

1 2. Negotiating a sale, exchange or lease of real estate directly with an
2 owner or lessor if he knows that the owner has a brokerage agreement in
3 force in connection with the property granting an exclusive agency or an
4 exclusive right to sell to another *real estate* broker, unless permission in
5 writing has been obtained from the other *real estate* broker.

6 3. Failure to deliver within a reasonable time a completed copy of any
7 purchase agreement or offer to buy or sell real estate to the purchaser or to
8 the seller.

9 4. Failure to deliver to the seller in each real estate transaction, within
10 10 business days after the transaction is closed, a complete, detailed
11 closing statement showing all of the receipts and disbursements handled by
12 him for the seller, failure to deliver to the buyer a complete statement
13 showing all money received in the transaction from the buyer and how and
14 for what it was disbursed, or failure to retain true copies of those
15 statements in his files. The furnishing of those statements by an escrow
16 holder relieves the *real estate* broker's, ~~{broker-salesman's or salesman's}~~
17 *real estate broker-associate's or real estate sales associate's* responsibility
18 and must be deemed to be compliance with this provision.

19 5. Representing to any lender, guaranteeing agency or any other
20 interested party, verbally or through the preparation of false documents, an
21 amount in excess of the actual sale price of the real estate or terms
22 differing from those actually agreed upon.

23 6. Failure to produce any document, book or record in his possession
24 or under his control ~~{}~~ concerning any real estate transaction under
25 investigation by the division.

26 7. Failure to reduce a bona fide offer to writing where a proposed
27 purchaser requests that it be submitted in writing.

28 8. Failure to submit all written bona fide offers to a seller when the
29 offers are received before the seller accepts an offer in writing and until the
30 *real estate* broker has knowledge of that acceptance.

31 9. Refusing because of race, color, national origin, sex or ethnic group
32 to show, sell or rent any real estate for sale or rent to qualified purchasers
33 or renters.

34 10. Knowingly submitting any false or fraudulent appraisal to any
35 financial institution or other interested person.

36 **Sec. 42.** NRS 645.648 is hereby amended to read as follows:

37 645.648 1. If the division receives a copy of a court order issued
38 pursuant to NRS 425.540 that provides for the suspension of all
39 professional, occupational and recreational licenses, certificates and
40 permits issued to a person who is the holder of a license as a real estate
41 broker, ~~{broker-salesman or salesman,}~~ *real estate broker-associate or real*
42 *estate sales associate*, the division shall deem the license issued to that
43 person to be suspended at the end of the 30th day after the date on which

1 the court order was issued unless the division receives a letter issued to the
2 holder of the license by the district attorney or other public agency
3 pursuant to NRS 425.550 stating that the holder of the license has
4 complied with the subpoena or warrant or has satisfied the arrearage
5 pursuant to NRS 425.560.

6 2. The division shall reinstate a license as a real estate broker, ~~{broker-~~
7 ~~salesman or salesman}~~ *real estate broker-associate or real estate sales*
8 *associate* that has been suspended by a district court pursuant to NRS
9 425.540 if the division receives a letter issued by the district attorney or
10 other public agency pursuant to NRS 425.550 to the person whose license
11 was suspended stating that the person whose license was suspended has
12 complied with the subpoena or warrant or has satisfied the arrearage
13 pursuant to NRS 425.560.

14 **Sec. 43.** NRS 645.660 is hereby amended to read as follows:

15 645.660 1. Any unlawful act or violation of any of the provisions of
16 this chapter by any licensee is not cause for the suspension or revocation of
17 a license of any person associated with the licensee, unless it appears to the
18 satisfaction of the commission that the associate knew or should have
19 known ~~{thereof.}~~ *of the unlawful act or violation.* A course of dealing
20 shown to have been persistently and consistently followed by any licensee
21 constitutes prima facie evidence of such knowledge upon the part of the
22 associate.

23 2. If it appears that a registered owner-developer knew or should have
24 known of any unlawful act or violation ~~{on the part}~~ *committed in the*
25 *course of the employment* of a real estate broker, ~~{broker-salesman or~~
26 ~~salesman employed by him, in the course of his employment,}~~ *real estate*
27 *broker-associate or real estate sales associate employed by the owner-*
28 *developer,* the commission may suspend or revoke his registration and may
29 assess a civil penalty of not more than \$5,000.

