
ASSEMBLY BILL NO. 24—COMMITTEE ON COMMERCE AND LABOR
(ON BEHALF OF LEGISLATIVE COMMITTEE TO STUDY CATEGORIES
OF MISDEMEANORS (ACR 2 OF THE 17TH SPECIAL SESSION))

PREFILED JANUARY 29, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing authority of Attorney General to bring criminal and civil actions relating to practice of certain occupations and professions. (BDR 54-188)

FISCAL NOTE: Effect on Local Government: No.
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 occupational licensing boards; providing primary jurisdiction for the Attorney General to prosecute crimes relating to the practice of certain occupations and professions; expanding the authority of the Attorney General to bring civil actions relating to such occupations and professions; requiring the awarding of attorney's fees, court costs and other costs relating to the investigation and prosecution of such civil and criminal actions; providing penalties; 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 622 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 *As used in this title, unless the context otherwise requires,*
4 *“convicted” or “conviction” means a judgment based upon:*
5 1. *A plea of guilty or nolo contendere;*
6 2. *A finding of guilt by a jury or a court sitting without a*
7 *jury; or*



1 3. *Any other admission or finding of guilt in a criminal*
2 *action.*

3 **Sec. 2.** Chapter 623 of NRS is hereby amended by adding
4 thereto the provisions set forth as sections 3 to 6, inclusive, of this
5 act.

6 **Sec. 3. 1.** *The Attorney General has primary jurisdiction*
7 *for the enforcement of the provisions of this chapter. The Attorney*
8 *General shall, if appropriate, investigate and prosecute a person*
9 *who violates:*

10 (a) *Any provision of this chapter, a regulation adopted*
11 *pursuant to this chapter or an order of the Board; or*

12 (b) *Any other law or regulation if the violation is committed by*
13 *the person in the course of committing a violation described in*
14 *paragraph (a).*

15 2. *The Attorney General shall, if appropriate, investigate and*
16 *prosecute a person who is alleged to have committed a violation*
17 *described in subsection 1 whether or not:*

18 (a) *The Board notifies the Attorney General of the alleged*
19 *violation;*

20 (b) *The Board takes any disciplinary action against the person*
21 *alleged to have committed the violation;*

22 (c) *Any other person files a complaint against the person*
23 *alleged to have committed the violation; or*

24 (d) *A civil action is commenced against the person alleged to*
25 *have committed the violation.*

26 3. *When acting pursuant to this section, the Attorney General*
27 *may commence his investigation and file a criminal action without*
28 *leave of court, and the Attorney General has exclusive charge of*
29 *the conduct of the prosecution.*

30 4. *Except as otherwise provided by the Constitution of the*
31 *United States, the Constitution of this state or a specific statute, a*
32 *person shall, if requested, provide the Attorney General with*
33 *information that would assist in the prosecution of any other*
34 *person who is alleged to have committed a violation described in*
35 *subsection 1. If a person fails, without reasonable cause, to*
36 *provide the Attorney General with such information upon request,*
37 *the person is guilty of a misdemeanor.*

38 **Sec. 4. 1.** *The Attorney General may bring any appropriate*
39 *civil action against a person to enforce any provision of this*
40 *chapter, a regulation adopted pursuant to this chapter or an order*
41 *of the Board, including, without limitation, an order of the Board:*

42 (a) *Imposing an administrative fine; or*

43 (b) *Suspending, revoking or placing conditions upon a*
44 *certificate of registration.*



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1 2. *If the Attorney General prevails in any civil action brought*
2 *pursuant to this chapter, the court shall order the person against*
3 *whom the civil action was brought to pay:*

4 (a) *Court costs; and*
5 (b) *Reasonable costs of the investigation and prosecution of*
6 *the civil action.*

7 3. *Whether or not the Attorney General brings a civil action*
8 *against a person pursuant to this chapter, the Attorney General*
9 *may prosecute the person for a criminal violation pursuant to this*
10 *chapter.*

11 **Sec. 5.** *In addition to any other penalty, if a person is*
12 *convicted of a violation of any provision of this chapter, a*
13 *regulation adopted pursuant to this chapter or an order of the*
14 *Board, the court shall order the person to pay:*

15 1. *Court costs; and*
16 2. *Reasonable costs of the investigation and prosecution of*
17 *the violation.*

18 **Sec. 6.** 1. *The actions and remedies authorized by this*
19 *chapter are cumulative.*

20 2. *If an agency or officer elects to take any action or pursue*
21 *any remedy authorized by this chapter or another specific statute,*
22 *that election is not exclusive and does not preclude the agency or*
23 *officer or another agency or officer from taking any other action*
24 *or pursuing any other remedy authorized by this chapter or*
25 *another specific statute.*

26 **Sec. 7.** Chapter 623A of NRS is hereby amended by adding
27 thereto the provisions set forth as sections 8 to 11, inclusive, of this
28 act.

29 **Sec. 8.** 1. *The Attorney General has primary jurisdiction*
30 *for the enforcement of the provisions of this chapter. The Attorney*
31 *General shall, if appropriate, investigate and prosecute a person*
32 *who violates:*

33 (a) *Any provision of this chapter, a regulation adopted*
34 *pursuant to this chapter or an order of the Board; or*

35 (b) *Any other law or regulation if the violation is committed by*
36 *the person in the course of committing a violation described in*
37 *paragraph (a).*

38 2. *The Attorney General shall, if appropriate, investigate and*
39 *prosecute a person who is alleged to have committed a violation*
40 *described in subsection 1 whether or not:*

41 (a) *The Board notifies the Attorney General of the alleged*
42 *violation;*

43 (b) *The Board takes any disciplinary action against the person*
44 *alleged to have committed the violation;*



1 (c) Any other person files a complaint against the person
2 alleged to have committed the violation; or

3 (d) A civil action is commenced against the person alleged to
4 have committed the violation.

5 3. When acting pursuant to this section, the Attorney General
6 may commence his investigation and file a criminal action without
7 leave of court, and the Attorney General has exclusive charge of
8 the conduct of the prosecution.

9 4. Except as otherwise provided by the Constitution of the
10 United States, the Constitution of this state or a specific statute, a
11 person shall, if requested, provide the Attorney General with
12 information that would assist in the prosecution of any other
13 person who is alleged to have committed a violation described in
14 subsection 1. If a person fails, without reasonable cause, to
15 provide the Attorney General with such information upon request,
16 the person is guilty of a misdemeanor.

17 **Sec. 9.** 1. The Attorney General may bring any appropriate
18 civil action against a person to enforce any provision of this
19 chapter, a regulation adopted pursuant to this chapter or an order
20 of the Board, including, without limitation, an order of the Board:

21 (a) Imposing an administrative fine; or

22 (b) Suspending, revoking or placing conditions upon a
23 certificate of registration or a certificate to practice as a landscape
24 architect intern.

25 2. If the Attorney General prevails in any civil action brought
26 pursuant to this chapter, the court shall order the person against
27 whom the civil action was brought to pay:

28 (a) Court costs; and

29 (b) Reasonable costs of the investigation and prosecution of
30 the civil action.

31 3. Whether or not the Attorney General brings a civil action
32 against a person pursuant to this chapter, the Attorney General
33 may prosecute the person for a criminal violation pursuant to this
34 chapter.

35 **Sec. 10.** In addition to any other penalty, if a person is
36 convicted of a violation of any provision of this chapter, a
37 regulation adopted pursuant to this chapter or an order of the
38 Board, the court shall order the person to pay:

39 1. Court costs; and

40 2. Reasonable costs of the investigation and prosecution of
41 the violation.

42 **Sec. 11.** 1. The actions and remedies authorized by this
43 chapter are cumulative.

44 2. If an agency or officer elects to take any action or pursue
45 any remedy authorized by this chapter or another specific statute,



1 *that election is not exclusive and does not preclude the agency or*
2 *officer or another agency or officer from taking any other action*
3 *or pursuing any other remedy authorized by this chapter or*
4 *another specific statute.*

5 **Sec. 12.** NRS 623A.280 is hereby amended to read as follows:

6 623A.280 1. The following acts, among others, constitute
7 cause for disciplinary action if proof satisfactory to the Board is
8 presented that:

9 (a) A holder of a certificate of registration has signed or sealed
10 instruments of service which were not prepared by him or under his
11 direct supervision.

12 (b) A holder of a certificate of registration has permitted the use
13 of his signature or seal by another person to evade the provisions of
14 this chapter or any regulation adopted by the Board.

15 (c) A holder of a certificate of registration has not signed, sealed
16 or dated instruments of service prepared by him.

17 (d) A holder of a certificate of registration or certificate to
18 practice as a landscape architect intern impersonates a landscape
19 architect or landscape architect intern of the same or similar name.

20 (e) A holder of a certificate of registration or certificate to
21 practice as a landscape architect intern practices under an assumed,
22 fictitious or corporate name.

23 (f) A holder of a certificate of registration or certificate to
24 practice as a landscape architect intern practices landscape
25 architecture in violation of the provisions of this chapter or any
26 regulation adopted by the Board.

27 (g) A holder of a certificate of registration or certificate to
28 practice as a landscape architect intern has obtained his certificate of
29 registration or certificate to practice as a landscape architect intern
30 by fraud or misrepresentation.

31 (h) A holder of a certificate of registration or certificate to
32 practice as a landscape architect intern is guilty of fraud or deceit in
33 the practice of landscape architecture.

34 (i) A holder of a certificate of registration or certificate to
35 practice as a landscape architect intern is guilty of incompetency,
36 negligence or gross negligence.

37 (j) A holder of a certificate of registration or certificate to
38 practice as a landscape architect intern is convicted of : ~~[or enters a~~
39 ~~plea of nolo contendere to:]~~

40 (1) Any felony; or

41 (2) Any crime, an essential element of which is dishonesty ~~[~~
42 or which is directly related to the practice of landscape architecture.

43 (k) A holder of a certificate of registration or certificate to
44 practice as a landscape architect intern is guilty of aiding or abetting



1 any person in the violation of the provisions of this chapter or any
2 regulation adopted by the Board.

3 (l) A person practices as a landscape architect with a certificate
4 of registration or certificate to practice as a landscape architect
5 intern that has expired or has been suspended or revoked.

6 (m) A holder of a certificate of registration or certificate to
7 practice as a landscape architect intern is disciplined by an agency
8 of another state or foreign country which regulates the practice of
9 landscape architecture and at least one of the grounds for the
10 disciplinary action taken is a ground for disciplinary action pursuant
11 to the provisions of this chapter.

12 (n) A holder of a certificate of registration or certificate to
13 practice as a landscape architect intern fails to comply with an order
14 issued by the Board or to cooperate in an investigation conducted by
15 the Board.

16 2. As used in this section:

17 (a) "Gross negligence" means conduct that demonstrates a
18 reckless disregard of the consequences affecting the life or property
19 of another person.

20 (b) "Incompetency" means conduct that, in the practice of
21 landscape architecture, demonstrates a significant lack of ability,
22 knowledge or fitness to discharge a professional obligation.

23 (c) "Negligence" means a deviation from the normal standard of
24 professional care exercised generally by other members in the
25 practice of landscape architecture.

26 **Sec. 13.** Chapter 624 of NRS is hereby amended by adding
27 thereto the provisions set forth as sections 14 to 17, inclusive, of this
28 act.

29 **Sec. 14. 1. *The Attorney General has primary jurisdiction***
30 ***for the enforcement of the provisions of this chapter. The Attorney***
31 ***General shall, if appropriate, investigate and prosecute a person***
32 ***who violates:***

33 ***(a) Any provision of this chapter, a regulation adopted***
34 ***pursuant to this chapter or an order of the Board; or***

35 ***(b) Any other law or regulation if the violation is committed by***
36 ***the person in the course of committing a violation described in***
37 ***paragraph (a).***

38 **2. *The Attorney General shall, if appropriate, investigate and***
39 ***prosecute a person who is alleged to have committed a violation***
40 ***described in subsection 1 whether or not:***

41 ***(a) The Board notifies the Attorney General of the alleged***
42 ***violation;***

43 ***(b) The Board takes any disciplinary action against the person***
44 ***alleged to have committed the violation;***



1 (c) Any other person files a complaint against the person
2 alleged to have committed the violation; or

3 (d) A civil action is commenced against the person alleged to
4 have committed the violation.

5 3. When acting pursuant to this section, the Attorney General
6 may commence his investigation and file a criminal action without
7 leave of court, and the Attorney General has exclusive charge of
8 the conduct of the prosecution.

9 4. Except as otherwise provided by the Constitution of the
10 United States, the Constitution of this state or a specific statute, a
11 person shall, if requested, provide the Attorney General with
12 information that would assist in the prosecution of any other
13 person who is alleged to have committed a violation described in
14 subsection 1. If a person fails, without reasonable cause, to
15 provide the Attorney General with such information upon request,
16 the person is guilty of a misdemeanor and shall be punished as
17 provided in NRS 645B.950.

18 **Sec. 15.** 1. The Attorney General may bring any
19 appropriate civil action against a person to enforce any provision
20 of this chapter, a regulation adopted pursuant to this chapter or an
21 order of the Board, including, without limitation, an order of the
22 Board:

23 (a) Imposing an administrative fine; or

24 (b) Suspending, revoking or placing conditions upon a license.

25 2. If the Attorney General prevails in any civil action brought
26 pursuant to this chapter, the court:

27 (a) Shall order the person against whom the civil action was
28 brought to pay:

29 (1) Court costs; and

30 (2) Reasonable costs of the investigation and prosecution of
31 the civil action.

32 (b) May order the person against whom the civil action was
33 brought to pay damages he caused as a result of the violation in
34 an amount not exceeding his pecuniary gain from the violation.

35 3. Whether or not the Attorney General brings a civil action
36 against a person pursuant to this chapter, the Attorney General
37 may prosecute the person for a criminal violation pursuant to this
38 chapter.

39 **Sec. 16.** In addition to any other penalty, if a person is
40 convicted of a violation of any provision of this chapter, a
41 regulation adopted pursuant to this chapter or an order of the
42 Board, the court:

43 1. Shall order the person to pay:

44 (a) Court costs; and



1 (b) Reasonable costs of the investigation and prosecution of
2 the violation.

3 2. May order the person to pay damages he caused as a result
4 of the violation in an amount not exceeding his pecuniary gain
5 from the violation.

6 **Sec. 17.** 1. The actions and remedies authorized by this
7 chapter are cumulative.

8 2. If an agency or officer elects to take any action or pursue
9 any remedy authorized by this chapter or another specific statute,
10 that election is not exclusive and does not preclude the agency or
11 officer or another agency or officer from taking any other action
12 or pursuing any other remedy authorized by this chapter or
13 another specific statute.

14 **Sec. 18.** NRS 624.212 is hereby amended to read as follows:

15 624.212 1. The Executive Officer, on behalf of the Board,
16 shall issue an order to cease and desist to any person:

17 (a) Acting as a contractor; or

18 (b) Submitting a bid on a job situated in this state,
19 without a license as a contractor issued pursuant to this chapter. The
20 order must be served personally or by certified mail and is effective
21 upon receipt.

22 2. If it appears that any person has engaged in acts or practices
23 which constitute a violation of this chapter or the violation of an
24 order issued pursuant to subsection 1, the Board may request the
25 Attorney General ~~[, the district attorney of the county in which the~~
26 ~~alleged violation occurred or the district attorney of any other~~
27 ~~county in which that person maintains a place of business or resides]~~
28 to apply on behalf of the Board to the district court for an injunction
29 restraining ~~[him]~~ *the person* from acting in violation of this chapter.
30 Upon a proper showing, a temporary restraining order, a preliminary
31 injunction or a permanent injunction may be granted. The Board as
32 plaintiff in the action is not required to prove any irreparable injury.

33 3. In seeking injunctive relief against any person for an alleged
34 violation of NRS 624.700, it is sufficient to allege that the person
35 did, upon a certain day ~~[]~~ and in a certain county of this state:

36 (a) Act as a contractor; or

37 (b) Submit a bid on a job situated in this state,
38 without having a license to do so, without alleging any further or
39 more particular facts concerning the matter.

40 4. The issuance of a restraining order or an injunction does not
41 relieve the person against whom the restraining order or injunction
42 is issued from criminal prosecution for practicing without a license.

43 5. If the court finds that a person willfully violated an order
44 issued pursuant to subsection 1, it shall impose a fine of not less
45 than \$250 nor more than \$1,000 for each violation of the order.



- 1 **Sec. 19.** NRS 624.265 is hereby amended to read as follows:
2 624.265 1. An applicant for a contractor's license or a
3 licensed contractor, and each officer, director, partner and associate
4 thereof, must possess good character. Lack of character may be
5 established by showing that the applicant or licensed contractor, or
6 any officer, director, partner or associate thereof, has:
7 (a) Committed any act which would be grounds for the denial,
8 suspension or revocation of a contractor's license;
9 (b) A bad reputation for honesty and integrity;
10 (c) ~~[Entered a plea of nolo contendere, guilty or guilty but~~
11 ~~mentally ill to, been found guilty of or been]~~ **Been** convicted of a
12 crime arising out of, in connection with or related to the activities of
13 such person in such a manner as to demonstrate his unfitness to act
14 as a contractor, and the time for appeal has elapsed or the judgment
15 of conviction has been affirmed on appeal; or
16 (d) Had a license revoked or suspended for reasons that would
17 preclude the granting or renewal of a license for which the
18 application has been made.
19 2. Upon the request of the Board, an applicant for a
20 contractor's license, and any officer, director, partner or associate of
21 the applicant, must submit to the Board completed fingerprint cards
22 and a form authorizing an investigation of the applicant's
23 background and the submission of his fingerprints to the Central
24 Repository for Nevada Records of Criminal History and the Federal
25 Bureau of Investigation. The fingerprint cards and authorization
26 form submitted must be those that are provided to the applicant by
27 the Board. The applicant's fingerprints may be taken by an agent of
28 the Board or an agency of law enforcement.
29 3. The Board shall keep the results of the investigation
30 confidential and not subject to inspection by the general public.
31 4. The Board shall establish by regulation the fee for
32 processing the fingerprints to be paid by the applicant. The fee must
33 not exceed the sum of the amounts charged by the Central
34 Repository for Nevada Records of Criminal History and the Federal
35 Bureau of Investigation for processing the fingerprints.
36 5. The Board may obtain records of a law enforcement agency
37 or any other agency that maintains records of criminal history,
38 including, without limitation, records of:
39 (a) Arrests;
40 (b) Guilty pleas;
41 (c) Sentencing;
42 (d) Probation;
43 (e) Parole;
44 (f) Bail;
45 (g) Complaints; and



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1 (h) Final dispositions,
2 for the investigation of a licensee or an applicant for a contractor's
3 license.

4 **Sec. 20.** NRS 624.700 is hereby amended to read as follows:

5 624.700 1. It is unlawful for any person or combination of
6 persons to:

7 (a) Engage in the business or act in the capacity of a contractor
8 within this state; or

9 (b) Submit a bid on a job situated within this state,
10 without having an active license therefor as provided in this chapter,
11 unless that person or combination of persons is exempted from
12 licensure pursuant to NRS 624.031.

13 ~~2. [The district attorneys in this state shall prosecute all~~
14 ~~violations of this section which occur in their respective counties,~~
15 ~~unless the violations are prosecuted by the Attorney General. Upon~~
16 ~~the request of the Board, the Attorney General shall prosecute any~~
17 ~~violation of this section in lieu of prosecution by the district~~
18 ~~attorney.~~

19 ~~—3. In addition to any other penalty imposed pursuant to this~~
20 ~~chapter, a person who is convicted of violating subsection 1 may be~~
21 ~~required to pay:~~

22 ~~—(a) Court costs and the costs of prosecution;~~

23 ~~—(b) Reasonable costs of the investigation of the violation to the~~
24 ~~Board;~~

25 ~~—(c) Damages he caused as a result of the violation up to the~~
26 ~~amount of his pecuniary gain from the violation; or~~

27 ~~—(d) Any combination of paragraphs (a), (b) and (c).~~

28 ~~—4.]~~ If a person submits a bid or enters into a contract in
29 violation of subsection 1, the bid or contract shall be deemed void
30 ab initio.

31 **Sec. 21.** Chapter 625 of NRS is hereby amended by adding
32 thereto the provisions set forth as sections 22 to 25, inclusive, of this
33 act.

34 **Sec. 22. 1. The Attorney General has primary jurisdiction**
35 **for the enforcement of the provisions of this chapter. The Attorney**
36 **General shall, if appropriate, investigate and prosecute a person**
37 **who violates:**

38 **(a) Any provision of this chapter, a regulation adopted**
39 **pursuant to this chapter or an order of the Board; or**

40 **(b) Any other law or regulation if the violation is committed by**
41 **the person in the course of committing a violation described in**
42 **paragraph (a).**

43 **2. The Attorney General shall, if appropriate, investigate and**
44 **prosecute a person who is alleged to have committed a violation**
45 **described in subsection 1 whether or not:**



1 (a) *The Board notifies the Attorney General of the alleged*
2 *violation;*

3 (b) *The Board takes any disciplinary action against the person*
4 *alleged to have committed the violation;*

5 (c) *Any other person files a complaint against the person*
6 *alleged to have committed the violation; or*

7 (d) *A civil action is commenced against the person alleged to*
8 *have committed the violation.*

9 3. *When acting pursuant to this section, the Attorney General*
10 *may commence his investigation and file a criminal action without*
11 *leave of court, and the Attorney General has exclusive charge of*
12 *the conduct of the prosecution.*

13 4. *Except as otherwise provided by the Constitution of the*
14 *United States, the Constitution of this state or a specific statute, a*
15 *person shall, if requested, provide the Attorney General with*
16 *information that would assist in the prosecution of any other*
17 *person who is alleged to have committed a violation described in*
18 *subsection 1. If a person fails, without reasonable cause, to*
19 *provide the Attorney General with such information upon request,*
20 *the person is guilty of a misdemeanor.*

21 **Sec. 23.** *1. The Attorney General may bring any*
22 *appropriate civil action against a person to enforce any provision*
23 *of this chapter, a regulation adopted pursuant to this chapter or an*
24 *order of the Board, including, without limitation, an order of the*
25 *Board:*

26 (a) *Imposing an administrative fine; or*

27 (b) *Suspending, revoking or placing conditions upon a license*
28 *or certificate.*

29 2. *If the Attorney General prevails in any civil action brought*
30 *pursuant to this chapter, the court shall order the person against*
31 *whom the civil action was brought to pay:*

32 (a) *Court costs; and*

33 (b) *Reasonable costs of the investigation and prosecution of*
34 *the civil action.*

35 3. *Whether or not the Attorney General brings a civil action*
36 *against a person pursuant to this chapter, the Attorney General*
37 *may prosecute the person for a criminal violation pursuant to this*
38 *chapter.*

39 **Sec. 24.** *In addition to any other penalty, if a person is*
40 *convicted of a violation of any provision of this chapter, a*
41 *regulation adopted pursuant to this chapter or an order of the*
42 *Board, the court shall order the person to pay:*

43 1. *Court costs; and*

44 2. *Reasonable costs of the investigation and prosecution of*
45 *the violation.*



1 **Sec. 25. 1. The actions and remedies authorized by this**
2 **chapter are cumulative.**

3 **2. If an agency or officer elects to take any action or pursue**
4 **any remedy authorized by this chapter or another specific statute,**
5 **that election is not exclusive and does not preclude the agency or**
6 **officer or another agency or officer from taking any other action**
7 **or pursuing any other remedy authorized by this chapter or**
8 **another specific statute.**

9 **Sec. 26.** NRS 625.410 is hereby amended to read as follows:

10 625.410 The Board may take disciplinary action against a
11 licensee, an applicant for licensure, an intern or an applicant for
12 certification as an intern for:

13 1. The practice of any fraud or deceit in obtaining or
14 attempting to obtain or renew a license or cheating on any
15 examination required by this chapter.

16 2. Any gross negligence, incompetency or misconduct in the
17 practice of professional engineering as a professional engineer or in
18 the practice of land surveying as a professional land surveyor.

19 3. Aiding or abetting any person in the violation of any
20 provision of this chapter or regulation adopted by the Board.

21 4. Conviction of : ~~for entry of a plea of nolo contendere to:~~

22 (a) Any felony; or

23 (b) Any crime, an essential element of which is dishonesty ~~or~~ or
24 which is directly related to the practice of engineering or land
25 surveying.

26 5. A violation of any provision of this chapter or regulation
27 adopted by the Board.

28 6. Discipline by another state or territory, the District of
29 Columbia, a foreign country, the Federal Government or any other
30 governmental agency, if at least one of the grounds for discipline is
31 the same or substantially equivalent to any ground contained in this
32 chapter.

33 7. Practicing after the license of the professional engineer or
34 professional land surveyor has expired or has been suspended or
35 revoked.

36 8. Failing to comply with an order issued by the Board.

37 9. Failing to provide requested information within 30 days after
38 receipt of a request by the Board or its investigators concerning a
39 complaint made to the Board.

40 **Sec. 27.** Chapter 625A of NRS is hereby amended by adding
41 thereto the provisions set forth as sections 28 to 31, inclusive, of this
42 act.

