

SENATE BILL NO. 128—SENATORS O'DONNELL, O'CONNELL, AMODEI, COFFIN,
JACOBSEN, JAMES, MATHEWS, MCGINNESS, NEAL, PORTER, RAGGIO,
RAWSON, RHOADS, SCHNEIDER, SHAFFER, TOWNSEND AND WASHINGTON

FEBRUARY 5, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Authorizes certain licensing entities to order provider of telephone service to disconnect telephone number included in advertisement for services for which advertiser does not have license or permit. (BDR 54-607)

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 advertising; authorizing in skeleton form certain licensing entities to order providers of telephone service to disconnect a telephone number included in an advertisement for services for which the advertiser does not have the required license or permit; requiring each provider of telephone service to disconnect the telephone number for which an order has been received; 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 624.307 is hereby amended to read as follows:
- 2 624.307 1. It is unlawful for any person, including a person exempt
- 3 under ***the provisions of*** NRS 624.330, to advertise as a contractor unless he
- 4 has a ~~valid~~ license in the appropriate classification established by ***the***
- 5 ***provisions of*** NRS 624.215 and 624.220.
- 6 2. ***All advertising by a licensed contractor must include the number***
- 7 ***of his license.***
- 8 3. ***If the board determines that a person has engaged in advertising***
- 9 ***that violates the provisions of this section, the board may, after notice***
- 10 ***and a hearing, in addition to any penalty, punishment or disciplinary***
- 11 ***action authorized by the provisions of this chapter, issue an order that***
- 12 ***requires any telephone number included in the advertisement to be***

1 *disconnected from service. The board shall forward the order to the*
2 *appropriate provider of telephone service within 5 days after the order is*
3 *issued.*

4 **4.** As used in this section ~~["advertising"]~~ :

5 **(a) "Advertising"** includes , but is not limited to , the issuance of any
6 sign, card or device , or ~~by~~ the permitting or allowing of any sign or
7 marking on a motor vehicle, in any building, structure, newspaper,
8 magazine or airway transmission or in any directory under the listing of
9 "contractor " with or without any limiting qualifications.

10 ~~["3. All advertising by a licensed contractor must include the number of~~
11 ~~his license.]~~

12 **(b) "Provider of telephone service" has the meaning ascribed to it in**
13 **NRS 707.355.**

14 **Sec. 2.** NRS 628.570 is hereby amended to read as follows:

15 628.570 **1.** Whenever in the judgment of the board any person has
16 engaged, or is about to engage, in any acts or practices which constitute, or
17 will constitute, a violation of *the provisions of* NRS 628.450 to 628.550,
18 inclusive, the board may ~~make~~ :

19 **(a) Make** application to an appropriate court for an order enjoining
20 ~~such~~ **those** acts or practices, and upon a showing by the board that ~~such~~
21 **the** person has engaged, or is about to engage, in any ~~such~~ **of those** acts or
22 practices, an injunction, restraining order or such order as may be
23 appropriate ~~shall~~ **must** be granted by ~~such~~ **the** court without bond.

24 **(b) After notice and a hearing, in addition to any penalty, punishment**
25 **or disciplinary action authorized by the provisions of this chapter, issue**
26 **an order that requires any telephone number included in advertising that**
27 **violates the provisions of NRS 628.450 to 628.550, inclusive, to be**
28 **disconnected from service. The board shall forward the order to the**
29 **appropriate provider of telephone service within 5 days after the order is**
30 **issued.**

31 **2.** As used in this section:

32 **(a) "Advertising"** includes, without limitation, the issuance of any
33 sign, card or device, or the permitting or allowing of any sign or marking
34 on a motor vehicle, in any building, structure, newspaper, magazine or
35 airway transmission or in any directory under the listing of "accountant"
36 with or without any limiting qualifications.