30 3. The commission may suspend or revoke the license of a real estate
31 broker and may assess a civil penalty of not more than \$5,000 against him
32 if it appears he has failed to maintain adequate supervision of a ~~{salesman~~
33 ~~or broker-salesman}~~ *real estate sales associate or real estate broker-*
34 *associate* associated with ~~{him}~~ *the real estate broker* and that person
35 commits any unlawful act or violates any of the provisions of this chapter.

36 **Sec. 44.** NRS 645.680 is hereby amended to read as follows:

37 645.680 1. The procedure set forth in this section and NRS 645.690
38 must be followed before the revocation or suspension of any license.

39 2. Upon the initiation of a complaint by the administrator, the matter
40 must be set for a hearing by the administrator, who shall schedule a
41 hearing before the commission, and the licensee is entitled to be heard
42 ~~{thereon}~~ *at the hearing* in person or by counsel.

3. The commission shall hold the hearing within 90 days after the filing of a complaint by the administrator. The time of the hearing may be continued upon the motion of the commission or at the discretion of the commission, upon the written request of the licensee or of the division for good cause shown.

4. The licensee must be given at least 30 days' notice in writing by the division of the date, time and place of the hearing together with a copy of the complaint and copies of all communications, reports, affidavits or depositions in possession of the division relevant to the complaint. The division may present evidence obtained after the notice only if the division shows that the evidence was not available after diligent investigation before the time notice was given to the licensee and that the evidence was given or communicated to the licensee immediately after it was obtained.

5. Notice is complete upon delivery personally to the licensee, or by mailing by certified mail to the last known address of the licensee. If the licensee is a ~~broker-salesman or salesman,~~ *real estate broker-associate or real estate sales associate*, the division shall also notify the *real estate* broker with whom he is associated ~~[-]~~ or the owner-developer by whom he is employed ~~[-]~~ by mailing an exact statement of the charges and the date, time and place of the hearing by certified mail to the owner-developer or *real estate* broker's last known address.

Sec. 45. NRS 645.830 is hereby amended to read as follows:

645.830 1. The following fees must be charged by and paid to the division:

For each original real estate broker's, broker-salesman's <i>real estate broker-associate's</i> or corporate <i>real estate</i> broker's license.....	\$170
For each original real estate salesman's <i>sales associate's</i> license.....	130
For each original branch office license	100
For real estate education, research and recovery to be paid at the time an application for a license is filed or at the time a license is renewed	40
—For each renewal of a real estate broker's, broker-salesman's <i>real estate broker-associate's</i> or corporate <i>real estate</i> broker's license.....	170
For each renewal of a real estate salesman's <i>sales associate's</i> license	130
For each renewal of a real estate branch office license	100
For each penalty for late filing of a renewal for a <i>real estate</i> broker's, broker-salesman's <i>real estate broker-associate's</i> or corporate <i>real estate</i> broker's license	85

1	For each penalty for late filing of a renewal for a	
2	{salesman's} <i>real estate sales associate's</i> license	.65
3	For each change of name or address	10

1	—For each transfer of a real estate {salesman's or broker-	
2	salesman's} <i>sales associate's or real estate broker-</i>	
3	<i>associate's</i> license and change of association or	
4	employment	\$10
5	For each duplicate license where the original license is lost	
6	or destroyed, and an affidavit is made thereof	10
7	—For each change of status from <i>real estate</i> broker to {broker-	
8	salesman,} <i>real estate broker-associate</i> or the reverse	10
9	For each reinstatement to active status of an inactive real	
10	estate broker's, {broker-salesman's or salesman's} <i>real</i>	
11	<i>estate broker-associate's or real estate sales associate's</i>	
12	license	10
13	For each reinstatement of a real estate broker's license when	
14	the licensee fails to give immediate written notice to the	
15	division of a change of name or business location	20
16	—For each reinstatement of a real estate {salesman's or broker-	
17	salesman's} <i>sales associate's or real estate broker-</i>	
18	<i>associate's</i> license when he fails to notify the division of a	
19	change of <i>real estate</i> broker within 30 days {of} <i>after</i>	
20	termination by previous <i>real estate</i> broker	20
21	For each original registration of an owner-developer	100
22	For each annual renewal of a registration of an owner-	
23	developer	100
24	For each enlargement of the area of an owner-developer's	
25	registration	15
26	For each cooperative certificate issued to an out-of-state <i>real</i>	
27	<i>estate</i> broker licensee for 1 year or fraction {thereof} <i>of a</i>	
28	<i>year</i>	40
29	For each original accreditation of a course of continuing	
30	education	50
31	For each renewal of accreditation of a course of continuing	
32	education	10

2. The fees prescribed for courses of continuing education do not apply to any university or community college of the University and Community College System of Nevada.