43 **Sec. 28. 1. The Attorney General has primary jurisdiction**
44 **for the enforcement of the provisions of this chapter. The Attorney**



1 *General shall, if appropriate, investigate and prosecute a person*
2 *who violates:*

3 *(a) Any provision of this chapter, a regulation adopted*
4 *pursuant to this chapter or an order of the Board; or*

5 *(b) Any other law or regulation if the violation is committed by*
6 *the person in the course of committing a violation described in*
7 *paragraph (a).*

8 *2. The Attorney General shall, if appropriate, investigate and*
9 *prosecute a person who is alleged to have committed a violation*
10 *described in subsection 1 whether or not:*

11 *(a) The Board notifies the Attorney General of the alleged*
12 *violation;*

13 *(b) The Board takes any disciplinary action against the person*
14 *alleged to have committed the violation;*

15 *(c) Any other person files a complaint against the person*
16 *alleged to have committed the violation; or*

17 *(d) A civil action is commenced against the person alleged to*
18 *have committed the violation.*

19 *3. When acting pursuant to this section, the Attorney General*
20 *may commence his investigation and file a criminal action without*
21 *leave of court, and the Attorney General has exclusive charge of*
22 *the conduct of the prosecution.*

23 *4. Except as otherwise provided by the Constitution of the*
24 *United States, the Constitution of this state or a specific statute, a*
25 *person shall, if requested, provide the Attorney General with*
26 *information that would assist in the prosecution of any other*
27 *person who is alleged to have committed a violation described in*
28 *subsection 1. If a person fails, without reasonable cause, to*
29 *provide the Attorney General with such information upon request,*
30 *the person is guilty of a misdemeanor.*

31 **Sec. 29. 1. The Attorney General may bring any**
32 **appropriate civil action against a person to enforce any provision**
33 **of this chapter, a regulation adopted pursuant to this chapter or an**
34 **order of the Board, including, without limitation, an order of the**
35 **Board:**

36 *(a) Imposing an administrative fine; or*

37 *(b) Suspending, revoking or placing conditions upon a*
38 *certificate of registration.*

39 *2. If the Attorney General prevails in any civil action brought*
40 *pursuant to this chapter, the court shall order the person against*
41 *whom the civil action was brought to pay:*

42 *(a) Court costs; and*

43 *(b) Reasonable costs of the investigation and prosecution of*
44 *the civil action.*



1 3. *Whether or not the Attorney General brings a civil action*
2 *against a person pursuant to this chapter, the Attorney General*
3 *may prosecute the person for a criminal violation pursuant to this*
4 *chapter.*

5 **Sec. 30.** *In addition to any other penalty, if a person is*
6 *convicted of a violation of any provision of this chapter, a*
7 *regulation adopted pursuant to this chapter or an order of the*
8 *Board, the court shall order the person to pay:*

9 1. *Court costs; and*
10 2. *Reasonable costs of the investigation and prosecution of*
11 *the violation.*

12 **Sec. 31.** 1. *The actions and remedies authorized by this*
13 *chapter are cumulative.*

14 2. *If an agency or officer elects to take any action or pursue*
15 *any remedy authorized by this chapter or another specific statute,*
16 *that election is not exclusive and does not preclude the agency or*
17 *officer or another agency or officer from taking any other action*
18 *or pursuing any other remedy authorized by this chapter or*
19 *another specific statute.*

20 **Sec. 32.** Chapter 628 of NRS is hereby amended by adding
21 thereto the provisions set forth as sections 33 to 36, inclusive, of this
22 act.

23 **Sec. 33.** 1. *The Attorney General has primary jurisdiction*
24 *for the enforcement of the provisions of this chapter. The Attorney*
25 *General shall, if appropriate, investigate and prosecute a person*
26 *who violates:*

27 (a) *Any provision of this chapter, a regulation adopted*
28 *pursuant to this chapter or an order of the Board; or*

29 (b) *Any other law or regulation if the violation is committed by*
30 *the person in the course of committing a violation described in*
31 *paragraph (a).*

32 2. *The Attorney General shall, if appropriate, investigate and*
33 *prosecute a person who is alleged to have committed a violation*
34 *described in subsection 1 whether or not:*

35 (a) *The Board notifies the Attorney General of the alleged*
36 *violation;*

37 (b) *The Board takes any disciplinary action against the person*
38 *alleged to have committed the violation;*

39 (c) *Any other person files a complaint against the person*
40 *alleged to have committed the violation; or*

41 (d) *A civil action is commenced against the person alleged to*
42 *have committed the violation.*

43 3. *When acting pursuant to this section, the Attorney General*
44 *may commence his investigation and file a criminal action without*



1 *leave of court, and the Attorney General has exclusive charge of*
2 *the conduct of the prosecution.*

3 *4. Except as otherwise provided by the Constitution of the*
4 *United States, the Constitution of this state or a specific statute, a*
5 *person shall, if requested, provide the Attorney General with*
6 *information that would assist in the prosecution of any other*
7 *person who is alleged to have committed a violation described in*
8 *subsection 1. If a person fails, without reasonable cause, to*
9 *provide the Attorney General with such information upon request,*
10 *the person is guilty of a misdemeanor.*

11 **Sec. 34. 1. The Attorney General may bring any**
12 **appropriate civil action against a person to enforce any provision**
13 **of this chapter, a regulation adopted pursuant to this chapter or an**
14 **order of the Board, including, without limitation, an order of the**
15 **Board:**

16 *(a) Imposing an administrative fine; or*
17 *(b) Suspending, revoking or placing conditions upon a license,*
18 *certificate, registration or permit.*

19 **2. If the Attorney General prevails in any civil action brought**
20 **pursuant to this chapter, the court shall order the person against**
21 **whom the civil action was brought to pay:**

22 *(a) Court costs; and*
23 *(b) Reasonable costs of the investigation and prosecution of*
24 *the civil action.*

25 **3. Whether or not the Attorney General brings a civil action**
26 **against a person pursuant to this chapter, the Attorney General**
27 **may prosecute the person for a criminal violation pursuant to this**
28 **chapter.**

29 **Sec. 35. In addition to any other penalty, if a person is**
30 **convicted of a violation of any provision of this chapter, a**
31 **regulation adopted pursuant to this chapter or an order of the**
32 **Board, the court shall order the person to pay:**

33 **1. Court costs; and**
34 **2. Reasonable costs of the investigation and prosecution of**
35 **the violation.**

36 **Sec. 36. 1. The actions and remedies authorized by this**
37 **chapter are cumulative.**

38 **2. If an agency or officer elects to take any action or pursue**
39 **any remedy authorized by this chapter or another specific statute,**
40 **that election is not exclusive and does not preclude the agency or**
41 **officer or another agency or officer from taking any other action**
42 **or pursuing any other remedy authorized by this chapter or**
43 **another specific statute.**



1 **Sec. 37.** NRS 628.560 is hereby amended to read as follows:

2 628.560 1. The display or uttering by a person of a card, sign,
3 advertisement or other printed, engraved or written instrument or
4 device, bearing a person's name in conjunction with the words
5 "certified public accountant" or any abbreviation thereof, or "public
6 accountant" or any abbreviation thereof, ~~[shall be]~~ *is* prima facie
7 evidence in any action brought ~~[under NRS 628.570 or 628.580]~~
8 *pursuant to this chapter* that the person whose name is so displayed
9 caused or procured the display or uttering of ~~[such]~~ *the* card, sign,
10 advertisement or other printed, engraved or written instrument or
11 device, and that ~~[such]~~ *the* person is holding himself out to be a
12 certified public accountant or a public accountant holding a permit
13 to practice under NRS 628.380.

14 2. In any such action, evidence of the commission of a single
15 act prohibited by this chapter ~~[shall be]~~ *is* sufficient to justify an
16 injunction or a conviction without evidence of a general course of
17 conduct.

18 **Sec. 38.** NRS 628.580 is hereby amended to read as follows:

19 628.580 ~~[1.]~~ Any person who violates any provision of NRS
20 628.450 to 628.550, inclusive, is guilty of a misdemeanor.

21 ~~[2. Whenever the Board has reason to believe that any person~~
22 ~~is liable to punishment under this section it may certify the facts to~~
23 ~~the Attorney General or other appropriate enforcement officer, who~~
24 ~~may, in his discretion, cause appropriate proceedings to be brought.]~~

25 **Sec. 39.** Chapter 630 of NRS is hereby amended by adding
26 thereto the provisions set forth as sections 40 to 43, inclusive, of this
27 act.

28 **Sec. 40. 1.** *The Attorney General has primary jurisdiction*
29 *for the enforcement of the provisions of this chapter. The Attorney*
30 *General shall, if appropriate, investigate and prosecute a person*
31 *who violates:*

32 *(a) Any provision of this chapter, a regulation adopted*
33 *pursuant to this chapter or an order of the Board; or*

34 *(b) Any other law or regulation if the violation is committed by*
35 *the person in the course of committing a violation described in*
36 *paragraph (a).*

37 2. *The Attorney General shall, if appropriate, investigate and*
38 *prosecute a person who is alleged to have committed a violation*
39 *described in subsection 1 whether or not:*

40 *(a) The Board notifies the Attorney General of the alleged*
41 *violation;*

42 *(b) The Board takes any disciplinary action against the person*
43 *alleged to have committed the violation;*

44 *(c) Any other person files a complaint against the person*
45 *alleged to have committed the violation; or*



1 (d) *A civil action is commenced against the person alleged to*
2 *have committed the violation.*

3 3. *When acting pursuant to this section, the Attorney General*
4 *may commence his investigation and file a criminal action without*
5 *leave of court, and the Attorney General has exclusive charge of*
6 *the conduct of the prosecution.*

7 4. *Except as otherwise provided by the Constitution of the*
8 *United States, the Constitution of this state or a specific statute, a*
9 *person shall, if requested, provide the Attorney General with*
10 *information that would assist in the prosecution of any other*
11 *person who is alleged to have committed a violation described in*
12 *subsection 1. If a person fails, without reasonable cause, to*
13 *provide the Attorney General with such information upon request,*
14 *the person is guilty of a misdemeanor.*

15 **Sec. 41.** 1. *The Attorney General may bring any*
16 *appropriate civil action against a person to enforce any provision*
17 *of this chapter, a regulation adopted pursuant to this chapter or an*
18 *order of the Board, including, without limitation, an order of the*
19 *Board:*

20 (a) *Imposing an administrative fine; or*

21 (b) *Suspending, revoking or placing conditions upon a license.*

22 2. *If the Attorney General prevails in any civil action brought*
23 *pursuant to this chapter, the court shall order the person against*
24 *whom the civil action was brought to pay:*

25 (a) *Court costs; and*

26 (b) *Reasonable costs of the investigation and prosecution of*
27 *the civil action.*

28 3. *Whether or not the Attorney General brings a civil action*
29 *against a person pursuant to this chapter, the Attorney General*
30 *may prosecute the person for a criminal violation pursuant to this*
31 *chapter.*

32 **Sec. 42.** *In addition to any other penalty, if a person is*
33 *convicted of a violation of any provision of this chapter, a*
34 *regulation adopted pursuant to this chapter or an order of the*
35 *Board, the court shall order the person to pay:*

36 1. *Court costs; and*

37 2. *Reasonable costs of the investigation and prosecution of*
38 *the violation.*

39 **Sec. 43.** 1. *The actions and remedies authorized by this*
40 *chapter are cumulative.*

41 2. *If an agency or officer elects to take any action or pursue*
42 *any remedy authorized by this chapter or another specific statute,*
43 *that election is not exclusive and does not preclude the agency or*
44 *officer or another agency or officer from taking any other action*



1 *or pursuing any other remedy authorized by this chapter or*
2 *another specific statute.*

3 **Sec. 44.** NRS 630.301 is hereby amended to read as follows:
4 630.301 The following acts, among others, constitute grounds
5 for initiating disciplinary action or denying licensure:

6 1. Conviction of a felony, any offense involving moral
7 turpitude or any offense relating to the practice of medicine or the
8 ability to practice medicine. ~~{A plea of nolo contendere is a~~
9 ~~conviction for the purposes of this subsection.}~~

10 2. Conviction of violating any of the provisions of NRS
11 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350
12 to 616D.440, inclusive.

13 3. The revocation, suspension, modification or limitation of the
14 license to practice any type of medicine by any other jurisdiction or
15 the surrender of the license or discontinuing the practice of medicine
16 while under investigation by any licensing authority, a medical
17 facility, a branch of the Armed Services of the United States, an
18 insurance company, an agency of the Federal Government or an
19 employer.

20 4. Malpractice, which may be evidenced by claims settled
21 against a practitioner.

22 5. The engaging by a practitioner in any sexual activity with a
23 patient who is ~~currently~~ being treated by the practitioner.

24 6. Disruptive behavior with physicians, hospital personnel,
25 patients, members of the families of patients or any other persons if
26 the behavior interferes with patient care or has an adverse impact on
27 the quality of care rendered to a patient.

28 7. The engaging in conduct that violates the trust of a patient
29 and exploits the relationship between the physician and the patient
30 for financial or other personal gain.

31 8. The failure to offer appropriate procedures or studies, to
32 protest inappropriate denials by organizations for managed care, to
33 provide necessary services or to refer a patient to an appropriate
34 provider, when such a failure occurs with the intent of positively
35 influencing the financial well-being of the practitioner or an insurer.

36 9. The engaging in conduct that brings the medical profession
37 into disrepute, including, without limitation, conduct that violates
38 any provision of a national code of ethics adopted by the Board by
39 regulation.

40 10. The engaging in sexual contact with the surrogate of a
41 patient or other key persons related to a patient, including, without
42 limitation, a spouse, parent or legal guardian, which exploits the
43 relationship between the physician and the patient in a sexual
44 manner.



1 **Sec. 45.** NRS 630.346 is hereby amended to read as follows:
2 630.346 In any disciplinary hearing:

3 1. The Board, a panel of the members of the Board and a
4 hearing officer are not bound by formal rules of evidence and a
5 witness must not be barred from testifying solely because he was or
6 is incompetent.

7 2. Proof of actual injury need not be established.

8 3. A certified copy of the record of a court or a licensing
9 agency showing a conviction ~~[or plea of nolo contendere]~~ or the
10 suspension, revocation, limitation, modification, denial or surrender
11 of a license to practice medicine or respiratory care is conclusive
12 evidence of its occurrence.

13 **Sec. 46.** Chapter 630A of NRS is hereby amended by adding
14 thereto the provisions set forth as sections 47 to 50, inclusive, of this
15 act.

16 **Sec. 47.** *1. The Attorney General has primary jurisdiction
17 for the enforcement of the provisions of this chapter. The Attorney
18 General shall, if appropriate, investigate and prosecute a person
19 who violates:*

20 *(a) Any provision of this chapter, a regulation adopted
21 pursuant to this chapter or an order of the Board; or*

22 *(b) Any other law or regulation if the violation is committed by
23 the person in the course of committing a violation described in
24 paragraph (a).*

25 *2. The Attorney General shall, if appropriate, investigate and
26 prosecute a person who is alleged to have committed a violation
27 described in subsection 1 whether or not:*

28 *(a) The Board notifies the Attorney General of the alleged
29 violation;*

30 *(b) The Board takes any disciplinary action against the person
31 alleged to have committed the violation;*

32 *(c) Any other person files a complaint against the person
33 alleged to have committed the violation; or*

34 *(d) A civil action is commenced against the person alleged to
35 have committed the violation.*

36 *3. When acting pursuant to this section, the Attorney General
37 may commence his investigation and file a criminal action without
38 leave of court, and the Attorney General has exclusive charge of
39 the conduct of the prosecution.*

40 *4. Except as otherwise provided by the Constitution of the
41 United States, the Constitution of this state or a specific statute, a
42 person shall, if requested, provide the Attorney General with
43 information that would assist in the prosecution of any other
44 person who is alleged to have committed a violation described in
45 subsection 1. If a person fails, without reasonable cause, to*



1 *provide the Attorney General with such information upon request,*
2 *the person is guilty of a misdemeanor.*

3 **Sec. 48.** *1. The Attorney General may bring any*
4 *appropriate civil action against a person to enforce any provision*
5 *of this chapter, a regulation adopted pursuant to this chapter or an*
6 *order of the Board, including, without limitation, an order of the*
7 *Board:*

8 (a) *Imposing an administrative fine; or*
9 (b) *Suspending, revoking or placing conditions upon a license*
10 *or certificate.*

11 *2. If the Attorney General prevails in any civil action brought*
12 *pursuant to this chapter, the court shall order the person against*
13 *whom the civil action was brought to pay:*

14 (a) *Court costs; and*
15 (b) *Reasonable costs of the investigation and prosecution of*
16 *the civil action.*

17 *3. Whether or not the Attorney General brings a civil action*
18 *against a person pursuant to this chapter, the Attorney General*
19 *may prosecute the person for a criminal violation pursuant to this*
20 *chapter.*

21 **Sec. 49.** *In addition to any other penalty, if a person is*
22 *convicted of a violation of any provision of this chapter, a*
23 *regulation adopted pursuant to this chapter or an order of the*
24 *Board, the court shall order the person to pay:*

25 *1. Court costs; and*
26 *2. Reasonable costs of the investigation and prosecution of*
27 *the violation.*

28 **Sec. 50.** *1. The actions and remedies authorized by this*
29 *chapter are cumulative.*

30 *2. If an agency or officer elects to take any action or pursue*
31 *any remedy authorized by this chapter or another specific statute,*
32 *that election is not exclusive and does not preclude the agency or*
33 *officer or another agency or officer from taking any other action*
34 *or pursuing any other remedy authorized by this chapter or*
35 *another specific statute.*

36 **Sec. 51.** *NRS 630A.340 is hereby amended to read as follows:*
37 *630A.340 The following acts, among others, constitute*
38 *grounds for initiating disciplinary action or denying the issuance of*
39 *a license:*

40 *1. Unprofessional conduct.*
41 *2. Conviction of:*
42 (a) *A violation of any federal or state law regulating the*
43 *possession, distribution or use of any controlled substance or any*
44 *dangerous drug as defined in chapter 454 of NRS;*
45 (b) *A felony;*



1 (c) A violation of any of the provisions of NRS 616D.200,
2 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to
3 616D.440, inclusive;

4 (d) Any offense involving moral turpitude; or

5 (e) Any offense relating to the practice of homeopathic medicine
6 or the ability to practice homeopathic medicine.

7 ~~[A plea of nolo contendere to any offense listed in paragraph (a),~~
8 ~~(b), (c), (d) or (e) shall be deemed a conviction.]~~

9 3. The suspension, modification or limitation of a license to
10 practice any type of medicine by any other jurisdiction.

11 4. The surrender of a license to practice any type of medicine
12 or the discontinuance of the practice of medicine while under
13 investigation by any licensing authority, medical facility, facility for
14 the dependent, branch of the Armed Forces of the United States,
15 insurance company, agency of the Federal Government or employer.

16 5. Gross or repeated malpractice, which may be evidenced by
17 claims of malpractice settled against a practitioner.

18 6. Professional incompetence.

19 **Sec. 52.** NRS 630A.500 is hereby amended to read as follows:
20 630A.500 In any disciplinary hearing:

21 1. The Board, a panel of the members of the Board or a hearing
22 officer is not bound by formal rules of evidence.

23 2. Proof of actual injury need not be established.

24 3. A certified copy of the record of a court or a licensing
25 agency showing a conviction ~~[or plea of nolo contendere]~~ or the
26 suspension, revocation, limitation, modification, denial or surrender
27 of a license to practice homeopathic medicine is conclusive
28 evidence of its occurrence.

29 **Sec. 53.** NRS 630A.550 is hereby amended to read as follows:

30 630A.550 The filing and review of a complaint, its dismissal
31 without further action or its transmittal to the Attorney General, and
32 any subsequent disposition by the Board, the Attorney General or
33 any reviewing court, do not preclude:

34 1. Any measure by a hospital or other institution or medical
35 society to limit or terminate the privileges of a homeopathic
36 physician, advanced practitioner of homeopathy or homeopathic
37 assistant according to its rules or the custom of the profession. No
38 civil liability attaches to any such action taken without malice even
39 if the ultimate disposition of the complaint is in favor of the
40 homeopathic physician, advanced practitioner of homeopathy or
41 homeopathic assistant.

42 2. Any appropriate criminal prosecution ~~[by the Attorney~~
43 ~~General or a district attorney]~~ based upon the same or other facts.



1 **Sec. 54.** Chapter 631 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 55 to 58, inclusive, of this
3 act.

4 **Sec. 55. 1.** *The Attorney General has primary jurisdiction*
5 *for the enforcement of the provisions of this chapter. The Attorney*
6 *General shall, if appropriate, investigate and prosecute a person*
7 *who violates:*

8 *(a) Any provision of this chapter, a regulation adopted*
9 *pursuant to this chapter or an order of the Board; or*

10 *(b) Any other law or regulation if the violation is committed by*
11 *the person in the course of committing a violation described in*
12 *paragraph (a).*

13 **2.** *The Attorney General shall, if appropriate, investigate and*
14 *prosecute a person who is alleged to have committed a violation*
15 *described in subsection 1 whether or not:*

16 *(a) The Board notifies the Attorney General of the alleged*
17 *violation;*

18 *(b) The Board takes any disciplinary action against the person*
19 *alleged to have committed the violation;*

20 *(c) Any other person files a complaint against the person*
21 *alleged to have committed the violation; or*

22 *(d) A civil action is commenced against the person alleged to*
23 *have committed the violation.*

24 **3.** *When acting pursuant to this section, the Attorney General*
25 *may commence his investigation and file a criminal action without*
26 *leave of court, and the Attorney General has exclusive charge of*
27 *the conduct of the prosecution.*

28 **4.** *Except as otherwise provided by the Constitution of the*
29 *United States, the Constitution of this state or a specific statute, a*
30 *person shall, if requested, provide the Attorney General with*
31 *information that would assist in the prosecution of any other*
32 *person who is alleged to have committed a violation described in*
33 *subsection 1. If a person fails, without reasonable cause, to*
34 *provide the Attorney General with such information upon request,*
35 *the person is guilty of a misdemeanor.*

36 **Sec. 56. 1.** *The Attorney General may bring any*
37 *appropriate civil action against a person to enforce any provision*
38 *of this chapter, a regulation adopted pursuant to this chapter or an*
39 *order of the Board, including, without limitation, an order of the*
40 *Board:*

41 *(a) Imposing an administrative fine; or*

42 *(b) Suspending, revoking or placing conditions upon a license,*
43 *renewal certificate or permit.*



1 2. *If the Attorney General prevails in any civil action brought*
2 *pursuant to this chapter, the court shall order the person against*
3 *whom the civil action was brought to pay:*

4 (a) *Court costs; and*

5 (b) *Reasonable costs of the investigation and prosecution of*
6 *the civil action.*

7 3. *Whether or not the Attorney General brings a civil action*
8 *against a person pursuant to this chapter, the Attorney General*
9 *may prosecute the person for a criminal violation pursuant to this*
10 *chapter.*

11 **Sec. 57.** *In addition to any other penalty, if a person is*
12 *convicted of a violation of any provision of this chapter, a*
13 *regulation adopted pursuant to this chapter or an order of the*
14 *Board, the court shall order the person to pay:*

15 1. *Court costs; and*

16 2. *Reasonable costs of the investigation and prosecution of*
17 *the violation.*

18 **Sec. 58. 1.** *The actions and remedies authorized by this*
19 *chapter are cumulative.*

20 2. *If an agency or officer elects to take any action or pursue*
21 *any remedy authorized by this chapter or another specific statute,*
22 *that election is not exclusive and does not preclude the agency or*
23 *officer or another agency or officer from taking any other action*
24 *or pursuing any other remedy authorized by this chapter or*
25 *another specific statute.*

26 **Sec. 59.** *Chapter 632 of NRS is hereby amended by adding*
27 *thereto the provisions set forth as sections 60 to 63, inclusive, of this*
28 *act.*

29 **Sec. 60. 1.** *The Attorney General has primary jurisdiction*
30 *for the enforcement of the provisions of this chapter. The Attorney*
31 *General shall, if appropriate, investigate and prosecute a person*
32 *who violates:*

33 (a) *Any provision of this chapter, a regulation adopted*
34 *pursuant to this chapter or an order of the Board; or*

35 (b) *Any other law or regulation if the violation is committed by*
36 *the person in the course of committing a violation described in*
37 *paragraph (a).*

38 2. *The Attorney General shall, if appropriate, investigate and*
39 *prosecute a person who is alleged to have committed a violation*
40 *described in subsection 1 whether or not:*

41 (a) *The Board notifies the Attorney General of the alleged*
42 *violation;*

43 (b) *The Board takes any disciplinary action against the person*
44 *alleged to have committed the violation;*



1 (c) Any other person files a complaint against the person
2 alleged to have committed the violation; or

3 (d) A civil action is commenced against the person alleged to
4 have committed the violation.

5 3. When acting pursuant to this section, the Attorney General
6 may commence his investigation and file a criminal action without
7 leave of court, and the Attorney General has exclusive charge of
8 the conduct of the prosecution.

9 4. Except as otherwise provided by the Constitution of the
10 United States, the Constitution of this state or a specific statute, a
11 person shall, if requested, provide the Attorney General with
12 information that would assist in the prosecution of any other
13 person who is alleged to have committed a violation described in
14 subsection 1. If a person fails, without reasonable cause, to
15 provide the Attorney General with such information upon request,
16 the person is guilty of a misdemeanor.

17 **Sec. 61.** 1. The Attorney General may bring any
18 appropriate civil action against a person to enforce any provision
19 of this chapter, a regulation adopted pursuant to this chapter or an
20 order of the Board, including, without limitation, an order of the
21 Board:

22 (a) Imposing an administrative fine; or

23 (b) Suspending, revoking or placing conditions upon a license
24 or certificate.

25 2. If the Attorney General prevails in any civil action brought
26 pursuant to this chapter, the court shall order the person against
27 whom the civil action was brought to pay:

28 (a) Court costs; and

29 (b) Reasonable costs of the investigation and prosecution of
30 the civil action.

31 3. Whether or not the Attorney General brings a civil action
32 against a person pursuant to this chapter, the Attorney General
33 may prosecute the person for a criminal violation pursuant to this
34 chapter.

35 **Sec. 62.** In addition to any other penalty, if a person is
36 convicted of a violation of any provision of this chapter, a
37 regulation adopted pursuant to this chapter or an order of the
38 Board, the court shall order the person to pay:

39 1. Court costs; and

40 2. Reasonable costs of the investigation and prosecution of
41 the violation.

