

ASSEMBLY BILL NO. 55—ASSEMBLYMEN ANDERSON, PARKS,
BUCKLEY, CLABORN, CONKLIN, HORNE, MANENDO,
OCEGUERA AND WILLIAMS (BY REQUEST)

FEBRUARY 10, 2003

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning persons
convicted of certain crimes. (BDR 14-330)

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

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 convicted persons; expanding the crimes for which a defendant is required to submit a biological specimen when he is found guilty; providing for the immediate restoration of the civil right to vote and to sit as a juror in a civil action and for the automatic restoration of certain other civil rights of certain ex-felons on specified future dates; providing for the automatic restoration of the civil rights of a person whose records of conviction are sealed; limiting the persons who are required to register as convicted persons; prohibiting a law enforcement agency from requiring a convicted person to carry a registration card; revising the provisions governing the employment of certain convicted felons; revising the provisions governing the certification and licensure of certain convicted felons in certain professions and occupations; and providing other matters properly relating thereto.

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



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1 **Section 1.** NRS 176.0913 is hereby amended to read as
2 follows:

3 176.0913 1. If a defendant is convicted of an offense listed in
4 subsection 4, the court, at sentencing, shall order that:

5 (a) The name, social security number, date of birth and any other
6 information identifying the defendant be submitted to the Central
7 Repository for Nevada Records of Criminal History; and

8 (b) A biological specimen be obtained from the defendant
9 pursuant to the provisions of this section and that the specimen be
10 used for an analysis to determine the genetic markers of the
11 specimen.

12 2. If the defendant is committed to the custody of the
13 Department of Corrections, the Department of Corrections shall
14 arrange for the biological specimen to be obtained from the
15 defendant. The Department of Corrections shall provide the
16 specimen to the forensic laboratory that has been designated by
17 the county in which the defendant was convicted to conduct or
18 oversee genetic marker testing for the county pursuant to
19 NRS 176.0917.

20 3. If the defendant is not committed to the custody of
21 the Department of Corrections, the Division shall arrange for the
22 biological specimen to be obtained from the defendant. The
23 Division shall provide the specimen to the forensic laboratory that
24 has been designated by the county in which the defendant was
25 convicted to conduct or oversee genetic marker testing for the
26 county pursuant to NRS 176.0917. Any cost that is incurred to
27 obtain a biological specimen from a defendant pursuant to this
28 subsection is a charge against the county in which the defendant was
29 convicted and must be paid as provided in NRS 176.0915.

30 4. ~~The~~ *Except as otherwise provided in subsection 5, the*
31 provisions of subsection 1 apply to a defendant who is convicted of:

32 (a) A category A felony;

33 (b) A category B felony;

34 (c) A category C felony involving the use or threatened use of
35 force or violence against the victim;

36 (d) A crime against a child as defined in NRS 179D.210;

37 (e) A sexual offense as defined in NRS 179D.410;

38 (f) Abuse or neglect of an older person pursuant to
39 NRS 200.5099;

40 (g) A second or subsequent offense for stalking pursuant to
41 NRS 200.575; ~~or~~

42 (h) An attempt or conspiracy to commit an offense listed in ~~this~~
43 ~~subsection.~~ *paragraphs (a) to (g), inclusive;*



1 (i) *Failing to register with a local law enforcement agency as a*
2 *convicted person as required pursuant to NRS 179C.100, if the*
3 *defendant previously was:*

4 (1) *Convicted in this state of committing an offense listed in*
5 *paragraph (a), (b), (c), (f), (g) or (h); or*

6 (2) *Convicted in another jurisdiction of committing an*
7 *offense that would constitute an offense listed in paragraph (a),*
8 *(b), (c), (f), (g) or (h) if committed in this state;*

9 (j) *Failing to register with a local law enforcement agency*
10 *after being convicted of a crime against a child as required*
11 *pursuant to NRS 179D.240; or*

12 (k) *Failing to register with a local law enforcement agency*
13 *after being convicted of a sexual offense as required pursuant to*
14 *NRS 179D.450.*

15 5. *A court shall not order a biological specimen to be*
16 *obtained from a defendant who has previously submitted such a*
17 *specimen for conviction of a prior offense unless the court*
18 *determines that an additional sample is necessary.*

19 **Sec. 2.** NRS 176A.850 is hereby amended to read as follows:

20 176A.850 1. A person who:

21 (a) Has fulfilled the conditions of his probation for the entire
22 period thereof;

23 (b) Is recommended for earlier discharge by the Division; or

24 (c) Has demonstrated his fitness for honorable discharge but
25 because of economic hardship, verified by a parole and probation
26 officer, has been unable to make restitution as ordered by the
27 court,

28 may be granted an honorable discharge from probation by order of
29 the court.

30 2. Any amount of restitution remaining unpaid constitutes a
31 civil liability arising upon the date of discharge.

32 3. ~~[(A)]~~ *Except as otherwise provided in subsection 4, a person*
33 *who has been* honorably discharged from probation:

34 (a) Is free from the terms and conditions of his probation. ~~[(b)]~~

35 ~~—(b) If he meets the requirements of NRS 176A.860, may apply~~
36 ~~to the Division to request a restoration of his civil rights; and~~

37 ~~—(c)]~~ (b) *Is immediately restored to the following civil rights:*

38 (1) *The right to vote; and*

39 (2) *The right to serve as a juror in a civil action.*

40 (c) *Four years after the date of his honorable discharge from*
41 *probation, is restored to the right to hold office.*

42 (d) *Six years after the date of his honorable discharge from*
43 *probation, is restored to the right to serve as a juror in a criminal*
44 *action.*



1 (e) If he meets the requirements of NRS 179.245, may apply to
2 the court for the sealing of records relating to his conviction.
3 ~~[(The person must)]~~
4 (f) *Must* be informed of the provisions of this section and NRS
5 ~~[176A.860 and]~~ 179.245 in his probation papers.
6 ~~[4.—A person honorably discharged from probation who has had~~
7 ~~his civil rights restored by the court:~~
8 ~~—(a)]~~ (g) Is exempt from the requirements of chapter 179C of
9 NRS, but is not exempt from the requirements of chapter 179D of
10 NRS.
11 ~~[(b)—May vote, hold office or serve as a juror.~~
12 ~~—(c)]~~ (h) Shall disclose the conviction to a gaming establishment
13 and to the State and its agencies, departments, boards, commissions
14 and political subdivisions, if required in an application for
15 employment, license or other permit. As used in this paragraph,
16 “establishment” has the meaning ascribed to it in NRS 463.0148.
17 ~~[(d)]~~ (i) Except as otherwise provided in paragraph ~~[(e)]~~ (h),
18 need not disclose the conviction to an employer or prospective
19 employer.
20 ~~[(5.)]~~ 4. *Except as otherwise provided in this subsection, the*
21 *civil rights set forth in subsection 3 are not restored to a person*
22 *honorably discharged from probation if the person has previously*
23 *been convicted in this state:*
24 (a) *Of a category A felony.*
25 (b) *Of an offense that would constitute a category A felony if*
26 *committed as of the date of his honorable discharge from*
27 *probation.*
28 (c) *Of a category B felony involving the use of force or*
29 *violence that resulted in substantial bodily harm to the victim.*
30 (d) *Of an offense involving the use of force or violence that*
31 *resulted in substantial bodily harm to the victim and that would*
32 *constitute a category B felony if committed as of the date of his*
33 *honorable discharge from probation.*
34 (e) *Two or more times of a felony, unless a felony for which*
35 *the person has been convicted arose out of the same act,*
36 *transaction or occurrence as another felony, in which case the*
37 *convictions for those felonies shall be deemed to constitute a*
38 *single conviction for the purposes of this paragraph.*
39 *A person described in this subsection may petition the court in*
40 *which the person was convicted for an order granting the*
41 *restoration of his civil rights as set forth in subsection 3.*
42 5. The prior conviction of a person ~~[whose civil rights have~~
43 ~~been restored or]~~ who has been honorably discharged from
44 probation may be used for purposes of impeachment. In any
45 subsequent prosecution of the person , ~~[who has had his civil rights~~



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1 ~~restored or who has been honorably discharged from probation,]~~ the
2 prior conviction may be pleaded and proved if otherwise admissible.

3 6. *Except for a person subject to the limitations set forth in*
4 *subsection 4, upon his honorable discharge from probation, the*
5 *person so discharged must be given an official document which*
6 *provides:*

7 (a) *That he has received an honorable discharge from*
8 *probation;*

9 (b) *That he has been restored to his civil rights to vote and to*
10 *serve as a juror in a civil action as of the date of his honorable*
11 *discharge from probation;*

12 (c) *The date on which his civil right to hold office will be*
13 *restored to him pursuant to paragraph (c) of subsection 3; and*

14 (d) *The date on which his civil right to serve as a juror in a*
15 *criminal action will be restored to him pursuant to paragraph (d)*
16 *of subsection 3.*

17 7. *Subject to the limitations set forth in subsection 4, a person*
18 *who has been honorably discharged from probation in this state or*
19 *elsewhere and whose official documentation of his honorable*
20 *discharge from probation is lost, damaged or destroyed may file a*
21 *written request with a court of competent jurisdiction to restore his*
22 *civil rights pursuant to this section. Upon verification that the*
23 *person has been honorably discharged from probation and is*
24 *eligible to be restored to the civil rights set forth in subsection 3,*
25 *the court shall issue an order restoring the person to the civil*
26 *rights set forth in subsection 3. A person must not be required to*
27 *pay a fee to receive such an order.*

28 8. *A person who has been honorably discharged from*
29 *probation in this state or elsewhere may present:*

30 (a) *Official documentation of his honorable discharge from*
31 *probation, if it contains the provisions set forth in subsection 6; or*

32 (b) *A court order restoring his civil rights,*
33 *as proof that he has been restored to the civil rights set forth in*
34 *subsection 3.*

35 **Sec. 3.** NRS 179.285 is hereby amended to read as follows:

36 179.285 Except as otherwise provided in NRS 179.301 ~~179.301~~:

37 1. *If* the court orders a record sealed pursuant to NRS
38 176A.265, 179.245, 179.255, 179.259 or 453.3365:

39 ~~179.285~~ (a) All proceedings recounted in the record are deemed
40 never to have occurred, and the person to whom the order pertains
41 may properly answer accordingly to any inquiry , *including,*
42 *without limitation, an inquiry relating to an application for*
43 *employment,* concerning the arrest, conviction, dismissal or
44 acquittal and the events and proceedings relating to the arrest,
45 conviction, dismissal or acquittal.



1 ~~[2. The court shall order the civil rights of the person to whom~~
2 ~~the order pertains to be restored if the person has not been restored~~
3 ~~to his civil rights.]~~

4 *(b) The person is immediately restored to the following civil*
5 *rights if his civil rights previously have not been restored:*

- 6 *(1) The right to vote;*
7 *(2) The right to hold office; and*
8 *(3) The right to serve on a jury.*

9 *2. Upon the sealing of his records, a person who is restored to*
10 *his civil rights must be given an official document which*
11 *demonstrates that he has been restored to the civil rights set forth*
12 *in paragraph (b) of subsection 1.*

13 *3. A person who has had his records sealed in this state or*
14 *any other state and whose official documentation of the*
15 *restoration of his civil rights is lost, damaged or destroyed may file*
16 *a written request with a court of competent jurisdiction to restore*
17 *his civil rights pursuant to this section. Upon verification that the*
18 *person has had his records sealed, the court shall issue an order*
19 *restoring the person to the civil rights to vote, to hold office and to*
20 *serve on a jury. A person must not be required to pay a fee to*
21 *receive such an order.*

22 *4. A person who has had his records sealed in this state or*
23 *any other state may present official documentation that he has*
24 *been restored to his civil rights or a court order restoring his civil*
25 *rights as proof that he has been restored to the right to vote, to*
26 *hold office and to serve as a juror.*

27 **Sec. 4.** NRS 179.301 is hereby amended to read as follows:

28 179.301 1. The State Gaming Control Board and *the* Nevada
29 Gaming Commission and their employees, agents and
30 representatives may inquire into and inspect any records sealed
31 pursuant to NRS 179.245 or 179.255, if the event or conviction was
32 related to gaming, for purposes of determining the suitability or
33 qualifications of any person to hold a state gaming license,
34 manufacturer's, seller's or distributor's license or gaming work
35 permit pursuant to chapter 463 of NRS. Events and convictions, if
36 any, which are the subject of an order sealing records ~~[may]~~ :

37 *(a) May* form the basis for recommendation, denial or
38 revocation of those licenses. ~~[or work permits.]~~

39 *(b) Must not form the basis for denial or rejection of a gaming*
40 *work permit unless the event or conviction relates to the*
41 *applicant's suitability or qualifications to hold the work permit.*

42 2. The Central Repository *for Nevada Records of Criminal*
43 *History* and its employees may inquire into and inspect any records
44 sealed pursuant to NRS 179.245 or 179.255 that constitute
45 information relating to sexual offenses, and may notify employers of



1 the information in accordance with NRS 179A.180 to 179A.240,
2 inclusive.

3 3. Records which have been sealed pursuant to NRS 179.245
4 or 179.255 and which are retained in the statewide registry
5 established pursuant to NRS 179B.200 may be inspected pursuant to
6 chapter 179B of NRS by an officer or employee of the Central
7 Repository or a law enforcement officer in the regular course of his
8 duties.

