
SENATE BILL NO. 178—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF ATTORNEY GENERAL)

FEBRUARY 12, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Provides for regulation of employment screeners and tenant screeners.
(BDR 54-313)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to professional occupations; requiring employment screeners and tenant screeners to be licensed by the private investigator's licensing board; prescribing the requirements for the licensure of employment screeners and tenant screeners; providing a penalty; 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.** Chapter 648 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2, 3, and 4 of this act.
3 **Sec. 2. “Employment screener” means a person who for**
4 **consideration verifies or attempts to verify for an employer the**
5 **information included in an application for employment.**
6 **Sec. 3. “Tenant screener” means a person who for consideration**
7 **verifies or attempts to verify for a landlord or property manager the**
8 **information included in an application for a tenancy.**
9 **Sec. 4. An employment screener or a tenant screener shall not:**
10 **1. Obtain or attempt to obtain information for an employer, landlord**
11 **or property manager by:**
12 **(a) The surveillance of a person;**
13 **(b) The verification of any information included in an application for**
14 **employment or a tenancy from any person other than a person whose**
15 **name is included in the application by the applicant or the successor of**
16 **that person; or**

1 (c) *Any other activity within the scope of the business of a private*
2 *investigator, as determined by the board.*

3 2. *Verify or attempt to verify information included in an application*
4 *for employment or a tenancy unless the employer, landlord or property*
5 *manager who has employed the screener has obtained written consent*
6 *from the applicant for the verification.*

7 3. *Include in his report to an employer, landlord or property*
8 *manager an opinion, conclusion or inference regarding the information*
9 *he obtained or was unable to obtain.*

10 **Sec. 5.** NRS 648.005 is hereby amended to read as follows:

11 648.005 As used in this chapter, unless the context otherwise requires,
12 the words and terms defined in NRS 648.006 to 648.016, inclusive, **and**
13 **sections 2 and 3 of this act** have the meanings ascribed to them in those
14 sections.

15 **Sec. 6.** NRS 648.0155 is hereby amended to read as follows:

16 648.0155 “Security consultant” means a person ~~licensed as a private~~
17 ~~patrolman or private investigator~~ who engages in the business of
18 furnishing advice ~~on~~ **concerning** the proper methods and equipment for
19 providing security and protection for persons and property.

20 **Sec. 7.** NRS 648.017 is hereby amended to read as follows:

21 648.017 The purpose of licensing private investigators, private
22 patrolmen, process servers, repossessioners, dog handlers, security
23 consultants, **employment screeners, tenant screeners** and polygraphic
24 examiners and interns is to protect the public safety and general welfare of
25 the people of this state. Any license issued pursuant to **the provisions of**
26 this chapter is a privilege that may be revoked in accordance with
27 disciplinary procedures set forth in this chapter and in regulations adopted
28 by the board pursuant ~~thereto,~~ **to the provisions of this chapter**, and no
29 holder of such a license acquires thereby any vested right.

30 **Sec. 8.** NRS 648.018 is hereby amended to read as follows:

31 648.018 Except as to polygraphic examiners and interns, **the**
32 **provisions of** this chapter ~~does~~ **do** not apply:

33 1. To any detective or officer belonging to the law enforcement
34 agencies of the State of Nevada or the United States, or of any county or
35 city of the State of Nevada, while the detective or officer is engaged in the
36 performance of his official duties.

37 2. To **a** special police ~~officers~~ **officer** appointed by the police
38 department of any city, county, or city and county within the State of
39 Nevada while the officer is engaged in the performance of his official
40 duties.

1 3. To insurance adjusters and their associate adjusters licensed
2 pursuant to the ~~{Nevada Insurance Adjusters Law}~~ **provisions of chapter**
3 **684A of NRS** who are not otherwise engaged in the business of private
4 investigators.

5 4. To any private investigator, private patrolman, process server, dog
6 handler, ~~{or}~~ security consultant, **employment screener or tenant screener**
7 employed by an employer regularly in connection with the affairs of that
8 employer if a bona fide employer-employee relationship exists, except as
9 otherwise provided in NRS 648.060, 648.140 and 648.203.

10 5. To a reposessor employed exclusively by one employer regularly in
11 connection with the affairs of that employer if a bona fide employer-
12 employee relationship exists, except as otherwise provided in NRS
13 648.060, 648.140 and 648.203.

14 6. To a person engaged exclusively in the business of obtaining and
15 furnishing information as to the financial rating of persons.

16 7. To a charitable philanthropic society or association incorporated
17 under the laws of this state which is organized and maintained for the
18 public good and not for private profit.

19 8. To an attorney at law in performing his duties as such.

20 9. To a collection agency unless **it is** engaged in business as a
21 reposessor, licensed by the commissioner of financial institutions, or an
22 employee thereof, while acting within the scope of his employment ~~{while}~~
23 **and** making an investigation incidental to the business of the agency,
24 including an investigation of the location of a debtor or his assets ~~{and}~~ **or**
25 of property which the client has an interest in or lien upon.

26 10. To ~~{admitted insurers and}~~ **insurers**, agents and insurance brokers
27 licensed ~~{by the}~~ **in this** state, performing duties in connection with
28 insurance transacted by them.

29 11. To any bank organized pursuant to the laws of this state or to any
30 national bank engaged in banking in this state.

31 12. To any person employed to administer a program of supervision for
32 persons who are serving terms of residential confinement.