42 **Sec. 63.** 1. The actions and remedies authorized by this
43 chapter are cumulative.

44 2. If an agency or officer elects to take any action or pursue
45 any remedy authorized by this chapter or another specific statute,



1 *that election is not exclusive and does not preclude the agency or*
2 *officer or another agency or officer from taking any other action*
3 *or pursuing any other remedy authorized by this chapter or*
4 *another specific statute.*

5 **Sec. 64.** NRS 632.320 is hereby amended to read as follows:

6 632.320 The Board may deny, revoke or suspend any license
7 or certificate applied for or issued pursuant to this chapter, or take
8 other disciplinary action against a licensee or holder of a certificate,
9 upon determining that he:

10 1. Is guilty of fraud or deceit in procuring or attempting to
11 procure a license or certificate pursuant to this chapter.

12 2. Is guilty of a felony or any offense:

13 (a) Involving moral turpitude; or

14 (b) Related to the qualifications, functions or duties of a licensee
15 or holder of a certificate,
16 in which case the record of conviction is conclusive evidence
17 thereof.

18 3. Has been convicted of violating any of the provisions of
19 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
20 inclusive.

21 4. Is unfit or incompetent by reason of gross negligence or
22 recklessness in carrying out usual nursing functions.

23 5. Uses any controlled substance, dangerous drug as defined in
24 chapter 454 of NRS, or intoxicating liquor to an extent or in a
25 manner which is dangerous or injurious to any other person or
26 which impairs his ability to conduct the practice authorized by his
27 license or certificate.

28 6. Is mentally incompetent.

29 7. Is guilty of unprofessional conduct, which includes, but is
30 not limited to, the following:

31 (a) Conviction of practicing medicine without a license in
32 violation of chapter 630 of NRS, in which case the record of
33 conviction is conclusive evidence thereof.

34 (b) Impersonating any applicant or acting as proxy for an
35 applicant in any examination required pursuant to this chapter for
36 the issuance of a license or certificate.

37 (c) Impersonating another licensed practitioner or holder of a
38 certificate.

39 (d) Permitting or allowing another person to use his license or
40 certificate to practice as a licensed practical nurse, registered nurse
41 or nursing assistant.

42 (e) Repeated malpractice, which may be evidenced by claims of
43 malpractice settled against him.

44 (f) Physical, verbal or psychological abuse of a patient.



1 (g) Conviction for the use or unlawful possession of a controlled
2 substance or dangerous drug as defined in chapter 454 of NRS.

3 8. Has willfully or repeatedly violated the provisions of this
4 chapter. The voluntary surrender of a license or certificate issued
5 pursuant to this chapter is prima facie evidence that the licensee or
6 certificate holder has committed or expects to commit a violation of
7 this chapter.

8 9. Is guilty of aiding or abetting any person in a violation of
9 this chapter.

10 10. Has falsified an entry on a patient's medical chart
11 concerning a controlled substance.

12 11. Has falsified information which was given to a physician,
13 pharmacist, podiatric physician or dentist to obtain a controlled
14 substance.

15 12. Has been disciplined in another state in connection with a
16 license to practice nursing or a certificate to practice as a nursing
17 assistant or has committed an act in another state which would
18 constitute a violation of this chapter.

19 13. Has engaged in conduct likely to deceive, defraud or
20 endanger a patient or the general public.

21 14. Has willfully failed to comply with a regulation, subpoena
22 or order of the Board.

23 ~~For the purposes of this section, a plea or verdict of guilty or guilty~~
24 ~~but mentally ill or a plea of nolo contendere constitutes a conviction~~
25 ~~of an offense.]~~ The Board may take disciplinary action pending the
26 appeal of a conviction.

27 **Sec. 65.** Chapter 633 of NRS is hereby amended by adding
28 thereto the provisions set forth as sections 66 to 69, inclusive, of this
29 act.

30 **Sec. 66. 1. *The Attorney General has primary jurisdiction***
31 ***for the enforcement of the provisions of this chapter. The Attorney***
32 ***General shall, if appropriate, investigate and prosecute a person***
33 ***who violates:***

34 ***(a) Any provision of this chapter, a regulation adopted***
35 ***pursuant to this chapter or an order of the Board; or***

36 ***(b) Any other law or regulation if the violation is committed by***
37 ***the person in the course of committing a violation described in***
38 ***paragraph (a).***

39 **2. *The Attorney General shall, if appropriate, investigate and***
40 ***prosecute a person who is alleged to have committed a violation***
41 ***described in subsection 1 whether or not:***

42 ***(a) The Board notifies the Attorney General of the alleged***
43 ***violation;***

44 ***(b) The Board takes any disciplinary action against the person***
45 ***alleged to have committed the violation;***



1 (c) Any other person files a complaint against the person
2 alleged to have committed the violation; or

3 (d) A civil action is commenced against the person alleged to
4 have committed the violation.

5 3. When acting pursuant to this section, the Attorney General
6 may commence his investigation and file a criminal action without
7 leave of court, and the Attorney General has exclusive charge of
8 the conduct of the prosecution.

9 4. Except as otherwise provided by the Constitution of the
10 United States, the Constitution of this state or a specific statute, a
11 person shall, if requested, provide the Attorney General with
12 information that would assist in the prosecution of any other
13 person who is alleged to have committed a violation described in
14 subsection 1. If a person fails, without reasonable cause, to
15 provide the Attorney General with such information upon request,
16 the person is guilty of a misdemeanor.

17 **Sec. 67. 1.** The Attorney General may bring any
18 appropriate civil action against a person to enforce any provision
19 of this chapter, a regulation adopted pursuant to this chapter or an
20 order of the Board, including, without limitation, an order of the
21 Board:

22 (a) Imposing an administrative fine; or

23 (b) Suspending, revoking or placing conditions upon a license
24 or certificate.

25 2. If the Attorney General prevails in any civil action brought
26 pursuant to this chapter, the court shall order the person against
27 whom the civil action was brought to pay:

28 (a) Court costs; and

29 (b) Reasonable costs of the investigation and prosecution of
30 the civil action.

31 3. Whether or not the Attorney General brings a civil action
32 against a person pursuant to this chapter, the Attorney General
33 may prosecute the person for a criminal violation pursuant to this
34 chapter.

35 **Sec. 68.** In addition to any other penalty, if a person is
36 convicted of a violation of any provision of this chapter, a
37 regulation adopted pursuant to this chapter or an order of the
38 Board, the court shall order the person to pay:

39 1. Court costs; and

40 2. Reasonable costs of the investigation and prosecution of
41 the violation.

42 **Sec. 69. 1.** The actions and remedies authorized by this
43 chapter are cumulative.

44 2. If an agency or officer elects to take any action or pursue
45 any remedy authorized by this chapter or another specific statute,



1 *that election is not exclusive and does not preclude the agency or*
2 *officer or another agency or officer from taking any other action*
3 *or pursuing any other remedy authorized by this chapter or*
4 *another specific statute.*

5 **Sec. 70.** NRS 633.701 is hereby amended to read as follows:
6 633.701 The filing and review of a complaint and any
7 subsequent disposition by the Board, the member designated by the
8 Board to review a complaint pursuant to NRS 633.541 or any
9 reviewing court do not preclude:

10 1. Any measure by a hospital or other institution to limit or
11 terminate the privileges of an osteopathic physician according to its
12 rules or the custom of the profession. No civil liability attaches to
13 any such action taken without malice even if the ultimate disposition
14 of the complaint is in favor of the physician.

15 2. Any appropriate criminal prosecution ~~[by the Attorney~~
16 ~~General or a district attorney]~~ based upon the same or other facts.

17 **Sec. 71.** Chapter 634 of NRS is hereby amended by adding
18 thereto the provisions set forth as sections 72 to 75, inclusive, of this
19 act.

20 **Sec. 72. 1.** *The Attorney General has primary jurisdiction*
21 *for the enforcement of the provisions of this chapter. The Attorney*
22 *General shall, if appropriate, investigate and prosecute a person*
23 *who violates:*

24 (a) *Any provision of this chapter, a regulation adopted*
25 *pursuant to this chapter or an order of the Board; or*

26 (b) *Any other law or regulation if the violation is committed by*
27 *the person in the course of committing a violation described in*
28 *paragraph (a).*

29 2. *The Attorney General shall, if appropriate, investigate and*
30 *prosecute a person who is alleged to have committed a violation*
31 *described in subsection 1 whether or not:*

32 (a) *The Board notifies the Attorney General of the alleged*
33 *violation;*

34 (b) *The Board takes any disciplinary action against the person*
35 *alleged to have committed the violation;*

36 (c) *Any other person files a complaint against the person*
37 *alleged to have committed the violation; or*

38 (d) *A civil action is commenced against the person alleged to*
39 *have committed the violation.*

40 3. *When acting pursuant to this section, the Attorney General*
41 *may commence his investigation and file a criminal action without*
42 *leave of court, and the Attorney General has exclusive charge of*
43 *the conduct of the prosecution.*

44 4. *Except as otherwise provided by the Constitution of the*
45 *United States, the Constitution of this state or a specific statute, a*



1 *person shall, if requested, provide the Attorney General with*
2 *information that would assist in the prosecution of any other*
3 *person who is alleged to have committed a violation described in*
4 *subsection 1. If a person fails, without reasonable cause, to*
5 *provide the Attorney General with such information upon request,*
6 *the person is guilty of a misdemeanor.*

7 **Sec. 73.** *1. The Attorney General may bring any*
8 *appropriate civil action against a person to enforce any provision*
9 *of this chapter, a regulation adopted pursuant to this chapter or an*
10 *order of the Board, including, without limitation, an order of the*
11 *Board:*

12 *(a) Imposing an administrative fine; or*
13 *(b) Suspending, revoking or placing conditions upon a license*
14 *or certificate.*

15 *2. If the Attorney General prevails in any civil action brought*
16 *pursuant to this chapter, the court shall order the person against*
17 *whom the civil action was brought to pay:*

18 *(a) Court costs; and*
19 *(b) Reasonable costs of the investigation and prosecution of*
20 *the civil action.*

21 *3. Whether or not the Attorney General brings a civil action*
22 *against a person pursuant to this chapter, the Attorney General*
23 *may prosecute the person for a criminal violation pursuant to this*
24 *chapter.*

25 **Sec. 74.** *In addition to any other penalty, if a person is*
26 *convicted of a violation of any provision of this chapter, a*
27 *regulation adopted pursuant to this chapter or an order of the*
28 *Board, the court shall order the person to pay:*

29 *1. Court costs; and*
30 *2. Reasonable costs of the investigation and prosecution of*
31 *the violation.*

32 **Sec. 75.** *1. The actions and remedies authorized by this*
33 *chapter are cumulative.*

34 *2. If an agency or officer elects to take any action or pursue*
35 *any remedy authorized by this chapter or another specific statute,*
36 *that election is not exclusive and does not preclude the agency or*
37 *officer or another agency or officer from taking any other action*
38 *or pursuing any other remedy authorized by this chapter or*
39 *another specific statute.*

40 **Sec. 76.** Chapter 634A of NRS is hereby amended by adding
41 thereto the provisions set forth as sections 77 to 80, inclusive, of this
42 act.



1 **Sec. 77. 1.** *The Attorney General has primary jurisdiction*
2 *for the enforcement of the provisions of this chapter. The Attorney*
3 *General shall, if appropriate, investigate and prosecute a person*
4 *who violates:*

5 *(a) Any provision of this chapter, a regulation adopted*
6 *pursuant to this chapter or an order of the Board; or*

7 *(b) Any other law or regulation if the violation is committed by*
8 *the person in the course of committing a violation described in*
9 *paragraph (a).*

10 **2.** *The Attorney General shall, if appropriate, investigate and*
11 *prosecute a person who is alleged to have committed a violation*
12 *described in subsection 1 whether or not:*

13 *(a) The Board notifies the Attorney General of the alleged*
14 *violation;*

15 *(b) The Board takes any disciplinary action against the person*
16 *alleged to have committed the violation;*

17 *(c) Any other person files a complaint against the person*
18 *alleged to have committed the violation; or*

19 *(d) A civil action is commenced against the person alleged to*
20 *have committed the violation.*

21 **3.** *When acting pursuant to this section, the Attorney General*
22 *may commence his investigation and file a criminal action without*
23 *leave of court, and the Attorney General has exclusive charge of*
24 *the conduct of the prosecution.*

25 **4.** *Except as otherwise provided by the Constitution of the*
26 *United States, the Constitution of this state or a specific statute, a*
27 *person shall, if requested, provide the Attorney General with*
28 *information that would assist in the prosecution of any other*
29 *person who is alleged to have committed a violation described in*
30 *subsection 1. If a person fails, without reasonable cause, to*
31 *provide the Attorney General with such information upon request,*
32 *the person is guilty of a misdemeanor.*

33 **Sec. 78. 1.** *The Attorney General may bring any*
34 *appropriate civil action against a person to enforce any provision*
35 *of this chapter, a regulation adopted pursuant to this chapter or an*
36 *order of the Board, including, without limitation, an order of the*
37 *Board:*

38 *(a) Imposing an administrative fine; or*

39 *(b) Suspending, revoking or placing conditions upon a license*
40 *or certificate.*

41 **2.** *If the Attorney General prevails in any civil action brought*
42 *pursuant to this chapter, the court shall order the person against*
43 *whom the civil action was brought to pay:*

44 *(a) Court costs; and*



1 (b) *Reasonable costs of the investigation and prosecution of*
2 *the civil action.*

3 3. *Whether or not the Attorney General brings a civil action*
4 *against a person pursuant to this chapter, the Attorney General*
5 *may prosecute the person for a criminal violation pursuant to this*
6 *chapter.*

7 **Sec. 79.** *In addition to any other penalty, if a person is*
8 *convicted of a violation of any provision of this chapter, a*
9 *regulation adopted pursuant to this chapter or an order of the*
10 *Board, the court shall order the person to pay:*

11 1. *Court costs; and*

12 2. *Reasonable costs of the investigation and prosecution of*
13 *the violation.*

14 **Sec. 80.** 1. *The actions and remedies authorized by this*
15 *chapter are cumulative.*

16 2. *If an agency or officer elects to take any action or pursue*
17 *any remedy authorized by this chapter or another specific statute,*
18 *that election is not exclusive and does not preclude the agency or*
19 *officer or another agency or officer from taking any other action*
20 *or pursuing any other remedy authorized by this chapter or*
21 *another specific statute.*

22 **Sec. 81.** Chapter 635 of NRS is hereby amended by adding
23 thereto the provisions set forth as sections 82 to 85, inclusive, of this
24 act.

25 **Sec. 82.** 1. *The Attorney General has primary jurisdiction*
26 *for the enforcement of the provisions of this chapter. The Attorney*
27 *General shall, if appropriate, investigate and prosecute a person*
28 *who violates:*

29 (a) *Any provision of this chapter, a regulation adopted*
30 *pursuant to this chapter or an order of the Board; or*

31 (b) *Any other law or regulation if the violation is committed by*
32 *the person in the course of committing a violation described in*
33 *paragraph (a).*

34 2. *The Attorney General shall, if appropriate, investigate and*
35 *prosecute a person who is alleged to have committed a violation*
36 *described in subsection 1 whether or not:*

37 (a) *The Board notifies the Attorney General of the alleged*
38 *violation;*

39 (b) *The Board takes any disciplinary action against the person*
40 *alleged to have committed the violation;*

41 (c) *Any other person files a complaint against the person*
42 *alleged to have committed the violation; or*

43 (d) *A civil action is commenced against the person alleged to*
44 *have committed the violation.*



1 3. When acting pursuant to this section, the Attorney General
2 may commence his investigation and file a criminal action without
3 leave of court, and the Attorney General has exclusive charge of
4 the conduct of the prosecution.

5 4. Except as otherwise provided by the Constitution of the
6 United States, the Constitution of this state or a specific statute, a
7 person shall, if requested, provide the Attorney General with
8 information that would assist in the prosecution of any other
9 person who is alleged to have committed a violation described in
10 subsection 1. If a person fails, without reasonable cause, to
11 provide the Attorney General with such information upon request,
12 the person is guilty of a misdemeanor.

13 **Sec. 83.** 1. The Attorney General may bring any
14 appropriate civil action against a person to enforce any provision
15 of this chapter, a regulation adopted pursuant to this chapter or an
16 order of the Board, including, without limitation, an order of the
17 Board:

18 (a) Imposing an administrative fine; or

19 (b) Suspending, revoking or placing conditions upon a license.

20 2. If the Attorney General prevails in any civil action brought
21 pursuant to this chapter, the court shall order the person against
22 whom the civil action was brought to pay:

23 (a) Court costs; and

24 (b) Reasonable costs of the investigation and prosecution of
25 the civil action.

26 3. Whether or not the Attorney General brings a civil action
27 against a person pursuant to this chapter, the Attorney General
28 may prosecute the person for a criminal violation pursuant to this
29 chapter.

30 **Sec. 84.** In addition to any other penalty, if a person is
31 convicted of a violation of any provision of this chapter, a
32 regulation adopted pursuant to this chapter or an order of the
33 Board, the court shall order the person to pay:

34 1. Court costs; and

35 2. Reasonable costs of the investigation and prosecution of
36 the violation.

37 **Sec. 85.** 1. The actions and remedies authorized by this
38 chapter are cumulative.

39 2. If an agency or officer elects to take any action or pursue
40 any remedy authorized by this chapter or another specific statute,
41 that election is not exclusive and does not preclude the agency or
42 officer or another agency or officer from taking any other action
43 or pursuing any other remedy authorized by this chapter or
44 another specific statute.



1 **Sec. 86.** NRS 635.170 is hereby amended to read as follows:
2 635.170 ~~[1.]~~ The Board shall report any violation of this
3 chapter to the ~~[district attorney of the county wherein the violation~~
4 ~~occurs.~~

5 ~~2. The district attorney shall promptly prosecute any person~~
6 ~~violating any provision of this chapter.] Attorney General.~~

7 **Sec. 87.** Chapter 636 of NRS is hereby amended by adding
8 thereto the provisions set forth as sections 88 to 91, inclusive, of this
9 act.

10 **Sec. 88. 1.** *The Attorney General has primary jurisdiction*
11 *for the enforcement of the provisions of this chapter. The Attorney*
12 *General shall, if appropriate, investigate and prosecute a person*
13 *who violates:*

14 *(a) Any provision of this chapter, a regulation adopted*
15 *pursuant to this chapter or an order of the Board; or*

16 *(b) Any other law or regulation if the violation is committed by*
17 *the person in the course of committing a violation described in*
18 *paragraph (a).*

19 **2.** *The Attorney General shall, if appropriate, investigate and*
20 *prosecute a person who is alleged to have committed a violation*
21 *described in subsection 1 whether or not:*

22 *(a) The Board notifies the Attorney General of the alleged*
23 *violation;*

24 *(b) The Board takes any disciplinary action against the person*
25 *alleged to have committed the violation;*

26 *(c) Any other person files a complaint against the person*
27 *alleged to have committed the violation; or*

28 *(d) A civil action is commenced against the person alleged to*
29 *have committed the violation.*

30 **3.** *When acting pursuant to this section, the Attorney General*
31 *may commence his investigation and file a criminal action without*
32 *leave of court, and the Attorney General has exclusive charge of*
33 *the conduct of the prosecution.*

34 **4.** *Except as otherwise provided by the Constitution of the*
35 *United States, the Constitution of this state or a specific statute, a*
36 *person shall, if requested, provide the Attorney General with*
37 *information that would assist in the prosecution of any other*
38 *person who is alleged to have committed a violation described in*
39 *subsection 1. If a person fails, without reasonable cause, to*
40 *provide the Attorney General with such information upon request,*
41 *the person is guilty of a misdemeanor.*

42 **Sec. 89. 1.** *The Attorney General may bring any*
43 *appropriate civil action against a person to enforce any provision*
44 *of this chapter, a regulation adopted pursuant to this chapter or an*



1 *order of the Board, including, without limitation, an order of the*
2 *Board:*

- 3 (a) *Imposing an administrative fine; or*
4 (b) *Suspending, revoking or placing conditions upon a license,*
5 *certificate or permit.*

6 2. *If the Attorney General prevails in any civil action brought*
7 *pursuant to this chapter, the court shall order the person against*
8 *whom the civil action was brought to pay:*

- 9 (a) *Court costs; and*
10 (b) *Reasonable costs of the investigation and prosecution of*
11 *the civil action.*

12 3. *Whether or not the Attorney General brings a civil action*
13 *against a person pursuant to this chapter, the Attorney General*
14 *may prosecute the person for a criminal violation pursuant to this*
15 *chapter.*

16 **Sec. 90.** *In addition to any other penalty, if a person is*
17 *convicted of a violation of any provision of this chapter, a*
18 *regulation adopted pursuant to this chapter or an order of the*
19 *Board, the court shall order the person to pay:*

- 20 1. *Court costs; and*
21 2. *Reasonable costs of the investigation and prosecution of*
22 *the violation.*

23 **Sec. 91.** 1. *The actions and remedies authorized by this*
24 *chapter are cumulative.*

25 2. *If an agency or officer elects to take any action or pursue*
26 *any remedy authorized by this chapter or another specific statute,*
27 *that election is not exclusive and does not preclude the agency or*
28 *officer or another agency or officer from taking any other action*
29 *or pursuing any other remedy authorized by this chapter or*
30 *another specific statute.*

31 **Sec. 92.** NRS 636.405 is hereby amended to read as follows:

32 636.405 ~~[[~~ Constables, police officers and sheriffs shall
33 report violations of this chapter to the Executive Director, and shall
34 render assistance to the Board or any officer thereof if called upon
35 so to do.

36 ~~[2.—District attorneys shall prosecute violations of this chapter.]~~

37 **Sec. 93.** NRS 636.420 is hereby amended to read as follows:

38 636.420 Any person licensed under this chapter who violates
39 any provision of this chapter or any regulation *or order* of the Board
40 relating to the practice of optometry is liable to the Board for an
41 administrative fine of not less than \$100 or more than \$5,000.

42 **Sec. 94.** Chapter 637 of NRS is hereby amended by adding
43 thereto the provisions set forth as sections 95 to 98, inclusive, of this
44 act.



1 **Sec. 95. 1.** *The Attorney General has primary jurisdiction*
2 *for the enforcement of the provisions of this chapter. The Attorney*
3 *General shall, if appropriate, investigate and prosecute a person*
4 *who violates:*

5 *(a) Any provision of this chapter, a regulation adopted*
6 *pursuant to this chapter or an order of the Board; or*

7 *(b) Any other law or regulation if the violation is committed by*
8 *the person in the course of committing a violation described in*
9 *paragraph (a).*

10 **2.** *The Attorney General shall, if appropriate, investigate and*
11 *prosecute a person who is alleged to have committed a violation*
12 *described in subsection 1 whether or not:*

13 *(a) The Board notifies the Attorney General of the alleged*
14 *violation;*

15 *(b) The Board takes any disciplinary action against the person*
16 *alleged to have committed the violation;*

17 *(c) Any other person files a complaint against the person*
18 *alleged to have committed the violation; or*

19 *(d) A civil action is commenced against the person alleged to*
20 *have committed the violation.*

21 **3.** *When acting pursuant to this section, the Attorney General*
22 *may commence his investigation and file a criminal action without*
23 *leave of court, and the Attorney General has exclusive charge of*
24 *the conduct of the prosecution.*

25 **4.** *Except as otherwise provided by the Constitution of the*
26 *United States, the Constitution of this state or a specific statute, a*
27 *person shall, if requested, provide the Attorney General with*
28 *information that would assist in the prosecution of any other*
29 *person who is alleged to have committed a violation described in*
30 *subsection 1. If a person fails, without reasonable cause, to*
31 *provide the Attorney General with such information upon request,*
32 *the person is guilty of a misdemeanor.*

33 **Sec. 96. 1.** *The Attorney General may bring any*
34 *appropriate civil action against a person to enforce any provision*
35 *of this chapter, a regulation adopted pursuant to this chapter or an*
36 *order of the Board, including, without limitation, an order of the*
37 *Board:*

38 *(a) Imposing an administrative fine; or*

39 *(b) Suspending, revoking or placing conditions upon a license*
40 *or permit.*

41 **2.** *If the Attorney General prevails in any civil action brought*
42 *pursuant to this chapter, the court shall order the person against*
43 *whom the civil action was brought to pay:*

44 *(a) Court costs; and*



1 (b) *Reasonable costs of the investigation and prosecution of*
2 *the civil action.*

3 3. *Whether or not the Attorney General brings a civil action*
4 *against a person pursuant to this chapter, the Attorney General*
5 *may prosecute the person for a criminal violation pursuant to this*
6 *chapter.*

7 **Sec. 97.** *In addition to any other penalty, if a person is*
8 *convicted of a violation of any provision of this chapter, a*
9 *regulation adopted pursuant to this chapter or an order of the*
10 *Board, the court shall order the person to pay:*

11 1. *Court costs; and*

12 2. *Reasonable costs of the investigation and prosecution of*
13 *the violation.*

14 **Sec. 98.** 1. *The actions and remedies authorized by this*
15 *chapter are cumulative.*

16 2. *If an agency or officer elects to take any action or pursue*
17 *any remedy authorized by this chapter or another specific statute,*
18 *that election is not exclusive and does not preclude the agency or*
19 *officer or another agency or officer from taking any other action*
20 *or pursuing any other remedy authorized by this chapter or*
21 *another specific statute.*

22 **Sec. 99.** Chapter 637A of NRS is hereby amended by adding
23 thereto the provisions set forth as sections 100 to 103, inclusive, of
24 this act.