9 **Sec. 5.** NRS 179C.010 is hereby amended to read as follows:

10 179C.010 1. Except as otherwise provided in subsection 2, as
11 used in this chapter, unless the context otherwise requires,
12 “convicted person” means:

13 (a) A person convicted in the State of Nevada ~~[of an offense that~~
14 ~~is punishable as a felony]~~ or convicted in any place other than the
15 State of Nevada of ~~[a felony];~~

16 ~~—(b) A person convicted in the State of Nevada, or elsewhere, of~~
17 ~~the violation of a law, regardless of whether the violation is~~
18 ~~punishable as a felony;~~

19 ~~—(1) Relating to or regulating the possession, distribution,~~
20 ~~furnishing or use of a habit forming drug of the kind or character~~
21 ~~described and referred to in the Uniform Controlled Substances Act;~~

22 ~~—(2) Regulating or prohibiting the carrying, possession or~~
23 ~~ownership of a concealed weapon, deadly weapon or weapon~~
24 ~~capable of being concealed, or regulating or prohibiting the~~
25 ~~possession, sale or use of a device, instrument or attachment~~
26 ~~designed or intended to be used to silence the report or conceal the~~
27 ~~discharge or flash of any firearm; or~~

28 ~~—(3) Regulating or prohibiting the use, possession,~~
29 ~~manufacture or compounding of tear gas, or any other gas, that may~~
30 ~~be used to disable temporarily or permanently a human being; or~~

31 ~~—(c) A person convicted in the State of Nevada, or elsewhere, of~~
32 ~~an attempt or a conspiracy to commit an offense described or~~
33 ~~referred to in this subsection.]~~ *two or more offenses punishable as*
34 *felonies.*

35 *(b) A person convicted in the State of Nevada of an offense*
36 *punishable as a category A felony.*

37 *(c) A person convicted in the State of Nevada or convicted in*
38 *any place other than the State of Nevada of a crime that would*
39 *constitute a category A felony if committed in this state on July 1,*
40 *2003.*

41 2. For the purposes of this chapter, “convicted person” does not
42 include:

43 (a) A person who has been convicted of a crime against a child,
44 as defined in NRS 179D.210, or a sexual offense, as defined in NRS
45 179D.410; or



1 (b) Except as otherwise provided in this chapter, a person whose
2 conviction is or has been set aside in the manner provided by law.

3 **Sec. 6.** NRS 179C.100 is hereby amended to read as follows:

4 179C.100 1. It is unlawful for a convicted person to be or
5 remain in the State of Nevada for a period of more than 48 hours
6 without, during such 48-hour period, registering with the sheriff of a
7 county or the chief of police of a city in the manner prescribed in
8 this section.

9 2. A convicted person who does not reside in the State of
10 Nevada but who has a temporary or permanent place of abode
11 outside the State of Nevada, and who comes into the State on five
12 occasions or more during any 30-day period, is subject to the
13 provisions of this chapter.

14 3. A person who has registered as a convicted person with the
15 sheriff of a county or the chief of police of a city shall register again
16 as provided in this section if he subsequently commits another
17 offense described or referred to in this chapter.

18 4. A person required by this section to register shall do so by
19 filing with the sheriff or chief of police a statement in writing, upon
20 a form prescribed and furnished by the sheriff or chief of police,
21 which is signed by the person and which provides the following
22 information:

23 (a) His true name and each alias that he has used or under which
24 he may have been known;

25 (b) A full and complete description of his person;

26 (c) The kind, character and nature of each crime of which he has
27 been convicted;

28 (d) The place in which he was convicted of each crime;

29 (e) The name under which he was convicted in each instance
30 and the date thereof;

31 (f) The name, if any, and the location of each prison,
32 reformatory, jail or other penal institution in which he was confined
33 or to which he was sentenced;

34 (g) The location and address of his residence, stopping place,
35 living quarters or place of abode, and if more than one residence,
36 stopping place or place of abode, that fact must be stated and the
37 location and address of each given;

38 (h) The kind of residence, stopping place, or place of abode in
39 which he resides, including whether it is a private residence, hotel,
40 apartment house or other building or structure;

41 (i) The length of time he has occupied each place of residence,
42 stopping place or place of abode, and the length of time he expects
43 or intends to remain in the State of Nevada; and



1 (j) Any further information that may be required by the sheriff
2 or chief of police for the purpose of aiding and assisting in carrying
3 into effect the provisions and intent of this chapter.

4 5. *The sheriff of a county or the chief of police of a city shall*
5 *not require a convicted person to carry a registration card, and no*
6 *convicted person who is required to register pursuant to this*
7 *section may be punished for the failure to carry a registration*
8 *card.*

9 6. When so ordered in the individual case by the district court
10 in which the conviction was obtained, by the State Board of Parole
11 Commissioners or by the State Board of Pardons Commissioners,
12 whichever is appropriate, the provisions of this section do not apply
13 to a convicted person who has had his civil rights restored.

14 **Sec. 7.** NRS 6.010 is hereby amended to read as follows:

15 6.010 ~~Every~~ *Except as otherwise provided in this section,*
16 *every* qualified elector of the State, whether registered or not, who
17 has sufficient knowledge of the English language, and who has not
18 been convicted of treason, a felony, or other infamous crime, and
19 who is not rendered incapable by reason of physical or mental
20 infirmity, is a qualified juror of the county in which he resides. *A*
21 *person who has been convicted of a felony is not a qualified juror*
22 *of the county in which he resides until his civil right to serve as a*
23 *juror has been restored pursuant to NRS 176A.850, 179.285,*
24 *213.090, 213.155 or 213.157.*

25 **Sec. 8.** NRS 119A.230 is hereby amended to read as follows:

26 119A.230 1. The Administrator may impose a fine or
27 suspend, revoke, reissue, subject to conditions, or deny the renewal
28 of any sales agent's license issued under the provisions of this
29 chapter at any time if the sales agent has, by false or fraudulent
30 application or representation, obtained a license or, whether or not
31 acting as a sales agent, is found guilty of:

32 (a) Making any material misrepresentation;

33 (b) Making any false promises of a character likely to influence,
34 persuade or induce;

35 (c) Engaging in any fraudulent, misleading or oppressive sales
36 techniques or tactics;

37 (d) Accepting a commission or valuable consideration as a sales
38 agent for the performance of any of the acts specified in this chapter
39 from any person except a licensed project broker with whom the
40 sales agent is associated or the developer by whom he is employed;

41 (e) Failing, within a reasonable time, to account for or remit or
42 turn over to the project broker any money which comes into his
43 possession and which belongs to others;



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1 (f) Violating any of the provisions of this chapter or chapter
2 119B of NRS or of any regulation adopted pursuant to either
3 chapter, or willfully aiding or abetting another to do so; or

4 (g) A felony *relating to the practice of a sales agent* or other
5 crime of moral turpitude or has entered a plea of nolo contendere to
6 a felony *relating to the practice of a sales agent* or other crime of
7 moral turpitude.

8 2. The Administrator may investigate the actions of any sales
9 agent or any person who acts in such a capacity within the State of
10 Nevada.

11 **Sec. 9.** NRS 138.020 is hereby amended to read as follows:

12 138.020 1. No person is qualified to serve as an executor
13 who, at the time the will is probated:

14 (a) Is under the age of majority;

15 (b) Has been convicted of a felony ~~relating to the position of~~
16 *an executor;*

17 (c) Upon proof, is adjudged by the court disqualified to execute
18 the duties of executor by reason of drunkenness, improvidence or
19 lack of integrity or understanding; or

20 (d) Is a bank not authorized to do business in the State of
21 Nevada, unless it associates as coexecutor a bank authorized to do
22 business in this state. An out-of-state bank is qualified to appoint a
23 substitute executor, pursuant to NRS 138.045, without forming such
24 an association, but any natural person so appointed must be a
25 resident of this state.

26 2. If a disqualified person is named as the sole executor in a
27 will, or if all persons so named are disqualified or renounce their
28 right to act, or fail to appear and qualify, letters of administration
29 with the will annexed must issue.

30 **Sec. 10.** NRS 139.010 is hereby amended to read as follows:

31 139.010 No person is entitled to letters of administration who:

32 1. Is under the age of majority;

33 2. Has been convicted of a felony ~~relating to the position of~~
34 *an administrator;*

35 3. Upon proof, is adjudged by the court disqualified by reason
36 of conflict of interest, drunkenness, improvidence, or lack of
37 integrity or understanding; or

38 4. Is not a resident of the State of Nevada and who does not
39 associate as coadministrator a resident of the State of Nevada or
40 which, in the case of a banking corporation, is not authorized to do
41 business in this state and does not associate as coadministrator a
42 resident of the State of Nevada or a banking corporation authorized
43 to do business in this state.



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- 1 **Sec. 11.** NRS 159.059 is hereby amended to read as follows:
2 159.059 Any qualified person or entity that the court finds
3 suitable may serve as a guardian. A person is not qualified to serve
4 as a guardian who:
5 1. Is an incompetent.
6 2. Is a minor.
7 3. Has been convicted of a felony ~~[]~~ *relating to the position of*
8 *a guardian.*
9 4. Has been suspended for misconduct or disbarred from the
10 practice of law during the period of the suspension or disbarment.
11 5. Is a nonresident of this state and has not:
12 (a) Associated as a coguardian, a resident of this state or a
13 banking corporation whose principal place of business is in this
14 state; and
15 (b) Caused the appointment to be filed in the guardianship
16 proceeding.
17 6. Has been judicially determined, by clear and convincing
18 evidence, to have committed abuse, neglect or exploitation of a
19 child, spouse, parent or other adult.
20 **Sec. 12.** NRS 202.760 is hereby amended to read as follows:
21 202.760 It is unlawful for any person:
22 1. Who is under indictment for, or has been convicted in any
23 court of, a crime *relating to the practice of shipping or*
24 *transporting explosives that is* punishable by imprisonment for a
25 term exceeding 1 year;
26 2. Who is a fugitive from justice;
27 3. Who is an unlawful user of or addicted to any depressant or
28 stimulant drug or any controlled substance; or
29 4. Who has been judicially declared mentally ill or who has
30 been committed to a hospital as mentally ill,
31 to ship or transport any explosive within the State or to receive any
32 explosive which has been shipped or transported within the State.
33 **Sec. 13.** NRS 213.090 is hereby amended to read as follows:
34 213.090 1. ~~[When a pardon]~~ *Except as otherwise provided in*
35 *subsection 2, a person who* is granted *a pardon* for any offense
36 committed ~~[, the pardon may or may not include restoration of civil~~
37 ~~rights. If the pardon includes restoration of civil rights, it must be so~~
38 ~~stated in the instrument or certificate of pardon and, when granted~~
39 ~~upon conditions, limitations or restrictions, they must be fully set~~
40 ~~forth in the instrument.~~
41 ~~—2.— In any case where a convicted person has received a pardon~~
42 ~~without immediate restoration of his civil rights, he may apply to the~~
43 ~~State Board of Pardons Commissioners for restoration of his civil~~
44 ~~rights and release from penalties and disabilities resulting from the~~
45 ~~offense or crime of which he was convicted.~~



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1 ~~—3. Upon receiving an application pursuant to subsection 2, the~~
2 ~~Board shall determine whether the applicant has received a pardon.~~
3 ~~If the Board determines that the applicant has received a pardon, the~~
4 ~~Board shall, as soon as reasonably practicable, restore him to his~~
5 ~~civil rights and release him from all penalties and disabilities~~
6 ~~resulting from the offense or crime of which he was convicted.~~

7 ~~—4. An applicant]:~~

8 (a) *Is immediately restored to the following civil rights:*

9 (1) *The right to vote; and*

10 (2) *The right to serve as a juror in a civil action.*

11 (b) *Four years after the date that his pardon is granted, is*
12 *restored to the right to hold office.*

13 (c) *Six years after the date that his pardon is granted, is*
14 *restored to the right to serve as a juror in a criminal action.*

15 2. *Except as otherwise provided in this subsection, the civil*
16 *rights set forth in subsection 1 are not restored to a person who*
17 *has been granted a pardon if the person has previously been*
18 *convicted in this state:*

19 (a) *Of a category A felony.*

20 (b) *Of an offense that would constitute a category A felony if*
21 *committed as of the date that his pardon is granted.*

22 (c) *Of a category B felony involving the use of force or*
23 *violence that resulted in substantial bodily harm to the victim.*

24 (d) *Of an offense involving the use of force or violence that*
25 *resulted in substantial bodily harm to the victim and that would*
26 *constitute a category B felony if committed as of the date that his*
27 *pardon is granted.*

28 (e) *Two or more times of a felony, unless a felony for which*
29 *the person has been convicted arose out of the same act,*
30 *transaction or occurrence as another felony, in which case the*
31 *convictions for those felonies shall be deemed to constitute a*
32 *single conviction for the purposes of this paragraph.*

33 *A person described in this subsection may petition the court in*
34 *which the person was convicted for an order granting the*
35 *restoration of his civil rights as set forth in subsection 1.*

36 3. *Except for a person subject to the limitations set forth in*
37 *subsection 2, upon receiving a pardon, a person so pardoned must*
38 *be given an official document which provides:*

39 (a) *That he has been granted a pardon;*

40 (b) *That he has been restored to his civil rights to vote and to*
41 *serve as a juror in a civil action as of the date that his pardon is*
42 *granted;*

43 (c) *The date on which his civil right to hold office will be*
44 *restored to him pursuant to paragraph (b) of subsection 1; and*