Sec. 46. NRS 645.843 is hereby amended to read as follows:

645.843 1. Upon application for or renewal of every real estate broker's, ~~{broker-salesman's and salesman's}~~ *real estate broker-associate's and real estate sales associate's* license, every licensed *real estate* broker, ~~{broker-salesman and salesman}~~ *real estate broker-associate and real estate sales associate* shall pay , in addition to the original or renewal fee, a fee for real estate education, research and recovery. The

1 additional fee must be deposited in the state treasury for credit to the real
2 estate education, research and recovery fund ~~[]~~ and must be used solely for
3 the purposes provided in NRS 645.841 to 645.8494, inclusive.

4 2. Owner-developers need not contribute to the fund.

5 **Sec. 47.** NRS 645.847 is hereby amended to read as follows:

6 645.847 If the administrator pays from the fund any amount in
7 settlement of a claim or towards satisfaction of a judgment against a
8 licensee, his license issued pursuant to chapter 119 of NRS and this chapter
9 must be automatically suspended upon the effective date of an order by the
10 court authorizing payment from the fund. The license of the *real estate*
11 broker, ~~[broker-salesman or salesman]~~ *real estate broker-associate or real*
12 *estate sales associate* may not be reinstated and no other license may be
13 granted to him pursuant to this chapter until he has repaid in full, plus
14 interest at a rate equal to the prime rate at the largest bank in Nevada, as
15 ascertained by the commissioner of financial institutions, on January 1 or
16 July 1, as the case may be, immediately preceding the date of judgment,
17 plus 2 percent, the amount paid from the fund on his account. Interest is
18 computed from the date payment from the fund was made by the
19 administrator, and the rate must be adjusted accordingly on each January 1
20 and July 1 thereafter until the judgment is satisfied.

21 **Sec. 48.** NRS 118.060 is hereby amended to read as follows:

22 118.060 1. “Dwelling” means any building, structure or portion
23 thereof which is occupied as, or designed or intended for occupancy as, a
24 residence by one or more families, and any vacant land which is offered
25 for sale or lease for the construction or location thereon of any such
26 building, structure or portion thereof.

27 2. “Dwelling” does not include:

28 (a) A single-family house sold or rented by an owner if:

29 (1) The owner does not own more than three single-family houses at
30 any one time or the owner does not own any interest in, nor is there owned
31 or reserved on his behalf, under any express or voluntary agreement, title
32 to or any right to all or a portion of the proceeds from the sale or rental of,
33 more than three single-family houses at any one time; and

34 (2) The house was sold or rented without the use in any manner of
35 the sales or rental facilities or the sales or rental services of any real estate
36 broker, real estate ~~[broker-salesman or real estate salesman]~~ *broker-*
37 *associate or real estate sales associate* licensed pursuant to chapter 645 of
38 NRS.

39 (b) Rooms or units in dwellings containing living quarters occupied or
40 intended to be occupied by not more than four families living
41 independently of each other if the owner actually maintains and occupies
42 one of the living quarters as his residence and the owner has not within the
43 preceding 12-month period participated:

1 (1) As the principal in three or more transactions involving the sale or
2 rental of any dwelling or any interest therein; or

3 (2) As an agent, otherwise than in the sale of his own personal
4 residence in providing sales or rental facilities or sales or rental services in
5 two or more transactions involving the sale or rental of any dwelling or
6 any interest therein.

7 3. The sale of a single-family house by an owner not residing in that
8 house at the time of the sale or who was not the most recent resident of that
9 house before the sale does not bring the house within the definition of
10 dwelling unless there is more than one such sale within any 24-month
11 period.

12 **Sec. 49.** NRS 119.170 is hereby amended to read as follows:

13 119.170 ~~{No}~~ A person, broker, ~~{salesman}~~ *real estate sales associate*
14 or registered representative shall *not*, in any manner, refer to the division
15 or to any member or employee thereof in offering or selling in this state
16 any subdivision lot, parcel or unit in a subdivision nor make any
17 representation whatsoever that such property has been inspected or
18 approved or otherwise passed upon by the division or any official,
19 department or employee of this state.

20 **Sec. 50.** NRS 119.175 is hereby amended to read as follows:

21 119.175 The developer is responsible for the acts of each broker,
22 ~~{salesman}~~ *real estate sales associate*, registered representative and any
23 other person he employs or engages to represent him which are performed
24 within the scope of such employment or engagement.

