

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—Revises provisions relating to private investigator’s licensing board. (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 ~~omitted material~~ is material to be omitted.

AN ACT relating to professions; revising the membership of the private investigator’s licensing board; providing an exemption from the licensing requirements of the board for certain persons who verify information included in applications for tenancies or employment; 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 648.0155 is hereby amended to read as follows:
- 2 648.0155 “Security consultant” means a person ~~licensed as a private~~
- 3 ~~patrolman or private investigator~~ who engages in the business of
- 4 furnishing advice ~~on~~ **concerning** the proper methods ~~and~~ **or** equipment
- 5 for providing security ~~and~~ **or** protection for persons and property.
- 6 **Sec. 2.** NRS 648.018 is hereby amended to read as follows:
- 7 648.018 Except as to polygraphic examiners and interns, **the**
- 8 **provisions of** this chapter ~~does~~ **do** not apply:
- 9 1. To any detective or officer belonging to the law enforcement
- 10 agencies of the State of Nevada or the United States, or of any county or
- 11 city of the State of Nevada, while the detective or officer is engaged in the
- 12 performance of his official duties.
- 13 2. To **a** special police ~~officers~~ **officer** appointed by the police
- 14 department of any city, county, or city and county within the State of
- 15 Nevada while the officer is engaged in the performance of his official
- 16 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 employed by an employer regularly in
7 connection with the affairs of that employer if a bona fide employer-
8 employee relationship exists, except as otherwise provided in NRS
9 648.060, 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 *13. To a person who for consideration verifies or attempts to verify*
34 *for an employer the information included in an application for*
35 *employment.*

36 *14. To a person who for consideration verifies or attempts to verify*
37 *for a landlord or property manager the information included in an*
38 *application for a tenancy.*

39 *15. To a security consultant who inspects a site or interviews*
40 *witnesses or other persons in this state to provide advice concerning*
41 *future litigation or to prepare his testimony as an expert witness in a*
42 *legal proceeding or deposition.*

1 **Sec. 3.** NRS 648.020 is hereby amended to read as follows:

2 648.020 1. The private investigator's licensing board, consisting of
3 ~~{the attorney general or his deputy and four}~~ **five** members appointed by the
4 governor, is hereby created.

5 2. The governor shall appoint:

6 (a) One member who is a private investigator.

7 (b) ~~{One member who is a private patrolman.}~~ **Two members who are**
8 **private patrolmen.**

9 (c) One member who is a polygraphic examiner.

10 (d) One member who is a representative of the general public.

11 3. **Three members of the board must be residents of a county whose**
12 **population is 400,000 or more, and two members must be residents of a**
13 **county whose population is less than 400,000.**

14 4. The **board shall elect a** chairman ~~{of the board is the attorney~~
15 ~~general or a deputy attorney general designated by the attorney general to~~
16 ~~act in that capacity.~~
17 **—4.} from among its members.**

18 5. Each member of the board ~~{, except the chairman,}~~ is entitled to
19 receive:

20 (a) A salary of not more than \$80, as fixed by the board, for each day or
21 portion of a day during which he attends a meeting of the board; and

22 (b) A per diem allowance and travel expenses at a rate fixed by the
23 board, while engaged in the business of the board. The rate must not exceed
24 the rate provided for state officers and employees generally.

25 ~~{5.}~~ 6. While engaged in the business of the board, each employee of
26 the board is entitled to receive a per diem allowance and travel expenses at
27 a rate fixed by the board. The rate must not exceed the rate provided for
28 state officers and employees generally.

29 ~~{6.}~~ 7. The member who is a representative of the general public shall
30 not participate in preparing, conducting or grading any examination
31 required by the board.

32 **Sec. 4.** NRS 648.025 is hereby amended to read as follows:

33 648.025 1. The board may:

34 ~~{1.}~~ (a) Appoint an executive director who:

35 ~~{(a)}~~ (1) Is **not** in the **classified or** unclassified service of the state; and

36 ~~{(b)}~~ (2) Shall perform such duties as the board may prescribe; and

37 ~~{2.}~~ (b) Employ investigators and clerical personnel necessary to carry
38 out the provisions of this chapter.

39 2. **The board shall determine the compensation, benefits and other**
40 **terms and conditions of employment of the executive director.**

41 **Sec. 5.** NRS 648.060 is hereby amended to read as follows:

42 648.060 1. ~~{No}~~ **Except as otherwise provided in this section, no**
43 person

may:

1 (a) Engage in the business of private investigator, private patrolman,
2 process server, reposessor, dog handler, security consultant, or
3 polygraphic examiner or intern; or

4 (b) Advertise his business as such, irrespective of the name or title
5 actually used,
6 unless he is licensed pursuant to *the provisions of* this chapter.

7 2. *A person licensed as a private investigator or private patrolman*
8 *may:*

9 (a) *Engage in the business of security consultant; and*

10 (b) *Advertise his business as such,*

11 *without being licensed as a security consultant pursuant to the provisions*
12 *of this chapter.*

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

17 ~~13.1~~ 4. A person licensed pursuant to *the provisions of* this chapter may
18 employ only another licensee, or a nonlicensed person who:

19 (a) Is at least 18 years of age.

20 (b) Is a citizen of the United States or lawfully entitled to remain and
21 work in the United States.

22 (c) Is of good moral character and temperate habits.

23 (d) Has not been convicted of a felony or a crime involving moral
24 turpitude or the illegal use or possession of a dangerous weapon.

25 **Sec. 6.** NRS 648.110 is hereby amended to read as follows:

26 648.110 1. Before the board grants any license, the applicant,
27 including each director and officer of a corporate applicant, must:

28 (a) Be at least 21 years of age.

29 (b) Be a citizen of the United States or lawfully entitled to remain and
30 work in the United States.

31 (c) Be of good moral character and temperate habits.

32 (d) Have no conviction of a felony or a crime involving moral turpitude
33 or the illegal use or possession of a dangerous weapon.

34 2. Each applicant, or the qualifying agent of a corporate applicant,
35 must:

36 (a) If an applicant for a private investigator's license, have at least 5
37 years' experience as an investigator, or the equivalent thereof, as
38 determined by the board.

39 (b) If an applicant for a reposessor's license, have at least 5 years'
40 experience as a reposessor, or the equivalent thereof, as determined by the
41 board.

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

4 (d) If an applicant for a process server's license, have at least 2 years'
5 experience as a process server, or the equivalent thereof, as determined by
6 the board.

7 (e) If an applicant for a dog handler's license, demonstrate to the
8 satisfaction of the board his ability to handle, supply and train watchdogs.

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

12 (g) If an applicant for a license as an intern, have:

13 (1) Received:

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

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

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

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

23 ~~(g)~~ (h) If an applicant for a license as a polygraphic examiner:

24 (1) Meet the requirements contained in paragraph ~~(f)~~ (g);

25 (2) Have actively conducted polygraphic examinations for at least 2
26 years;

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

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

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

37 ~~(h)~~ (i) Meet other requirements as determined by the board.

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

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

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