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1 (d) *The date on which his civil right to serve as a juror in a*
2 *criminal action will be restored to him pursuant to paragraph (c)*
3 *of subsection 1.*

4 4. *Subject to the limitations set forth in subsection 2, a person*
5 *who has been granted a pardon in this state or elsewhere and*
6 *whose official documentation of his pardon is lost, damaged or*
7 *destroyed may file a written request with a court of competent*
8 *jurisdiction to restore his civil rights pursuant to this section.*
9 *Upon verification that the person has been granted a pardon and*
10 *is eligible to be restored to the civil rights set forth in subsection 1,*
11 *the court shall issue an order restoring the person to the civil*
12 *rights set forth in subsection 1. A person must not be required to*
13 *pay a fee to* ~~*have his civil rights restored or to be released from*~~
14 ~~*penalties and disabilities pursuant to this section.*~~ *receive such an*
15 *order.*

16 5. *A person who has been granted a pardon in this state or*
17 *elsewhere may present:*

18 (a) *Official documentation of his pardon, if it contains the*
19 *provisions set forth in subsection 3; or*

20 (b) *A court order restoring his civil rights,*
21 *as proof that he has been restored to the civil rights set forth in*
22 *subsection 1.*

23 **Sec. 14.** NRS 213.155 is hereby amended to read as follows:

24 213.155 1. ~~*[The Board may restore a paroled prisoner to his*~~
25 ~~*civil rights, conditioned upon the prisoner receiving]*~~ *Except as*
26 *otherwise provided in subsection 2, a person who receives an*
27 *honorable discharge from parole pursuant to NRS 213.154* ~~*[. Such*~~
28 ~~*restoration must take effect at the expiration of the parole of the*~~
29 ~~*prisoner.*~~

30 ~~*2. In any case where a convicted person has completed his*~~
31 ~~*parole without immediate restoration of his civil rights and has been*~~
32 ~~*issued an honorable discharge from parole pursuant to NRS*~~
33 ~~*213.154, he may apply to the Division to request a restoration of his*~~
34 ~~*civil rights and release from penalties and disabilities which resulted*~~
35 ~~*from the offense or crime of which he was convicted.*~~

36 ~~*3. Upon receiving an application pursuant to subsection 2, the*~~
37 ~~*Division shall determine whether the applicant has received an*~~
38 ~~*honorable discharge from parole. If the Division determines that the*~~
39 ~~*applicant has received an honorable discharge, the Division shall*~~
40 ~~*forward the application to the Board.*~~

41 ~~*4. Upon receiving an application pursuant to subsection 3, the*~~
42 ~~*Board shall, as soon as reasonably practicable, restore the applicant*~~
43 ~~*to his civil rights and release him from all penalties and disabilities*~~
44 ~~*resulting from the offense or crime of which he was convicted.*~~

45 ~~*5. An applicant]*~~ :



- 1 (a) *Is immediately restored to the following civil rights:*
2 (1) *The right to vote; and*
3 (2) *The right to serve as a juror in a civil action.*
4 (b) *Four years after the date of his honorable discharge from*
5 *parole, is restored to the right to hold office.*
6 (c) *Six years after the date of his honorable discharge from*
7 *parole, is restored to the right to serve as a juror in a criminal*
8 *action.*
9 2. *Except as otherwise provided in this subsection, the civil*
10 *rights set forth in subsection 1 are not restored to a person who*
11 *has received an honorable discharge from parole if the person has*
12 *previously been convicted in this state:*
13 (a) *Of a category A felony.*
14 (b) *Of an offense that would constitute a category A felony if*
15 *committed as of the date of his honorable discharge from parole.*
16 (c) *Of a category B felony involving the use of force or*
17 *violence that resulted in substantial bodily harm to the victim.*
18 (d) *Of an offense involving the use of force or violence that*
19 *resulted in substantial bodily harm to the victim and that would*
20 *constitute a category B felony if committed as of the date of his*
21 *honorable discharge from parole.*
22 (e) *Two or more times of a felony, unless a felony for which*
23 *the person has been convicted arose out of the same act,*
24 *transaction or occurrence as another felony, in which case the*
25 *convictions for those felonies shall be deemed to constitute a*
26 *single conviction for the purposes of this paragraph.*
27 *A person described in this subsection may petition the court in*
28 *which the person was convicted for an order granting the*
29 *restoration of his civil rights as set forth in subsection 1.*
30 3. *Except for a person subject to the limitations set forth in*
31 *subsection 2, upon his honorable discharge from parole, a person*
32 *so discharged must be given an official document which provides:*
33 (a) *That he has received an honorable discharge from parole;*
34 (b) *That he has been restored to his civil rights to vote and to*
35 *serve as a juror in a civil action as of the date of his honorable*
36 *discharge from parole;*
37 (c) *The date on which his civil right to hold office will be*
38 *restored to him pursuant to paragraph (b) of subsection 1; and*
39 (d) *The date on which his civil right to serve as a juror in a*
40 *criminal action will be restored to him pursuant to paragraph (c)*
41 *of subsection 1.*
42 4. *Subject to the limitations set forth in subsection 2, a person*
43 *who has been honorably discharged from parole in this state or*
44 *elsewhere and whose official documentation of his honorable*
45 *discharge from parole is lost, damaged or destroyed may file a*



1 *written request with a court of competent jurisdiction to restore his*
2 *civil rights pursuant to this section. Upon verification that the*
3 *person has been honorably discharged from parole and is eligible*
4 *to be restored to the civil rights set forth in subsection 1, the court*
5 *shall issue an order restoring the person to the civil rights set forth*
6 *in subsection 1. A person* must not be required to pay a fee to ~~have~~
7 ~~his civil rights restored or to be released from penalties and~~
8 ~~disabilities pursuant to this section.~~
9 ~~—6.] receive such an order.~~
10 5. *A person who has been honorably discharged from parole*
11 *in this state or elsewhere may present:*
12 (a) *Official documentation of his honorable discharge from*
13 *parole, if it contains the provisions set forth in subsection 3; or*
14 (b) *A court order restoring his civil rights,*
15 *as proof that he has been restored to the civil rights set forth in*
16 *subsection 1.*
17 6. The Board may adopt regulations necessary or convenient
18 for the purposes of this section.
19 **Sec. 15.** NRS 213.157 is hereby amended to read as follows:
20 213.157 1. ~~[In any case where a]~~ *Except as otherwise*
21 *provided in subsection 2, a* person convicted of a felony in the State
22 of Nevada *who* has served his sentence and *has* been released from
23 prison ~~[, he may apply to the Division requesting restoration of his~~
24 ~~civil rights and release from all penalties and disabilities which~~
25 ~~resulted from the offense or crime of which he was convicted.~~
26 ~~—2. Upon receiving an application pursuant to subsection 1, the~~
27 ~~Division shall determine whether the applicant has served his~~
28 ~~sentence and been released from prison. If the division determines~~
29 ~~that the applicant has served his sentence and been released from~~
30 ~~prison, the Division shall forward the application to the district court~~
31 ~~in which the conviction was obtained.~~
32 ~~—3. Upon receiving an application pursuant to subsection 2, the~~
33 ~~court shall, as soon as reasonably practicable, restore the civil rights~~
34 ~~of the applicant and release him from all penalties and disabilities~~
35 ~~which resulted from the offense or crime of which he was convicted.~~
36 ~~—4. An applicant] :~~
37 (a) *Is immediately restored to the following civil rights:*
38 (1) *The right to vote; and*
39 (2) *The right to serve as a juror in a civil action.*
40 (b) *Four years after the date of his release from prison, is*
41 *restored to the right to hold office.*
42 (c) *Six years after the date of his release from prison, is*
43 *restored to the right to serve as a juror in a criminal action.*
44 2. *Except as otherwise provided in this subsection, the civil*
45 *rights set forth in subsection 1 are not restored to a person who*



1 *has been released from prison if the person has previously been*
2 *convicted in this state:*

3 *(a) Of a category A felony.*

4 *(b) Of an offense that would constitute a category A felony if*
5 *committed as of the date of his release from prison.*

6 *(c) Of a category B felony involving the use of force or*
7 *violence that resulted in substantial bodily harm to the victim.*

8 *(d) Of an offense involving the use of force or violence that*
9 *resulted in substantial bodily harm to the victim and that would*
10 *constitute a category B felony if committed as of the date of his*
11 *release from prison.*

12 *(e) Two or more times of a felony, unless a felony for which*
13 *the person has been convicted arose out of the same act,*
14 *transaction or occurrence as another felony, in which case the*
15 *convictions for those felonies shall be deemed to constitute a*
16 *single conviction for the purposes of this paragraph.*

17 *A person described in this subsection may petition the court in*
18 *which the person was convicted for an order granting the*
19 *restoration of his civil rights as set forth in subsection 1.*

20 *3. Except for a person subject to the limitations set forth in*
21 *subsection 2, upon his release from prison, a person so released*
22 *must be given an official document which provides:*

23 *(a) That he has been released from prison;*

24 *(b) That he has been restored to his civil rights to vote and to*
25 *serve as a juror in a civil action as of the date of his release from*
26 *prison;*

27 *(c) The date on which his civil right to hold office will be*
28 *restored to him pursuant to paragraph (b) of subsection 1; and*

29 *(d) The date on which his civil right to serve as a juror in a*
30 *criminal action will be restored to him pursuant to paragraph (c)*
31 *of subsection 1.*

32 *4. Subject to the limitations set forth in subsection 2, a person*
33 *who has been released from prison in this state or elsewhere and*
34 *whose official documentation of his release from prison is lost,*
35 *damaged or destroyed may file a written request with a court of*
36 *competent jurisdiction to restore his civil rights pursuant to this*
37 *section. Upon verification that the person has been released from*
38 *prison and is eligible to be restored to the civil rights set forth in*
39 *subsection 1, the court shall issue an order restoring the person to*
40 *the civil rights set forth in subsection 1. A person must not be*
41 *required to pay a fee to ~~have his civil rights restored or to be~~*
42 *~~released from penalties and disabilities pursuant to this section.~~*
43 *receive such an order.*

44 *5. A person who has been released from prison in this state or*
45 *elsewhere may present:*



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- 1 (a) *Official documentation of his release from prison, if it*
2 *contains the provisions set forth in subsection 3; or*
3 (b) *A court order restoring his civil rights,*
4 *as proof that he has been restored to the civil rights set forth in*
5 *subsection 1.*

6 **Sec. 16.** NRS 248.010 is hereby amended to read as follows:

7 248.010 1. Sheriffs ~~{shall}~~ **must** be elected by the qualified
8 electors of their respective counties.

9 2. Sheriffs ~~{shall}~~ **must** be chosen by the electors of their
10 respective counties at the general election in 1922, and at the
11 general election every 4 years thereafter, and shall enter upon the
12 duties of their respective offices on the ~~{1st}~~ **first** Monday of
13 January subsequent to their election.

14 3. *A person who has been convicted of a felony in this state or*
15 *any other state is not qualified to be a candidate for or elected or*
16 *appointed to the office of sheriff regardless of whether he has*
17 *been restored to his civil rights.*

18 **Sec. 17.** NRS 258.010 is hereby amended to read as follows:

19 258.010 1. Except as otherwise provided in subsections 2
20 and 3:

21 (a) Constables must be elected by the qualified electors of their
22 respective townships.

23 (b) The constables of the several townships of the State must be
24 chosen at the general election of 1966, and shall enter upon the
25 duties of their offices on the first Monday of January next
26 succeeding their election, and hold their offices for the term of 4
27 years thereafter, until their successors are elected and qualified.

28 (c) Constables must receive certificates of election from the
29 boards of county commissioners of their respective counties.

30 2. In a county which includes only one township, the board of
31 county commissioners may, by resolution, appoint the sheriff ex
32 officio constable to serve without additional compensation. The
33 resolution must not become effective until the completion of the
34 term of office for which a constable may have been elected.

35 3. In a county whose population:

36 (a) Is less than 400,000, if the board of county commissioners
37 determines that the office of constable is not necessary in one or
38 more townships within the county, it may, by ordinance, abolish the
39 office of constable in those townships.

40 (b) Is 400,000 or more, if the board of county commissioners
41 determines that the office of constable is not necessary in one or
42 more townships within the county, it may, by ordinance, abolish the
43 office in those townships, but the abolition does not become
44 effective as to a particular township until the constable incumbent



1 on May 28, 1979, does not seek, or is defeated for,
2 reelection.

3 For a township in which the office of constable has been abolished,
4 the board of county commissioners may, by resolution, appoint the
5 sheriff ex officio constable to serve without additional
6 compensation.

7 *4. A person who has been convicted of a felony in this state or*
8 *any other state is not qualified to be a candidate for or elected or*
9 *appointed to the office of constable regardless of whether he has*
10 *been restored to his civil rights.*

11 **Sec. 18.** Chapter 289 of NRS is hereby amended by adding
12 thereto a new section to read as follows:

13 *A person who has been convicted of a felony in this state or any*
14 *other state is not qualified to serve as a category I peace officer,*
15 *category II peace officer or category III peace officer regardless of*
16 *whether he has been restored to his civil rights.*

17 **Sec. 19.** NRS 289.450 is hereby amended to read as follows:

18 289.450 As used in NRS 289.450 to 289.600, inclusive, *and*
19 *section 18 of this act*, unless the context otherwise requires, the
20 words and terms defined in NRS 289.460 to 289.490, inclusive,
21 have the meanings ascribed to them in those sections.