25 **Sec. 51.** NRS 119.180 is hereby amended to read as follows:

26 119.180 No subdivision or lot, parcel or unit in any subdivision may
27 be sold:

28 1. Until the division has approved a written plan or the methods
29 proposed to be employed for the procurement of prospective purchasers,
30 the sale to purchasers and the retention of purchasers after sale. The plan or
31 methods must describe with particularity:

32 (a) The form and content of advertising to be used;

33 (b) The nature of the offer of gifts or other free benefits to be extended;

34 (c) The nature of promotional meetings involving any person or act
35 described in this subsection;

36 (d) The contracts, agreements and other papers to be employed in the
37 sale of the property; and

38 (e) Such other reasonable details as the division requires.

39 The written plan, or the methods proposed, may be filed as a part of the
40 application ~~{under}~~ *pursuant to the provisions of* NRS 119.140.

41 2. Except through a broker, and before any offering or disposition,
42 pursuant to any license granted ~~{under}~~ *pursuant to the provisions of* this
43 chapter, the name of the broker must be placed on file with the division.

1 Only that broker or his real estate ~~{salesman}~~ *sales associate* may offer or
2 sell the subdivided property or any interest therein. Before a ~~{salesman}~~
3 *real estate sales associate* offers or sells any property or interest, the
4 ~~{salesman's}~~ name *of the sales associate* must be placed on file with the
5 division. The broker and ~~{salesman,}~~ *real estate sales associate*, if any,
6 shall:

7 (a) Complete an application in such a form and containing such
8 reasonable information as the division requires.

9 (b) Pay the fees prescribed in this chapter.

10 A broker and a ~~{salesman}~~ *real estate sales associate* may represent one or
11 more developers only after completing an application with respect to each
12 developer in such a form and containing such reasonable information as
13 the division requires and paying the fees prescribed in this chapter.

14 **Sec. 52.** NRS 119.181 is hereby amended to read as follows:

15 119.181 1. No person, except a registered representative of the
16 developer or a broker or ~~{salesman}~~ *real estate sales associate* who has
17 complied with NRS 119.180 , may induce, solicit or attempt to have any
18 person attend any offer or sale of subdivision property or any interest
19 therein. A broker is responsible for the inducing and soliciting activities of
20 his registered representative. The registered representative and the
21 developer must comply with the same standards of business ethics as apply
22 to ~~{licensed real estate}~~ brokers and ~~{salesmen,}~~ *real estate sales*
23 *associates*. A registered representative shall not make statements of any
24 kind concerning prices, interests or values of the subdivision property. His
25 activities must be limited to inducing and soliciting persons to attend an
26 offer or sale of subdivision property and handing out information approved
27 by the division , and he shall strictly conform to the written plan approved
28 by the division pursuant to NRS 119.180.

29 2. Before engaging in any activities specified in subsection 1, each
30 registered representative of the developer, ~~{under}~~ *pursuant to* such
31 regulations as the division may ~~{promulgate,}~~ *adopt*, shall:

32 (a) Complete an application in such form and containing such
33 reasonable information as the division may require.

34 (b) Pay the fees prescribed in this chapter.

35 Such a person shall be known as a registered representative of the
36 developer and may not use the term "licensee." ~~{Real estate brokers and~~
37 ~~salesmen}~~ *A broker or real estate sales associate* licensed in the State of
38 Nevada may function as *a* registered ~~{representatives upon the completion~~
39 ~~of whatever application and}~~ *representative upon* the submission of
40 ~~{whatever}~~ *an application and such* reasonable information *as* the division
41 may prescribe ~~{, and upon}~~ *and* the payment of the fees prescribed in this
42 chapter.

1 **Sec. 53.** NRS 119.190 is hereby amended to read as follows:

2 119.190 Any broker, real estate ~~salesman~~ *sales associate* or
3 registered representative violating any provision of this chapter shall, in
4 addition to any other penalty imposed by this chapter, have his license or
5 registration suspended or revoked by the division for such time as in the
6 circumstances it considers justified.

7 **Sec. 54.** NRS 119A.210 is hereby amended to read as follows:

8 119A.210 1. The administrator shall issue a sales agent's license to
9 each applicant who submits an application to the division, in the manner
10 provided by the division, which includes:

11 (a) Satisfactory evidence, affirmed by the project broker or another
12 acceptable source, that the applicant has completed 14 hours of instruction
13 in:

14 (1) Ethics.