37 **(b) "Provider of telephone service" has the meaning ascribed to it in**
38 **NRS 707.355.**

39 **Sec. 3.** Chapter 630 of NRS is hereby amended by adding thereto a
40 new section to read as follows:

41 **1.** *If the board determines that a person has engaged in advertising*
42 *that violates the provisions of NRS 630.400, the board may, after notice*
43 *and a hearing, in addition to any penalty, punishment or disciplinary*

1 *action authorized by the provisions of this chapter, issue an order that*
2 *requires any telephone number included in the advertisement to be*
3 *disconnected from service. The board shall forward the order to the*
4 *appropriate provider of telephone service within 5 days after the order is*
5 *issued.*

6 **2. As used in this section:**

7 (a) *“Advertising” includes, without limitation, the issuance of any*
8 *sign, card or device, or the permitting or allowing of any sign or marking*
9 *on a motor vehicle, in any building, structure, newspaper, magazine or*
10 *airway transmission or in any directory under the listing of “physician”*
11 *or “physician’s” assistant with or without any limiting qualifications.*

12 (b) *“Provider of telephone service” has the meaning ascribed to it in*
13 *NRS 707.355.*

14 **Sec. 4.** NRS 656.340 is hereby amended to read as follows:

15 656.340 1. It is unlawful for any person to practice court reporting or
16 advertise ~~for put out any sign or card or other device which might indicate~~
17 ~~to the public~~ that he is entitled to practice as a court reporter without a
18 certificate of registration as a certified court reporter issued by the board.

19 2. *If the board determines that a person has engaged in advertising*
20 *that violates the provisions of this section, the board may, after notice*
21 *and a hearing, in addition to any penalty, punishment or disciplinary*
22 *action authorized by the provisions of this chapter, issue an order that*
23 *requires any telephone number included in the advertisement to be*
24 *disconnected from service. The board shall forward the order to the*
25 *appropriate provider of telephone service within 5 days after the order is*
26 *issued.*

27 3. Any person may, with the approval of the board, practice court
28 reporting on a temporary basis with reference to any single proceeding
29 when there is an acknowledged unavailability of a certified court reporter.

30 **4. As used in this section:**

31 (a) *“Advertising” includes, without limitation, the issuance of any*
32 *sign, card or device, or the permitting or allowing of any sign or marking*
33 *on a motor vehicle, in any building, structure, newspaper, magazine or*
34 *airway transmission or in any directory under the listing of “court*
35 *reporter” with or without any limiting qualifications.*

36 (b) *“Provider of telephone service” has the meaning ascribed to it in*
37 *NRS 707.355.*

38 **Sec. 5.** Chapter 244 of NRS is hereby amended by adding thereto a
39 new section to read as follows:

40 1. *If the board of county commissioners determines that a person has*
41 *engaged in advertising for a business for which he does not have the*
42 *appropriate permit or license as required by an ordinance of the county,*
43 *the board may, after notice and a hearing, in addition to any penalty or*

1 *punishment authorized by the provisions of an ordinance of the county,*
2 *issue an order that requires any telephone number included in the*
3 *advertisement to be disconnected from service. The board shall forward*
4 *the order to the appropriate provider of telephone service within 5 days*
5 *after the order is issued.*

6 2. As used in this section:

7 (a) "Advertising" includes, without limitation, the issuance of any
8 sign, card or device, or the permitting or allowing of any sign or marking
9 on a motor vehicle, in any building, structure, newspaper, magazine or
10 airway transmission or in any directory.

11 (b) "Provider of telephone service" has the meaning ascribed to it in
12 NRS 707.355.

13 **Sec. 6.** Chapter 268 of NRS is hereby amended by adding thereto a
14 new section to read as follows:

15 1. *If the city council or other governing body of an incorporated city*
16 *determines that a person has engaged in advertising for a business for*
17 *which he does not have the appropriate permit or license as required by*
18 *an ordinance of the city, the city council or other governing body may,*
19 *after notice and a hearing, in addition to any penalty or punishment*
20 *authorized by an ordinance of the city, issue an order that requires any*
21 *telephone number included in the advertisement to be disconnected from*
22 *service. The city council or other governing body shall forward the order*
23 *to the appropriate provider of telephone service within 5 days after the*
24 *order is issued.*

25 2. As used in this section:

26 (a) "Advertising" includes, without limitation, the issuance of any
27 sign, card or device, or the permitting or allowing of any sign or marking
28 on a motor vehicle, in any building, structure, newspaper, magazine or
29 airway transmission or in any directory.