22 **Sec. 20.** NRS 386.549 is hereby amended to read as follows:

23 386.549 1. The governing body of a charter school must
24 consist of at least three teachers, as defined in subsection 4, and may
25 consist of, without limitation, parents and representatives of
26 nonprofit organizations and businesses. A majority of the members
27 of the governing body must reside in this state. If the membership of
28 the governing body changes, the governing body shall provide
29 written notice to the sponsor of the charter school within 10 working
30 days after such change. A person may serve on the governing body
31 only if he submits an affidavit to the Department indicating that the
32 person has not been convicted of a felony *relating to serving on the*
33 *governing body of a charter school* or any offense involving moral
34 turpitude.

35 2. The governing body of a charter school is a public body. It is
36 hereby given such reasonable and necessary powers, not conflicting
37 with the Constitution and the laws of the State of Nevada, as may be
38 requisite to attain the ends for which the charter school is
39 established and to promote the welfare of pupils who are enrolled in
40 the charter school.

41 3. The governing body of a charter school shall, during each
42 calendar quarter, hold at least one regularly scheduled public
43 meeting in the county in which the charter school is located.

44 4. As used in subsection 1, "teacher" means a person who:



1 (a) Holds a current license to teach issued pursuant to chapter
2 391 of NRS; and

3 (b) Has at least 2 years of experience as an employed
4 teacher.

5 The term does not include a person who is employed as a substitute
6 teacher.

7 **Sec. 21.** NRS 398.460 is hereby amended to read as follows:

8 398.460 1. Except as otherwise provided in subsection 2, the
9 Secretary of State shall issue a certificate of registration to a natural
10 person who complies with NRS 398.452 or whose application has
11 been accepted under NRS 398.456.

12 2. The Secretary of State may refuse to issue a certificate of
13 registration if he determines that the applicant has engaged in
14 conduct that has a significant adverse effect on his fitness to act as
15 an athlete's agent. In making this determination, the Secretary of
16 State may consider whether the applicant has:

17 (a) Been convicted of a crime that, if committed in this state,
18 would be a crime involving moral turpitude or a felony ~~relating~~
19 *to his fitness to act as an athlete's agent*;

20 (b) Made a materially false, misleading, deceptive or fraudulent
21 representation in his application or as an athlete's agent;

22 (c) Engaged in conduct that would disqualify him from serving
23 in a fiduciary capacity;

24 (d) Engaged in conduct prohibited by NRS 398.496;

25 (e) Had registration or licensure as an athlete's agent suspended,
26 revoked or denied, or been refused renewal of registration or
27 licensure as an athlete's agent, in any state;

28 (f) Engaged in conduct whose consequence was that a sanction,
29 suspension or declaration of ineligibility to participate in an
30 interscholastic or intercollegiate athletic event was imposed on a
31 student athlete or an institution; or

32 (g) Engaged in conduct that significantly adversely reflects on
33 his credibility, honesty or integrity.

34 3. In making a determination pursuant to subsection 2, the
35 Secretary of State shall consider:

36 (a) How recently the conduct occurred;

37 (b) The nature of the conduct and the context in which it
38 occurred; and

39 (c) Any other relevant conduct of the applicant.

40 **Sec. 22.** NRS 463.335 is hereby amended to read as follows:

41 463.335 1. The Legislature finds that, to protect and promote
42 the health, safety, morals, good order and general welfare of the
43 inhabitants of the State of Nevada and to carry out the policy
44 declared in NRS 463.0129, it is necessary that the Board:



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1 (a) Ascertain and keep itself informed of the identity, prior
2 activities and present location of all gaming employees and
3 independent agents in the State of Nevada; and

4 (b) Maintain confidential records of such information.

5 2. Except as otherwise provided in subsection 3, a person may
6 not be employed as a gaming employee or serve as an independent
7 agent unless he is the holder of a valid work permit to work as a
8 gaming employee issued pursuant to this section. A work permit to
9 work as a gaming employee may be issued by the Board or by a
10 county or city licensing authority. An applicant for a work permit
11 shall file his application for a work permit with the licensing
12 authority of the city in which he resides if that city requires a work
13 permit. If the city in which he resides does not require such a permit,
14 the applicant shall file his application with the licensing authority of
15 the county in which he resides if that county requires a work permit.
16 If the county in which he resides does not require such a permit, the
17 applicant shall file his application with the Board. The Board shall,
18 by regulation, prescribe the form for an application for a work
19 permit to work as a gaming employee. The fee for such a permit
20 may be charged only to cover the actual investigative and
21 administrative costs related to processing an application for such a
22 permit and must not exceed \$75.

23 3. An independent agent is not required to hold a work permit
24 if he is not a resident of this state and has registered with the Board
25 in accordance with the provisions of the regulations adopted by the
26 Commission.

27 4. Upon receipt of an application for a work permit to work as
28 a gaming employee, the Board or licensing authority shall conduct
29 an investigation of the applicant to determine whether he is eligible
30 for the permit. In conducting the investigation, the Board or
31 licensing authority shall forward a complete set of the applicant's
32 fingerprints to the Central Repository for Nevada Records of
33 Criminal History for submission to the Federal Bureau of
34 Investigation for a report concerning the criminal history of the
35 applicant. The investigation need not be limited solely to
36 consideration of the results of the report concerning the criminal
37 history of the applicant.

38 5. A work permit issued to a gaming employee or an
39 independent agent must have clearly imprinted thereon a statement
40 that it is valid for gaming purposes only.

41 6. Unless denied or objected to by the Board at the time that
42 the permittee filed a notice of a change in his place of employment
43 pursuant to subsection 8 and unless suspended or revoked, such a
44 permit expires on the fifth anniversary of the permittee's birthday,
45 measured from the birthday nearest the date of issuance or renewal.



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1 If the date of birth of a permittee is on February 29 in a leap year,
2 for the purposes of this section, his date of birth shall be deemed to
3 be on February 28.

4 7. Whenever any person applies to a county or city licensing
5 authority for the issuance or renewal of a work permit, the county or
6 city officer or employee to whom the application is made shall
7 within 24 hours mail or deliver a copy thereof to the Board, and may
8 at the discretion of the county or city licensing authority issue a
9 temporary work permit that is valid for 120 days. If within 120 days
10 after receipt by the Board of the copy of the application, the Board
11 has not notified the county or city licensing authority of any
12 objection, the authority may issue, renew or deny a permanent work
13 permit to the applicant.

14 8. A gaming employee who is issued a work permit is eligible
15 for employment in any licensed gaming establishment in this state
16 until the work permit is denied or objected to by the Board, expires
17 or is revoked. However, each such employee shall notify the Board
18 within 10 days following any change of his place of employment at
19 a gaming establishment. Such a notification shall be deemed an
20 application for a work permit that the Board may deny or object to
21 after conducting any investigations the Board deems appropriate.
22 The provisions of subsections 9 to 16, inclusive, apply to any such
23 objection of the Board. The Commission shall adopt regulations to:

24 (a) Facilitate uniform procedures for the issuance of work
25 permits by counties and cities;

26 (b) Establish uniform criteria for denial by a county or city
27 licensing authority of an application for a work permit; and

28 (c) Provide for the creation and maintenance of a system of
29 records that contain information regarding the current place of
30 employment of each person who possesses a valid work permit.

31 9. If the Board, within the 120-day period, notifies:

32 (a) The county or city licensing authority; and

33 (b) The applicant,

34 that the Board objects to the granting of a work permit to the
35 applicant, the authority shall deny the work permit and shall
36 immediately revoke and repossess any temporary work permit
37 which it may have issued. The notice of objection by the Board
38 which is sent to the applicant must include a statement of the facts
39 upon which the Board relied in making its objection.

40 10. Whenever an application for a work permit is made to the
41 Board and the Board denies such an application, it shall include in
42 its notice of the denial a statement of the facts upon which it relied
43 in denying the application.

44 11. Any person whose application for a work permit has been
45 denied because of an objection by the Board or whose application



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1 has been denied by the Board may, not later than 60 days after
2 receiving notice of the denial or objection, apply to the Board for a
3 hearing. A failure of a person whose application has been denied to
4 apply for a hearing within 60 days or his failure to appear at a
5 hearing of the Board conducted pursuant to this section shall be
6 deemed to be an admission that the denial or objection is well-
7 founded, and the failure precludes administrative or judicial review.
8 At the hearing, the Board shall take any testimony deemed
9 necessary. After the hearing, the Board shall review the testimony
10 taken and any other evidence, and shall within 45 days after the date
11 of the hearing mail to the applicant its decision sustaining or
12 reversing the denial of the work permit or the objection to the
13 issuance of a work permit.

14 12. The Board may object to the issuance of a work permit or
15 may refuse to issue a work permit for any cause deemed reasonable
16 by the Board. The Board may object or refuse if the applicant has:

17 (a) Failed to disclose or misstated information or otherwise
18 attempted to mislead the Board with respect to any material fact
19 contained in the application for the issuance or renewal of a work
20 permit;

21 (b) Knowingly failed to comply with the provisions of this
22 chapter or chapter 463B, 464 or 465 of NRS or the regulations of
23 the Commission at a place of previous employment;

24 (c) Committed, attempted or conspired to commit any crime of
25 moral turpitude, embezzlement or larceny or any violation of any
26 law pertaining to gaming, or any crime which is inimical to the
27 declared policy of this state concerning gaming;

28 (d) Committed, attempted or conspired to commit a crime which
29 is a felony or gross misdemeanor in this state or an offense in
30 another state or jurisdiction which would be a felony or gross
31 misdemeanor if committed in this state ~~§~~ *and which relates to the*
32 *applicant's suitability or qualifications to work as a gaming*
33 *employee;*

34 (e) Been identified in the published reports of any federal or
35 state legislative or executive body as being a member or associate of
36 organized crime, or as being of notorious and unsavory reputation;

37 (f) Been placed and remains in the constructive custody of any
38 federal, state or municipal law enforcement authority; or

39 (g) Had a work permit revoked or committed any act which is a
40 ground for the revocation of a work permit or would have been a
41 ground for revoking his work permit if he had then held a work
42 permit.

43 If the Board issues or does not object to the issuance of a work
44 permit to an applicant, it may specially limit the period for which
45 the permit is valid, limit the job classifications for which the holder



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1 of the permit may be employed and establish such individual
2 conditions for the issuance, renewal and effectiveness of the permit
3 as the Board deems appropriate, including required submission to
4 unscheduled tests for the presence of alcohol or controlled
5 substances.

6 13. Any applicant aggrieved by the decision of the Board may,
7 within 15 days after the announcement of the decision, apply in
8 writing to the Commission for review of the decision. Review is
9 limited to the record of the proceedings before the Board. The
10 Commission may sustain, modify or reverse the Board's decision.
11 The decision of the Commission is subject to judicial review
12 pursuant to NRS 463.315 to 463.318, inclusive.

13 14. Except as otherwise provided in this subsection, all records
14 acquired or compiled by the Board or Commission relating to any
15 application made pursuant to this section and all lists of persons to
16 whom work permits have been issued or denied and all records of
17 the names or identity of persons engaged in the gaming industry in
18 this state are confidential and must not be disclosed except in the
19 proper administration of this chapter or to an authorized law
20 enforcement agency. Upon receipt of a request from the Welfare
21 Division of the Department of Human Resources pursuant to NRS
22 425.400 for information relating to a specific person who has
23 applied for or holds a work permit, the Board shall disclose to the
24 Division his social security number, residential address and current
25 employer as that information is listed in the files and records of the
26 Board. Any record of the Board or Commission which shows that
27 the applicant has been convicted of a crime in another state must
28 show whether the crime was a misdemeanor, gross misdemeanor,
29 felony or other class of crime as classified by the state in which the
30 crime was committed. In a disclosure of the conviction, reference to
31 the classification of the crime must be based on the classification in
32 the state where it was committed.

33 15. The Chairman of the Board may designate a member of the
34 Board or the Board may appoint a hearing examiner and authorize
35 that person to perform on behalf of the Board any of the following
36 functions required of the Board by this section concerning work
37 permits:

- 38 (a) Conducting a hearing and taking testimony;
39 (b) Reviewing the testimony and evidence presented at the
40 hearing;
41 (c) Making a recommendation to the Board based upon the
42 testimony and evidence or rendering a decision on behalf of
43 the Board to sustain or reverse the denial of a work permit or the
44 objection to the issuance or renewal of a work permit; and
45 (d) Notifying the applicant of the decision.



1 16. Notice by the Board as provided pursuant to this section is
2 sufficient if it is mailed to the applicant's last known address as
3 indicated on the application for a work permit, or the record of the
4 hearing, as the case may be. The date of mailing may be proven by a
5 certificate signed by an officer or employee of the Board which
6 specifies the time the notice was mailed. The notice shall be deemed
7 to have been received by the applicant 5 days after it is deposited
8 with the United States Postal Service with the postage thereon
9 prepaid.

10 **Sec. 23.** NRS 489.421 is hereby amended to read as follows:

11 489.421 The following grounds, among others, constitute
12 grounds for disciplinary action under NRS 489.381:

13 1. Revocation or denial of a license issued pursuant to this
14 chapter or an equivalent license in any other state, territory or
15 country.

16 2. Failure of the licensee to maintain any other license required
17 by any political subdivision of this state.

18 3. Failure to respond to a notice served by the Division as
19 provided by law within the time specified in the notice.

20 4. Failure to take the corrective action required in a notice of
21 violation issued pursuant to NRS 489.291.