25 **Sec. 100.** 1. *The Attorney General has primary jurisdiction*
26 *for the enforcement of the provisions of this chapter. The Attorney*
27 *General shall, if appropriate, investigate and prosecute a person*
28 *who violates:*

29 (a) *Any provision of this chapter, a regulation adopted*
30 *pursuant to this chapter or an order of the Board; or*

31 (b) *Any other law or regulation if the violation is committed by*
32 *the person in the course of committing a violation described in*
33 *paragraph (a).*

34 2. *The Attorney General shall, if appropriate, investigate and*
35 *prosecute a person who is alleged to have committed a violation*
36 *described in subsection 1 whether or not:*

37 (a) *The Board notifies the Attorney General of the alleged*
38 *violation;*

39 (b) *The Board takes any disciplinary action against the person*
40 *alleged to have committed the violation;*

41 (c) *Any other person files a complaint against the person*
42 *alleged to have committed the violation; or*

43 (d) *A civil action is commenced against the person alleged to*
44 *have committed the violation.*



1 3. When acting pursuant to this section, the Attorney General
2 may commence his investigation and file a criminal action without
3 leave of court, and the Attorney General has exclusive charge of
4 the conduct of the prosecution.

5 4. Except as otherwise provided by the Constitution of the
6 United States, the Constitution of this state or a specific statute, a
7 person shall, if requested, provide the Attorney General with
8 information that would assist in the prosecution of any other
9 person who is alleged to have committed a violation described in
10 subsection 1. If a person fails, without reasonable cause, to
11 provide the Attorney General with such information upon request,
12 the person is guilty of a misdemeanor.

13 **Sec. 101.** 1. The Attorney General may bring any
14 appropriate civil action against a person to enforce any provision
15 of this chapter, a regulation adopted pursuant to this chapter or an
16 order of the Board, including, without limitation, an order of the
17 Board:

18 (a) Imposing an administrative fine; or

19 (b) Suspending, revoking or placing conditions upon a license.

20 2. If the Attorney General prevails in any civil action brought
21 pursuant to this chapter, the court shall order the person against
22 whom the civil action was brought to pay:

23 (a) Court costs; and

24 (b) Reasonable costs of the investigation and prosecution of
25 the civil action.

26 3. Whether or not the Attorney General brings a civil action
27 against a person pursuant to this chapter, the Attorney General
28 may prosecute the person for a criminal violation pursuant to this
29 chapter.

30 **Sec. 102.** In addition to any other penalty, if a person is
31 convicted of a violation of any provision of this chapter, a
32 regulation adopted pursuant to this chapter or an order of the
33 Board, the court shall order the person to pay:

34 1. Court costs; and

35 2. Reasonable costs of the investigation and prosecution of
36 the violation.

37 **Sec. 103.** 1. The actions and remedies authorized by this
38 chapter are cumulative.

39 2. If an agency or officer elects to take any action or pursue
40 any remedy authorized by this chapter or another specific statute,
41 that election is not exclusive and does not preclude the agency or
42 officer or another agency or officer from taking any other action
43 or pursuing any other remedy authorized by this chapter or
44 another specific statute.



1 **Sec. 104.** Chapter 637B of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 105 to 108, inclusive, of
3 this act.

4 **Sec. 105. 1.** *The Attorney General has primary jurisdiction*
5 *for the enforcement of the provisions of this chapter. The Attorney*
6 *General shall, if appropriate, investigate and prosecute a person*
7 *who violates:*

8 (a) *Any provision of this chapter, a regulation adopted*
9 *pursuant to this chapter or an order of the Board; or*

10 (b) *Any other law or regulation if the violation is committed by*
11 *the person in the course of committing a violation described in*
12 *paragraph (a).*

13 **2.** *The Attorney General shall, if appropriate, investigate and*
14 *prosecute a person who is alleged to have committed a violation*
15 *described in subsection 1 whether or not:*

16 (a) *The Board notifies the Attorney General of the alleged*
17 *violation;*

18 (b) *The Board takes any disciplinary action against the person*
19 *alleged to have committed the violation;*

20 (c) *Any other person files a complaint against the person*
21 *alleged to have committed the violation; or*

22 (d) *A civil action is commenced against the person alleged to*
23 *have committed the violation.*

24 **3.** *When acting pursuant to this section, the Attorney General*
25 *may commence his investigation and file a criminal action without*
26 *leave of court, and the Attorney General has exclusive charge of*
27 *the conduct of the prosecution.*

28 **4.** *Except as otherwise provided by the Constitution of the*
29 *United States, the Constitution of this state or a specific statute, a*
30 *person shall, if requested, provide the Attorney General with*
31 *information that would assist in the prosecution of any other*
32 *person who is alleged to have committed a violation described in*
33 *subsection 1. If a person fails, without reasonable cause, to*
34 *provide the Attorney General with such information upon request,*
35 *the person is guilty of a misdemeanor.*

36 **Sec. 106. 1.** *The Attorney General may bring any*
37 *appropriate civil action against a person to enforce any provision*
38 *of this chapter, a regulation adopted pursuant to this chapter or an*
39 *order of the Board, including, without limitation, an order of the*
40 *Board:*

41 (a) *Imposing an administrative fine; or*

42 (b) *Suspending, revoking or placing conditions upon a license.*

43 **2.** *If the Attorney General prevails in any civil action brought*
44 *pursuant to this chapter, the court shall order the person against*
45 *whom the civil action was brought to pay:*



* A B 2 4 *

- 1 (a) Court costs; and
- 2 (b) Reasonable costs of the investigation and prosecution of
- 3 the civil action.

4 3. Whether or not the Attorney General brings a civil action
5 against a person pursuant to this chapter, the Attorney General
6 may prosecute the person for a criminal violation pursuant to this
7 chapter.

8 **Sec. 107.** In addition to any other penalty, if a person is
9 convicted of a violation of any provision of this chapter, a
10 regulation adopted pursuant to this chapter or an order of the
11 Board, the court shall order the person to pay:

- 12 1. Court costs; and
- 13 2. Reasonable costs of the investigation and prosecution of
- 14 the violation.

15 **Sec. 108.** 1. The actions and remedies authorized by this
16 chapter are cumulative.

17 2. If an agency or officer elects to take any action or pursue
18 any remedy authorized by this chapter or another specific statute,
19 that election is not exclusive and does not preclude the agency or
20 officer or another agency or officer from taking any other action
21 or pursuing any other remedy authorized by this chapter or
22 another specific statute.

23 **Sec. 109.** Chapter 638 of NRS is hereby amended by adding
24 thereto the provisions set forth as sections 110 to 113, inclusive, of
25 this act.

26 **Sec. 110.** 1. The Attorney General has primary jurisdiction
27 for the enforcement of the provisions of this chapter. The Attorney
28 General shall, if appropriate, investigate and prosecute a person
29 who violates:

30 (a) Any provision of this chapter, a regulation adopted
31 pursuant to this chapter or an order of the Board; or

32 (b) Any other law or regulation if the violation is committed by
33 the person in the course of committing a violation described in
34 paragraph (a).

35 2. The Attorney General shall, if appropriate, investigate and
36 prosecute a person who is alleged to have committed a violation
37 described in subsection 1 whether or not:

38 (a) The Board notifies the Attorney General of the alleged
39 violation;

40 (b) The Board takes any disciplinary action against the person
41 alleged to have committed the violation;

42 (c) Any other person files a complaint against the person
43 alleged to have committed the violation; or

44 (d) A civil action is commenced against the person alleged to
45 have committed the violation.



1 3. When acting pursuant to this section, the Attorney General
2 may commence his investigation and file a criminal action without
3 leave of court, and the Attorney General has exclusive charge of
4 the conduct of the prosecution.

5 4. Except as otherwise provided by the Constitution of the
6 United States, the Constitution of this state or a specific statute, a
7 person shall, if requested, provide the Attorney General with
8 information that would assist in the prosecution of any other
9 person who is alleged to have committed a violation described in
10 subsection 1. If a person fails, without reasonable cause, to
11 provide the Attorney General with such information upon request,
12 the person is guilty of a misdemeanor.

13 **Sec. 111.** 1. The Attorney General may bring any
14 appropriate civil action against a person to enforce any provision
15 of this chapter, a regulation adopted pursuant to this chapter or an
16 order of the Board, including, without limitation, an order of the
17 Board:

18 (a) Imposing an administrative fine; or

19 (b) Suspending, revoking or placing conditions upon a license.

20 2. If the Attorney General prevails in any civil action brought
21 pursuant to this chapter, the court shall order the person against
22 whom the civil action was brought to pay:

23 (a) Court costs; and

24 (b) Reasonable costs of the investigation and prosecution of
25 the civil action.

26 3. Whether or not the Attorney General brings a civil action
27 against a person pursuant to this chapter, the Attorney General
28 may prosecute the person for a criminal violation pursuant to this
29 chapter.

30 **Sec. 112.** In addition to any other penalty, if a person is
31 convicted of a violation of any provision of this chapter, a
32 regulation adopted pursuant to this chapter or an order of the
33 Board, the court shall order the person to pay:

34 1. Court costs; and

35 2. Reasonable costs of the investigation and prosecution of
36 the violation.

37 **Sec. 113.** 1. The actions and remedies authorized by this
38 chapter are cumulative.

39 2. If an agency or officer elects to take any action or pursue
40 any remedy authorized by this chapter or another specific statute,
41 that election is not exclusive and does not preclude the agency or
42 officer or another agency or officer from taking any other action
43 or pursuing any other remedy authorized by this chapter or
44 another specific statute.



1 **Sec. 114.** NRS 638.140 is hereby amended to read as follows:
2 638.140 The following acts, among others, are grounds for
3 disciplinary action:

- 4 1. Violation of a regulation adopted by the State Board of
5 Pharmacy or the Nevada State Board of Veterinary Medical
6 Examiners;
- 7 2. Habitual drunkenness;
- 8 3. Addiction to the use of a controlled substance;
- 9 4. Conviction of ~~for a plea of nolo contendere to~~ a felony ~~[.]~~ or
10 any offense involving moral turpitude;
- 11 5. Incompetence;
- 12 6. Negligence;
- 13 7. Malpractice pertaining to veterinary medicine as evidenced
14 by an action for malpractice in which the holder of a license is found
15 liable for damages;
- 16 8. Conviction of a violation of any law concerning the
17 possession, distribution or use of a controlled substance or a
18 dangerous drug as defined in chapter 454 of NRS;
- 19 9. Willful failure to comply with any provision of this chapter,
20 a regulation, subpoena or order of the Board, the standard of care
21 established by the American Veterinary Medical Association ~~[.]~~ or
22 an order of a court;
- 23 10. Prescribing, administering or dispensing a controlled
24 substance to an animal to influence the outcome of a competitive
25 event in which the animal is a competitor;
- 26 11. Willful failure to comply with a request by the Board for
27 medical records within 14 days after receipt of a demand letter
28 issued by the Board;
- 29 12. Willful failure to accept service by mail or in person from
30 the Board;
- 31 13. Failure of a supervising veterinarian to provide immediate
32 or direct supervision to licensed or unlicensed personnel if the
33 failure results in malpractice or the death of an animal; and
- 34 14. Failure of a supervising veterinarian to ensure that a
35 licensed veterinarian is on the premises of a facility or agency when
36 medical treatment is administered to an animal if the treatment
37 requires direct or immediate supervision by a licensed veterinarian.

38 **Sec. 115.** NRS 638.1515 is hereby amended to read as
39 follows:

- 40 638.1515 In any proceeding before the Board:
- 41 1. Proof of actual injury need not be established where the
42 statement of findings charges deceptive or unethical professional
43 conduct.
 - 44 2. A certified copy of the record of a court or a licensing
45 agency showing a conviction or the suspension, limitation,



1 modification, denial or revocation of a license of a veterinarian or
2 veterinary technician is conclusive evidence of its occurrence. ~~[A~~
3 ~~plea of nolo contendere is a conviction for the purpose of this~~
4 ~~section.]~~

5 **Sec. 116.** NRS 638.1525 is hereby amended to read as
6 follows:

7 638.1525 1. Except as otherwise provided in NRS 41.500, a
8 person licensed pursuant to the provisions of this chapter shall not
9 provide medical assistance, treatment or counsel to a human being.
10 Such conduct is a ground for disciplinary action.

11 2. The Board shall immediately suspend the license of a person
12 who violates the provisions of this section.

13 3. Any person who violates the provisions of this section is
14 guilty of a category D felony and shall be punished as provided in
15 NRS 193.130.

16 ~~[4. The Board may report an alleged violation of this section to~~
17 ~~the Attorney General or any district attorney. Upon receiving a~~
18 ~~report from the Board, the Attorney General or district attorney shall~~
19 ~~institute necessary proceedings in a court of competent jurisdiction~~
20 ~~against the person responsible for the alleged violation of this~~
21 ~~section.]~~

22 **Sec. 117.** NRS 638.153 is hereby amended to read as follows:

23 638.153 The filing and review of a complaint, its dismissal
24 without further action or its transmittal to the Attorney General, and
25 any subsequent disposition by the Board, the Attorney General or
26 any reviewing court, do not preclude any appropriate criminal
27 prosecution ~~[by the Attorney General or a district attorney]~~ based
28 upon the same or other facts.

29 **Sec. 118.** Chapter 639 of NRS is hereby amended by adding
30 thereto the provisions set forth as sections 119 to 122, inclusive, of
31 this act.

32 **Sec. 119. 1. *The Attorney General has primary jurisdiction***
33 ***for the enforcement of the provisions of this chapter. The Attorney***
34 ***General shall, if appropriate, investigate and prosecute a person***
35 ***who violates:***

36 ***(a) Any provision of this chapter, a regulation adopted***
37 ***pursuant to this chapter or an order of the Board; or***

38 ***(b) Any other law or regulation if the violation is committed by***
39 ***the person in the course of committing a violation described in***
40 ***paragraph (a).***

41 **2. *The Attorney General shall, if appropriate, investigate and***
42 ***prosecute a person who is alleged to have committed a violation***
43 ***described in subsection 1 whether or not:***

44 ***(a) The Board notifies the Attorney General of the alleged***
45 ***violation;***



1 (b) *The Board takes any disciplinary action against the person*
2 *alleged to have committed the violation;*

3 (c) *Any other person files a complaint against the person*
4 *alleged to have committed the violation; or*

5 (d) *A civil action is commenced against the person alleged to*
6 *have committed the violation.*

7 3. *When acting pursuant to this section, the Attorney General*
8 *may commence his investigation and file a criminal action without*
9 *leave of court, and the Attorney General has exclusive charge of*
10 *the conduct of the prosecution.*

11 4. *Except as otherwise provided by the Constitution of the*
12 *United States, the Constitution of this state or a specific statute, a*
13 *person shall, if requested, provide the Attorney General with*
14 *information that would assist in the prosecution of any other*
15 *person who is alleged to have committed a violation described in*
16 *subsection 1. If a person fails, without reasonable cause, to*
17 *provide the Attorney General with such information upon request,*
18 *the person is guilty of a misdemeanor.*

19 **Sec. 120.** *1. The Attorney General may bring any*
20 *appropriate civil action against a person to enforce any provision*
21 *of this chapter, a regulation adopted pursuant to this chapter or an*
22 *order of the Board, including, without limitation, an order of the*
23 *Board:*

24 (a) *Imposing an administrative fine; or*

25 (b) *Suspending, revoking or placing conditions upon a*
26 *certificate, license or permit.*

27 2. *If the Attorney General prevails in any civil action brought*
28 *pursuant to this chapter, the court shall order the person against*
29 *whom the civil action was brought to pay:*

30 (a) *Court costs; and*

31 (b) *Reasonable costs of the investigation and prosecution of*
32 *the civil action.*

33 3. *Whether or not the Attorney General brings a civil action*
34 *against a person pursuant to this chapter, the Attorney General*
35 *may prosecute the person for a criminal violation pursuant to this*
36 *chapter.*

37 **Sec. 121.** *In addition to any other penalty, if a person is*
38 *convicted of a violation of any provision of this chapter, a*
39 *regulation adopted pursuant to this chapter or an order of the*
40 *Board, the court shall order the person to pay:*

41 1. *Court costs; and*

42 2. *Reasonable costs of the investigation and prosecution of*
43 *the violation.*



1 **Sec. 122. 1. The actions and remedies authorized by this**
2 **chapter are cumulative.**

3 **2. If an agency or officer elects to take any action or pursue**
4 **any remedy authorized by this chapter or another specific statute,**
5 **that election is not exclusive and does not preclude the agency or**
6 **officer or another agency or officer from taking any other action**
7 **or pursuing any other remedy authorized by this chapter or**
8 **another specific statute.**

9 **Sec. 123.** NRS 639.300 is hereby amended to read as follows:

10 639.300 ~~[1.]~~ The several penalties prescribed in this chapter
11 may be recovered in any court having jurisdictions, by a civil action
12 instituted by the Board ~~[1.]~~ **or the Attorney General** in the name of
13 the State of Nevada, or by criminal prosecution upon complaint
14 being made.

15 ~~[2.—The district attorney of the county wherein violations of the~~
16 ~~provisions of this chapter occur shall conduct all such actions and~~
17 ~~prosecutions at the request of the Board.]~~

18 **Sec. 124.** Chapter 640 of NRS is hereby amended by adding
19 thereto the provisions set forth as sections 125 to 128, inclusive, of
20 this act.

21 **Sec. 125. 1. The Attorney General has primary jurisdiction**
22 **for the enforcement of the provisions of this chapter. The Attorney**
23 **General shall, if appropriate, investigate and prosecute a person**
24 **who violates:**

25 **(a) Any provision of this chapter, a regulation adopted**
26 **pursuant to this chapter or an order of the Board; or**

27 **(b) Any other law or regulation if the violation is committed by**
28 **the person in the course of committing a violation described in**
29 **paragraph (a).**

30 **2. The Attorney General shall, if appropriate, investigate and**
31 **prosecute a person who is alleged to have committed a violation**
32 **described in subsection 1 whether or not:**

33 **(a) The Board notifies the Attorney General of the alleged**
34 **violation;**

35 **(b) The Board takes any disciplinary action against the person**
36 **alleged to have committed the violation;**

37 **(c) Any other person files a complaint against the person**
38 **alleged to have committed the violation; or**

39 **(d) A civil action is commenced against the person alleged to**
40 **have committed the violation.**

41 **3. When acting pursuant to this section, the Attorney General**
42 **may commence his investigation and file a criminal action without**
43 **leave of court, and the Attorney General has exclusive charge of**
44 **the conduct of the prosecution.**



1 4. *Except as otherwise provided by the Constitution of the*
2 *United States, the Constitution of this state or a specific statute, a*
3 *person shall, if requested, provide the Attorney General with*
4 *information that would assist in the prosecution of any other*
5 *person who is alleged to have committed a violation described in*
6 *subsection 1. If a person fails, without reasonable cause, to*
7 *provide the Attorney General with such information upon request,*
8 *the person is guilty of a misdemeanor.*

9 **Sec. 126.** *1. The Attorney General may bring any*
10 *appropriate civil action against a person to enforce any provision*
11 *of this chapter, a regulation adopted pursuant to this chapter or an*
12 *order of the Board, including, without limitation, an order of the*
13 *Board:*

14 (a) *Imposing an administrative fine; or*

15 (b) *Suspending, revoking or placing conditions upon a license.*

16 2. *If the Attorney General prevails in any civil action brought*
17 *pursuant to this chapter, the court shall order the person against*
18 *whom the civil action was brought to pay:*

19 (a) *Court costs; and*

20 (b) *Reasonable costs of the investigation and prosecution of*
21 *the civil action.*

22 3. *Whether or not the Attorney General brings a civil action*
23 *against a person pursuant to this chapter, the Attorney General*
24 *may prosecute the person for a criminal violation pursuant to this*
25 *chapter.*

26 **Sec. 127.** *In addition to any other penalty, if a person is*
27 *convicted of a violation of any provision of this chapter, a*
28 *regulation adopted pursuant to this chapter or an order of the*
29 *Board, the court shall order the person to pay:*

30 1. *Court costs; and*

31 2. *Reasonable costs of the investigation and prosecution of*
32 *the violation.*

33 **Sec. 128.** *1. The actions and remedies authorized by this*
34 *chapter are cumulative.*

35 2. *If an agency or officer elects to take any action or pursue*
36 *any remedy authorized by this chapter or another specific statute,*
37 *that election is not exclusive and does not preclude the agency or*
38 *officer or another agency or officer from taking any other action*
39 *or pursuing any other remedy authorized by this chapter or*
40 *another specific statute.*

41 **Sec. 129.** *NRS 640.210 is hereby amended to read as follows:*

42 640.210 1. The Board shall investigate every supposed
43 violation of this chapter coming to its notice and shall report to the
44 ~~[proper district attorney]~~ *Attorney General* all cases that in the
45 judgment of the Board warrant prosecution.



1 2. Whenever any person has engaged or is about to engage in
2 any acts or practices which constitute or will constitute an offense
3 against this chapter, the district court of any county, on application
4 of the Board, may issue an injunction or any other order restraining
5 such conduct. Proceedings under this subsection ~~[shall be]~~ *are*
6 governed by Rule 65 of the Nevada Rules of Civil Procedure, except
7 that no bond or undertaking ~~[shall be]~~ *is* required in any action
8 commenced by the Board.

9 **Sec. 130.** Chapter 640A of NRS is hereby amended by adding
10 thereto the provisions set forth as sections 131 to 134, inclusive, of
11 this act.

12 **Sec. 131. 1.** *The Attorney General has primary jurisdiction*
13 *for the enforcement of the provisions of this chapter. The Attorney*
14 *General shall, if appropriate, investigate and prosecute a person*
15 *who violates:*

16 (a) *Any provision of this chapter, a regulation adopted*
17 *pursuant to this chapter or an order of the Board; or*

18 (b) *Any other law or regulation if the violation is committed by*
19 *the person in the course of committing a violation described in*
20 *paragraph (a).*

21 2. *The Attorney General shall, if appropriate, investigate and*
22 *prosecute a person who is alleged to have committed a violation*
23 *described in subsection 1 whether or not:*

24 (a) *The Board notifies the Attorney General of the alleged*
25 *violation;*

26 (b) *The Board takes any disciplinary action against the person*
27 *alleged to have committed the violation;*

28 (c) *Any other person files a complaint against the person*
29 *alleged to have committed the violation; or*

30 (d) *A civil action is commenced against the person alleged to*
31 *have committed the violation.*

32 3. *When acting pursuant to this section, the Attorney General*
33 *may commence his investigation and file a criminal action without*
34 *leave of court, and the Attorney General has exclusive charge of*
35 *the conduct of the prosecution.*

36 4. *Except as otherwise provided by the Constitution of the*
37 *United States, the Constitution of this state or a specific statute, a*
38 *person shall, if requested, provide the Attorney General with*
39 *information that would assist in the prosecution of any other*
40 *person who is alleged to have committed a violation described in*
41 *subsection 1. If a person fails, without reasonable cause, to*
42 *provide the Attorney General with such information upon request,*
43 *the person is guilty of a misdemeanor.*



1 **Sec. 132.** *1. The Attorney General may bring any*
2 *appropriate civil action against a person to enforce any provision*
3 *of this chapter, a regulation adopted pursuant to this chapter or an*
4 *order of the Board, including, without limitation, an order of the*
5 *Board:*

6 *(a) Imposing an administrative fine; or*
7 *(b) Suspending, revoking or placing conditions upon a license.*

8 **2.** *If the Attorney General prevails in any civil action brought*
9 *pursuant to this chapter, the court shall order the person against*
10 *whom the civil action was brought to pay:*

11 *(a) Court costs; and*
12 *(b) Reasonable costs of the investigation and prosecution of*
13 *the civil action.*

14 **3.** *Whether or not the Attorney General brings a civil action*
15 *against a person pursuant to this chapter, the Attorney General*
16 *may prosecute the person for a criminal violation pursuant to this*
17 *chapter.*

18 **Sec. 133.** *In addition to any other penalty, if a person is*
19 *convicted of a violation of any provision of this chapter, a*
20 *regulation adopted pursuant to this chapter or an order of the*
21 *Board, the court shall order the person to pay:*

22 *1. Court costs; and*
23 *2. Reasonable costs of the investigation and prosecution of*
24 *the violation.*

25 **Sec. 134.** *1. The actions and remedies authorized by this*
26 *chapter are cumulative.*

27 *2. If an agency or officer elects to take any action or pursue*
28 *any remedy authorized by this chapter or another specific statute,*
29 *that election is not exclusive and does not preclude the agency or*
30 *officer or another agency or officer from taking any other action*
31 *or pursuing any other remedy authorized by this chapter or*
32 *another specific statute.*

33 **Sec. 135.** Chapter 641 of NRS is hereby amended by adding
34 thereto the provisions set forth as sections 136 to 139, inclusive, of
35 this act.

