

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT A.B. 337

ASSEMBLY BILL NO. 337—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF OFFICE OF THE ATTORNEY GENERAL)

MARCH 13, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to deceptive trade practices. (BDR 52-484)

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

~

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

AN ACT relating to deceptive trade practices; expanding the definition of “deceptive trade practice” to include a person who engages in certain acts during a solicitation by telephone or sales presentation; 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 598 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 *A person engages in a “deceptive trade practice” if during a*
4 *solicitation by telephone or sales presentation, he:*
5 1. *Uses threatening, intimidating, profane or obscene language;*
6 2. *Repeatedly or continuously conducts the solicitation or*
7 *presentation in a manner that is considered by a reasonable person to be*
8 *annoying, abusive or harassing;*
9 3. *Solicits a person by telephone at his residence between 9 p.m. and*
10 *8 a.m.; or*
11 4. *Blocks or otherwise intentionally circumvents any service used to*
12 *identify the caller when placing an unsolicited telephone call.*
13 **Sec. 2.** NRS 598.0903 is hereby amended to read as follows:
14 598.0903 As used in NRS 598.0903 to 598.0999, inclusive, *and*
15 *section 1 of this act*, unless the context otherwise requires, the words and
16 terms defined in NRS 598.0905 to 598.0947, inclusive, *and section 1 of*
17 *this act* have the meanings ascribed to them in those sections.
18 **Sec. 3.** NRS 598.0999 is hereby amended to read as follows:
19 598.0999 1. A person who violates a court order or injunction issued
20 pursuant to *the provisions of* NRS 598.0903 to ~~598.0997.~~ *598.0999,*



* A B 3 3 7 R 1 *

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

10 2. In any action brought pursuant to *the provisions of* NRS 598.0903
11 to 598.0999, inclusive, *and section 1 of this act*, if the court finds that a
12 person has willfully engaged in a deceptive trade practice, the
13 commissioner, the director, the district attorney of any county in this state
14 or the attorney general bringing the action may recover a civil penalty not
15 to exceed \$2,500 for each violation.

16 3. A natural person, firm, or any officer or managing agent of any
17 corporation or association who knowingly and willfully engages in a
18 deceptive trade practice, other than a deceptive trade practice described in
19 NRS 598.992:

20 (a) For the first offense, is guilty of a misdemeanor.

21 (b) For the second offense, is guilty of a gross misdemeanor.

22 (c) For the third and all subsequent offenses, is guilty of a category D
23 felony and shall be punished as provided in NRS 193.130.

24 4. Any offense which occurred within 10 years immediately preceding
25 the date of the principal offense or after the principal offense constitutes a
26 prior offense for the purposes of subsection 3 when evidenced by a
27 conviction, without regard to the sequence of the offenses and convictions.

28 5. If a person violates any provision of NRS 598.0903 to 598.0999,
29 inclusive, *and section 1 of this act*, 598.100 to 598.2801, inclusive,
30 598.281 to 598.289, inclusive, 598.840 to 598.966, inclusive, or 598.992,
31 fails to comply with a judgment or order of any court in this state
32 concerning a violation of such a provision, or fails to comply with an
33 assurance of discontinuance or other agreement concerning an alleged
34 violation of such a provision, the commissioner or the district attorney of
35 any county may bring an action in the name of the State of Nevada
36 seeking:

37 (a) The suspension of the person's privilege to conduct business within
38 this state; or

39 (b) If the defendant is a corporation, dissolution of the corporation.

40 The court may grant or deny the relief sought or may order other
41 appropriate relief.

42 **Sec. 4.** The provisions of this act do not apply to offenses committed
43 before July 1, 2001.

44 **Sec. 5.** This act becomes effective on July 1, 2001.