33 **Sec. 9.** NRS 648.060 is hereby amended to read as follows:

34 648.060 1. ~~{No}~~ **Except as otherwise provided in this section, no**
35 person may:

36 (a) Engage in the business of private investigator, private patrolman,
37 process server, reposessor, dog handler, security consultant, **employment**
38 **screener, tenant screener** or polygraphic examiner or intern; or

39 (b) Advertise his business as such, irrespective of the name or title
40 actually used,

41 unless he is licensed pursuant to **the provisions of** this chapter.

42 2. **A person licensed as a private investigator or private patrolman**
43 **may:**

- 1 ***(a) Engage in the business of security consultant; and***
- 2 ***(b) Advertise his business as such,***
- 3 ***without being licensed as a security consultant pursuant to the provisions***
- 4 ***of this chapter.***

5 **3.** No person may be employed by a licensee unless the person holds a
6 work card issued by the sheriff of the county in which the work is to be
7 performed. The provisions of this subsection do not apply to a person
8 licensed pursuant to ***the provisions of*** this chapter.

9 ~~{3.}~~ **4.** A person licensed pursuant to ***the provisions of*** this chapter may
10 employ only another licensee, or a nonlicensed person who:

- 11 (a) Is at least 18 years of age.
- 12 (b) Is a citizen of the United States or lawfully entitled to remain and
- 13 work in the United States.
- 14 (c) Is of good moral character and temperate habits.
- 15 (d) Has not been convicted of a felony or a crime involving moral
- 16 turpitude or the illegal use or possession of a dangerous weapon.

17 **Sec. 10.** NRS 648.110 is hereby amended to read as follows:

18 648.110 1. Before the board grants any license, the applicant,
19 including each director and officer of a corporate applicant, must:

- 20 (a) Be at least 21 years of age.
- 21 (b) Be a citizen of the United States or lawfully entitled to remain and
- 22 work in the United States.
- 23 (c) Be of good moral character and temperate habits.
- 24 (d) Have no conviction of a felony or a crime involving moral turpitude
- 25 or the illegal use or possession of a dangerous weapon.

26 2. Each applicant, or the qualifying agent of a corporate applicant,
27 must:

- 28 (a) If an applicant for a private investigator's license, have at least 5
- 29 years' experience as an investigator, or the equivalent thereof, as
- 30 determined by the board.
- 31 (b) If an applicant for a reposessor's license, have at least 5 years'
- 32 experience as a reposessor, or the equivalent thereof, as determined by the
- 33 board.
- 34 (c) If an applicant for a private patrolman's license, have at least 5
- 35 years' experience as a private patrolman, or the equivalent thereof, as
- 36 determined by the board.
- 37 (d) If an applicant for a process server's license, have at least 2 years'
- 38 experience as a process server, or the equivalent thereof, as determined by
- 39 the board.
- 40 (e) If an applicant for a dog handler's license, demonstrate to the
- 41 satisfaction of the board his ability to handle, supply and train watchdogs.

1 (f) *If an applicant for a license as a security consultant, have at least 5*
2 *years' experience as a security consultant, private patrolman or private*
3 *investigator, or the equivalent thereof, as determined by the board.*

4 (g) *If an applicant for a license as an employment screener, have at*
5 *least 5 years' experience as an employment screener, or the equivalent*
6 *thereof, as determined by the board.*

7 (h) *If an applicant for a license as a tenant screener, have at least 5*
8 *years' experience as a tenant screener, or the equivalent thereof, as*
9 *determined by the board.*

10 (i) If an applicant for a license as an intern, have:

11 (1) Received:

12 (I) A baccalaureate degree from an accredited college or university
13 and have at least 1 year's experience in investigation or polygraphic
14 examination satisfactory to the board;

15 (II) An associate degree from an accredited college or university
16 and have at least 3 years' experience; or

17 (III) A high school diploma or its equivalent and have at least 5
18 years' experience; and

19 (2) Satisfactorily completed a basic course of instruction in
20 polygraphic techniques satisfactory to the board.

21 ~~[(g)]~~ (j) If an applicant for a license as a polygraphic examiner:

22 (1) Meet the requirements contained in paragraph ~~[(f)]~~ (i);

23 (2) Have actively conducted polygraphic examinations for at least 2
24 years;

25 (3) Have completed successfully at least 250 polygraphic
26 examinations, including at least 100 examinations concerning specific
27 inquiries as distinguished from general examinations for the purpose of
28 screening;

29 (4) Have completed successfully at least 50 polygraphic
30 examinations, including 10 examinations concerning specific inquiries,
31 during the 12 months immediately before the date of his application; and

32 (5) Have completed successfully at least 24 hours of advanced
33 polygraphic training acceptable to the board during the 2 years immediately
34 before the date of his application.

35 ~~[(h)]~~ (k) Meet other requirements as determined by the board.

36 3. The board, when satisfied from recommendations and investigation
37 that the applicant is of good character, competency and integrity, may issue
38 and deliver a license to the applicant entitling him to conduct the business
39 for which he is licensed, for the period which ends on July 1 next following
40 the date of issuance.

41 4. For the purposes of this section, 1 year of experience consists of
42 2,000 hours of experience.

- 1 **Sec. 11.** NRS 648.210 is hereby amended to read as follows:
- 2 648.210 A person who violates any of the provisions of NRS 648.060
- 3 to 648.205, inclusive ~~[:]~~, ***and section 4 of this act:***
- 4 1. For the first violation , is guilty of a misdemeanor.
- 5 2. For the second ~~[and subsequent violations,]~~ ***or subsequent violation,***
- 6 is guilty of a gross misdemeanor.
- 7 **Sec. 12.** The amendatory provisions of this act do not apply to
- 8 offenses that are committed before October 1, 1999.

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