36 **Sec. 136.** *1. The Attorney General has primary jurisdiction*
37 *for the enforcement of the provisions of this chapter. The Attorney*
38 *General shall, if appropriate, investigate and prosecute a person*
39 *who violates:*

40 *(a) Any provision of this chapter, a regulation adopted*
41 *pursuant to this chapter or an order of the Board; or*

42 *(b) Any other law or regulation if the violation is committed by*
43 *the person in the course of committing a violation described in*
44 *paragraph (a).*



1 2. *The Attorney General shall, if appropriate, investigate and*
2 *prosecute a person who is alleged to have committed a violation*
3 *described in subsection 1 whether or not:*

4 (a) *The Board notifies the Attorney General of the alleged*
5 *violation;*

6 (b) *The Board takes any disciplinary action against the person*
7 *alleged to have committed the violation;*

8 (c) *Any other person files a complaint against the person*
9 *alleged to have committed the violation; or*

10 (d) *A civil action is commenced against the person alleged to*
11 *have committed the violation.*

12 3. *When acting pursuant to this section, the Attorney General*
13 *may commence his investigation and file a criminal action without*
14 *leave of court, and the Attorney General has exclusive charge of*
15 *the conduct of the prosecution.*

16 4. *Except as otherwise provided by the Constitution of the*
17 *United States, the Constitution of this state or a specific statute, a*
18 *person shall, if requested, provide the Attorney General with*
19 *information that would assist in the prosecution of any other*
20 *person who is alleged to have committed a violation described in*
21 *subsection 1. If a person fails, without reasonable cause, to*
22 *provide the Attorney General with such information upon request,*
23 *the person is guilty of a misdemeanor.*

24 **Sec. 137.** *1. The Attorney General may bring any*
25 *appropriate civil action against a person to enforce any provision*
26 *of this chapter, a regulation adopted pursuant to this chapter or an*
27 *order of the Board, including, without limitation, an order of the*
28 *Board:*

29 (a) *Imposing an administrative fine; or*

30 (b) *Suspending, revoking or placing conditions upon a license.*

31 2. *If the Attorney General prevails in any civil action brought*
32 *pursuant to this chapter, the court shall order the person against*
33 *whom the civil action was brought to pay:*

34 (a) *Court costs; and*

35 (b) *Reasonable costs of the investigation and prosecution of*
36 *the civil action.*

37 3. *Whether or not the Attorney General brings a civil action*
38 *against a person pursuant to this chapter, the Attorney General*
39 *may prosecute the person for a criminal violation pursuant to this*
40 *chapter.*

41 **Sec. 138.** *In addition to any other penalty, if a person is*
42 *convicted of a violation of any provision of this chapter, a*
43 *regulation adopted pursuant to this chapter or an order of the*
44 *Board, the court shall order the person to pay:*



- 1 1. *Court costs; and*
- 2 2. *Reasonable costs of the investigation and prosecution of*
- 3 *the violation.*

4 **Sec. 139.** *1. The actions and remedies authorized by this*
5 *chapter are cumulative.*

6 2. *If an agency or officer elects to take any action or pursue*
7 *any remedy authorized by this chapter or another specific statute,*
8 *that election is not exclusive and does not preclude the agency or*
9 *officer or another agency or officer from taking any other action*
10 *or pursuing any other remedy authorized by this chapter or*
11 *another specific statute.*

12 **Sec. 140.** NRS 641.285 is hereby amended to read as follows:

13 641.285 In any proceeding before the Board, a panel of its
14 members or a hearing officer:

15 1. Proof of actual injury need not be established where the
16 complaint charges deceptive or unethical professional conduct or
17 practice of psychology harmful to the public.

18 2. A certified copy of the record of a court or a licensing
19 agency showing a conviction or the suspension or revocation of a
20 license to practice psychology is conclusive evidence of its
21 occurrence.

22 ~~[3. The entering of a plea of nolo contendere in a court of~~
23 ~~competent jurisdiction shall be deemed a conviction of the offense~~
24 ~~charged.]~~

25 **Sec. 141.** Chapter 641A of NRS is hereby amended by adding
26 thereto the provisions set forth as sections 142 to 145, inclusive, of
27 this act.

28 **Sec. 142.** *1. The Attorney General has primary jurisdiction*
29 *for the enforcement of the provisions of this chapter. The Attorney*
30 *General shall, if appropriate, investigate and prosecute a person*
31 *who violates:*

32 (a) *Any provision of this chapter, a regulation adopted*
33 *pursuant to this chapter or an order of the Board; or*

34 (b) *Any other law or regulation if the violation is committed by*
35 *the person in the course of committing a violation described in*
36 *paragraph (a).*

37 2. *The Attorney General shall, if appropriate, investigate and*
38 *prosecute a person who is alleged to have committed a violation*
39 *described in subsection 1 whether or not:*

40 (a) *The Board notifies the Attorney General of the alleged*
41 *violation;*

42 (b) *The Board takes any disciplinary action against the person*
43 *alleged to have committed the violation;*

44 (c) *Any other person files a complaint against the person*
45 *alleged to have committed the violation; or*



1 (d) *A civil action is commenced against the person alleged to*
2 *have committed the violation.*

3 3. *When acting pursuant to this section, the Attorney General*
4 *may commence his investigation and file a criminal action without*
5 *leave of court, and the Attorney General has exclusive charge of*
6 *the conduct of the prosecution.*

7 4. *Except as otherwise provided by the Constitution of the*
8 *United States, the Constitution of this state or a specific statute, a*
9 *person shall, if requested, provide the Attorney General with*
10 *information that would assist in the prosecution of any other*
11 *person who is alleged to have committed a violation described in*
12 *subsection 1. If a person fails, without reasonable cause, to*
13 *provide the Attorney General with such information upon request,*
14 *the person is guilty of a misdemeanor.*

15 **Sec. 143.** 1. *The Attorney General may bring any*
16 *appropriate civil action against a person to enforce any provision*
17 *of this chapter, a regulation adopted pursuant to this chapter or an*
18 *order of the Board, including, without limitation, an order of the*
19 *Board:*

20 (a) *Imposing an administrative fine; or*

21 (b) *Suspending, revoking or placing conditions upon a license.*

22 2. *If the Attorney General prevails in any civil action brought*
23 *pursuant to this chapter, the court shall order the person against*
24 *whom the civil action was brought to pay:*

25 (a) *Court costs; and*

26 (b) *Reasonable costs of the investigation and prosecution of*
27 *the civil action.*

28 3. *Whether or not the Attorney General brings a civil action*
29 *against a person pursuant to this chapter, the Attorney General*
30 *may prosecute the person for a criminal violation pursuant to this*
31 *chapter.*

32 **Sec. 144.** *In addition to any other penalty, if a person is*
33 *convicted of a violation of any provision of this chapter, a*
34 *regulation adopted pursuant to this chapter or an order of the*
35 *Board, the court shall order the person to pay:*

36 1. *Court costs; and*

37 2. *Reasonable costs of the investigation and prosecution of*
38 *the violation.*

39 **Sec. 145.** 1. *The actions and remedies authorized by this*
40 *chapter are cumulative.*

41 2. *If an agency or officer elects to take any action or pursue*
42 *any remedy authorized by this chapter or another specific statute,*
43 *that election is not exclusive and does not preclude the agency or*
44 *officer or another agency or officer from taking any other action*



1 *or pursuing any other remedy authorized by this chapter or*
2 *another specific statute.*

3 **Sec. 146.** Chapter 641B of NRS is hereby amended by adding
4 thereto the provisions set forth as sections 147 to 150, inclusive, of
5 this act.

6 **Sec. 147. 1.** *The Attorney General has primary jurisdiction*
7 *for the enforcement of the provisions of this chapter. The Attorney*
8 *General shall, if appropriate, investigate and prosecute a person*
9 *who violates:*

10 (a) *Any provision of this chapter, a regulation adopted*
11 *pursuant to this chapter or an order of the Board; or*

12 (b) *Any other law or regulation if the violation is committed by*
13 *the person in the course of committing a violation described in*
14 *paragraph (a).*

15 2. *The Attorney General shall, if appropriate, investigate and*
16 *prosecute a person who is alleged to have committed a violation*
17 *described in subsection 1 whether or not:*

18 (a) *The Board notifies the Attorney General of the alleged*
19 *violation;*

20 (b) *The Board takes any disciplinary action against the person*
21 *alleged to have committed the violation;*

22 (c) *Any other person files a complaint against the person*
23 *alleged to have committed the violation; or*

24 (d) *A civil action is commenced against the person alleged to*
25 *have committed the violation.*

26 3. *When acting pursuant to this section, the Attorney General*
27 *may commence his investigation and file a criminal action without*
28 *leave of court, and the Attorney General has exclusive charge of*
29 *the conduct of the prosecution.*

30 4. *Except as otherwise provided by the Constitution of the*
31 *United States, the Constitution of this state or a specific statute, a*
32 *person shall, if requested, provide the Attorney General with*
33 *information that would assist in the prosecution of any other*
34 *person who is alleged to have committed a violation described in*
35 *subsection 1. If a person fails, without reasonable cause, to*
36 *provide the Attorney General with such information upon request,*
37 *the person is guilty of a misdemeanor.*

38 **Sec. 148. 1.** *The Attorney General may bring any*
39 *appropriate civil action against a person to enforce any provision*
40 *of this chapter, a regulation adopted pursuant to this chapter or an*
41 *order of the Board, including, without limitation, an order of the*
42 *Board:*

43 (a) *Imposing an administrative fine; or*

44 (b) *Suspending, revoking or placing conditions upon a license.*



* A B 2 4 *

1 2. *If the Attorney General prevails in any civil action brought*
2 *pursuant to this chapter, the court shall order the person against*
3 *whom the civil action was brought to pay:*

4 (a) *Court costs; and*

5 (b) *Reasonable costs of the investigation and prosecution of*
6 *the civil action.*

7 3. *Whether or not the Attorney General brings a civil action*
8 *against a person pursuant to this chapter, the Attorney General*
9 *may prosecute the person for a criminal violation pursuant to this*
10 *chapter.*

11 **Sec. 149.** *In addition to any other penalty, if a person is*
12 *convicted of a violation of any provision of this chapter, a*
13 *regulation adopted pursuant to this chapter or an order of the*
14 *Board, the court shall order the person to pay:*

15 1. *Court costs; and*

16 2. *Reasonable costs of the investigation and prosecution of*
17 *the violation.*

18 **Sec. 150.** 1. *The actions and remedies authorized by this*
19 *chapter are cumulative.*

20 2. *If an agency or officer elects to take any action or pursue*
21 *any remedy authorized by this chapter or another specific statute,*
22 *that election is not exclusive and does not preclude the agency or*
23 *officer or another agency or officer from taking any other action*
24 *or pursuing any other remedy authorized by this chapter or*
25 *another specific statute.*

26 **Sec. 151.** Chapter 641C of NRS is hereby amended by adding
27 thereto the provisions set forth as sections 152 to 155, inclusive, of
28 this act.

29 **Sec. 152.** 1. *The Attorney General has primary jurisdiction*
30 *for the enforcement of the provisions of this chapter. The Attorney*
31 *General shall, if appropriate, investigate and prosecute a person*
32 *who violates:*

33 (a) *Any provision of this chapter, a regulation adopted*
34 *pursuant to this chapter or an order of the Board; or*

35 (b) *Any other law or regulation if the violation is committed by*
36 *the person in the course of committing a violation described in*
37 *paragraph (a).*

38 2. *The Attorney General shall, if appropriate, investigate and*
39 *prosecute a person who is alleged to have committed a violation*
40 *described in subsection 1 whether or not:*

41 (a) *The Board notifies the Attorney General of the alleged*
42 *violation;*

43 (b) *The Board takes any disciplinary action against the person*
44 *alleged to have committed the violation;*



1 (c) Any other person files a complaint against the person
2 alleged to have committed the violation; or

3 (d) A civil action is commenced against the person alleged to
4 have committed the violation.

5 3. When acting pursuant to this section, the Attorney General
6 may commence his investigation and file a criminal action without
7 leave of court, and the Attorney General has exclusive charge of
8 the conduct of the prosecution.

9 4. Except as otherwise provided by the Constitution of the
10 United States, the Constitution of this state or a specific statute, a
11 person shall, if requested, provide the Attorney General with
12 information that would assist in the prosecution of any other
13 person who is alleged to have committed a violation described in
14 subsection 1. If a person fails, without reasonable cause, to
15 provide the Attorney General with such information upon request,
16 the person is guilty of a misdemeanor.

17 **Sec. 153. 1.** The Attorney General may bring any
18 appropriate civil action against a person to enforce any provision
19 of this chapter, a regulation adopted pursuant to this chapter or an
20 order of the Board, including, without limitation, an order of the
21 Board:

22 (a) Imposing an administrative fine; or

23 (b) Suspending, revoking or placing conditions upon a license
24 or certificate.

25 2. If the Attorney General prevails in any civil action brought
26 pursuant to this chapter, the court shall order the person against
27 whom the civil action was brought to pay:

28 (a) Court costs; and

29 (b) Reasonable costs of the investigation and prosecution of
30 the civil action.

31 3. Whether or not the Attorney General brings a civil action
32 against a person pursuant to this chapter, the Attorney General
33 may prosecute the person for a criminal violation pursuant to this
34 chapter.

35 **Sec. 154.** In addition to any other penalty, if a person is
36 convicted of a violation of any provision of this chapter, a
37 regulation adopted pursuant to this chapter or an order of the
38 Board, the court shall order the person to pay:

39 1. Court costs; and

40 2. Reasonable costs of the investigation and prosecution of
41 the violation.

42 **Sec. 155. 1.** The actions and remedies authorized by this
43 chapter are cumulative.

44 2. If an agency or officer elects to take any action or pursue
45 any remedy authorized by this chapter or another specific statute,



1 *that election is not exclusive and does not preclude the agency or*
2 *officer or another agency or officer from taking any other action*
3 *or pursuing any other remedy authorized by this chapter or*
4 *another specific statute.*

5 **Sec. 156.** Chapter 642 of NRS is hereby amended by adding
6 thereto the provisions set forth as sections 157 to 160, inclusive, of
7 this act.

8 **Sec. 157. 1.** *The Attorney General has primary jurisdiction*
9 *for the enforcement of the provisions of this chapter. The Attorney*
10 *General shall, if appropriate, investigate and prosecute a person*
11 *who violates:*

12 (a) *Any provision of this chapter, a regulation adopted*
13 *pursuant to this chapter or an order of the Board; or*

14 (b) *Any other law or regulation if the violation is committed by*
15 *the person in the course of committing a violation described in*
16 *paragraph (a).*

17 2. *The Attorney General shall, if appropriate, investigate and*
18 *prosecute a person who is alleged to have committed a violation*
19 *described in subsection 1 whether or not:*

20 (a) *The Board notifies the Attorney General of the alleged*
21 *violation;*

22 (b) *The Board takes any disciplinary action against the person*
23 *alleged to have committed the violation;*

24 (c) *Any other person files a complaint against the person*
25 *alleged to have committed the violation; or*

26 (d) *A civil action is commenced against the person alleged to*
27 *have committed the violation.*

28 3. *When acting pursuant to this section, the Attorney General*
29 *may commence his investigation and file a criminal action without*
30 *leave of court, and the Attorney General has exclusive charge of*
31 *the conduct of the prosecution.*

32 4. *Except as otherwise provided by the Constitution of the*
33 *United States, the Constitution of this state or a specific statute, a*
34 *person shall, if requested, provide the Attorney General with*
35 *information that would assist in the prosecution of any other*
36 *person who is alleged to have committed a violation described in*
37 *subsection 1. If a person fails, without reasonable cause, to*
38 *provide the Attorney General with such information upon request,*
39 *the person is guilty of a misdemeanor.*

40 **Sec. 158. 1.** *The Attorney General may bring any*
41 *appropriate civil action against a person to enforce any provision*
42 *of this chapter, a regulation adopted pursuant to this chapter or an*
43 *order of the Board, including, without limitation, an order of the*
44 *Board:*

45 (a) *Imposing an administrative fine; or*



1 (b) *Suspending, revoking or placing conditions upon a license,*
2 *certificate or permit.*

3 2. *If the Attorney General prevails in any civil action brought*
4 *pursuant to this chapter, the court shall order the person against*
5 *whom the civil action was brought to pay:*

6 (a) *Court costs; and*

7 (b) *Reasonable costs of the investigation and prosecution of*
8 *the civil action.*

9 3. *Whether or not the Attorney General brings a civil action*
10 *against a person pursuant to this chapter, the Attorney General*
11 *may prosecute the person for a criminal violation pursuant to this*
12 *chapter.*

13 **Sec. 159.** *In addition to any other penalty, if a person is*
14 *convicted of a violation of any provision of this chapter, a*
15 *regulation adopted pursuant to this chapter or an order of the*
16 *Board, the court shall order the person to pay:*

17 1. *Court costs; and*

18 2. *Reasonable costs of the investigation and prosecution of*
19 *the violation.*

20 **Sec. 160.** 1. *The actions and remedies authorized by this*
21 *chapter are cumulative.*

22 2. *If an agency or officer elects to take any action or pursue*
23 *any remedy authorized by this chapter or another specific statute,*
24 *that election is not exclusive and does not preclude the agency or*
25 *officer or another agency or officer from taking any other action*
26 *or pursuing any other remedy authorized by this chapter or*
27 *another specific statute.*

28 **Sec. 161.** Chapter 643 of NRS is hereby amended by adding
29 thereto the provisions set forth as sections 162 to 165, inclusive, of
30 this act.

31 **Sec. 162.** 1. *The Attorney General has primary jurisdiction*
32 *for the enforcement of the provisions of this chapter. The Attorney*
33 *General shall, if appropriate, investigate and prosecute a person*
34 *who violates:*

35 (a) *Any provision of this chapter, a regulation adopted*
36 *pursuant to this chapter or an order of the Board; or*

37 (b) *Any other law or regulation if the violation is committed by*
38 *the person in the course of committing a violation described in*
39 *paragraph (a).*

40 2. *The Attorney General shall, if appropriate, investigate and*
41 *prosecute a person who is alleged to have committed a violation*
42 *described in subsection 1 whether or not:*

43 (a) *The Board notifies the Attorney General of the alleged*
44 *violation;*



1 (b) *The Board takes any disciplinary action against the person*
2 *alleged to have committed the violation;*

3 (c) *Any other person files a complaint against the person*
4 *alleged to have committed the violation; or*

5 (d) *A civil action is commenced against the person alleged to*
6 *have committed the violation.*

7 3. *When acting pursuant to this section, the Attorney General*
8 *may commence his investigation and file a criminal action without*
9 *leave of court, and the Attorney General has exclusive charge of*
10 *the conduct of the prosecution.*

11 4. *Except as otherwise provided by the Constitution of the*
12 *United States, the Constitution of this state or a specific statute, a*
13 *person shall, if requested, provide the Attorney General with*
14 *information that would assist in the prosecution of any other*
15 *person who is alleged to have committed a violation described in*
16 *subsection 1. If a person fails, without reasonable cause, to*
17 *provide the Attorney General with such information upon request,*
18 *the person is guilty of a misdemeanor.*

19 **Sec. 163.** *1. The Attorney General may bring any*
20 *appropriate civil action against a person to enforce any provision*
21 *of this chapter, a regulation adopted pursuant to this chapter or an*
22 *order of the Board, including, without limitation, an order of the*
23 *Board:*

24 (a) *Imposing an administrative fine; or*

25 (b) *Suspending, revoking or placing conditions upon a license.*

26 2. *If the Attorney General prevails in any civil action brought*
27 *pursuant to this chapter, the court shall order the person against*
28 *whom the civil action was brought to pay:*

29 (a) *Court costs; and*

30 (b) *Reasonable costs of the investigation and prosecution of*
31 *the civil action.*

32 3. *Whether or not the Attorney General brings a civil action*
33 *against a person pursuant to this chapter, the Attorney General*
34 *may prosecute the person for a criminal violation pursuant to this*
35 *chapter.*

36 **Sec. 164.** *In addition to any other penalty, if a person is*
37 *convicted of a violation of any provision of this chapter, a*
38 *regulation adopted pursuant to this chapter or an order of the*
39 *Board, the court shall order the person to pay:*

40 1. *Court costs; and*

41 2. *Reasonable costs of the investigation and prosecution of*
42 *the violation.*



1 **Sec. 165. 1.** *The actions and remedies authorized by this*
2 *chapter are cumulative.*

3 **2.** *If an agency or officer elects to take any action or pursue*
4 *any remedy authorized by this chapter or another specific statute,*
5 *that election is not exclusive and does not preclude the agency or*
6 *officer or another agency or officer from taking any other action*
7 *or pursuing any other remedy authorized by this chapter or*
8 *another specific statute.*

9 **Sec. 166.** Chapter 644 of NRS is hereby amended by adding
10 thereto the provisions set forth as sections 167 to 170, inclusive, of
11 this act.

12 **Sec. 167. 1.** *The Attorney General has primary jurisdiction*
13 *for the enforcement of the provisions of this chapter. The Attorney*
14 *General shall, if appropriate, investigate and prosecute a person*
15 *who violates:*

16 **(a)** *Any provision of this chapter, a regulation adopted*
17 *pursuant to this chapter or an order of the Board; or*

18 **(b)** *Any other law or regulation if the violation is committed by*
19 *the person in the course of committing a violation described in*
20 *paragraph (a).*

21 **2.** *The Attorney General shall, if appropriate, investigate and*
22 *prosecute a person who is alleged to have committed a violation*
23 *described in subsection 1 whether or not:*

24 **(a)** *The Board notifies the Attorney General of the alleged*
25 *violation;*

26 **(b)** *The Board takes any disciplinary action against the person*
27 *alleged to have committed the violation;*

28 **(c)** *Any other person files a complaint against the person*
29 *alleged to have committed the violation; or*

30 **(d)** *A civil action is commenced against the person alleged to*
31 *have committed the violation.*

32 **3.** *When acting pursuant to this section, the Attorney General*
33 *may commence his investigation and file a criminal action without*
34 *leave of court, and the Attorney General has exclusive charge of*
35 *the conduct of the prosecution.*

36 **4.** *Except as otherwise provided by the Constitution of the*
37 *United States, the Constitution of this state or a specific statute, a*
38 *person shall, if requested, provide the Attorney General with*
39 *information that would assist in the prosecution of any other*
40 *person who is alleged to have committed a violation described in*
41 *subsection 1. If a person fails, without reasonable cause, to*
42 *provide the Attorney General with such information upon request,*
43 *the person is guilty of a misdemeanor.*



1 **Sec. 168. 1.** *The Attorney General may bring any*
2 *appropriate civil action against a person to enforce any provision*
3 *of this chapter, a regulation adopted pursuant to this chapter or an*
4 *order of the Board, including, without limitation, an order of the*
5 *Board:*

6 (a) *Imposing an administrative fine; or*
7 (b) *Suspending, revoking or placing conditions upon a license*
8 *or certificate.*

9 **2.** *If the Attorney General prevails in any civil action brought*
10 *pursuant to this chapter, the court shall order the person against*
11 *whom the civil action was brought to pay:*

12 (a) *Court costs; and*
13 (b) *Reasonable costs of the investigation and prosecution of*
14 *the civil action.*

15 **3.** *Whether or not the Attorney General brings a civil action*
16 *against a person pursuant to this chapter, the Attorney General*
17 *may prosecute the person for a criminal violation pursuant to this*
18 *chapter.*

19 **Sec. 169.** *In addition to any other penalty, if a person is*
20 *convicted of a violation of any provision of this chapter, a*
21 *regulation adopted pursuant to this chapter or an order of the*
22 *Board, the court shall order the person to pay:*

23 1. *Court costs; and*
24 2. *Reasonable costs of the investigation and prosecution of*
25 *the violation.*

26 **Sec. 170. 1.** *The actions and remedies authorized by this*
27 *chapter are cumulative.*

28 **2.** *If an agency or officer elects to take any action or pursue*
29 *any remedy authorized by this chapter or another specific statute,*
30 *that election is not exclusive and does not preclude the agency or*
31 *officer or another agency or officer from taking any other action*
32 *or pursuing any other remedy authorized by this chapter or*
33 *another specific statute.*

34 **Sec. 171.** Chapter 645 of NRS is hereby amended by adding
35 thereto the provisions set forth as sections 172 to 175, inclusive, of
36 this act.

37 **Sec. 172. 1.** *The Attorney General has primary jurisdiction*
38 *for the enforcement of the provisions of this chapter. The Attorney*
39 *General shall, if appropriate, investigate and prosecute a person*
40 *who violates:*

41 (a) *Any provision of this chapter, a regulation adopted*
42 *pursuant to this chapter or an order of the Commission; or*

43 (b) *Any other law or regulation if the violation is committed by*
44 *the person in the course of committing a violation described in*
45 *paragraph (a).*



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1 2. *The Attorney General shall, if appropriate, investigate and*
2 *prosecute a person who is alleged to have committed a violation*
3 *described in subsection 1 whether or not:*

4 (a) *The Commission notifies the Attorney General of the*
5 *alleged violation;*

6 (b) *The Commission takes any disciplinary action against the*
7 *person alleged to have committed the violation;*

8 (c) *Any other person files a complaint against the person*
9 *alleged to have committed the violation; or*

10 (d) *A civil action is commenced against the person alleged to*
11 *have committed the violation.*

12 3. *When acting pursuant to this section, the Attorney General*
13 *may commence his investigation and file a criminal action without*
14 *leave of court, and the Attorney General has exclusive charge of*
15 *the conduct of the prosecution.*

16 4. *Except as otherwise provided by the Constitution of the*
17 *United States, the Constitution of this state or a specific statute, a*
18 *person shall, if requested, provide the Attorney General with*
19 *information that would assist in the prosecution of any other*
20 *person who is alleged to have committed a violation described in*
21 *subsection 1. If a person fails, without reasonable cause, to*
22 *provide the Attorney General with such information upon request,*
23 *the person is guilty of a misdemeanor.*

24 **Sec. 173.** *1. The Attorney General may bring any*
25 *appropriate civil action against a person to enforce any provision*
26 *of this chapter, a regulation adopted pursuant to this chapter or an*
27 *order of the Commission, including, without limitation, an order*
28 *of the Commission:*

29 (a) *Imposing an administrative fine; or*

30 (b) *Suspending, revoking or placing conditions upon a license,*
31 *permit or registration.*

32 2. *If the Attorney General prevails in any civil action brought*
33 *pursuant to this chapter, the court shall order the person against*
34 *whom the civil action was brought to pay:*

35 (a) *Court costs; and*

36 (b) *Reasonable costs of the investigation and prosecution of*
37 *the civil action.*

38 3. *Whether or not the Attorney General brings a civil action*
39 *against a person pursuant to this chapter, the Attorney General*
40 *may prosecute the person for a criminal violation pursuant to this*
41 *chapter.*

42 **Sec. 174.** *In addition to any other penalty, if a person is*
43 *convicted of a violation of any provision of this chapter, a*
44 *regulation adopted pursuant to this chapter or an order of the*
45 *Commission, the court shall order the person to pay:*



- 1 **1. Court costs; and**
- 2 **2. Reasonable costs of the investigation and prosecution of**
- 3 **the violation.**

4 **Sec. 175. 1. The actions and remedies authorized by this**

5 **chapter are cumulative.**

6 **2. If an agency or officer elects to take any action or pursue**

7 **any remedy authorized by this chapter or another specific statute,**

8 **that election is not exclusive and does not preclude the agency or**

9 **officer or another agency or officer from taking any other action**

10 **or pursuing any other remedy authorized by this chapter or**

11 **another specific statute.**

12 **Sec. 176.** NRS 645.215 is hereby amended to read as follows:

13 645.215 1. If the Real Estate Division has reason to believe

14 that fraud, deceit or false advertising is being, has been or is to be

15 perpetrated in connection with the proposed or completed sale,

16 purchase, rental, lease or exchange of any vacant or unimproved

17 land or subdivision outside the corporate limits of any city, it may

18 investigate the circumstances of such sale, purchase, rental, lease or

19 exchange.