22 5. Failure or refusing to permit access by the Administrator to
23 documentary materials set forth in NRS 489.231.

24 6. Disregarding or violating any order of the Administrator,
25 any agreement with the Division, or any provision of this chapter or
26 any regulation adopted under it.

27 7. Conviction of a misdemeanor for violation of any of the
28 provisions of this chapter.

29 8. Conviction of or entering a plea of guilty, guilty but
30 mentally ill or nolo contendere to ~~felony~~:

31 (a) A felony *relating to the position for which the applicant*
32 *has applied or the licensee has been licensed pursuant to this*
33 *chapter*; or ~~felony~~

34 (b) A crime of moral turpitude in this state or any other state,
35 territory or country.

36 9. Any other conduct that constitutes deceitful, fraudulent or
37 dishonest dealing.

38 **Sec. 24.** NRS 611.045 is hereby amended to read as follows:

39 611.045 1. The Labor Commissioner may issue a license to an
40 applicant for the conduct of an employment agency:

41 (a) After making an investigation of the applicant and finding
42 that he is of good moral character and has not been convicted of a
43 felony *relating to the conduct of an employment agency* or any
44 offense involving moral turpitude;



1 (b) After making an investigation of the premises where the
2 proposed employment agency will be conducted and finding that the
3 premises are suitable for the purpose;

4 (c) Upon determining that the applicant is a resident of this
5 state; and

6 (d) Upon the applicant's payment of the licensing fee prescribed
7 in NRS 611.060.

8 2. The Labor Commissioner shall complete his investigation of
9 the applicant within 60 days after such applicant has submitted his
10 application.

11 3. A license to conduct an employment agency is valid only as
12 to the person and place named in the license and is effective from
13 the date specified therein to and including the next following
14 December 31, unless sooner suspended or revoked.

15 4. Annually at least 15 days prior to the expiration date of the
16 license, the licensee must apply for renewal in the manner
17 prescribed by regulation of the Labor Commissioner. Pending
18 administrative action on a renewal application, the license may be
19 continued in effect for a period not to exceed 60 days beyond the
20 expiration date of the license.

21 **Sec. 25.** NRS 623A.065 is hereby amended to read as follows:
22 623A.065 For the purposes of this chapter, a person has good
23 moral character if he:

24 1. ~~Has not been convicted of a class A felony;~~
25 ~~—2.]~~ Has not been convicted of a felony, ~~other than a class A~~
26 ~~felony or a~~ misdemeanor or gross misdemeanor that is directly
27 related to the practice of landscape architecture;

28 ~~[3.]~~ 2. Has not committed an act involving dishonesty, fraud,
29 misrepresentation, breach of a fiduciary duty, gross negligence or
30 incompetence while engaged in the practice of landscape
31 architecture;

32 ~~[4.]~~ 3. Is not incarcerated in a jail or prison at the time of
33 submitting an application for a certificate of registration or a
34 certificate to practice as a landscape architect intern;

35 ~~[5.]~~ 4. Has not committed fraud or misrepresentation in
36 connection with:

37 (a) The submission of an application for a certificate of
38 registration or certificate to practice as a landscape architect intern;
39 or

40 (b) The taking of one or more examinations pursuant to the
41 provisions of this chapter;

42 ~~[6.]~~ 5. Has not had his certificate of registration suspended or
43 revoked by the Board or in any other state or country;

44 ~~[7.]~~ 6. Has not, in lieu of receiving disciplinary action against
45 him, surrendered a certificate of registration or certificate to practice



1 as a landscape architect intern in this state or a certificate or license
2 to practice landscape architecture issued in another state or country;
3 ~~[8-]~~ 7. Has not engaged in the practice of landscape
4 architecture in this state or in any other state or country without a
5 license or certificate of registration or certificate to practice as a
6 landscape architect intern within the 2 years immediately preceding
7 the filing of an application for a certificate of registration or
8 certificate to practice as a landscape architect intern pursuant to the
9 provisions of this chapter; or

10 ~~[9-]~~ 8. Has not, within the 5 years immediately preceding the
11 filing of an application specified in subsection ~~[8-]~~ 7, engaged in
12 unprofessional conduct in violation of the regulations adopted by the
13 Board.

14 **Sec. 26.** NRS 623A.280 is hereby amended to read as follows:

15 623A.280 1. The following acts, among others, constitute
16 cause for disciplinary action if proof satisfactory to the Board is
17 presented that:

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

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

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

26 (d) A holder of a certificate of registration or certificate to
27 practice as a landscape architect intern impersonates a landscape
28 architect or landscape architect intern of the same or similar name.

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

32 (f) A holder of a certificate of registration or certificate to
33 practice as a landscape architect intern practices landscape
34 architecture in violation of the provisions of this chapter or any
35 regulation adopted by the Board.

36 (g) A holder of a certificate of registration or certificate to
37 practice as a landscape architect intern has obtained his certificate of
38 registration or certificate to practice as a landscape architect intern
39 by fraud or misrepresentation.

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

43 (i) A holder of a certificate of registration or certificate to
44 practice as a landscape architect intern is guilty of incompetency,
45 negligence or gross negligence.



1 (j) A holder of a certificate of registration or certificate to
2 practice as a landscape architect intern is convicted of, or enters a
3 plea of nolo contendere to ~~f~~:

4 ~~(1) Any felony; or~~
5 ~~(2) Any~~ *any* crime, an essential element of which is
6 dishonesty, or which is directly related to the practice of landscape
7 architecture.

8 (k) A holder of a certificate of registration or certificate to
9 practice as a landscape architect intern is guilty of aiding or abetting
10 any person in the violation of the provisions of this chapter or any
11 regulation adopted by the Board.

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

15 (m) A holder of a certificate of registration or certificate to
16 practice as a landscape architect intern is disciplined by an agency
17 of another state or foreign country which regulates the practice of
18 landscape architecture and at least one of the grounds for the
19 disciplinary action taken is a ground for disciplinary action pursuant
20 to the provisions of this chapter.

21 (n) A holder of a certificate of registration or certificate to
22 practice as a landscape architect intern fails to comply with an order
23 issued by the Board or to cooperate in an investigation conducted by
24 the Board.

25 2. As used in this section:

26 (a) "Gross negligence" means conduct that demonstrates a
27 reckless disregard of the consequences affecting the life or property
28 of another person.

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

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

35 **Sec. 27.** NRS 624.3016 is hereby amended to read as follows:

36 624.3016 The following acts or omissions, among others,
37 constitute cause for disciplinary action under NRS 624.300:

38 1. Any fraudulent or deceitful act committed in the capacity of
39 a contractor.

40 2. A conviction of a violation of NRS 624.730 , ~~or~~ a felony
41 *relating to the practice of a contractor* or a crime involving moral
42 turpitude.

43 3. Knowingly making a false statement in or relating to the
44 recording of a notice of lien pursuant to the provisions of
45 NRS 108.226.



1 4. Failure to give a notice required by NRS 108.245 or
2 108.246.

3 5. Failure to comply with NRS 597.713, 597.716 or 597.719 or
4 any regulations of the Board governing contracts for the
5 construction of residential pools and spas.

6 6. Failure to comply with NRS 624.600.

7 7. Misrepresentation or the omission of a material fact, or the
8 commission of any other fraudulent or deceitful act, to obtain a
9 license.

10 8. Failure to pay an assessment required pursuant to
11 NRS 624.470.

12 **Sec. 28.** NRS 625.410 is hereby amended to read as follows:

13 625.410 The Board may take disciplinary action against a
14 licensee, an applicant for licensure, an intern or an applicant for
15 certification as an intern for:

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

19 2. Any gross negligence, incompetency or misconduct in the
20 practice of professional engineering as a professional engineer or in
21 the practice of land surveying as a professional land surveyor.

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

24 4. Conviction of or entry of a plea of nolo contendere to ~~+~~

25 ~~—(a) Any felony; or~~

26 ~~—(b) Any~~ **any** crime, an essential element of which is dishonesty,
27 or which is directly related to the practice of engineering or land
28 surveying.

29 5. A violation of any provision of this chapter or regulation
30 adopted by the Board.

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

36 7. Practicing after the license of the professional engineer or
37 professional land surveyor has expired or has been suspended or
38 revoked.

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

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

43 **Sec. 29.** NRS 625A.160 is hereby amended to read as follows:

44 625A.160 The grounds for initiating disciplinary action under
45 this chapter are:



1 1. Unprofessional conduct;
2 2. Conviction of a felony *relating to the practice of an*
3 *environmental health specialist* or any offense involving moral
4 turpitude;

5 3. The suspension or revocation of a certificate or license as an
6 environmental health specialist by any other jurisdiction; or

7 4. Failure to meet the requirements for continuing education.

8 **Sec. 30.** NRS 628.190 is hereby amended to read as follows:

9 628.190 1. Except as otherwise provided in this section and
10 NRS 628.310, a certificate of certified public accountant must be
11 granted by the Board to any person who:

12 (a) Is a resident of this state or, if not a resident, has designated
13 to the Board an agent who is a resident for notification and service
14 of process;

15 (b) Is a person who is without any history of acts involving
16 dishonesty or moral turpitude;

17 (c) Complies with the requirements of education and experience
18 as provided in NRS 628.200;

19 (d) Has submitted to the Board a complete set of his fingerprints
20 and written permission authorizing the Board to forward the
21 fingerprints to the Central Repository for Nevada Records of
22 Criminal History for submission to the Federal Bureau of
23 Investigation for its report; and

24 (e) Has passed the examination prescribed by the Board.

25 2. The Board may refuse to grant a certificate of certified
26 public accountant to an applicant if he has been convicted of a
27 felony *relating to the practice of a certified public accountant*
28 under the laws of any state or of the United States.

29 3. The Board may issue a provisional certificate to an applicant
30 until the Board receives the report from the Federal Bureau of
31 Investigation.

32 **Sec. 31.** NRS 628.390 is hereby amended to read as follows:

33 628.390 1. After giving notice and conducting a hearing, the
34 Board may revoke, or may suspend for a period of not more than 5
35 years, any certificate issued under NRS 628.190 to 628.310,
36 inclusive, any registration or license granted to a registered public
37 accountant under NRS 628.350, or any registration of a partnership,
38 corporation, limited-liability company or office, or may revoke,
39 suspend or refuse to renew any permit issued under NRS 628.380,
40 or may censure the holder of any permit, for any one or any
41 combination of the following causes:

42 (a) Fraud or deceit in obtaining a certificate as a certified public
43 accountant, or in obtaining registration or a license as a public
44 accountant under this chapter, or in obtaining a permit to practice
45 public accounting under this chapter.



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1 (b) Dishonesty, fraud or gross negligence by a certified or
2 registered public accountant in the practice of public accounting or,
3 if not in the practice of public accounting, of a kind which adversely
4 affects the ability to perform public accounting.

5 (c) Violation of any of the provisions of this chapter.

6 (d) Violation of a regulation or rule of professional conduct
7 adopted by the Board under the authority granted by this chapter.

8 (e) Conviction of a felony under the laws of any state or of the
9 United States ~~relating to the practice of public accounting.~~

10 (f) Conviction of any crime, an element of which is dishonesty
11 or fraud, under the laws of any state or of the United States.

12 (g) Cancellation, revocation, suspension or refusal to renew
13 authority to practice as a certified public accountant or a registered
14 public accountant by any other state, for any cause other than failure
15 to pay an annual registration fee or to comply with requirements for
16 continuing education or review of his practice in the other state.

17 (h) Suspension or revocation of the right to practice before any
18 state or federal agency.

19 (i) Unless the person has been placed on inactive or retired
20 status, failure to obtain an annual permit under NRS 628.380,
21 within:

22 (1) Sixty days after the expiration date of the permit to
23 practice last obtained or renewed by the holder of a certificate or
24 registrant; or

25 (2) Sixty days after the date upon which the holder of a
26 certificate or registrant was granted his certificate or registration, if
27 no permit was ever issued to him, unless the failure has been
28 excused by the Board.

29 (j) Conduct discreditable to the profession of public accounting
30 or which reflects adversely upon the fitness of the person to engage
31 in the practice of public accounting.

32 (k) Making a false or misleading statement in support of an
33 application for a certificate, registration or permit of another person.

34 2. After giving notice and conducting a hearing, the Board may
35 deny an application to take the examination prescribed by the Board
36 pursuant to NRS 628.190, deny a person admission to such an
37 examination, invalidate a grade received for such an examination or
38 deny an application for a certificate issued pursuant to NRS 628.190
39 to 628.310, inclusive, to a person who has:

40 (a) Made any false or fraudulent statement, or any misleading
41 statement or omission relating to a material fact in an application:

42 (1) To take the examination prescribed by the Board pursuant
43 to NRS 628.190; or

44 (2) For a certificate issued pursuant to NRS 628.190 to
45 628.310, inclusive;



1 (b) Cheated on an examination prescribed by the Board pursuant
2 to NRS 628.190 or any such examination taken in another state or
3 jurisdiction of the United States;

4 (c) Aided, abetted or conspired with any person in a violation of
5 the provisions of paragraph (a) or (b); or

6 (d) Committed any combination of the acts set forth in
7 paragraphs (a), (b) and (c).

8 3. In addition to other penalties prescribed by this section, the
9 Board may impose a civil penalty of not more than \$5,000 for each
10 violation of this section. The Board may recover:

11 (a) Attorney's fees and costs incurred with respect to a hearing
12 held pursuant to this section from a person who is found in violation
13 of any of the provisions of this section;

14 (b) Attorney's fees and costs incurred in the recovery of a civil
15 penalty imposed pursuant to this section; and

16 (c) Any other costs incurred by the Board as a result of such a
17 violation.

