

ASSEMBLY BILL NO. 152—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE OFFICE OF THE ATTORNEY GENERAL)

FEBRUARY 15, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Authorizes court to award reasonable attorney's fees and costs in certain actions relating to deceptive trade practices. (BDR 52-485)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: 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 deceptive trade practices; authorizing a court to award reasonable attorney's fees and costs in certain actions relating to those practices; 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 598.0999 is hereby amended to read as follows:

2 598.0999 1. A person who violates a court order or injunction issued  
3 pursuant to NRS 598.0903 to 598.0997, inclusive, upon a complaint  
4 brought by the commissioner, the director, the district attorney of any  
5 county of this state or the attorney general shall forfeit and pay to the state  
6 general fund a civil penalty of not more than \$10,000 for each violation.  
7 For the purpose of this section, the court issuing the order or injunction  
8 retains jurisdiction over the action or proceeding. Such civil penalties are in  
9 addition to any other penalty or remedy available for the enforcement of  
10 the provisions of NRS 598.0903 to 598.0997, inclusive.

11 2. In any action brought pursuant to NRS 598.0903 to 598.0999,  
12 inclusive, if the court finds that a person has willfully engaged in a  
13 deceptive trade practice, the commissioner, the director, the district  
14 attorney of any county in this state or the attorney general bringing the  
15 action may recover a civil penalty not to exceed \$2,500 for each violation.  
16 *The court in any such action may, in addition to any other relief or*  
17 *reimbursement, award reasonable attorney's fees and costs.*

18 3. A natural person, firm, or any officer or managing agent of any  
19 corporation or association who knowingly and willfully engages in a



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1 deceptive trade practice, other than a deceptive trade practice described in  
2 NRS 598.992:  
3 (a) For the first offense, is guilty of a misdemeanor.  
4 (b) For the second offense, is guilty of a gross misdemeanor.  
5 (c) For the third and all subsequent offenses, is guilty of a category D  
6 felony and shall be punished as provided in NRS 193.130.  
7 4. Any offense which occurred within 10 years immediately preceding  
8 the date of the principal offense or after the principal offense constitutes a  
9 prior offense for the purposes of subsection 3 when evidenced by a  
10 conviction, without regard to the sequence of the offenses and convictions.  
11 5. If a person violates any provision of NRS 598.0903 to 598.0999,  
12 inclusive, 598.100 to 598.2801, inclusive, 598.281 to 598.289, inclusive,  
13 598.840 to 598.966, inclusive, or 598.992, fails to comply with a judgment  
14 or order of any court in this state concerning a violation of such a  
15 provision, or fails to comply with an assurance of discontinuance or other  
16 agreement concerning an alleged violation of such a provision, the  
17 commissioner or the district attorney of any county may bring an action in  
18 the name of the State of Nevada seeking:  
19 (a) The suspension of the person's privilege to conduct business within  
20 this state; or  
21 (b) If the defendant is a corporation, dissolution of the corporation.  
22 The court may grant or deny the relief sought or may order other  
23 appropriate relief.  
24 **Sec. 2.** This act becomes effective on July 1, 2001.