15 (2) The applicable laws and regulations relating to time shares.

16 (3) Principles and practices of selling time shares.

17 (b) Satisfactory evidence that he has a reputation for honesty,
18 trustworthiness and competence.

19 (c) A designation of the developer for whom he proposes to sell time
20 shares.

21 (d) The social security number of the applicant.

22 (e) Any further information required by the division, including the
23 submission by the applicant to any investigation by the police or the
24 division.

25 2. In addition to or in lieu of the 14 hours of instruction required by
26 paragraph (a) of subsection 1, the applicant may be required to pass an
27 examination which may be adopted by the division to examine
28 satisfactorily the knowledge of the applicant in those areas of instruction
29 listed in paragraph (a) of subsection 1.

30 3. The application must be accompanied by the statement required
31 pursuant to NRS 119A.263 and a fee of \$75. The fee must be used by the
32 division to pay the costs of investigating, acting upon and reviewing
33 applications for sales agents' licenses.

34 4. A person who is licensed as a ~~salesman~~ *real estate sales associate*
35 pursuant to chapter 645 of NRS is not required to obtain a license pursuant
36 to the provisions of this section.

37 5. Upon the issuance of a license to an applicant, the applicant must
38 pay a fee of \$100 for the license and an additional fee of \$25 for
39 investigation.

40 6. Each sales agent's license issued pursuant to this section expires 2
41 years after the last day of the calendar month in which it was issued and
42 must be renewed on or before that date. Each licensee must pay a renewal
43 fee of \$100.

1 7. If a sales agent fails to pay the renewal fee before the expiration of
2 his license, the license may be reinstated if the licensee pays a
3 reinstatement fee of \$50 and the renewal fee within 1 year after the license
4 expires.

5 8. The administrator may adopt regulations establishing and governing
6 requirements for the continuing education of sales agents.

7 **Sec. 55.** NRS 119A.260 is hereby amended to read as follows:

8 119A.260 1. A representative shall not negotiate or make
9 representations concerning the merits or value of a time-share project. He
10 may only induce and solicit persons to attend promotional meetings for the
11 sale of time shares and distribute information approved by the division.

12 2. The representative's activities must strictly conform to the methods
13 for the procurement of prospective purchasers which have been approved
14 by the division.

15 3. The representative shall comply with the same standards for
16 conducting business as are applied to real estate brokers and ~~salesmen~~
17 *real estate sales associates* pursuant to chapter 645 of NRS and the
18 regulations adopted pursuant thereto.

19 **Sec. 56.** NRS 119B.400 is hereby amended to read as follows:

20 119B.400 Unless the transaction is exempt ~~under~~ *pursuant to* the
21 provisions of NRS 119B.120, it is unlawful for any person to act as a
22 broker of record, ~~broker-salesman, salesman,~~ *real estate broker-*
23 *associate, real estate sales associate*, sales agent or registered
24 representative in this state in connection with the sale of memberships
25 without first obtaining a license or registering pursuant to the provisions of
26 chapter 645 or 119A of NRS.

27 **Sec. 57.** NRS 612.133 is hereby amended to read as follows:

28 612.133 "Employment" shall not include services performed by a
29 licensed real estate ~~salesman or licensed~~ *sales associate or* real estate
30 ~~broker~~ *broker-associate* who is employed as a ~~salesman or associate~~
31 ~~broker~~ *sales associate or broker-associate* by another licensed real estate
32 broker, whether such services are performed for such employer or for a
33 third person, if such services are performed for remuneration solely by way
34 of commission.

35 **Sec. 58.** NRS 616A.110 is hereby amended to read as follows:

36 616A.110 "Employee" excludes:

37 1. Any person whose employment is both casual and not in the course
38 of the trade, business, profession or occupation of his employer.

39 2. Any person engaged as a theatrical or stage performer or in an
40 exhibition.

41 3. Musicians when their services are merely casual in nature and not
42 lasting more than 2 consecutive days, and not recurring for the same

1 employer, as in wedding receptions, private parties and similar
2 miscellaneous engagements.

3 4. Any person engaged in household domestic service, farm, dairy,
4 agricultural or horticultural labor, or in stock or poultry raising, except as
5 otherwise provided in chapters 616A to 616D, inclusive, of NRS.

6 5. Any person performing services as a voluntary ski patrolman who
7 receives no compensation for his services other than meals, lodging, or use
8 of the ski tow or lift facilities.

9 6. Any clergyman, rabbi or lay reader in the service of a church, or
10 any person occupying a similar position with respect to any other religion.