20 2. If such investigation reveals any evidence of fraud, deceit or

21 false advertising which has influenced or induced or may influence

22 or induce the sale, purchase, rental, lease or exchange, the Real

23 Estate Division shall advise the Attorney General . ~~for the district~~

24 ~~attorney of the county in which the land or subdivision is located.~~

25 ~~The district attorney or, upon the request of the Administrator, the~~

26 **The** Attorney General shall cause appropriate legal action to be

27 taken to enjoin any further sale, purchase, rental, lease or exchange

28 until the fraud, deceit or false advertising is eliminated and

29 restitution has been made for any loss.

30 3. ~~[Nothing in this section shall]~~ **The provisions of this section**

31 **do not** prevent prosecution of any person in a criminal action under

32 the provisions of any other law.

33 **Sec. 177.** NRS 645.230 is hereby amended to read as follows:

34 645.230 1. It is unlawful for any person, limited-liability

35 company, partnership, association or corporation to engage in the

36 business of, act in the capacity of, advertise or assume to act as, a:

37 (a) Real estate broker, real estate broker-salesman or real estate

38 salesman within the State of Nevada without first obtaining the

39 appropriate license from the Real Estate Division as provided for in

40 this chapter; or

41 (b) Property manager within the State of Nevada without first

42 obtaining from the Real Estate Division as provided for in this

43 chapter a license as a real estate broker, real estate broker-salesman

44 or real estate salesman and a permit to engage in property

45 management.



1 2. The Real Estate Division may prefer a complaint for a
2 violation of this section before any court of competent jurisdiction
3 and may assist in presenting the law or facts upon any trial for a
4 violation of this section.

5 ~~[3. The district attorney of each county shall prosecute all~~
6 ~~violations of this section in their respective counties in which~~
7 ~~violations occur, unless prosecuted by the Attorney General. Upon~~
8 ~~the request of the Administrator, the Attorney General shall~~
9 ~~prosecute any violation of this section in lieu of the district~~
10 ~~attorney.]~~

11 **Sec. 178.** NRS 645.330 is hereby amended to read as follows:

12 645.330 1. Except as otherwise provided by specific statute,
13 the Division may approve an application for a license for a person
14 who meets all the following requirements:

15 (a) Has a good reputation for honesty, trustworthiness and
16 integrity and who offers proof of those qualifications satisfactory to
17 the Division.

18 (b) Has not made a false statement of material fact on his
19 application.

20 (c) Is competent to transact the business of a real estate broker,
21 broker-salesman or salesman in a manner which will safeguard the
22 interests of the public.

23 (d) Has submitted the statement required pursuant to NRS
24 645.358 if the person is a natural person.

25 (e) Has passed the examination.

26 2. The Division:

27 (a) May deny a license to any person who has been convicted of
28 ~~[, or entered a plea of guilty, guilty but mentally ill or nolo~~
29 ~~contendere to,]~~ forgery, embezzlement, obtaining money under false
30 pretenses, larceny, extortion, conspiracy to defraud, engaging in a
31 real estate business without a license, possessing for the purpose of
32 sale any controlled substance or any crime involving moral
33 turpitude, in any court of competent jurisdiction in the United States
34 or elsewhere; and

35 (b) Shall not issue a license to such a person until at least 3 years
36 after:

37 (1) The person pays any fine or restitution ordered by the
38 court; or

39 (2) The expiration of the period of the person's parole,
40 probation or sentence,
41 whichever is later.

42 3. Suspension or revocation of a license pursuant to this
43 chapter or any prior revocation or current suspension in this or any
44 other state, district or territory of the United States or any foreign



1 country within 10 years before the date of the application is grounds
2 for refusal to grant a license.

3 4. A person may not be licensed as a real estate broker unless
4 he has been actively engaged as a full-time licensed real estate
5 broker-salesman or salesman in this state, or actively engaged as a
6 full-time licensed real estate broker, broker-salesman or salesman in
7 another state or the District of Columbia, for at least 2 of the 4 years
8 immediately preceding the issuance of a broker's license.

9 **Sec. 179.** NRS 645.350 is hereby amended to read as follows:

10 645.350 1. An application for a license as a real estate broker,
11 broker-salesman or salesman must be submitted in writing to the
12 Division upon blanks prepared or furnished by the Division.

13 2. Every application for a real estate broker's, broker-
14 salesman's or salesman's license must set forth the following
15 information:

16 (a) The name, age and address of the applicant. If the applicant
17 is a partnership or an association which is applying to do business as
18 a real estate broker, the application must contain the name and
19 address of each member thereof. If the application is for a
20 corporation which is applying to do business as a real estate
21 salesman, real estate broker-salesman or real estate broker, the
22 application must contain the name and address of each officer and
23 director thereof. If the applicant is a limited-liability company which
24 is applying to do business as a real estate broker, the company's
25 articles of organization must designate a manager, and the name and
26 address of the manager and each member must be listed in the
27 application.

28 (b) In the case of a broker, the name under which the business is
29 to be conducted. The name is a fictitious name if it does not contain
30 the name of the applicant or the names of the members of the
31 applicant's company, firm, partnership or association. Except as
32 otherwise provided in NRS 645.387, a license must not be issued
33 under a fictitious name which includes the name of a real estate
34 salesman or broker-salesman. A license must not be issued under the
35 same fictitious name to more than one licensee within ~~the~~ **this**
36 state. All licensees doing business under a fictitious name shall
37 comply with other pertinent statutory regulations regarding the use
38 of fictitious names.

39 (c) In the case of a broker, the place or places, including the
40 street number, city and county, where the business is to be
41 conducted.

42 (d) If the applicant is a natural person, the social security
43 number of the applicant.



1 (e) The business or occupation engaged in by the applicant for at
2 least 2 years immediately preceding the date of the application, and
3 the location thereof.

4 (f) The time and place of the applicant's previous experience in
5 the real estate business as a broker or salesman.

6 (g) Whether the applicant has ever been convicted of or is under
7 indictment for a felony ~~for has entered a plea of guilty, guilty but~~
8 ~~mentally ill or nolo contendere to a charge of felony,~~ and , if so, the
9 nature of the felony.

10 (h) Whether the applicant has been convicted of ~~for entered a~~
11 ~~plea of nolo contendere to~~ forgery, embezzlement, obtaining money
12 under false pretenses, larceny, extortion, conspiracy to defraud,
13 engaging in the business of selling real estate without a license or
14 any crime involving moral turpitude.

15 (i) Whether the applicant has been refused a real estate broker's,
16 broker-salesman's or salesman's license in any state, or whether his
17 license as a broker or salesman has been revoked or suspended by
18 any other state, district or territory of the United States or any other
19 country.

20 (j) If the applicant is a member of a limited-liability company,
21 partnership or association, or an officer of a corporation, the name
22 and address of the office of the limited-liability company,
23 partnership, association or corporation of which the applicant is a
24 member or officer.

25 3. An applicant for a license as a broker-salesman or salesman
26 shall provide a verified statement from the broker with whom he
27 will be associated, expressing the intent of that broker to associate
28 the applicant with him and to be responsible for the applicant's
29 activities as a licensee.

30 4. If a limited-liability company, partnership or association is
31 to do business as a real estate broker, the application for a broker's
32 license must be verified by at least two members thereof. If a
33 corporation is to do business as a real estate broker, the application
34 must be verified by the president and the secretary thereof.

35 **Sec. 180.** NRS 645.633 is hereby amended to read as follows:

36 645.633 1. The Commission may take action pursuant to
37 NRS 645.630 against any person subject to that section who is
38 guilty of:

39 (a) Willfully using any trade name, service mark or insigne of
40 membership in any real estate organization of which the licensee is
41 not a member, without the legal right to do so.

42 (b) Violating any order of the Commission, any agreement with
43 the Division, any of the provisions of this chapter, chapter 116, 119,
44 119A, 119B, 645A or 645C of NRS or any regulation adopted
45 ~~[thereunder.]~~ *pursuant thereto.*



1 (c) Paying a commission, compensation or a finder's fee to any
2 person for performing the services of a broker, broker-salesman or
3 salesman who has not secured his license pursuant to this chapter.
4 This subsection does not apply to payments to a broker who is
5 licensed in his state of residence.

6 (d) A felony ~~[, or has entered a plea of guilty, guilty but~~
7 ~~mentally ill or nolo contendere to a charge of felony]~~ or any crime
8 involving fraud, deceit, misrepresentation or moral turpitude.

9 (e) Guaranteeing, or having authorized or permitted any person
10 to guarantee, future profits which may result from the resale of real
11 property.

12 (f) Failure to include a fixed date of expiration in any written
13 brokerage agreement or to leave a copy of the brokerage agreement
14 with the client.

15 (g) Accepting, giving or charging any undisclosed commission,
16 rebate or direct profit on expenditures made for a client.

17 (h) Gross negligence or incompetence in performing any act for
18 which he is required to hold a license pursuant to this chapter,
19 chapter 119, 119A or 119B of NRS.

20 (i) Any other conduct which constitutes deceitful, fraudulent or
21 dishonest dealing.

22 (j) Any conduct which took place before he became licensed,
23 which was ~~[in fact]~~ unknown to the Division and which would have
24 been grounds for denial of a license had the Division been aware of
25 the conduct.

26 (k) Knowingly permitting any person whose license has been
27 revoked or suspended to act as a real estate broker, broker-salesman
28 or salesman, with or on behalf of the licensee.

29 (l) Recording or causing to be recorded a claim pursuant to the
30 provisions of NRS 645.8701 to 645.8811, inclusive, that is
31 determined by a district court to be frivolous and made without
32 reasonable cause pursuant to NRS 645.8791.

33 2. The Commission may take action pursuant to NRS 645.630
34 against a person who is subject to that section for the suspension or
35 revocation of a real estate broker's, broker-salesman's or salesman's
36 license issued to him by any other jurisdiction.

37 3. The Commission may take action pursuant to NRS 645.630
38 against any person who:

39 (a) Holds a permit to engage in property management issued
40 pursuant to NRS 645.6052; and

41 (b) In connection with any property for which the person has
42 obtained a written brokerage agreement to manage the property
43 pursuant to NRS 645.6056:

44 (1) Is convicted of violating any of the provisions of
45 NRS 202.470;



1 (2) Has been notified in writing by the appropriate
2 governmental agency of a potential violation of NRS 244.360,
3 244.3603 or 268.4124, and has failed to inform the owner of the
4 property of ~~[such]~~ *the* notification; or

5 (3) Has been directed in writing by the owner of the property
6 to correct a potential violation of NRS 244.360, 244.3603 or
7 268.4124, and has failed to correct the potential violation, if ~~[such]~~
8 *the* corrective action is within the scope of the person's duties
9 pursuant to the written brokerage agreement.

10 4. The Division shall maintain a log of any complaints that it
11 receives relating to activities for which the Commission may take
12 action against a person holding a permit to engage in property
13 management pursuant to subsection 3.

14 5. On or before February 1 of each odd-numbered year, the
15 Division shall submit to the Director of the Legislative Counsel
16 Bureau a written report setting forth, for the previous biennium:

17 (a) Any complaints included in the log maintained by the
18 Division pursuant to subsection 4; and

19 (b) Any disciplinary actions taken by the Commission pursuant
20 to subsection 3.

21 **Sec. 181.** Chapter 645A of NRS is hereby amended by adding
22 thereto the provisions set forth as sections 182 to 185, inclusive, of
23 this act.

24 **Sec. 182. 1. *The Attorney General has primary jurisdiction***
25 ***for the enforcement of the provisions of this chapter. The Attorney***
26 ***General shall, if appropriate, investigate and prosecute a person***
27 ***who violates:***

28 (a) *Any provision of this chapter, a regulation adopted*
29 *pursuant to this chapter or an order of the Commissioner; or*

30 (b) *Any other law or regulation if the violation is committed by*
31 *the person in the course of committing a violation described in*
32 *paragraph (a).*

33 2. *The Attorney General shall, if appropriate, investigate and*
34 *prosecute a person who is alleged to have committed a violation*
35 *described in subsection 1 whether or not:*

36 (a) *The Commissioner notifies the Attorney General of the*
37 *alleged violation;*

38 (b) *The Commissioner takes any disciplinary action against*
39 *the person alleged to have committed the violation;*

40 (c) *Any other person files a complaint against the person*
41 *alleged to have committed the violation; or*

42 (d) *A civil action is commenced against the person alleged to*
43 *have committed the violation.*

44 3. *When acting pursuant to this section, the Attorney General*
45 *may commence his investigation and file a criminal action without*



1 *leave of court, and the Attorney General has exclusive charge of*
2 *the conduct of the prosecution.*

3 *4. Except as otherwise provided by the Constitution of the*
4 *United States, the Constitution of this state or a specific statute, a*
5 *person shall, if requested, provide the Attorney General with*
6 *information that would assist in the prosecution of any other*
7 *person who is alleged to have committed a violation described in*
8 *subsection 1. If a person fails, without reasonable cause, to*
9 *provide the Attorney General with such information upon request,*
10 *the person is guilty of a misdemeanor.*

11 **Sec. 183.** *1. The Attorney General may bring any*
12 *appropriate civil action against a person to enforce any provision*
13 *of this chapter, a regulation adopted pursuant to this chapter or an*
14 *order of the Commissioner, including, without limitation, an order*
15 *of the Commissioner:*

16 *(a) Imposing an administrative fine; or*

17 *(b) Suspending, revoking or placing conditions upon a license.*

18 *2. If the Attorney General prevails in any civil action brought*
19 *pursuant to this chapter, the court shall order the person against*
20 *whom the civil action was brought to pay:*

21 *(a) Court costs; and*

22 *(b) Reasonable costs of the investigation and prosecution of*
23 *the civil action.*

24 *3. Whether or not the Attorney General brings a civil action*
25 *against a person pursuant to this chapter, the Attorney General*
26 *may prosecute the person for a criminal violation pursuant to this*
27 *chapter.*

28 **Sec. 184.** *In addition to any other penalty, if a person is*
29 *convicted of a violation of any provision of this chapter, a*
30 *regulation adopted pursuant to this chapter or an order of the*
31 *Commissioner, the court shall order the person to pay:*

32 *1. Court costs; and*

33 *2. Reasonable costs of the investigation and prosecution of*
34 *the violation.*

35 **Sec. 185.** *1. The actions and remedies authorized by this*
36 *chapter are cumulative.*

37 *2. If an agency or officer elects to take any action or pursue*
38 *any remedy authorized by this chapter or another specific statute,*
39 *that election is not exclusive and does not preclude the agency or*
40 *officer or another agency or officer from taking any other action*
41 *or pursuing any other remedy authorized by this chapter or*
42 *another specific statute.*



1 **Sec. 186.** NRS 645A.110 is hereby amended to read as
2 follows:

3 645A.110 1. The Commissioner may conduct an
4 investigation if it appears that an escrow agent or agency is
5 conducting business in an unsafe and injurious manner or in
6 violation of this chapter or if it appears that any person is engaging
7 in the escrow business without being licensed pursuant to the
8 provisions of this chapter.

9 2. If upon investigation it appears that the agent or agency is so
10 conducting business or an unlicensed person is engaged in the
11 escrow business, the Commissioner may:

12 (a) Order the person to discontinue conducting business in an
13 injurious manner or in violation of this chapter. A person may,
14 within 30 days after receiving the order, file a verified petition with
15 the Commissioner for a hearing. If the Commissioner does not hold
16 a hearing within 30 days after the petition is filed or issue a written
17 decision within 45 days after the hearing is held, the order is
18 rescinded.

19 (b) ~~{So advise the district attorney of the county in which the~~
20 ~~business is conducted or the Attorney General. The district attorney~~
21 ~~or the Attorney General shall cause the appropriate legal action to be~~
22 ~~taken to enjoin the operation of the business or prosecute the~~
23 ~~violations of this chapter.~~

24 ~~—(c)~~ Bring suit in the name and on behalf of the State of Nevada
25 against the person and any other person concerned in or in any way
26 participating in or about to participate in the unsafe or injurious
27 practices or action in violation of this chapter or regulations
28 ~~{thereunder}~~ *adopted pursuant thereto* to enjoin that person from
29 continuing those practices or engaging therein or doing any such act.

30 3. If the Commissioner brings suit, the district court of any
31 county of this state may grant an injunction to prevent and restrain
32 the unsafe, injurious or illegal practices or transactions. The court
33 may, during the pendency of the proceedings before it, issue such
34 temporary restraining orders as may appear to be just and proper.
35 The findings of the Commissioner shall be deemed to be prima facie
36 evidence and sufficient ground, in the discretion of the court, for the
37 issuance ex parte of a temporary restraining order. In any such court
38 proceedings, the Commissioner may apply for and on due showing
39 is entitled to have issued the court's subpoena requiring forthwith
40 the appearance of any defendant and his employees and the
41 production of documents, books and records as may appear
42 necessary for the hearing of the petition, to testify and give evidence
43 concerning the acts or conduct or things complained of in the
44 application for injunction.



1 **Sec. 187.** Chapter 645B of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. The actions and remedies authorized by this chapter are***
4 ***cumulative.***

5 ***2. If an agency or officer elects to take any action or pursue***
6 ***any remedy authorized by this chapter or another specific statute,***
7 ***that election is not exclusive and does not preclude the agency or***
8 ***officer or another agency or officer from taking any other action***
9 ***or pursuing any other remedy authorized by this chapter or***
10 ***another specific statute.***

11 **Sec. 188.** NRS 645B.020 is hereby amended to read as
12 follows:

13 645B.020 1. A person who wishes to be licensed as a
14 mortgage broker must file a written application for a license with the
15 office of the Commissioner and pay the fee required pursuant to
16 NRS 645B.050. An application for a license as a mortgage broker
17 must:

18 (a) Be verified.

19 (b) State the name, residence address and business address of
20 the applicant , and the location of each principal office and branch
21 office at which the mortgage broker will conduct business within
22 this state.

23 (c) State the name under which the applicant will conduct
24 business as a mortgage broker.

25 (d) List the name, residence address and business address of
26 each person who will:

27 (1) If the applicant is not a natural person, have an interest in
28 the mortgage broker as a principal, partner, officer, director or
29 trustee, specifying the capacity and title of each such person.

30 (2) Be associated with or employed by the mortgage broker
31 as a mortgage agent.

32 (e) If the applicant is a natural person, include the social security
33 number of the applicant.

34 (f) Include a general business plan and a description of the
35 policies and procedures that the mortgage broker and his mortgage
36 agents will follow to arrange and service loans and to conduct
37 business pursuant to this chapter.

38 (g) State the length of time the applicant has been engaged in the
39 business of a broker.

40 (h) Include a financial statement of the applicant and, if
41 applicable, satisfactory proof that the applicant will be able to
42 maintain continuously the net worth required pursuant to
43 NRS 645B.115.



1 (i) Include any other information required pursuant to the
2 regulations adopted by the Commissioner or an order of the
3 Commissioner.

4 2. If a mortgage broker will conduct business at one or more
5 branch offices within this state, the mortgage broker must apply for
6 a license for each such branch office.

7 3. Except as otherwise provided in this chapter, the
8 Commissioner shall issue a license to an applicant as a mortgage
9 broker if:

10 (a) The application complies with the requirements of this
11 chapter;

12 (b) The applicant submits the statement required pursuant to
13 NRS 645B.023, if the applicant is required to do so; and

14 (c) The applicant and each general partner, officer or director of
15 the applicant, if the applicant is a partnership, corporation or
16 unincorporated association:

17 (1) Has a good reputation for honesty, trustworthiness and
18 integrity and displays competence to transact the business of a
19 mortgage broker in a manner which safeguards the interests of the
20 general public. The applicant must submit satisfactory proof of these
21 qualifications to the Commissioner.

22 (2) Has not been convicted of ~~[, or entered a plea of nolo~~
23 ~~contendere to,]~~ a felony or any crime involving fraud,
24 misrepresentation or moral turpitude.

25 (3) Has not made a false statement of material fact on his
26 application.

27 (4) Has not had a license that was issued pursuant to the
28 provisions of this chapter or chapter 645E of NRS suspended or
29 revoked within the 10 years immediately preceding the date of his
30 application.

31 (5) Has not had a license that was issued in any other state,
32 district or territory of the United States or any foreign country
33 suspended or revoked within the 10 years immediately preceding the
34 date of his application.

35 (6) Has not violated any provision of this chapter or chapter
36 645E of NRS, a regulation adopted pursuant thereto or an order of
37 the Commissioner.

38 **Sec. 189.** NRS 645B.0243 is hereby amended to read as
39 follows:

40 645B.0243 The Commissioner may refuse to issue a license to
41 an applicant if the Commissioner has reasonable cause to believe
42 that the applicant or any general partner, officer or director of the
43 applicant has, after October 1, 1999, employed or proposed to
44 employ a person as a mortgage agent or authorized or proposed to
45 authorize a person to be associated with a mortgage broker as a



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1 mortgage agent at a time when the applicant or the general partner,
2 officer or director knew or, in light of all the surrounding facts and
3 circumstances, reasonably should have known that the person:

4 1. Had been convicted of ~~[, or entered a plea of nolo~~
5 ~~contendere to,]~~ a felony or any crime involving fraud,
6 misrepresentation or moral turpitude; or

7 2. Had a financial services license or registration suspended or
8 revoked within the immediately preceding 10 years.

9 **Sec. 190.** NRS 645B.450 is hereby amended to read as
10 follows:

11 645B.450 1. A person shall not act as or provide any of the
12 services of a mortgage agent or otherwise engage in, carry on or
13 hold himself out as engaging in or carrying on the activities of a
14 mortgage agent if the person:

15 (a) Has been convicted of ~~[, or entered a plea of nolo contendere~~
16 ~~to,]~~ a felony or any crime involving fraud, misrepresentation or
17 moral turpitude; or

18 (b) Has had a financial services license or registration suspended
19 or revoked within the immediately preceding 10 years.

20 2. A mortgage agent may not be associated with or employed
21 by more than one mortgage broker at the same time.

22 3. A mortgage broker shall register with the Division each
23 person who will be associated with or employed by the mortgage
24 broker as a mortgage agent. A mortgage broker shall register each
25 such person with the Division when the person begins his
26 association or employment with the mortgage broker and annually
27 thereafter. A registration expires 12 months after its effective date.

28 4. To register a person as a mortgage agent, a mortgage broker
29 must:

30 (a) Submit to the Division a registration form which is provided
31 by the Division and which:

32 (1) States the name, residence address and business address
33 of the person;

34 (2) Is signed by the person;

35 (3) Includes a provision by which the person gives his
36 written consent to an investigation of his credit history, criminal
37 history and background; and

38 (4) Includes any other information or supporting materials
39 required by the regulations adopted by the Commissioner. Such
40 information or supporting materials may include, without limitation,
41 a complete set of fingerprints from the person, the social security
42 number of the person and other forms of identification of the person.

43 (b) For each initial registration, pay the actual costs and
44 expenses incurred by the Division to investigate the credit history,
45 criminal history and background of the person. All money received



1 pursuant to this paragraph must be placed in the Investigative
2 Account *for Financial Institutions* created by NRS 232.545.

3 (c) For each annual registration, submit to the Division
4 satisfactory proof that the person attended at least 5 hours of
5 certified courses of continuing education during the 12 months
6 immediately preceding the date on which the registration expires.

7 5. Not later than the date on which the mortgage broker
8 submits the information for annual registration required by
9 subsection 4, the person being registered ~~[shall]~~ *must* pay an annual
10 registration fee of \$125. If the person does not pay the annual
11 registration fee, the person shall be deemed to be unregistered for
12 the purposes of this chapter.

13 6. A mortgage broker shall not employ a person as a mortgage
14 agent or authorize a person to be associated with the mortgage
15 broker as a mortgage agent if the mortgage broker has not registered
16 the person with the Division pursuant to this section or if the person:

17 (a) Has been convicted of ~~[, or entered a plea of nolo contendere~~
18 ~~to,]~~ a felony or any crime involving fraud, misrepresentation or
19 moral turpitude; or

20 (b) Has had a financial services license or registration suspended
21 or revoked within the immediately preceding 10 years.

22 7. If a mortgage agent terminates his association or
23 employment with a mortgage broker for any reason, the mortgage
24 broker shall, not later than the third business day following the date
25 of termination:

26 (a) Deliver to the mortgage agent or send by certified mail to the
27 last known residence address of the mortgage agent a written
28 statement which advises him that his termination is being reported
29 to the Division; and

30 (b) Deliver or send by certified mail to the Division:

31 (1) A written statement of the circumstances surrounding the
32 termination; and

33 (2) A copy of the written statement that the mortgage broker
34 delivers or mails to the mortgage agent pursuant to paragraph (a).

