

CHAPTER.....

AN ACT relating to trade practices; providing that the knowing falsification of an application for credit relating to a retail installment transaction is a deceptive trade practice; requiring the award of court costs and attorney's fees to certain victims of consumer fraud; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 598.0915 is hereby amended to read as follows:

598.0915 A person engages in a "deceptive trade practice" if, in the course of his business or occupation, he:

1. Knowingly passes off goods or services for sale or lease as those of another.
2. Knowingly makes a false representation as to the source, sponsorship, approval or certification of goods or services for sale or lease.
3. Knowingly makes a false representation as to affiliation, connection, association with or certification by another.
4. Uses deceptive representations or designations of geographic origin in connection with goods or services for sale or lease.
5. Knowingly makes a false representation as to the characteristics, ingredients, uses, benefits, alterations or quantities of goods or services for sale or lease or a false representation as to the sponsorship, approval, status, affiliation or connection of a person therewith.
6. Represents that goods for sale or lease are original or new if he knows or should know that they are deteriorated, altered, reconditioned, reclaimed, used or secondhand.
7. Represents that goods or services for sale or lease are of a particular standard, quality or grade, or that such goods are of a particular style or model, if he knows or should know that they are of another.
8. Disparages the goods, services or business of another by false or misleading representation of fact.
9. Advertises goods or services with intent not to sell or lease them as advertised.
10. Advertises goods or services for sale or lease with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity.
11. Advertises under the guise of obtaining sales personnel when in fact the purpose is to first sell or lease goods or services to the sales personnel applicant.
12. Makes false or misleading statements of fact concerning the price of goods or services for sale or lease, or the reasons for, existence of or amounts of price reductions.
13. Fraudulently alters any contract, written estimate of repair, written statement of charges or other document in connection with the sale or lease of goods or services.
14. Knowingly makes any other false representation in a transaction.

15. Knowingly falsifies an application for credit relating to a retail installment transaction, as defined in NRS 97.115.

Sec. 2. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

- (a) An unlawful act as defined in NRS 119.330;
- (b) An act prohibited by NRS 482.36655 to 482.36667, inclusive;
- (c) An act prohibited by NRS 482.351; or
- (d) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive.

3. If the claimant is the prevailing party, the court shall award ~~any~~ *him*:

(a) Any damages that he has sustained ~~+~~; and

(b) His costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Sec. 3. NRS 97.285 is hereby amended to read as follows:

97.285 ~~The~~ *Except as otherwise provided by specific statute, the* provisions of this chapter governing retail installment transactions are exclusive, and the provisions of any other statute do not apply to retail installment transactions governed by this chapter. If there is a conflict between the provisions of this chapter and any other statute, the provisions of this chapter control.