11 7. Any real estate broker, ~~broker-salesman or salesman~~ **real estate**
12 **broker-associate or real estate sales associate** licensed pursuant to chapter
13 645 of NRS.

14 8. Any person who:

15 (a) Directly sells or solicits the sale of products, in person or by
16 telephone:

17 (1) On the basis of a deposit, commission, purchase for resale or
18 similar arrangement specified by the administrator by regulation, if the
19 products are to be resold to another person in his home or place other than
20 a retail store; or

21 (2) To another person from his home or place other than a retail
22 store;

23 (b) Receives compensation or remuneration based on sales to customers
24 rather than for the number of hours that he works; and

25 (c) Performs pursuant to a written agreement with the person for whom
26 the services are performed which provides that he is not an employee for
27 the purposes of this chapter.

28 **Sec. 59.** NRS 616A.220 is hereby amended to read as follows:

29 616A.220 1. Each person licensed pursuant to chapter 645 of NRS
30 as a real estate broker, ~~broker-salesman or salesman~~ **real estate broker-**
31 **associate or real estate sales associate** who does business in this state and
32 receives wages, commissions or other compensation based upon activities
33 for which the license is required may elect coverage pursuant to chapters
34 616A to 616D, inclusive, of NRS. If coverage is so elected, the real estate
35 broker, ~~broker-salesman or salesman~~ **broker-associate or sales associate**
36 shall be deemed for the purpose of those chapters to earn wages of \$1,500
37 per month. Except as otherwise provided in subsection 2, not more than
38 one premium may be collected from such a licensee for the wages,
39 commission or other compensation he receives from any activity for which
40 such a license is required.

41 2. Except as otherwise provided in this subsection, if a licensee holds
42 both an individual **real estate** broker license and a corporate **real estate**
43 broker license, the licensee shall pay the premium for coverage under the

1 corporate broker license only and is limited to recovery of benefits in

1 accordance with the deemed compensation attributed to that license only.
2 If a licensee holds both an individual broker license and a corporate broker
3 license and elects to pay premiums for coverage under the individual
4 broker license also, he may recover benefits in accordance with the
5 deemed compensation attributed to both licenses.

6 **Sec. 60.** NRS 616B.603 is hereby amended to read as follows:

7 616B.603 1. A person is not an employer for the purposes of
8 chapters 616A to 616D, inclusive, of NRS if:

9 (a) He enters into a contract with another person or business which is an
10 independent enterprise; and

11 (b) He is not in the same trade, business, profession or occupation as the
12 independent enterprise.

13 2. As used in this section, "independent enterprise" means a person
14 who holds himself out as being engaged in a separate business and:

15 (a) Holds a business or occupational license in his own name; or

16 (b) Owns, rents or leases property used in furtherance of his business.

17 3. The provisions of this section do not apply to:

18 (a) A principal contractor who is licensed pursuant to chapter 624 of
19 NRS.

20 (b) A real estate broker who has a ~~broker-salesman or salesman~~ *real*
21 *estate broker-associate or real estate sales associate* associated with him
22 pursuant to NRS 645.520.

23 4. The administrator may adopt such regulations as are necessary to
24 carry out the provisions of this section.

25 **Sec. 61.** NRS 690B.120 is hereby amended to read as follows:

26 690B.120 A person who sells insurance for home protection on behalf
27 of an insurer who issues policies of casualty insurance or insurance for
28 home protection is exempted from the provisions of chapter 683A of NRS
29 which require him to be licensed as an agent, broker or solicitor if:

30 1. His sales activity is conducted pursuant to a written contract with
31 the insurer which regulates his activity.

32 2. He holds a valid *real estate* broker's, ~~broker-salesman's or~~
33 ~~salesman's~~ *real estate broker-associate's or real estate sales associate's*
34 license issued pursuant to chapter 645 of NRS.

35 **Sec. 62.** The legislative counsel shall:

36 1. In preparing the reprint of the Nevada Revised Statutes,
37 appropriately change any reference to:

38 (a) "Real estate salesman" to "real estate sales associate"; and

39 (b) "Real estate broker-salesman" to "real estate broker-associate,"
40 in any section which is not amended by this act or is further amended by
41 another act.

- 1 2. In preparing supplements to the Nevada Administrative Code,
- 2 appropriately change any reference to:
- 3 (a) “Real estate salesman” to “real estate sales associate”; and
- 4 (b) “Real estate broker-salesman” to “real estate broker-associate.”

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