35 8. As used in this section, "certified course of continuing
36 education" has the meaning ascribed to it in NRS 645B.051.

37 **Sec. 191.** NRS 645B.670 is hereby amended to read as
38 follows:

39 645B.670 Except as otherwise provided in NRS 645B.690:

40 1. For each violation committed by an applicant, whether or
41 not he is issued a license, the Commissioner may impose upon the
42 applicant an administrative fine of not more than \$10,000, if the
43 applicant:

44 (a) Has knowingly made or caused to be made to the
45 Commissioner any false representation of material fact;



1 (b) Has suppressed or withheld from the Commissioner any
2 information which the applicant possesses and which, if submitted
3 by him, would have rendered the applicant ineligible to be licensed
4 pursuant to the provisions of this chapter; or

5 (c) Has violated any provision of this chapter, a regulation
6 adopted pursuant to this chapter or an order of the Commissioner in
7 completing and filing his application for a license or during the
8 course of the investigation of his application for a license.

9 2. For each violation committed by a licensee, the
10 Commissioner may impose upon the licensee an administrative fine
11 of not more than \$10,000, may suspend, revoke or place conditions
12 upon his license, or may do both, if the licensee, whether or not
13 acting as such:

14 (a) Is insolvent;

15 (b) Is grossly negligent or incompetent in performing any act for
16 which he is required to be licensed pursuant to the provisions of this
17 chapter;

18 (c) Does not conduct his business in accordance with law or has
19 violated any provision of this chapter, a regulation adopted pursuant
20 to this chapter or an order of the Commissioner;

21 (d) Is in such financial condition that he cannot continue in
22 business with safety to his customers;

23 (e) Has made a material misrepresentation in connection with
24 any transaction governed by this chapter;

25 (f) Has suppressed or withheld from a client any material facts,
26 data or other information relating to any transaction governed by the
27 provisions of this chapter which the licensee knew or, by the
28 exercise of reasonable diligence, should have known;

29 (g) Has knowingly made or caused to be made to the
30 Commissioner any false representation of material fact or has
31 suppressed or withheld from the Commissioner any information
32 which the licensee possesses and which, if submitted by him, would
33 have rendered the licensee ineligible to be licensed pursuant to the
34 provisions of this chapter;

35 (h) Has failed to account to persons interested for all money
36 received for a trust account;

37 (i) Has refused to permit an examination by the Commissioner
38 of his books and affairs or has refused or failed, within a reasonable
39 time, to furnish any information or make any report that may be
40 required by the Commissioner pursuant to the provisions of this
41 chapter or a regulation adopted pursuant to this chapter;

42 (j) Has been convicted of ~~[, or entered a plea of nolo contendere~~
43 ~~to,]~~ a felony or any crime involving fraud, misrepresentation or
44 moral turpitude;



1 (k) Has refused or failed to pay, within a reasonable time, any
2 fees, assessments, costs or expenses that the licensee is required to
3 pay pursuant to this chapter or a regulation adopted pursuant to this
4 chapter;

5 (l) Has failed to satisfy a claim made by a client which has been
6 reduced to judgment;

7 (m) Has failed to account for or to remit any money of a client
8 within a reasonable time after a request for an accounting or
9 remittal;

10 (n) Has commingled the money or other property of a client
11 with his own or has converted the money or property of others to his
12 own use;

13 (o) Has engaged in any other conduct constituting a deceitful,
14 fraudulent or dishonest business practice;

15 (p) Has repeatedly violated the policies and procedures of the
16 mortgage broker;

17 (q) Has failed to exercise reasonable supervision over the
18 activities of a mortgage agent as required by NRS 645B.460;

19 (r) Has instructed a mortgage agent to commit an act that would
20 be cause for the revocation of the license of the mortgage broker,
21 whether or not the mortgage agent commits the act;

22 (s) Has employed a person as a mortgage agent or authorized a
23 person to be associated with the licensee as a mortgage agent at a
24 time when the licensee knew or, in light of all the surrounding facts
25 and circumstances, reasonably should have known that the person:

26 (1) Had been convicted of ~~[, or entered a plea of nolo~~
27 ~~contendere to,]~~ a felony or any crime involving fraud,
28 misrepresentation or moral turpitude; or

29 (2) Had a financial services license or registration suspended
30 or revoked within the immediately preceding 10 years; or

31 (t) Has not conducted verifiable business as a mortgage broker
32 for 12 consecutive months, except in the case of a new applicant.
33 The Commissioner shall determine whether a mortgage broker is
34 conducting business by examining the monthly reports of activity
35 submitted by the licensee or by conducting an examination of the
36 licensee.

37 **Sec. 192.** NRS 645B.950 is hereby amended to read as
38 follows:

39 645B.950 1. Except as otherwise provided in NRS 645B.960,
40 a person, or any general partner, director, officer, agent or employee
41 of a person, who violates any provision of this chapter, a regulation
42 adopted pursuant to this chapter or an order of the Commissioner is
43 guilty of a misdemeanor.



1 2. In addition to any other penalty, if a person is convicted of
2 ~~for enters a plea of nolo contendere to~~ a violation described in
3 subsection 1, the court shall order the person to pay:

- 4 (a) Court costs; and
5 (b) Reasonable costs of the investigation and prosecution of the
6 violation.

7 **Sec. 193.** NRS 645B.960 is hereby amended to read as
8 follows:

9 645B.960 1. A person, or any general partner, director,
10 officer, agent or employee of a person, who violates any provision
11 of NRS 645B.165 to 645B.180, inclusive, is guilty of:

- 12 (a) A misdemeanor if the amount involved is less than \$250;
13 (b) A gross misdemeanor if the amount involved is \$250 or
14 more but less than \$1,000; or
15 (c) A category D felony if the amount involved is \$1,000 or
16 more, and shall be punished as provided in NRS 193.130.

17 2. In addition to any other penalty, if a person is convicted of
18 ~~for enters a plea of nolo contendere to~~ a violation described in
19 subsection 1, the court shall order the person to pay:

- 20 (a) Court costs; and
21 (b) Reasonable costs of the investigation and prosecution of the
22 violation.

23 **Sec. 194.** Chapter 645C of NRS is hereby amended by adding
24 thereto the provisions set forth as sections 195 to 198, inclusive, of
25 this act.

26 **Sec. 195. 1. *The Attorney General has primary jurisdiction***
27 ***for the enforcement of the provisions of this chapter. The Attorney***
28 ***General shall, if appropriate, investigate and prosecute a person***
29 ***who violates:***

- 30 ***(a) Any provision of this chapter, a regulation adopted***
31 ***pursuant to this chapter or an order of the Commission; or***
32 ***(b) Any other law or regulation if the violation is committed by***
33 ***the person in the course of committing a violation described in***
34 ***paragraph (a).***

35 **2. *The Attorney General shall, if appropriate, investigate and***
36 ***prosecute a person who is alleged to have committed a violation***
37 ***described in subsection 1 whether or not:***

- 38 ***(a) The Commission notifies the Attorney General of the***
39 ***alleged violation;***
40 ***(b) The Commission takes any disciplinary action against the***
41 ***person alleged to have committed the violation;***
42 ***(c) Any other person files a complaint against the person***
43 ***alleged to have committed the violation; or***
44 ***(d) A civil action is commenced against the person alleged to***
45 ***have committed the violation.***



1 3. When acting pursuant to this section, the Attorney General
2 may commence his investigation and file a criminal action without
3 leave of court, and the Attorney General has exclusive charge of
4 the conduct of the prosecution.

5 4. Except as otherwise provided by the Constitution of the
6 United States, the Constitution of this state or a specific statute, a
7 person shall, if requested, provide the Attorney General with
8 information that would assist in the prosecution of any other
9 person who is alleged to have committed a violation described in
10 subsection 1. If a person fails, without reasonable cause, to
11 provide the Attorney General with such information upon request,
12 the person is guilty of a misdemeanor.

13 **Sec. 196.** 1. The Attorney General may bring any
14 appropriate civil action against a person to enforce any provision
15 of this chapter, a regulation adopted pursuant to this chapter or an
16 order of the Commission, including, without limitation, an order
17 of the Commission:

18 (a) Imposing an administrative fine; or

19 (b) Suspending, revoking or placing conditions upon a license,
20 certificate, permit or registration card.

21 2. If the Attorney General prevails in any civil action brought
22 pursuant to this chapter, the court shall order the person against
23 whom the civil action was brought to pay:

24 (a) Court costs; and

25 (b) Reasonable costs of the investigation and prosecution of
26 the civil action.

27 3. Whether or not the Attorney General brings a civil action
28 against a person pursuant to this chapter, the Attorney General
29 may prosecute the person for a criminal violation pursuant to this
30 chapter.

31 **Sec. 197.** In addition to any other penalty, if a person is
32 convicted of a violation of any provision of this chapter, a
33 regulation adopted pursuant to this chapter or an order of the
34 Commission, the court shall order the person to pay:

35 1. Court costs; and

36 2. Reasonable costs of the investigation and prosecution of
37 the violation.

38 **Sec. 198.** 1. The actions and remedies authorized by this
39 chapter are cumulative.

40 2. If an agency or officer elects to take any action or pursue
41 any remedy authorized by this chapter or another specific statute,
42 that election is not exclusive and does not preclude the agency or
43 officer or another agency or officer from taking any other action
44 or pursuing any other remedy authorized by this chapter or
45 another specific statute.



1 **Sec. 199.** NRS 645C.260 is hereby amended to read as
2 follows:

3 645C.260 1. Any person who, in this state, engages in the
4 business of, acts in the capacity of, advertises or assumes to act as:

5 (a) An appraiser without first obtaining the appropriate
6 certificate, license or permit pursuant to this chapter; or

7 (b) An intern without first obtaining a registration card pursuant
8 to this chapter,
9 is guilty of a misdemeanor.

10 2. The Division may file a complaint in any court of competent
11 jurisdiction for a violation of this section, and assist in presenting
12 the law or facts at any hearing upon the complaint.

13 ~~{3. At the request of the Administrator, the Attorney General~~
14 ~~shall prosecute such a violation. Unless the violation is prosecuted~~
15 ~~by the Attorney General, the district attorney shall prosecute a~~
16 ~~violation which occurs in his county.}~~

17 **Sec. 200.** NRS 645C.290 is hereby amended to read as
18 follows:

19 645C.290 An application for a certificate or license must be in
20 writing upon a form prepared and furnished by the Division. The
21 application must include the following information:

22 1. The name, age and address of the applicant.

23 2. The place or places, including the street number, city and
24 county, where the applicant intends to conduct business as an
25 appraiser.

26 3. The business, occupation or other employment of the
27 applicant during the 5 years immediately preceding the date of the
28 application, and the location thereof.

29 4. The periods during which, and the locations where, he
30 gained his experience as an intern.

31 5. Whether the applicant has ever been convicted of ~~{}~~ or is
32 under indictment for : ~~{, or has entered a plea of guilty, guilty but~~
33 ~~mentally ill or nolo contendere to:}~~

34 (a) A felony ~~{}~~ and , if so, the nature of the felony.

35 (b) Forgery, embezzlement, obtaining money under false
36 pretenses, larceny, extortion, conspiracy to defraud or any crime
37 involving moral turpitude.

38 6. Whether the applicant has ever been refused a certificate,
39 license or permit to act as an appraiser, or has ever had such a
40 certificate, license or permit suspended or revoked, in any other
41 jurisdiction.

42 7. If the applicant is a member of a partnership or association
43 or is an officer of a corporation, the name and address of the
44 principal office of the partnership, association or corporation.

45 8. Any other information the Division requires.



1 **Sec. 201.** NRS 645C.320 is hereby amended to read as
2 follows:

3 645C.320 1. The Administrator shall issue a certificate or
4 license, as appropriate, to any person:

5 (a) Of good moral character, honesty and integrity;

6 (b) Who meets the educational requirements and has the
7 experience prescribed in NRS 645C.330;

8 (c) Who submits the statement required pursuant to NRS
9 645C.295; and

10 (d) Who, except as otherwise provided in NRS 645C.360, has
11 satisfactorily passed a written examination approved by the
12 Commission.

13 2. The Administrator may deny an application for a certificate
14 or license to any person who:

15 (a) Has been convicted of ~~[, or entered a plea of guilty, guilty~~
16 ~~but mentally ill or nolo contendere to,]~~ forgery, embezzlement,
17 obtaining money under false pretenses, larceny, extortion,
18 conspiracy to defraud or any crime involving moral turpitude;

19 (b) Makes a false statement of a material fact on his application;
20 or

21 (c) Has had a certificate, license or registration card suspended
22 or revoked pursuant to this chapter, or a certificate, license or permit
23 to act as an appraiser suspended or revoked in any other jurisdiction,
24 within the 10 years immediately preceding the date of his
25 application.

26 **Sec. 202.** Chapter 645D of NRS is hereby amended by adding
27 thereto the provisions set forth as sections 203 to 206, inclusive, of
28 this act.

29 **Sec. 203. 1. *The Attorney General has primary jurisdiction***
30 ***for the enforcement of the provisions of this chapter. The Attorney***
31 ***General shall, if appropriate, investigate and prosecute a person***
32 ***who violates:***

33 ***(a) Any provision of this chapter, a regulation adopted***
34 ***pursuant to this chapter or an order of the Division; or***

35 ***(b) Any other law or regulation if the violation is committed by***
36 ***the person in the course of committing a violation described in***
37 ***paragraph (a).***

38 **2. *The Attorney General shall, if appropriate, investigate and***
39 ***prosecute a person who is alleged to have committed a violation***
40 ***described in subsection 1 whether or not:***

41 ***(a) The Division notifies the Attorney General of the alleged***
42 ***violation;***

43 ***(b) The Division takes any disciplinary action against the***
44 ***person alleged to have committed the violation;***



1 (c) Any other person files a complaint against the person
2 alleged to have committed the violation; or

3 (d) A civil action is commenced against the person alleged to
4 have committed the violation.

5 3. When acting pursuant to this section, the Attorney General
6 may commence his investigation and file a criminal action without
7 leave of court, and the Attorney General has exclusive charge of
8 the conduct of the prosecution.

9 4. Except as otherwise provided by the Constitution of the
10 United States, the Constitution of this state or a specific statute, a
11 person shall, if requested, provide the Attorney General with
12 information that would assist in the prosecution of any other
13 person who is alleged to have committed a violation described in
14 subsection 1. If a person fails, without reasonable cause, to
15 provide the Attorney General with such information upon request,
16 the person is guilty of a misdemeanor.

17 **Sec. 204.** 1. The Attorney General may bring any
18 appropriate civil action against a person to enforce any provision
19 of this chapter, a regulation adopted pursuant to this chapter or an
20 order of the Division, including, without limitation, an order of the
21 Division:

22 (a) Imposing an administrative fine; or

23 (b) Suspending, revoking or placing conditions upon a
24 certificate.

25 2. If the Attorney General prevails in any civil action brought
26 pursuant to this chapter, the court shall order the person against
27 whom the civil action was brought to pay:

28 (a) Court costs; and

29 (b) Reasonable costs of the investigation and prosecution of
30 the civil action.

31 3. Whether or not the Attorney General brings a civil action
32 against a person pursuant to this chapter, the Attorney General
33 may prosecute the person for a criminal violation pursuant to this
34 chapter.

35 **Sec. 205.** In addition to any other penalty, if a person is
36 convicted of a violation of any provision of this chapter, a
37 regulation adopted pursuant to this chapter or an order of the
38 Division, the court shall order the person to pay:

39 1. Court costs; and

40 2. Reasonable costs of the investigation and prosecution of
41 the violation.

42 **Sec. 206.** 1. The actions and remedies authorized by this
43 chapter are cumulative.

44 2. If an agency or officer elects to take any action or pursue
45 any remedy authorized by this chapter or another specific statute,



1 *that election is not exclusive and does not preclude the agency or*
2 *officer or another agency or officer from taking any other action*
3 *or pursuing any other remedy authorized by this chapter or*
4 *another specific statute.*

5 **Sec. 207.** NRS 645D.160 is hereby amended to read as
6 follows:

7 645D.160 1. Any person who, in this state, engages in the
8 business of, acts in the capacity of, or advertises or assumes to act as
9 an inspector without first obtaining a certificate pursuant to this
10 chapter is guilty of a misdemeanor.

11 2. The Division may file a complaint in any court of competent
12 jurisdiction for a violation of this section and assist in presenting the
13 law or facts at any hearing upon the complaint.

14 ~~{3. At the request of the Administrator, the Attorney General~~
15 ~~shall prosecute such a violation. Unless the violation is prosecuted~~
16 ~~by the Attorney General, the district attorney shall prosecute a~~
17 ~~violation that occurs in his county.}~~

18 **Sec. 208.** NRS 645D.170 is hereby amended to read as
19 follows:

20 645D.170 An application for a certificate must be in writing
21 upon a form prepared and furnished by the Division. The application
22 must include the following information:

23 1. The name, age, address and social security number of the
24 applicant.

25 2. The place or places, including the street number, city and
26 county, at which the applicant intends to maintain an office to
27 conduct business as an inspector.

28 3. The business, occupation or other employment of the
29 applicant during the 5 years immediately preceding the date of the
30 application, and the location thereof.

31 4. The applicant's education and experience to qualify for a
32 certificate.

33 5. Whether the applicant has ever been convicted of ~~{}~~ *or* is
34 under indictment for : ~~{, or has entered a plea of guilty or nolo~~
35 ~~contendere to:}~~

36 (a) A felony ~~{}~~ and , if so, the nature of the felony.

37 (b) Forgery, embezzlement, obtaining money under false
38 pretenses, larceny, extortion, conspiracy to defraud or any crime
39 involving moral turpitude.

40 6. If the applicant is a member of a partnership or association
41 or is an officer of a corporation, the name and address of the
42 principal office of the partnership, association or corporation.

43 7. Any other information relating to the qualifications or
44 background of the applicant that the Division requires.



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1 **Sec. 209.** NRS 645D.200 is hereby amended to read as
2 follows:

3 645D.200 1. The Administrator shall issue a certificate to any
4 person who:

5 (a) ~~Has of~~ *Has* good moral character, honesty and integrity;

6 (b) Has the education and experience prescribed in the
7 regulations adopted pursuant to NRS 645D.120;

8 (c) Has submitted proof that he or his employer holds a policy of
9 insurance that complies with the requirements of subsection 1 of
10 NRS 645D.190; and

11 (d) Has submitted the statement required pursuant to
12 NRS 645D.195.

13 2. The Administrator may deny an application for a certificate
14 to any person who:

15 (a) Has been convicted of ~~[, or entered a plea of guilty or nolo~~
16 ~~contendere to,]~~ forgery, embezzlement, obtaining money under false
17 pretenses, larceny, extortion, conspiracy to defraud or any crime
18 involving moral turpitude;

19 (b) Makes a false statement of a material fact on his application;

20 (c) Has had a certificate suspended or revoked pursuant to this
21 chapter within the 10 years immediately preceding the date of his
22 application; or

23 (d) Has not submitted proof that he or his employer holds a
24 policy of insurance that complies with the requirements of
25 subsection 1 of NRS 645D.190.

26 **Sec. 210.** Chapter 645E of NRS is hereby amended by adding
27 thereto the provisions set forth as sections 211 to 214, inclusive, of
28 this act.

29 **Sec. 211. 1. *The Attorney General has primary jurisdiction***
30 ***for the enforcement of the provisions of this chapter. The Attorney***
31 ***General shall, if appropriate, investigate and prosecute a person***
32 ***who violates:***

33 (a) *Any provision of this chapter, a regulation adopted*
34 *pursuant to this chapter or an order of the Commissioner; or*

35 (b) *Any other law or regulation if the violation is committed by*
36 *the person in the course of committing a violation described in*
37 *paragraph (a).*

38 **2. *The Attorney General shall, if appropriate, investigate and***
39 ***prosecute a person who is alleged to have committed a violation***
40 ***described in subsection 1 whether or not:***

41 (a) *The Commissioner notifies the Attorney General of the*
42 *alleged violation;*

43 (b) *The Commissioner takes any disciplinary action against*
44 *the person alleged to have committed the violation;*



1 (c) Any other person files a complaint against the person
2 alleged to have committed the violation; or

3 (d) A civil action is commenced against the person alleged to
4 have committed the violation.

5 3. When acting pursuant to this section, the Attorney General
6 may commence his investigation and file a criminal action without
7 leave of court, and the Attorney General has exclusive charge of
8 the conduct of the prosecution.

9 4. Except as otherwise provided by the Constitution of the
10 United States, the Constitution of this state or a specific statute, a
11 person shall, if requested, provide the Attorney General with
12 information that would assist in the prosecution of any other
13 person who is alleged to have committed a violation described in
14 subsection 1. If a person fails, without reasonable cause, to
15 provide the Attorney General with such information upon request,
16 the person is guilty of a misdemeanor.

17 **Sec. 212.** 1. The Attorney General may bring any
18 appropriate civil action against a person to enforce any provision
19 of this chapter, a regulation adopted pursuant to this chapter or an
20 order of the Commissioner, including, without limitation, an order
21 of the Commissioner:

22 (a) Imposing an administrative fine; or

23 (b) Suspending, revoking or placing conditions upon a license.

24 2. If the Attorney General prevails in any civil action brought
25 pursuant to this chapter, the court shall order the person against
26 whom the civil action was brought to pay:

27 (a) Court costs; and

28 (b) Reasonable costs of the investigation and prosecution of
29 the civil action.

30 3. Whether or not the Attorney General brings a civil action
31 against a person pursuant to this chapter, the Attorney General
32 may prosecute the person for a criminal violation pursuant to this
33 chapter.

34 **Sec. 213.** In addition to any other penalty, if a person is
35 convicted of a violation of any provision of this chapter, a
36 regulation adopted pursuant to this chapter or an order of the
37 Commissioner, the court shall order the person to pay:

38 1. Court costs; and

39 2. Reasonable costs of the investigation and prosecution of
40 the violation.

41 **Sec. 214.** 1. The actions and remedies authorized by this
42 chapter are cumulative.

43 2. If an agency or officer elects to take any action or pursue
44 any remedy authorized by this chapter or another specific statute,
45 that election is not exclusive and does not preclude the agency or



1 *officer or another agency or officer from taking any other action*
2 *or pursuing any other remedy authorized by this chapter or*
3 *another specific statute.*

4 **Sec. 215.** NRS 645E.200 is hereby amended to read as
5 follows:

6 645E.200 1. A person who wishes to be licensed as a
7 mortgage company must file a written application for a license with
8 the office of the Commissioner and pay the fee required pursuant to
9 NRS 645E.280. An application for a license as a mortgage company
10 must:

11 (a) Be verified.

12 (b) State the name, residence address and business address of
13 the applicant, and the location of each principal office and branch
14 office at which the mortgage company will conduct business in this
15 state, including, without limitation, any office or other place of
16 business located outside this state from which the mortgage
17 company will conduct business in this state.

18 (c) State the name under which the applicant will conduct
19 business as a mortgage company.

20 (d) If the applicant is not a natural person, list the name,
21 residence address and business address of each person who will
22 have an interest in the mortgage company as a principal, partner,
23 officer, director or trustee, specifying the capacity and title of each
24 such person.

25 (e) Indicate the general plan and character of the business.

26 (f) State the length of time the applicant has been engaged in the
27 business of a mortgage company.

28 (g) Include a financial statement of the applicant.

29 (h) Include any other information required pursuant to the
30 regulations adopted by the Commissioner or an order of the
31 Commissioner.

32 2. If a mortgage company will conduct business in this state at
33 one or more branch offices, the mortgage company must apply for a
34 license for each such branch office.

35 3. Except as otherwise provided in this chapter, the
36 Commissioner shall issue a license to an applicant as a mortgage
37 company if:

38 (a) The application complies with the requirements of this
39 chapter; and

40 (b) The applicant and each general partner, officer or director of
41 the applicant, if the applicant is a partnership, corporation or
42 unincorporated association:

43 (1) Has a good reputation for honesty, trustworthiness and
44 integrity and displays competence to transact the business of a
45 mortgage company in a manner which safeguards the interests of the



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1 general public. The applicant must submit satisfactory proof of these
2 qualifications to the Commissioner.

3 (2) Has not been convicted of ~~[, or entered a plea of nolo~~
4 ~~contendere to,]~~ a felony or any crime involving fraud,
5 misrepresentation or moral turpitude.

6 (3) Has not made a false statement of material fact on his
7 application.

8 (4) Has not had a license that was issued pursuant to the
9 provisions of this chapter or chapter 645B of NRS suspended or
10 revoked within the 10 years immediately preceding the date of his
11 application.

12 (5) Has not had a license that was issued in any other state,
13 district or territory of the United States or any foreign country
14 suspended or revoked within the 10 years immediately preceding the
15 date of his application.

16 (6) Has not violated any provision of this chapter or chapter
17 645B of NRS, a regulation adopted pursuant thereto or an order of
18 the Commissioner.

19 4. If an applicant is a partnership, corporation or
20 unincorporated association, the Commissioner may refuse to issue a
21 license to the applicant if any member of the partnership or any
22 officer or director of the corporation or unincorporated association
23 has committed any act or omission that would be cause for refusing
24 to issue a license to a natural person.

25 5. A person may apply for a license for an office or other place
26 of business located outside this state from which the applicant will
27 conduct business in this state if the applicant or a subsidiary or
28 affiliate of the applicant has a license issued pursuant to this chapter
29 for an office or other place of business located in this state and if the
30 applicant submits with the application for a license a statement
31 signed by the applicant which states that the applicant agrees to:

32 (a) Make available at a location within this state the books,
33 accounts, papers, records and files of the office or place of business
34 located outside this state to the Commissioner or a representative of
35 the Commissioner; or

36 (b) Pay the reasonable expenses for travel, meals and lodging of
37 the Commissioner or a representative of the Commissioner incurred
38 during any investigation or examination made at the office or place
39 of business located outside this state.