18 **Sec. 32.** NRS 630.301 is hereby amended to read as follows:

19 630.301 The following acts, among others, constitute grounds
20 for initiating disciplinary action or denying licensure:

21 1. Conviction of ~~felony~~ any offense involving moral
22 turpitude or any offense relating to the practice of medicine or the
23 ability to practice medicine. A plea of nolo contendere is a
24 conviction for the purposes of this subsection.

25 2. Conviction of violating any of the provisions of NRS
26 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350
27 to 616D.440, inclusive.

28 3. The revocation, suspension, modification or limitation of the
29 license to practice any type of medicine by any other jurisdiction or
30 the surrender of the license or discontinuing the practice of medicine
31 while under investigation by any licensing authority, a medical
32 facility, a branch of the Armed Services of the United States, an
33 insurance company, an agency of the Federal Government or an
34 employer.

35 4. Malpractice, which may be evidenced by claims settled
36 against a practitioner.

37 5. The engaging by a practitioner in any sexual activity with a
38 patient who is currently being treated by the practitioner.

39 6. Disruptive behavior with physicians, hospital personnel,
40 patients, members of the families of patients or any other persons if
41 the behavior interferes with patient care or has an adverse impact on
42 the quality of care rendered to a patient.

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



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

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

10 10. The engaging in sexual contact with the surrogate of a
11 patient or other key persons related to a patient, including, without
12 limitation, a spouse, parent or legal guardian, which exploits the
13 relationship between the physician and the patient in a sexual
14 manner.

15 **Sec. 33.** NRS 630A.340 is hereby amended to read as follows:
16 630A.340 The following acts, among others, constitute
17 grounds for initiating disciplinary action or denying the issuance of
18 a license:

19 1. Unprofessional conduct.

20 2. Conviction of:

21 (a) A violation of any federal or state law regulating the
22 possession, distribution or use of any controlled substance or any
23 dangerous drug as defined in chapter 454 of NRS;

24 (b) ~~A felony;~~

25 ~~—(e)~~ A violation of any of the provisions of NRS 616D.200,
26 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to
27 616D.440, inclusive;

28 ~~[(d)]~~ (c) Any offense involving moral turpitude; or

29 ~~[(e)]~~ (d) Any offense relating to the practice of homeopathic
30 medicine or the ability to practice homeopathic medicine.

31 A plea of nolo contendere to any offense listed in ~~paragraph (a);~~
32 ~~(b), (c), (d) or (e)~~ *this subsection* shall be deemed a conviction.

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

35 4. The surrender of a license to practice any type of medicine
36 or the discontinuance of the practice of medicine while under
37 investigation by any licensing authority, medical facility, facility for
38 the dependent, branch of the Armed Forces of the United States,
39 insurance company, agency of the Federal Government or employer.

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

42 6. Professional incompetence.

43 **Sec. 34.** NRS 632.320 is hereby amended to read as follows:

44 632.320 The Board may deny, revoke or suspend any license
45 or certificate applied for or issued pursuant to this chapter, or take



- 1 other disciplinary action against a licensee or holder of a certificate,
2 upon determining that he:
- 3 1. Is guilty of fraud or deceit in procuring or attempting to
4 procure a license or certificate pursuant to this chapter.
- 5 2. Is guilty of ~~a felony or~~ any offense:
 - 6 (a) Involving moral turpitude; or
 - 7 (b) Related to the qualifications, functions or duties of a licensee
8 or holder of a certificate,
9 in which case the record of conviction is conclusive evidence
10 thereof.
- 11 3. Has been convicted of violating any of the provisions of
12 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
13 inclusive.
- 14 4. Is unfit or incompetent by reason of gross negligence or
15 recklessness in carrying out usual nursing functions.
- 16 5. Uses any controlled substance, dangerous drug as defined in
17 chapter 454 of NRS, or intoxicating liquor to an extent or in a
18 manner which is dangerous or injurious to any other person or
19 which impairs his ability to conduct the practice authorized by his
20 license or certificate.
- 21 6. Is mentally incompetent.
- 22 7. Is guilty of unprofessional conduct, which includes, but is
23 not limited to, the following:
 - 24 (a) Conviction of practicing medicine without a license in
25 violation of chapter 630 of NRS, in which case the record of
26 conviction is conclusive evidence thereof.
 - 27 (b) Impersonating any applicant or acting as proxy for an
28 applicant in any examination required pursuant to this chapter for
29 the issuance of a license or certificate.
 - 30 (c) Impersonating another licensed practitioner or holder of a
31 certificate.
 - 32 (d) Permitting or allowing another person to use his license or
33 certificate to practice as a licensed practical nurse, registered nurse
34 or nursing assistant.
 - 35 (e) Repeated malpractice, which may be evidenced by claims of
36 malpractice settled against him.
 - 37 (f) Physical, verbal or psychological abuse of a patient.
 - 38 (g) Conviction for the use or unlawful possession of a controlled
39 substance or dangerous drug as defined in chapter 454 of NRS.
- 40 8. Has willfully or repeatedly violated the provisions of this
41 chapter. The voluntary surrender of a license or certificate issued
42 pursuant to this chapter is prima facie evidence that the licensee or
43 certificate holder has committed or expects to commit a violation of
44 this chapter.



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

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

5 11. Has falsified information which was given to a physician,
6 pharmacist, podiatric physician or dentist to obtain a controlled
7 substance.

8 12. Has been disciplined in another state in connection with a
9 license to practice nursing or a certificate to practice as a nursing
10 assistant or has committed an act in another state which would
11 constitute a violation of this chapter.

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

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

16 For the purposes of this section, a plea or verdict of guilty or guilty
17 but mentally ill or a plea of nolo contendere constitutes a conviction
18 of an offense. The Board may take disciplinary action pending the
19 appeal of a conviction.

20 **Sec. 35.** NRS 633.511 is hereby amended to read as follows:

21 633.511 The grounds for initiating disciplinary action pursuant
22 to this chapter are:

23 1. Unprofessional conduct.

24 2. Conviction of:

25 (a) A violation of any federal or state law regulating the
26 possession, distribution or use of any controlled substance or any
27 dangerous drug as defined in chapter 454 of NRS;

28 (b) A felony ~~relating to the practice of osteopathic~~
29 *medicine;*

30 (c) A violation of any of the provisions of NRS 616D.200,
31 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

32 (d) Any offense involving moral turpitude.

33 3. The suspension of the license to practice osteopathic
34 medicine by any other jurisdiction.

35 4. Gross or repeated malpractice, which may be evidenced by
36 claims of malpractice settled against a practitioner.

37 5. Professional incompetence.

38 6. Failure to comply with the requirements of NRS 633.526.

39 **Sec. 36.** NRS 634.140 is hereby amended to read as follows:

40 634.140 The grounds for initiating disciplinary action pursuant
41 to this chapter are:

42 1. Unprofessional conduct.

43 2. Conviction of:



1 (a) A violation of any federal or state law regulating the
2 possession, distribution or use of any controlled substance or any
3 dangerous drug as defined in chapter 454 of NRS;

4 (b) A felony ~~relating to the practice of chiropractic~~;

5 (c) A violation of any of the provisions of NRS 616D.200,
6 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

7 (d) Any offense involving moral turpitude.

8 3. Suspension or revocation of the license to practice
9 chiropractic by any other jurisdiction.

10 4. Gross or repeated malpractice.

11 5. Referring, in violation of NRS 439B.425, a patient to a
12 health facility, medical laboratory or commercial establishment in
13 which the licensee has a financial interest.

14 **Sec. 37.** NRS 634A.170 is hereby amended to read as follows:

15 634A.170 The Board may refuse to issue or may suspend or
16 revoke any license for any one or any combination of the following
17 causes:

18 1. Conviction of:

19 (a) A felony ~~relating to the practice of Oriental medicine~~;

20 (b) Any offense involving moral turpitude;

21 (c) A violation of any state or federal law regulating the
22 possession, distribution or use of any controlled substance, as shown
23 by a certified copy of the record of the court; or

24 (d) A violation of any of the provisions of NRS 616D.200,
25 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

26 2. The obtaining of or any attempt to obtain a license or
27 practice in the profession for money or any other thing of value, by
28 fraudulent misrepresentations;

29 3. Gross or repeated malpractice, which may be evidenced by
30 claims of malpractice settled against a practitioner;

31 4. Advertising by means of a knowingly false or deceptive
32 statement;

33 5. Advertising, practicing or attempting to practice under a
34 name other than one's own;

35 6. Habitual drunkenness or habitual addiction to the use of a
36 controlled substance;

37 7. Using any false, fraudulent or forged statement or document,
38 or engaging in any fraudulent, deceitful, dishonest or immoral
39 practice in connection with the licensing requirements of this
40 chapter;

41 8. Sustaining a physical or mental disability which renders
42 further practice dangerous;

43 9. Engaging in any dishonorable, unethical or unprofessional
44 conduct which may deceive, defraud or harm the public, or which is
45 unbecoming a person licensed to practice under this chapter;



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- 1 10. Using any false or fraudulent statement in connection with
- 2 the practice of Oriental medicine or any branch thereof;
- 3 11. Violating or attempting to violate, or assisting or abetting
- 4 the violation of, or conspiring to violate any provision of this
- 5 chapter;
- 6 12. Being adjudicated incompetent or insane;
- 7 13. Advertising in an unethical or unprofessional manner;
- 8 14. Obtaining a fee or financial benefit for any person by the
- 9 use of fraudulent diagnosis, therapy or treatment;
- 10 15. Willful disclosure of a privileged communication;
- 11 16. Failure of a licensee to designate the nature of his practice
- 12 in the professional use of his name by the term doctor of Oriental
- 13 medicine;
- 14 17. Willful violation of the law relating to the health, safety or
- 15 welfare of the public or of the regulations adopted by the State
- 16 Board of Health;
- 17 18. Administering, dispensing or prescribing any controlled
- 18 substance, except for the prevention, alleviation or cure of disease or
- 19 for relief from suffering; and
- 20 19. Performing, assisting or advising in the injection of any
- 21 liquid silicone substance into the human body.
- 22 **Sec. 38.** NRS 636.295 is hereby amended to read as follows:
- 23 636.295 The following acts, conduct, omissions, or mental or
- 24 physical conditions, or any of them, committed, engaged in,
- 25 omitted, or being suffered by a licensee, constitute sufficient cause
- 26 for disciplinary action:
- 27 1. Affliction of the licensee with any communicable disease
- 28 likely to be communicated to other persons.
- 29 2. Commission by the licensee of a felony *relating to the*
- 30 *practice of optometry* or a gross misdemeanor involving moral
- 31 turpitude of which he has been convicted and from which he has
- 32 been sentenced by a final judgment of a federal or state court in this
- 33 or any other state, the judgment not having been reversed or vacated
- 34 by a competent appellate court and the offense not having been
- 35 pardoned by executive authority.
- 36 3. Conviction of any of the provisions of NRS 616D.200,
- 37 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.
- 38 4. Commission of fraud by or on behalf of the licensee in
- 39 obtaining his license or a renewal thereof, or in practicing optometry
- 40 thereunder.
- 41 5. Habitual drunkenness or addiction to any controlled
- 42 substance.
- 43 6. Gross incompetency.
- 44 7. Affliction with any mental or physical disorder or
- 45 disturbance seriously impairing his competency as an optometrist.



1 8. Making false or misleading representations, by or on behalf
2 of the licensee, with respect to optometric materials or services.

3 9. Practice by the licensee, or attempting or offering so to do,
4 while he is in an intoxicated condition.

5 10. Perpetration of unethical or unprofessional conduct in the
6 practice of optometry.

7 11. Any violation of the provisions of this chapter or any
8 regulations adopted pursuant thereto.

9 **Sec. 39.** NRS 637A.250 is hereby amended to read as follows:

10 637A.250 The Board may take disciplinary action against a
11 licensee after a hearing which discloses that the licensee:

12 1. Has been convicted of a felony ~~relating to the practice of~~
13 ~~hearing aid specialists.~~

14 2. Has been convicted of violating any of the provisions of
15 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
16 inclusive.

17 3. Obtained the license by fraud or misrepresentation.

18 4. Has made any false or fraudulent statements concerning
19 hearing aids or the business of hearing aid specialist.

20 5. Has been guilty of negligence, incompetence or
21 unprofessional conduct in his practice as a hearing aid specialist. As
22 used in this subsection, "unprofessional conduct" includes, without
23 limitation:

24 (a) Conduct which is intended to deceive or which the Board by
25 specific regulation has determined is unethical;

26 (b) Conduct which is harmful to the public or any conduct
27 detrimental to the public health or safety;

28 (c) Conduct for which disciplinary action was taken by an
29 agency of another state which is authorized to regulate the practice
30 of hearing aid specialists; and

31 (d) Knowingly employing, directly or indirectly, any person
32 who is not licensed to fit or dispense hearing aids or whose license
33 to fit or dispense hearing aids has been suspended or revoked.

34 6. Has loaned or transferred his license to another person.

35 7. Willfully violated any law of this state or any provision of
36 this chapter regulating hearing aid specialists or the operation of an
37 office, store or other location for dispensing hearing aids.

38 **Sec. 40.** NRS 637B.250 is hereby amended to read as follows:

39 637B.250 The grounds for initiating disciplinary action
40 pursuant to this chapter are:

41 1. Unprofessional conduct.

