

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT **A.B. 204**

ASSEMBLY BILL NO. 204—COMMITTEE ON COMMERCE AND LABOR

FEBRUARY 20, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Provides that knowing falsification of application for credit relating to retail installment transaction is deceptive trade practice and requires award of court costs and attorney's fees to certain victims of consumer fraud. (BDR 52-1091)

FISCAL NOTE: Effect on Local Government: Yes.
 Effect on the State: Yes.

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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 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:

- 1 **Section 1.** NRS 598.0915 is hereby amended to read as follows:
2 598.0915 A person engages in a “deceptive trade practice” if, in the
3 course of his business or occupation, he:
4 1. Knowingly passes off goods or services for sale or lease as those of
5 another.
6 2. Knowingly makes a false representation as to the source,
7 sponsorship, approval or certification of goods or services for sale or lease.
8 3. Knowingly makes a false representation as to affiliation, connection,
9 association with or certification by another.
10 4. Uses deceptive representations or designations of geographic origin
11 in connection with goods or services for sale or lease.
12 5. Knowingly makes a false representation as to the characteristics,
13 ingredients, uses, benefits, alterations or quantities of goods or services for
14 sale or lease or a false representation as to the sponsorship, approval,
15 status, affiliation or connection of a person therewith.
16 6. Represents that goods for sale or lease are original or new if he
17 knows or should know that they are deteriorated, altered, reconditioned,
18 reclaimed, used or secondhand.



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- 1 7. Represents that goods or services for sale or lease are of a particular
2 standard, quality or grade, or that such goods are of a particular style or
3 model, if he knows or should know that they are of another.
- 4 8. Disparages the goods, services or business of another by false or
5 misleading representation of fact.
- 6 9. Advertises goods or services with intent not to sell or lease them as
7 advertised.
- 8 10. Advertises goods or services for sale or lease with intent not to
9 supply reasonably expectable public demand, unless the advertisement
10 discloses a limitation of quantity.
- 11 11. Advertises under the guise of obtaining sales personnel when in
12 fact the purpose is to first sell or lease goods or services to the sales
13 personnel applicant.
- 14 12. Makes false or misleading statements of fact concerning the price
15 of goods or services for sale or lease, or the reasons for, existence of or
16 amounts of price reductions.
- 17 13. Fraudulently alters any contract, written estimate of repair, written
18 statement of charges or other document in connection with the sale or lease
19 of goods or services.
- 20 14. Knowingly makes any other false representation in a transaction.
- 21 *15. Knowingly falsifies an application for credit relating to a retail*
22 *installment transaction, as defined in NRS 97.115.*
- 23 **Sec. 2.** NRS 41.600 is hereby amended to read as follows:
24 41.600 1. An action may be brought by any person who is a victim
25 of consumer fraud.
- 26 2. As used in this section, "consumer fraud" means:
27 (a) An unlawful act as defined in NRS 119.330;
28 (b) An act prohibited by NRS 482.36655 to 482.36667, inclusive;
29 (c) An act prohibited by NRS 482.351; or
30 (d) A deceptive trade practice as defined in NRS 598.0915 to 598.0925,
31 inclusive.
- 32 3. If the claimant is the prevailing party, the court shall award ~~any~~
33 *him:*
34 *(a) Any* damages that he has sustained ~~+~~ *; and*
35 *(b) His costs in the action and reasonable attorney's fees.*
- 36 4. Any action brought pursuant to this section is not an action upon
37 any contract underlying the original transaction.
- 38 **Sec. 3.** NRS 97.285 is hereby amended to read as follows:
39 97.285 ~~The~~ *Except as otherwise provided by specific statute, the*
40 *provisions of this chapter governing retail installment transactions are*
41 *exclusive, and the provisions of any other statute do not apply to retail*
42 *installment transactions governed by this chapter. If there is a conflict*
43 *between the provisions of this chapter and any other statute, the provisions*
44 *of this chapter control.*