30 (b) "Provider of telephone service" has the meaning ascribed to it in
31 NRS 707.355.

32 **Sec. 7.** Chapter 269 of NRS is hereby amended by adding thereto a
33 new section to read as follows:

34 1. *If the town board or board of county commissioners of any*
35 *unincorporated town determines that a person has engaged in*
36 *advertising for a business for which he does not have the appropriate*
37 *permit or license as required by an ordinance of the town, the board may,*
38 *after notice and a hearing, in addition to any penalty or punishment*
39 *authorized by an ordinance of the town, issue an order that requires any*
40 *telephone number included in the advertisement to be disconnected from*
41 *service. The board shall forward the order to the appropriate provider of*
42 *telephone service within 5 days after the order is issued.*

2. *As used in this section:*

(a) *“Advertising” includes, without limitation, the issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor vehicle, in any building, structure, newspaper, magazine or airway transmission or in any directory.*

(b) *“Provider of telephone service” has the meaning ascribed to it in NRS 707.355.*

Sec. 8. NRS 360.490 is hereby amended to read as follows:

360.490 1. Any person who engages in business in this state without having the appropriate permit or license for the business as required by this Title or chapter 585 of NRS or who continues to engage in the business after such a permit or license has been suspended, and each officer of any corporation which so engages in business, is guilty of a misdemeanor.

2. If, after notice to the person, he continues to engage in the business without a permit or license, or after it has been suspended or revoked, the department may order any place of business of the person to be locked and sealed. If notice under this subsection is served by mail, it must be addressed to the person at his address as it appears in the records of the department.

3. *If the department determines that a person has engaged in advertising for a business for which he does not have the appropriate permit or license as required by the provisions of this Title or chapter 585 of NRS, the department may, after notice and a hearing, in addition to any penalty or punishment authorized by the provisions of this Title or chapter 585 of NRS, issue an order that requires any telephone number included in the advertisement to be disconnected from service. The department shall forward the order to the appropriate provider of telephone service within 5 days after the order is issued.*

4. *As used in this section:*

(a) *“Advertising” includes, without limitation, the issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor vehicle, in any building, structure, newspaper, magazine or airway transmission or in any directory.*

(b) *“Provider of telephone service” has the meaning ascribed to it in NRS 707.355.*

Sec. 9. NRS 707.355 is hereby amended to read as follows:

707.355 1. Each provider of telephone service in this state shall, when notified that [a] :

(a) A court has ordered the disconnection of a telephone number pursuant to NRS 706.2855 [b] ; or

1 ***(b) A licensing entity has ordered the disconnection of a telephone***
2 ***number pursuant to NRS 360.490, 624.307, 628.570 or 656.340 or***
3 ***section 3, 5, 6 or 7 of this act,***
4 take such action as is necessary to carry out the order of the court ~~[-~~
5 ~~2. As used in this section, “provider” or licensing entity.~~
6 ***2. A provider of telephone service shall not:***
7 ***(a) Forward or offer to forward the telephone calls of a telephone***
8 ***number disconnected from service pursuant to the provisions of this***
9 ***section; or***
10 ***(b) Provide or offer to provide a recorded message that includes the***
11 ***new telephone number for a business whose telephone number was***
12 ***disconnected from service pursuant to the provisions of this section.***
13 ***3. As used in this section:***
14 ***(a) “Licensing entity” means:***
15 ***(1) A board created pursuant to Title 54 of NRS;***
16 ***(2) The department of taxation;***
17 ***(3) A board of county commissioners of a county or an***
18 ***unincorporated town;***
19 ***(4) The governing body of an incorporated city; and***
20 ***(5) A town board of an unincorporated town.***
21 ***(b) “Provider of telephone service” includes, but is not limited to:***
22 ~~[(a)]~~ ***(1) A public utility furnishing telephone service.***
23 ~~[(b)]~~ ***(2) A provider of cellular or other service to a telephone that is***
24 ***installed in a vehicle or is otherwise portable.***