42 2. Conviction of:

43 (a) A violation of any federal or state law regarding the
44 possession, distribution or use of any controlled substance or any
45 dangerous drug as defined in chapter 454 of NRS;



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1 (b) A felony ~~§~~ relating to the practice of audiology or speech
2 pathology;

3 (c) A violation of any of the provisions of NRS 616D.200,
4 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

5 (d) Any offense involving moral turpitude.

6 3. Suspension or revocation of a license to practice audiology
7 or speech pathology by any other jurisdiction.

8 4. Gross or repeated malpractice, which may be evidenced by
9 claims of malpractice settled against a practitioner.

10 5. Professional incompetence.

11 **Sec. 41.** NRS 638.140 is hereby amended to read as follows:

12 638.140 The following acts, among others, are grounds for
13 disciplinary action:

14 1. Violation of a regulation adopted by the State Board of
15 Pharmacy or the Nevada State Board of Veterinary Medical
16 Examiners;

17 2. Habitual drunkenness;

18 3. Addiction to the use of a controlled substance;

19 4. Conviction of or a plea of nolo contendere to a felony ~~§~~
20 related to the practice of veterinary medicine, or any offense
21 involving moral turpitude;

22 5. Incompetence;

23 6. Negligence;

24 7. Malpractice pertaining to veterinary medicine as evidenced
25 by an action for malpractice in which the holder of a license is found
26 liable for damages;

27 8. Conviction of a violation of any law concerning the
28 possession, distribution or use of a controlled substance or a
29 dangerous drug as defined in chapter 454 of NRS;

30 9. Willful failure to comply with any provision of this chapter,
31 a regulation, subpoena or order of the Board, the standard of care
32 established by the American Veterinary Medical Association, or an
33 order of a court;

34 10. Prescribing, administering or dispensing a controlled
35 substance to an animal to influence the outcome of a competitive
36 event in which the animal is a competitor;

37 11. Willful failure to comply with a request by the Board for
38 medical records within 14 days after receipt of a demand letter
39 issued by the Board;

40 12. Willful failure to accept service by mail or in person from
41 the Board;

42 13. Failure of a supervising veterinarian to provide immediate
43 or direct supervision to licensed or unlicensed personnel if the
44 failure results in malpractice or the death of an animal; and



1 14. Failure of a supervising veterinarian to ensure that a
2 licensed veterinarian is on the premises of a facility or agency when
3 medical treatment is administered to an animal if the treatment
4 requires direct or immediate supervision by a licensed veterinarian.

5 **Sec. 42.** NRS 639.210 is hereby amended to read as follows:

6 639.210 The Board may suspend or revoke any certificate,
7 license, registration or permit issued pursuant to this chapter, and
8 deny the application of any person for a certificate, license,
9 registration or permit, if the holder or applicant:

- 10 1. Is not of good moral character;
- 11 2. Is guilty of habitual intemperance;
- 12 3. Becomes or is intoxicated or under the influence of liquor,
13 any depressant drug or a controlled substance, unless taken pursuant
14 to a lawfully issued prescription, while on duty in any establishment
15 licensed by the Board;
- 16 4. Is guilty of unprofessional conduct or conduct contrary to
17 the public interest;
- 18 5. Is addicted to the use of any controlled substance;
- 19 6. Has been convicted of a violation of any law or regulation of
20 the Federal Government or of this or any other state related to
21 controlled substances, dangerous drugs, drug samples, or the
22 wholesale or retail distribution of drugs;
- 23 7. Has been convicted of ~~felony~~;
24 (a) A felony *relating to holding a certificate, license,*
25 *registration or permit pursuant to this chapter;* or ~~either~~
26 (b) Other crime involving moral turpitude, dishonesty or
27 corruption;
- 28 8. Has been convicted of violating any of the provisions of
29 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
30 inclusive;
- 31 9. Has willfully made to the Board or its authorized
32 representative any false statement which is material to the
33 administration or enforcement of any of the provisions of this
34 chapter;
- 35 10. Has obtained any certificate, certification, license or permit
36 by the filing of an application, or any record, affidavit or other
37 information in support thereof, which is false or fraudulent;
- 38 11. Has violated any provision of the Federal Food, Drug and
39 Cosmetic Act or any other federal law or regulation relating to
40 prescription drugs;
- 41 12. Has violated, attempted to violate, assisted or abetted in the
42 violation of or conspired to violate any of the provisions of this
43 chapter or any law or regulation relating to drugs, the manufacture
44 or distribution of drugs or the practice of pharmacy, or has
45 knowingly permitted, allowed, condoned or failed to report a



1 violation of any of the provisions of this chapter or any law or
2 regulation relating to drugs, the manufacture or distribution of drugs
3 or the practice of pharmacy committed by the holder of a certificate,
4 license, registration or permit;

5 13. Has failed to renew his certificate, license or permit by
6 failing to submit the application for renewal or pay the renewal fee
7 therefor;

8 14. Has had his certificate, license or permit suspended or
9 revoked in another state on grounds which would cause suspension
10 or revocation of a certificate, license or permit in this state;

11 15. Has, as a managing pharmacist, violated any provision of
12 law or regulation concerning recordkeeping or inventory in a store
13 over which he presides, or has knowingly allowed a violation of any
14 provision of this chapter or other state or federal laws or regulations
15 relating to the practice of pharmacy by personnel of the pharmacy
16 under his supervision;

17 16. Has repeatedly been negligent, which may be evidenced by
18 claims of malpractice settled against him; or

19 17. Has failed to maintain and make available to a state or
20 federal officer any records in accordance with the provisions of this
21 chapter or chapter 453 or 454 of NRS.

22 **Sec. 43.** NRS 640A.200 is hereby amended to read as follows:

23 640A.200 1. The Board may, after notice and hearing,
24 suspend, revoke or refuse to issue or renew a license to practice as
25 an occupational therapist or occupational therapy assistant, or may
26 impose conditions upon the use of that license, if the Board
27 determines that the holder of or applicant for the license is guilty of
28 unprofessional conduct which has endangered or is likely to
29 endanger the public health, safety or welfare. The Board may
30 reinstate a revoked license upon application by the person to whom
31 the license was issued not less than 1 year after the license is
32 revoked.

33 2. If the Board receives a report pursuant to subsection 5 of
34 NRS 228.420, a hearing must be held to consider the report within
35 30 days after receiving the report.

36 3. As used in this section, “unprofessional conduct” includes:

37 (a) The obtaining of a license by fraud or through the
38 misrepresentation or concealment of a material fact;

39 (b) The conviction of ~~{any crime, except a misdemeanor which~~
40 ~~does not involve}~~ :

41 *(1) A felony or gross misdemeanor relating to the practice*
42 *of occupational therapy; or*

43 *(2) Any crime involving* moral turpitude; and

44 (c) The violation of any provision of this chapter or regulation
45 of the Board adopted pursuant to this chapter.



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- 1 **Sec. 44.** NRS 641.230 is hereby amended to read as follows:
2 641.230 The Board may suspend the license of a psychologist,
3 place a psychologist on probation, revoke the license of a
4 psychologist, require remediation for a psychologist or take any
5 other action specified by regulation if the Board finds by a
6 preponderance of the evidence that the psychologist has:
- 7 1. Been convicted of a felony ~~H~~ *relating to the practice of*
8 *psychology.*
 - 9 2. Been convicted of any crime or offense that reflects the
10 inability of the psychologist to practice psychology with due regard
11 for the health and safety of others.
 - 12 3. Been convicted of violating any of the provisions of NRS
13 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
14 inclusive.
 - 15 4. Engaged in gross malpractice or repeated malpractice or
16 gross negligence in the practice of psychology.
 - 17 5. Aided or abetted the practice of psychology by a person not
18 licensed by the Board.
 - 19 6. Made any fraudulent or untrue statement to the Board.
 - 20 7. Violated a regulation adopted by the Board.
 - 21 8. Had his license to practice psychology suspended or revoked
22 or has had any other disciplinary action taken against him by
23 another state or territory of the United States, the District of
24 Columbia or a foreign country, if at least one of the grounds for
25 discipline is the same or substantially equivalent to any ground
26 contained in this chapter.
 - 27 9. Failed to report to the Board within 30 days the revocation,
28 suspension or surrender of, or any other disciplinary action taken
29 against, a license or certificate to practice psychology issued to him
30 by another state or territory of the United States, the District of
31 Columbia or a foreign country.
 - 32 10. Violated or attempted to violate, directly or indirectly, or
33 assisted in or abetted the violation of or conspired to violate a
34 provision of this chapter.
 - 35 11. Performed or attempted to perform any professional service
36 while impaired by alcohol, drugs or by a mental or physical illness,
37 disorder or disease.
 - 38 12. Engaged in sexual activity with a patient.
 - 39 13. Been convicted of abuse or fraud in connection with any
40 state or federal program which provides medical assistance.
 - 41 14. Been convicted of submitting a false claim for payment to
42 the insurer of a patient.
- 43 **Sec. 45.** NRS 641A.310 is hereby amended to read as follows:
44 641A.310 The Board may refuse to grant a license or may
45 suspend or revoke a license for any of the following reasons:



1 1. Conviction of a felony ~~relating to the practice of~~
2 *marriage and family therapy* or of any offense involving moral
3 turpitude, the record of conviction being conclusive evidence
4 thereof.

5 2. Habitual drunkenness or addiction to the use of a controlled
6 substance.

7 3. Impersonating a licensed marriage and family therapist or
8 allowing another person to use his license.

9 4. Using fraud or deception in applying for a license or in
10 passing the examination provided for in this chapter.

11 5. Rendering or offering to render services outside the area of
12 his training, experience or competence.

13 6. Committing unethical practices contrary to the interest of the
14 public as determined by the Board.

15 7. Unprofessional conduct as determined by the Board.

16 8. Negligence, fraud or deception in connection with services
17 he is licensed to provide pursuant to this chapter.

18 **Sec. 46.** NRS 641B.400 is hereby amended to read as follows:

19 641B.400 The grounds for initiating disciplinary action
20 pursuant to this chapter are:

21 1. Unprofessional conduct;

22 2. Conviction of:

23 (a) A felony ~~relating to the practice of social work;~~

24 (b) Any offense involving moral turpitude; or

25 (c) A violation of any federal or state law regulating the
26 possession, distribution or use of any controlled substance or
27 dangerous drug as defined in chapter 454 of NRS;

28 3. Use of fraud or deception in:

29 (a) Applying for a license;

30 (b) Undergoing the initial licensing examination; or

31 (c) Rendering services as a social worker;

32 4. Allowing unauthorized use of a license issued pursuant to
33 this chapter;

34 5. Professional incompetence;

35 6. Practicing social work without a license; and

36 7. The habitual use of alcohol or any controlled substance
37 which impairs the ability to practice social work.

38 **Sec. 47.** NRS 641C.700 is hereby amended to read as follows:

39 641C.700 The grounds for initiating disciplinary action
40 pursuant to the provisions of this chapter include:


41 1. Conviction of:

42 (a) A felony ~~relating to the practice of counseling alcohol~~
43 *and drug abusers;*

44 (b) An offense involving moral turpitude; or



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- 1 (c) A violation of a federal or state law regulating the
2 possession, distribution or use of a controlled substance or
3 dangerous drug as defined in chapter 453 of NRS;
4 2. Fraud or deception in:
5 (a) Applying for a license or certificate;
6 (b) Taking an examination for a license or certificate;
7 (c) Documenting the continuing education required to renew or
8 reinstate a license or certificate;
9 (d) Submitting a claim for payment to an insurer; or
10 (e) The practice of counseling alcohol and drug abusers;
11 3. Allowing the unauthorized use of a license or certificate
12 issued pursuant to this chapter;
13 4. Professional incompetence;
14 5. The habitual use of alcohol or any other drug that impairs
15 the ability of a licensed or certified counselor or certified intern to
16 engage in the practice of counseling alcohol and drug abusers;
17 6. Engaging in the practice of counseling alcohol and drug
18 abusers with an expired, suspended or revoked license or certificate;
19 and
20 7. Engaging in behavior that is contrary to the ethical standards
21 as set forth in the regulations of the Board.
22 **Sec. 48.** NRS 642.130 is hereby amended to read as follows:
23 642.130 The following acts are grounds for which the Board
24 may take disciplinary action against a person who is licensed to
25 practice the profession of embalming pursuant to this chapter or
26 refuse to issue such a license to an applicant therefor:
27 1. Gross incompetency.
28 2. Unprofessional, unethical or dishonest conduct.
29 3. Habitual intemperance.
30 4. Fraud or misrepresentation in obtaining or attempting to
31 obtain a license to practice the profession of embalming.
32 5. Employment by the licensee of persons commonly known as
33 “cappers,” “steerers” or “solicitors,” or of other persons to obtain
34 funeral directing or embalming business.
35 6. Malpractice.
36 7. Gross immorality.
37 8. The unlawful use of any controlled substance.
38 9. Conviction of a felony  *relating to the practice of*
39 *embalming.*
40 10. False or misleading advertising as defined in NRS 642.490,
41 or false or misleading statements in the sale of merchandise or
42 services.
43 11. Refusal to surrender promptly the custody of a dead human
44 body upon the request of a person who is legally entitled to custody
45 of the body.



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1 12. Violation by the licensee of any provision of this chapter,
2 any regulation adopted pursuant thereto or any other law of this state
3 relating to the practice of any of the professions regulated by the
4 Board.

