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My name is George Weeks. I represent Un Weeks - sitting here next to me. She owns a full service travel agency, which is licensed in Carson City and known as Un's Travel. She holds a current NV Sellers of Travel Certificate, has been a travel agent for 17 years, and owner of her NV agency since 1999.

First, let me categorically state that we are committed to protecting the travel consumer; however, the travel seller's law passed by the 2001 legislature has not served to protect the consumer.

Here's why:

- 1) We couldn't find an insurance company or bonding agency that will sell a \$50,000 bond, at any cost, that covers bankruptcy.
- 2) A small to medium sized travel agency, independent contractor, or individual travel agent can't afford to post a \$50,000 line of credit.
- 3) There is no provision for background and/or criminal records check of either the travel agency or travel agent applicant.
- 4) There is little compliance with the law.
- 5) The travel seller licensing process *does not* prohibit fraud.

Two years ago, hearings on regulations proposed to implement the new law *were not held* until after passage of the law. Current regulations promulgated after these hearings *are not followed* by the Consumer Affairs Division and *are not enforced*.

Since last October, we have contacted several senior officials in the Consumer Affairs Division numerous times by letter, fax, and phone in an effort to get an assessment of the status of implementation of the law as well as information on proposed corrective legislation. Not a single communication was answered.

I was told by a clerk that all sellers of travel information was privileged and not releasable. We need to know how many travel agencies and individual agents are in compliance and how many are not.

For two years the Consumer Affairs Division has been well aware of the onerous and egregious nature of the NV travel sellers law and has done nothing. Once again, the Consumer Affairs Division is attempting to railroad an amendment (Assembly Bill 496) through the legislature which will still not protect the consumer but instead will superbly serve to unfairly force legitimate, law abiding agencies, such as Un's Travel, out of business.

There are now two opposing bill drafts (AB 343 and AB 469) containing revisions to chapter 598 of the NRS. (NV Sellers of Travel Law)

AB 496, proposed by the Commissioner of the Consumer Affairs Division, mandates that all sellers of travel (travel agency owners, travel agents, and independent contractors) must post a bond, letter of credit, or certificate of deposit in the amount of \$25,000 which is unattainable. There is a bureaucratic, complicated process where the individual travel agent or seller of travel *may apply* for a minimal reduction to \$10,000 based on annual gross sales. Most appalling, is Section 2 of the act wherein Patricia Jarmann-Manning will be granted blanket authorization to promulgate regulations as she sees fit to carry out and administer the act, *without* review of higher authority and *without* any due process for the individual seller of travel.

On the other hand, Assembly Bill 343, proposed by Assemblyman Carpenter, is a sensible rational approach to amending the NV Sellers of Travel Law. AB343 recognizes that a travel agency, independent contractor, or travel agent carrying insurance covering liability for errors and omissions suffices for waiver of the

egregious bond requirement. Additionally, AB343 properly exempts individual travel agent employees and independent contractors as well as travel agency owners who have met the rigorous financial responsibility requirements for appointment as an ARC agency, from the absurd necessity to obtain a \$50,000 bond which is not available.

In the future, what's needed is a NV travel sellers licensing certification board that objectively evaluates a specific set of requisite criteria designed to measure a travel sellers legitimacy, competency, and fiscal responsibility etc. Qualifications should be measured with an application, written examination, and subsequent oral examination. Licensing requirements must apply to travel agency owners as well as travel agents (both independent contractors and employees).

In summary, we believe that Assemblyman Carpenter's approach (AB 343) *is sound and viable* – on the other hand, Patricia Jarmann-Manning's amendment (AB 496) which slaughters legitimate, fiscally responsible travel agents is no way to protect the public.

We offer these comments with hope that Un's Travel and many other dedicated and honorable legitimate travel agencies will not have to close their doors; and most importantly that the travel consumer can *actually* be protected from fraud.