40 The applicant must be allowed to choose between paragraph (a) or
41 (b) in complying with the provisions of this subsection.



1 **Sec. 216.** NRS 645E.620 is hereby amended to read as
2 follows:

3 645E.620 1. Whether or not a complaint has been filed, the
4 Commissioner may investigate a mortgage company or other person
5 if, for any reason, it appears that:

6 (a) The mortgage company is conducting business in an unsafe
7 and injurious manner or in violation of any provision of this chapter,
8 a regulation adopted pursuant to this chapter or an order of the
9 Commissioner;

10 (b) The person is offering or providing any of the services of a
11 mortgage company or otherwise engaging in, carrying on or holding
12 himself out as engaging in or carrying on the business of a mortgage
13 company without being licensed or exempt from licensing pursuant
14 to the provisions of this chapter; or

15 (c) The person is violating any other provision of this chapter, a
16 regulation adopted pursuant to this chapter or an order of the
17 Commissioner.

18 2. If, upon investigation, the Commissioner has reasonable
19 cause to believe that the mortgage company or other person has
20 engaged in any conduct or committed any violation described in
21 subsection 1, the Commissioner may ~~[-~~:

22 ~~—(a) Advise the district attorney of the county in which the~~
23 ~~conduct or violation occurred, and the district attorney shall cause~~
24 ~~the appropriate legal action to be taken against the mortgage~~
25 ~~company or other person to enjoin the conduct or the operation of~~
26 ~~the business or prosecute the violation; and~~

27 ~~—(b) Bring]~~ *bring* a civil action to ~~[-~~:

28 ~~—(1) Enjoin the]~~ *enjoin*:

29 (a) *The* mortgage company or other person from engaging in the
30 conduct, operating the business or committing the violation; and

31 ~~[(2) Enjoin any]~~

32 (b) *Any* other person who has encouraged, facilitated, aided or
33 participated in the conduct, the operation of the business or the
34 commission of the violation, or who is likely to engage in ~~[such]~~
35 *those* acts, from engaging in or continuing to engage in ~~[such]~~ *those*
36 acts.

37 3. If the Commissioner brings a civil action pursuant to
38 subsection 2, the district court of any county of this state is hereby
39 vested with the jurisdiction in equity to enjoin the conduct, the
40 operation of the business or the commission of the violation and
41 may grant any injunctions that are necessary to prevent and restrain
42 the conduct, the operation of the business or the commission of the
43 violation. During the pendency of the proceedings before the district
44 court:



1 (a) The court may issue any temporary restraining orders as may
2 appear to be just and proper;

3 (b) The findings of the Commissioner shall be deemed to be
4 prima facie evidence and sufficient grounds, in the discretion of the
5 court, for the ex parte issuance of a temporary restraining order; and

6 (c) The Commissioner may apply for and on due showing is
7 entitled to have issued the court's subpoena requiring forthwith the
8 appearance of any person to:

9 (1) Produce any documents, books and records as may
10 appear necessary for the hearing of the petition; and

11 (2) Testify and give evidence concerning the conduct
12 complained of in the petition.

13 **Sec. 217.** NRS 645E.670 is hereby amended to read as
14 follows:

15 645E.670 1. For each violation committed by an applicant,
16 whether or not he is issued a license, the Commissioner may impose
17 upon the applicant an administrative fine of not more than \$10,000
18 if the applicant:

19 (a) Has knowingly made or caused to be made to the
20 Commissioner any false representation of material fact;

21 (b) Has suppressed or withheld from the Commissioner any
22 information which the applicant possesses and which, if submitted
23 by him, would have rendered the applicant ineligible to be licensed
24 pursuant to the provisions of this chapter; or

25 (c) Has violated any provision of this chapter, a regulation
26 adopted pursuant to this chapter or an order of the Commissioner in
27 completing and filing his application for a license or during the
28 course of the investigation of his application for a license.

29 2. For each violation committed by a licensee, the
30 Commissioner may impose upon the licensee an administrative fine
31 of not more than \$10,000, may suspend, revoke or place conditions
32 upon his license, or may do both, if the licensee, whether or not
33 acting as such:

34 (a) Is insolvent;

35 (b) Is grossly negligent or incompetent in performing any act for
36 which he is required to be licensed pursuant to the provisions of this
37 chapter;

38 (c) Does not conduct his business in accordance with law or has
39 violated any provision of this chapter, a regulation adopted pursuant
40 to this chapter or an order of the Commissioner;

41 (d) Is in such financial condition that he cannot continue in
42 business with safety to his customers;

43 (e) Has made a material misrepresentation in connection with
44 any transaction governed by this chapter;



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1 (f) Has suppressed or withheld from a client any material facts,
2 data or other information relating to any transaction governed by the
3 provisions of this chapter which the licensee knew or, by the
4 exercise of reasonable diligence, should have known;

5 (g) Has knowingly made or caused to be made to the
6 Commissioner any false representation of material fact or has
7 suppressed or withheld from the Commissioner any information
8 which the licensee possesses and which, if submitted by him, would
9 have rendered the licensee ineligible to be licensed pursuant to the
10 provisions of this chapter;

11 (h) Has failed to account to persons interested for all money
12 received for a trust account;

13 (i) Has refused to permit an examination by the Commissioner
14 of his books and affairs or has refused or failed, within a reasonable
15 time, to furnish any information or make any report that may be
16 required by the Commissioner pursuant to the provisions of this
17 chapter or a regulation adopted pursuant to this chapter;

18 (j) Has been convicted of ~~f,~~ ~~or entered a plea of nolo contendere~~
19 ~~to,~~ a felony or any crime involving fraud, misrepresentation or
20 moral turpitude;

21 (k) Has refused or failed to pay, within a reasonable time, any
22 fees, assessments, costs or expenses that the licensee is required to
23 pay pursuant to this chapter or a regulation adopted pursuant to this
24 chapter;

25 (l) Has failed to satisfy a claim made by a client which has been
26 reduced to judgment;

27 (m) Has failed to account for or to remit any money of a client
28 within a reasonable time after a request for an accounting or
29 remittal;

30 (n) Has commingled the money or other property of a client
31 with his own or has converted the money or property of others to his
32 own use; or

33 (o) Has engaged in any other conduct constituting a deceitful,
34 fraudulent or dishonest business practice.

35 **Sec. 218.** Chapter 648 of NRS is hereby amended by adding
36 thereto the provisions set forth as sections 219 to 222, inclusive, of
37 this act.

38 **Sec. 219. 1. *The Attorney General has primary jurisdiction***
39 ***for the enforcement of the provisions of this chapter. The Attorney***
40 ***General shall, if appropriate, investigate and prosecute a person***
41 ***who violates:***

42 ***(a) Any provision of this chapter, a regulation adopted***
43 ***pursuant to this chapter or an order of the Board; or***



- 1 (b) Any other law or regulation if the violation is committed by
2 the person in the course of committing a violation described in
3 paragraph (a).
- 4 2. The Attorney General shall, if appropriate, investigate and
5 prosecute a person who is alleged to have committed a violation
6 described in subsection 1 whether or not:
- 7 (a) The Board notifies the Attorney General of the alleged
8 violation;
- 9 (b) The Board takes any disciplinary action against the person
10 alleged to have committed the violation; or
- 11 (c) Any other person files a complaint against the person
12 alleged to have committed the violation; or
- 13 (d) A civil action is commenced against the person alleged to
14 have committed the violation.
- 15 3. When acting pursuant to this section, the Attorney General
16 may commence his investigation and file a criminal action without
17 leave of court, and the Attorney General has exclusive charge of
18 the conduct of the prosecution.
- 19 4. Except as otherwise provided by the Constitution of the
20 United States, the Constitution of this state or a specific statute, a
21 person shall, if requested, provide the Attorney General with
22 information that would assist in the prosecution of any other
23 person who is alleged to have committed a violation described in
24 subsection 1. If a person fails, without reasonable cause, to
25 provide the Attorney General with such information upon request,
26 the person is guilty of a misdemeanor.
- 27 **Sec. 220.** 1. The Attorney General may bring any
28 appropriate civil action against a person to enforce any provision
29 of this chapter, a regulation adopted pursuant to this chapter or an
30 order of the Board, including, without limitation, an order of the
31 Board:
- 32 (a) Imposing an administrative fine; or
- 33 (b) Suspending, revoking or placing conditions upon a license.
- 34 2. If the Attorney General prevails in any civil action brought
35 pursuant to this chapter, the court shall order the person against
36 whom the civil action was brought to pay:
- 37 (a) Court costs; and
- 38 (b) Reasonable costs of the investigation and prosecution of
39 the civil action.
- 40 3. Whether or not the Attorney General brings a civil action
41 against a person pursuant to this chapter, the Attorney General
42 may prosecute the person for a criminal violation pursuant to this
43 chapter.



1 **Sec. 221.** *In addition to any other penalty, if a person is*
2 *convicted of a violation of any provision of this chapter, a*
3 *regulation adopted pursuant to this chapter or an order of the*
4 *Board, the court shall order the person to pay:*

5 1. *Court costs; and*
6 2. *Reasonable costs of the investigation and prosecution of*
7 *the violation.*

8 **Sec. 222.** 1. *The actions and remedies authorized by this*
9 *chapter are cumulative.*

10 2. *If an agency or officer elects to take any action or pursue*
11 *any remedy authorized by this chapter or another specific statute,*
12 *that election is not exclusive and does not preclude the agency or*
13 *officer or another agency or officer from taking any other action*
14 *or pursuing any other remedy authorized by this chapter or*
15 *another specific statute.*

16 **Sec. 223.** Chapter 649 of NRS is hereby amended by adding
17 thereto the provisions set forth as sections 224 to 227, inclusive, of
18 this act.

19 **Sec. 224.** 1. *The Attorney General has primary jurisdiction*
20 *for the enforcement of the provisions of this chapter. The Attorney*
21 *General shall, if appropriate, investigate and prosecute a person*
22 *who violates:*

23 (a) *Any provision of this chapter, a regulation adopted*
24 *pursuant to this chapter or an order of the Commissioner; or*

25 (b) *Any other law or regulation if the violation is committed by*
26 *the person in the course of committing a violation described in*
27 *paragraph (a).*

28 2. *The Attorney General shall, if appropriate, investigate and*
29 *prosecute a person who is alleged to have committed a violation*
30 *described in subsection 1 whether or not:*

31 (a) *The Commissioner notifies the Attorney General of the*
32 *alleged violation;*

33 (b) *The Commissioner takes any disciplinary action against*
34 *the person alleged to have committed the violation;*

35 (c) *Any other person files a complaint against the person*
36 *alleged to have committed the violation; or*

37 (d) *A civil action is commenced against the person alleged to*
38 *have committed the violation.*

39 3. *When acting pursuant to this section, the Attorney General*
40 *may commence his investigation and file a criminal action without*
41 *leave of court, and the Attorney General has exclusive charge of*
42 *the conduct of the prosecution.*

43 4. *Except as otherwise provided by the Constitution of the*
44 *United States, the Constitution of this state or a specific statute, a*
45 *person shall, if requested, provide the Attorney General with*



1 *information that would assist in the prosecution of any other*
2 *person who is alleged to have committed a violation described in*
3 *subsection 1. If a person fails, without reasonable cause, to*
4 *provide the Attorney General with such information upon request,*
5 *the person is guilty of a misdemeanor.*

6 **Sec. 225.** *1. The Attorney General may bring any*
7 *appropriate civil action against a person to enforce any provision*
8 *of this chapter, a regulation adopted pursuant to this chapter or an*
9 *order of the Commissioner, including, without limitation, an order*
10 *of the Commissioner:*

11 *(a) Imposing an administrative fine; or*
12 *(b) Suspending, revoking or placing conditions upon a license,*
13 *certificate or permit.*

14 *2. If the Attorney General prevails in any civil action brought*
15 *pursuant to this chapter, the court shall order the person against*
16 *whom the civil action was brought to pay:*

17 *(a) Court costs; and*
18 *(b) Reasonable costs of the investigation and prosecution of*
19 *the civil action.*

20 *3. Whether or not the Attorney General brings a civil action*
21 *against a person pursuant to this chapter, the Attorney General*
22 *may prosecute the person for a criminal violation pursuant to this*
23 *chapter.*

24 **Sec. 226.** *In addition to any other penalty, if a person is*
25 *convicted of a violation of any provision of this chapter, a*
26 *regulation adopted pursuant to this chapter or an order of the*
27 *Commissioner, the court shall order the person to pay:*

28 *1. Court costs; and*
29 *2. Reasonable costs of the investigation and prosecution of*
30 *the violation.*

31 **Sec. 227.** *1. The actions and remedies authorized by this*
32 *chapter are cumulative.*

33 *2. If an agency or officer elects to take any action or pursue*
34 *any remedy authorized by this chapter or another specific statute,*
35 *that election is not exclusive and does not preclude the agency or*
36 *officer or another agency or officer from taking any other action*
37 *or pursuing any other remedy authorized by this chapter or*
38 *another specific statute.*

39 **Sec. 228.** *NRS 649.085 is hereby amended to read as follows:*
40 *649.085 Every individual applicant, every officer and director*
41 *of a corporate applicant, and every member of a firm or partnership*
42 *applicant for a license as a collection agency or collection agent*
43 *must submit proof satisfactory to the Commissioner that he:*

44 *1. Is a citizen of the United States or lawfully entitled to*
45 *remain and work in the United States.*



1 2. Has a good reputation for honesty, trustworthiness ~~and~~ **and**
2 integrity and is competent to transact the business of a collection
3 agency in a manner which protects the interests of the general
4 public.

5 3. Has not had a collection agency license suspended or
6 revoked within the 10 years immediately preceding the date of the
7 application.

8 4. Has not been convicted of ~~[, or entered a plea of nolo~~
9 ~~contendere to,]~~ a felony or any crime involving fraud,
10 misrepresentation or moral turpitude.

11 5. Has not made a false statement of material fact on his
12 application.

13 6. Will maintain one or more offices in this state for the
14 transaction of the business of his collection agency.

15 7. Has established a plan to ensure that his collection agency
16 will provide the services of a collection agency adequately and
17 efficiently.

18 **Sec. 229.** NRS 649.196 is hereby amended to read as follows:

19 649.196 1. Each applicant for a manager's certificate must
20 submit proof satisfactory to the Commissioner that he:

21 (a) Is a citizen of the United States or lawfully entitled to remain
22 and work in the United States.

23 (b) Is at least 21 years of age.

24 (c) Has a good reputation for honesty, trustworthiness ~~and~~ **and**
25 integrity and is competent to transact the business of a collection
26 agency in a manner which protects the interests of the general
27 public.

28 (d) Has not committed any of the acts specified in NRS 649.215.

29 (e) Has not had a collection agency license or manager's
30 certificate suspended or revoked within the 10 years immediately
31 preceding the date of filing the application.

32 (f) Has not been convicted of ~~[, or entered a plea of nolo~~
33 ~~contendere to,]~~ a felony or any crime involving fraud,
34 misrepresentation or moral turpitude.

35 (g) Has had not less than 2 years' full-time experience with a
36 collection agency in the collection of accounts assigned by creditors
37 who were not affiliated with the collection agency except as
38 assignors of accounts. At least 1 year of the 2 years of experience
39 must have been within the 18-month period preceding the date of
40 filing the application.

41 2. Each applicant must:

42 (a) Pass the examination provided for in NRS 649.205.

43 (b) Pay the required fees.

44 (c) Submit three recent photographs and three sets of
45 fingerprints in such form as the Commissioner prescribes.



1 (d) Submit such other information reasonably related to his
2 qualifications for the manager's certificate as the Commissioner
3 determines to be necessary.

4 3. The Commissioner may refuse to issue a manager's
5 certificate if the applicant does not meet the requirements of
6 subsections 1 and 2.

7 4. If the Commissioner refuses to issue a manager's certificate
8 pursuant to this section, he shall notify the applicant in writing by
9 certified mail stating the reasons for the refusal. The applicant may
10 submit a written request for a hearing within 20 days after he
11 receives the notice. If the applicant fails to submit a written request
12 within the prescribed period, the Commissioner shall enter a final
13 order.

14 **Sec. 230.** NRS 649.400 is hereby amended to read as follows:

15 649.400 1. If upon investigation it appears that a collection
16 agency is conducting its business in violation of this chapter or the
17 regulations adopted by the Commissioner, or when it appears that
18 any person is engaging in the business of a collection agency
19 without being licensed under the provisions of this chapter, the
20 Commissioner may ~~1:~~

21 ~~—(a) Advise the district attorney of the county in which the~~
22 ~~business is conducted, and the district attorney shall cause the~~
23 ~~appropriate legal action to be taken to enjoin the operation of the~~
24 ~~business or prosecute the violations of this chapter; or~~

25 ~~—(b) Bring~~ *bring* suit in the name and on behalf of the State of
26 Nevada against such a person and any other person concerned in or
27 in any way participating in or about to participate in such unsafe or
28 injurious practices or action in violation of this chapter or the
29 regulations adopted by the Commissioner to enjoin any such person
30 from continuing or engaging in such practices or doing any such act.

31 2. If the Commissioner brings suit, the district court of any
32 judicial district may grant injunctions to prevent and restrain such
33 practices or transactions. The court may, during the pendency of the
34 proceedings before it, issue such temporary restraining orders as
35 may appear to be just and proper. The findings of the Commissioner
36 shall be deemed to be prima facie evidence and sufficient grounds,
37 in the discretion of the court, for the issue ex parte of a temporary
38 restraining order. In any such proceedings, the Commissioner may
39 apply for and on due showing is entitled to have issued the court's
40 subpoena requiring forthwith the appearance of any defendant and
41 his employees and the production of such documents, books and
42 records as appear necessary for the hearing of the petition, to testify
43 and give evidence concerning the acts or conduct or things
44 complained of in the application for an injunction.



1 **Sec. 231.** Chapter 654 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 232 to 235, inclusive, of
3 this act.

4 **Sec. 232. 1.** *The Attorney General has primary jurisdiction*
5 *for the enforcement of the provisions of this chapter. The Attorney*
6 *General shall, if appropriate, investigate and prosecute a person*
7 *who violates:*

8 *(a) Any provision of this chapter, a regulation adopted*
9 *pursuant to this chapter or an order of the Board; or*

10 *(b) Any other law or regulation if the violation is committed by*
11 *the person in the course of committing a violation described in*
12 *paragraph (a).*

13 **2.** *The Attorney General shall, if appropriate, investigate and*
14 *prosecute a person who is alleged to have committed a violation*
15 *described in subsection 1 whether or not:*

16 *(a) The Board notifies the Attorney General of the alleged*
17 *violation;*

18 *(b) The Board takes any disciplinary action against the person*
19 *alleged to have committed the violation;*

20 *(c) Any other person files a complaint against the person*
21 *alleged to have committed the violation; or*

22 *(d) A civil action is commenced against the person alleged to*
23 *have committed the violation.*

24 **3.** *When acting pursuant to this section, the Attorney General*
25 *may commence his investigation and file a criminal action without*
26 *leave of court, and the Attorney General has exclusive charge of*
27 *the conduct of the prosecution.*

28 **4.** *Except as otherwise provided by the Constitution of the*
29 *United States, the Constitution of this state or a specific statute, a*
30 *person shall, if requested, provide the Attorney General with*
31 *information that would assist in the prosecution of any other*
32 *person who is alleged to have committed a violation described in*
33 *subsection 1. If a person fails, without reasonable cause, to*
34 *provide the Attorney General with such information upon request,*
35 *the person is guilty of a misdemeanor.*

36 **Sec. 233. 1.** *The Attorney General may bring any*
37 *appropriate civil action against a person to enforce any provision*
38 *of this chapter, a regulation adopted pursuant to this chapter or an*
39 *order of the Board, including, without limitation, an order of the*
40 *Board:*

41 *(a) Imposing an administrative fine; or*

42 *(b) Suspending, revoking or placing conditions upon a license.*

43 **2.** *If the Attorney General prevails in any civil action brought*
44 *pursuant to this chapter, the court shall order the person against*
45 *whom the civil action was brought to pay:*



- 1 (a) Court costs; and
2 (b) Reasonable costs of the investigation and prosecution of
3 the civil action.

4 3. Whether or not the Attorney General brings a civil action
5 against a person pursuant to this chapter, the Attorney General
6 may prosecute the person for a criminal violation pursuant to this
7 chapter.

8 **Sec. 234.** In addition to any other penalty, if a person is
9 convicted of a violation of any provision of this chapter, a
10 regulation adopted pursuant to this chapter or an order of the
11 Board, the court shall order the person to pay:

- 12 1. Court costs; and
13 2. Reasonable costs of the investigation and prosecution of
14 the violation.

15 **Sec. 235.** 1. The actions and remedies authorized by this
16 chapter are cumulative.

17 2. If an agency or officer elects to take any action or pursue
18 any remedy authorized by this chapter or another specific statute,
19 that election is not exclusive and does not preclude the agency or
20 officer or another agency or officer from taking any other action
21 or pursuing any other remedy authorized by this chapter or
22 another specific statute.

23 **Sec. 236.** Chapter 656 of NRS is hereby amended by adding
24 thereto the provisions set forth as sections 237 to 240, inclusive, of
25 this act.

26 **Sec. 237.** 1. The Attorney General has primary jurisdiction
27 for the enforcement of the provisions of this chapter. The Attorney
28 General shall, if appropriate, investigate and prosecute a person
29 who violates:

30 (a) Any provision of this chapter, a regulation adopted
31 pursuant to this chapter or an order of the Board; or

32 (b) Any other law or regulation if the violation is committed by
33 the person in the course of committing a violation described in
34 paragraph (a).

35 2. The Attorney General shall, if appropriate, investigate and
36 prosecute a person who is alleged to have committed a violation
37 described in subsection 1 whether or not:

38 (a) The Board notifies the Attorney General of the alleged
39 violation;

40 (b) The Board takes any disciplinary action against the person
41 alleged to have committed the violation;

42 (c) Any other person files a complaint against the person
43 alleged to have committed the violation; or

44 (d) A civil action is commenced against the person alleged to
45 have committed the violation.



1 3. When acting pursuant to this section, the Attorney General
2 may commence his investigation and file a criminal action without
3 leave of court, and the Attorney General has exclusive charge of
4 the conduct of the prosecution.

5 4. Except as otherwise provided by the Constitution of the
6 United States, the Constitution of this state or a specific statute, a
7 person shall, if requested, provide the Attorney General with
8 information that would assist in the prosecution of any other
9 person who is alleged to have committed a violation described in
10 subsection 1. If a person fails, without reasonable cause, to
11 provide the Attorney General with such information upon request,
12 the person is guilty of a misdemeanor.

13 **Sec. 238.** 1. The Attorney General may bring any
14 appropriate civil action against a person to enforce any provision
15 of this chapter, a regulation adopted pursuant to this chapter or an
16 order of the Board, including, without limitation, an order of the
17 Board:

18 (a) Imposing an administrative fine; or
19 (b) Suspending, revoking or placing conditions upon a license
20 or certificate.

21 2. If the Attorney General prevails in any civil action brought
22 pursuant to this chapter, the court shall order the person against
23 whom the civil action was brought to pay:

24 (a) Court costs; and
25 (b) Reasonable costs of the investigation and prosecution of
26 the civil action.

27 3. Whether or not the Attorney General brings a civil action
28 against a person pursuant to this chapter, the Attorney General
29 may prosecute the person for a criminal violation pursuant to this
30 chapter.

31 **Sec. 239.** In addition to any other penalty, if a person is
32 convicted of a violation of any provision of this chapter, a
33 regulation adopted pursuant to this chapter or an order of the
34 Board, the court shall order the person to pay:

35 1. Court costs; and
36 2. Reasonable costs of the investigation and prosecution of
37 the violation.

38 **Sec. 240.** 1. The actions and remedies authorized by this
39 chapter are cumulative.

40 2. If an agency or officer elects to take any action or pursue
41 any remedy authorized by this chapter or another specific statute,
42 that election is not exclusive and does not preclude the agency or
43 officer or another agency or officer from taking any other action
44 or pursuing any other remedy authorized by this chapter or
45 another specific statute.



1 **Sec. 241.** NRS 656.300 is hereby amended to read as follows:
2 656.300 1. The practice of court reporting by any person who
3 has not been issued a certificate or whose certificate has been
4 suspended or revoked, or conducting a business as a court reporting
5 firm without first obtaining a license therefor or with a suspended or
6 revoked license, is hereby declared to be inimical to public health
7 and welfare and to constitute a public nuisance. The Attorney
8 General ~~[of the State of Nevada, the district attorney of any county~~
9 ~~in the state or any resident]~~ may maintain an action in the name of
10 the State of Nevada perpetually to enjoin any person from so
11 unlawfully practicing court reporting, or unlawfully conducting
12 business as a court reporting firm, and from doing, committing or
13 continuing such an unlawful act.
14 2. In all proceedings under this section, the court may
15 apportion the costs among the parties interested in the suit, including
16 the costs of filing the complaint, service of process, witness fees and
17 expenses, charges for a court reporter and reasonable attorney's
18 fees.
19 3. The proceeding authorized by this section is in addition to
20 and not in lieu of criminal prosecutions or proceedings to revoke or
21 suspend licenses or certificates as authorized by this chapter.
22 **Sec. 242.** NRS 623.370, 638.154, 638.160 and 639.006 are
23 hereby repealed.

LEADLINES OF REPEALED SECTIONS

623.370 District attorney to prosecute violations.
638.154 Court may award costs and reasonable attorney's
fees incurred by Board.
638.160 Prosecution of violators by Attorney General or
district attorneys.
639.006 "Conviction" defined.