5 13. The theft or misappropriation of money in a trust fund
6 established and maintained pursuant to chapter 689 of NRS.

7 **Sec. 49.** NRS 642.470 is hereby amended to read as follows:

8 642.470 The following acts are grounds for which the Board
9 may take disciplinary action against a person who holds a funeral
10 director's license, a permit to operate a funeral establishment or a
11 license to conduct direct cremations or immediate burials, or refuse
12 to issue such a license or permit to an applicant therefor:

- 13 1. Conviction of a crime involving moral turpitude.
- 14 2. Unprofessional conduct.
- 15 3. False or misleading advertising.
- 16 4. Conviction of a felony ~~relating to the practice of funeral~~
17 *directors.*

- 18 5. Conviction of a misdemeanor that is related directly to the
19 business of a funeral establishment.

20 **Sec. 50.** NRS 643.185 is hereby amended to read as follows:

21 643.185 1. The following are grounds for disciplinary action
22 by the Board:

23 (a) Violation by any person licensed pursuant to the provisions
24 of this chapter of any provision of this chapter or the regulations
25 adopted by the Board.

26 (b) Conviction of a felony ~~relating to the practice of barbers.~~

27 (c) Malpractice or incompetency.

28 (d) Continued practice by a person knowingly having an
29 infectious or contagious disease.

30 (e) Advertising, practicing or attempting to practice under
31 another's name or trade name.

32 (f) Drunkenness or addiction to a controlled substance.

33 2. If the Board determines that a violation of this section has
34 occurred, it may:

35 (a) Refuse to issue or renew a license;

36 (b) Revoke or suspend a license;

37 (c) Impose a fine of not more than \$1,000; and

38 (d) Require the person to pay all costs incurred by the Board
39 relating to the discipline of the person.

40 **Sec. 51.** NRS 645.633 is hereby amended to read as follows:

41 645.633 1. The Commission may take action pursuant to
42 NRS 645.630 against any person subject to that section who is
43 guilty of:



1 (a) Willfully using any trade name, service mark or insigne of
2 membership in any real estate organization of which the licensee is
3 not a member, without the legal right to do so.

4 (b) Violating any order of the Commission, any agreement with
5 the Division, any of the provisions of this chapter, chapter 116, 119,
6 119A, 119B, 645A or 645C of NRS or any regulation adopted
7 thereunder.

8 (c) Paying a commission, compensation or a finder's fee to any
9 person for performing the services of a broker, broker-salesman or
10 salesman who has not secured his license pursuant to this chapter.
11 This subsection does not apply to payments to a broker who is
12 licensed in his state of residence.

13 (d) ~~{A felony, or has}~~ *Has been convicted of, or* entered a plea
14 of guilty, guilty but mentally ill or nolo contendere to ~~{a charge of}~~ :

15 *(1) A felony relating to the practice of the licensee, property*
16 *manager or owner-developer;* or ~~{any}~~

17 *(2) Any* crime involving fraud, deceit, misrepresentation or
18 moral turpitude.

19 (e) Guaranteeing, or having authorized or permitted any person
20 to guarantee, future profits which may result from the resale of real
21 property.

22 (f) Failure to include a fixed date of expiration in any written
23 brokerage agreement or to leave a copy of the brokerage agreement
24 with the client.

25 (g) Accepting, giving or charging any undisclosed commission,
26 rebate or direct profit on expenditures made for a client.

27 (h) Gross negligence or incompetence in performing any act for
28 which he is required to hold a license pursuant to this chapter,
29 chapter 119, 119A or 119B of NRS.

30 (i) Any other conduct which constitutes deceitful, fraudulent or
31 dishonest dealing.

32 (j) Any conduct which took place before he became licensed,
33 which was in fact unknown to the Division and which would have
34 been grounds for denial of a license had the Division been aware of
35 the conduct.

36 (k) Knowingly permitting any person whose license has been
37 revoked or suspended to act as a real estate broker, broker-salesman
38 or salesman, with or on behalf of the licensee.

39 (l) Recording or causing to be recorded a claim pursuant to the
40 provisions of NRS 645.8701 to 645.8811, inclusive, that is
41 determined by a district court to be frivolous and made without
42 reasonable cause pursuant to NRS 645.8791.

43 2. The Commission may take action pursuant to NRS 645.630
44 against a person who is subject to that section for the suspension or



1 revocation of a real estate broker's, broker-salesman's or salesman's
2 license issued to him by any other jurisdiction.

3 3. The Commission may take action pursuant to NRS 645.630
4 against any person who:

5 (a) Holds a permit to engage in property management issued
6 pursuant to NRS 645.6052; and

7 (b) In connection with any property for which the person has
8 obtained a written brokerage agreement to manage the property
9 pursuant to NRS 645.6056:

10 (1) Is convicted of violating any of the provisions of
11 NRS 202.470;

12 (2) Has been notified in writing by the appropriate
13 governmental agency of a potential violation of NRS 244.360,
14 244.3603 or 268.4124, and has failed to inform the owner of the
15 property of such notification; or

16 (3) Has been directed in writing by the owner of the property
17 to correct a potential violation of NRS 244.360, 244.3603 or
18 268.4124, and has failed to correct the potential violation, if such
19 corrective action is within the scope of the person's duties pursuant
20 to the written brokerage agreement.

21 4. The Division shall maintain a log of any complaints that it
22 receives relating to activities for which the Commission may take
23 action against a person holding a permit to engage in property
24 management pursuant to subsection 3.

25 5. On or before February 1 of each odd-numbered year, the
26 Division shall submit to the Director of the Legislative Counsel
27 Bureau a written report setting forth, for the previous biennium:

28 (a) Any complaints included in the log maintained by the
29 Division pursuant to subsection 4; and

30 (b) Any disciplinary actions taken by the Commission pursuant
31 to subsection 3.

32 **Sec. 52.** NRS 645A.090 is hereby amended to read as follows:

33 645A.090 1. The Commissioner may refuse to license any
34 escrow agent or agency or may suspend or revoke any license or
35 impose a fine of not more than \$500 for each violation by entering
36 an order to that effect, with his findings in respect thereto, if upon a
37 hearing, it is determined that the applicant or licensee:

38 (a) In the case of an escrow agency, is insolvent;

39 (b) Has violated any provision of this chapter or any regulation
40 adopted pursuant thereto or has aided and abetted another to do so;

41 (c) In the case of an escrow agency, is in such a financial
42 condition that he cannot continue in business with safety to his
43 customers;

44 (d) Has committed fraud in connection with any transaction
45 governed by this chapter;



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1 (e) Has intentionally or knowingly made any misrepresentation
2 or false statement to, or concealed any essential or material fact
3 from, any principal or designated agent of a principal in the course
4 of the escrow business;

5 (f) Has intentionally or knowingly made or caused to be made to
6 the Commissioner any false representation of a material fact or has
7 suppressed or withheld from the Commissioner any information
8 which the applicant or licensee possesses;

9 (g) Has failed without reasonable cause to furnish to the parties
10 of an escrow their respective statements of the settlement within a
11 reasonable time after the close of escrow;

12 (h) Has failed without reasonable cause to deliver, within a
13 reasonable time after the close of escrow, to the respective parties of
14 an escrow transaction any money, documents or other properties
15 held in escrow in violation of the provisions of the escrow
16 instructions;

17 (i) Has refused to permit an examination by the Commissioner
18 of his books and affairs or has refused or failed, within a reasonable
19 time, to furnish any information or make any report that may be
20 required by the Commissioner pursuant to the provisions of this
21 chapter;

22 (j) Has been convicted of a felony *relating to the practice of*
23 *escrow agents or agencies* or any misdemeanor of which an
24 essential element is fraud;

25 (k) In the case of an escrow agency, has failed to maintain
26 complete and accurate records of all transactions within the last 6
27 years;

28 (l) Has commingled the money of others with his own or
29 converted the money of others to his own use;

30 (m) Has failed, before the close of escrow, to obtain written
31 escrow instructions concerning any essential or material fact or
32 intentionally failed to follow the written instructions which have
33 been agreed upon by the parties and accepted by the holder of the
34 escrow;

35 (n) Has failed to disclose in writing that he is acting in the dual
36 capacity of escrow agent or agency and undisclosed principal in any
37 transaction; or

38 (o) In the case of an escrow agency, has:

39 (1) Failed to maintain adequate supervision of an escrow
40 agent; or

41 (2) Instructed an escrow agent to commit an act which would
42 be cause for the revocation of the escrow agent's license and the
43 escrow agent committed the act. An escrow agent is not subject to
44 disciplinary action for committing such an act under instruction by
45 the escrow agency.



1 2. It is sufficient cause for the imposition of a fine or the
2 refusal, suspension or revocation of the license of a partnership,
3 corporation or any other association that any member of the
4 partnership or any officer or director of the corporation or
5 association has been guilty of any act or omission which would be
6 cause for such action had the applicant or licensee been a natural
7 person.

8 3. The Commissioner may suspend any license for not more
9 than 30 days, pending a hearing, if upon examination into the affairs
10 of the licensee it is determined that any of the grounds enumerated
11 in subsection 1 or 2 exist.

12 4. The Commissioner may refuse to issue a license to any
13 person who, within 10 years before the date of applying for a current
14 license, has had suspended or revoked a license issued pursuant to
15 this chapter or a comparable license issued by any other state,
16 district or territory of the United States or any foreign country.

17 **Sec. 53.** NRS 645B.020 is hereby amended to read as follows:

18 645B.020 1. A person who wishes to be licensed as a
19 mortgage broker must file a written application for a license with the
20 office of the Commissioner and pay the fee required pursuant to
21 NRS 645B.050. An application for a license as a mortgage broker
22 must:

23 (a) Be verified.

24 (b) State the name, residence address and business address of
25 the applicant and the location of each principal office and branch
26 office at which the mortgage broker will conduct business within
27 this state.

28 (c) State the name under which the applicant will conduct
29 business as a mortgage broker.

30 (d) List the name, residence address and business address of
31 each person who will:

32 (1) If the applicant is not a natural person, have an interest in
33 the mortgage broker as a principal, partner, officer, director or
34 trustee, specifying the capacity and title of each such person.

35 (2) Be associated with or employed by the mortgage broker
36 as a mortgage agent.

37 (e) If the applicant is a natural person, include the social security
38 number of the applicant.

39 (f) Include a general business plan and a description of the
40 policies and procedures that the mortgage broker and his mortgage
41 agents will follow to arrange and service loans and to conduct
42 business pursuant to this chapter.

43 (g) State the length of time the applicant has been engaged in the
44 business of a broker.



1 (h) Include a financial statement of the applicant and, if
2 applicable, satisfactory proof that the applicant will be able to
3 maintain continuously the net worth required pursuant to
4 NRS 645B.115.

5 (i) Include any other information required pursuant to the
6 regulations adopted by the Commissioner or an order of the
7 Commissioner.

8 2. If a mortgage broker will conduct business at one or more
9 branch offices within this state, the mortgage broker must apply for
10 a license for each such branch office.

11 3. Except as otherwise provided in this chapter, the
12 Commissioner shall issue a license to an applicant as a mortgage
13 broker if:

14 (a) The application complies with the requirements of this
15 chapter;

16 (b) The applicant submits the statement required pursuant to
17 NRS 645B.023, if the applicant is required to do so; and

18 (c) The applicant and each general partner, officer or director of
19 the applicant, if the applicant is a partnership, corporation or
20 unincorporated association:

21 (1) Has a good reputation for honesty, trustworthiness and
22 integrity and displays competence to transact the business of a
23 mortgage broker in a manner which safeguards the interests of the
24 general public. The applicant must submit satisfactory proof of these
25 qualifications to the Commissioner.

26 (2) Has not been convicted of, or entered a plea of nolo
27 contendere to, a felony *relating to the practice of mortgage brokers*
28 or any crime involving fraud, misrepresentation or moral turpitude.

29 (3) Has not made a false statement of material fact on his
30 application.

31 (4) Has not had a license that was issued pursuant to the
32 provisions of this chapter or chapter 645E of NRS suspended or
33 revoked within the 10 years immediately preceding the date of his
34 application.

35 (5) Has not had a license that was issued in any other state,
36 district or territory of the United States or any foreign country
37 suspended or revoked within the 10 years immediately preceding the
38 date of his application.

39 (6) Has not violated any provision of this chapter or chapter
40 645E of NRS, a regulation adopted pursuant thereto or an order of
41 the Commissioner.

42 **Sec. 54.** NRS 645B.020 is hereby amended to read as follows:

43 645B.020 1. A person who wishes to be licensed as a
44 mortgage broker must file a written application for a license with the
45 office of the Commissioner and pay the fee required pursuant to



1 NRS 645B.050. An application for a license as a mortgage broker
2 must:

3 (a) Be verified.

4 (b) State the name, residence address and business address of
5 the applicant and the location of each principal office and branch
6 office at which the mortgage broker will conduct business within
7 this state.

8 (c) State the name under which the applicant will conduct
9 business as a mortgage broker.

10 (d) List the name, residence address and business address of
11 each person who will:

12 (1) If the applicant is not a natural person, have an interest in
13 the mortgage broker as a principal, partner, officer, director or
14 trustee, specifying the capacity and title of each such person.

15 (2) Be associated with or employed by the mortgage broker
16 as a mortgage agent.

17 (e) Include a general business plan and a description of the
18 policies and procedures that the mortgage broker and his mortgage
19 agents will follow to arrange and service loans and to conduct
20 business pursuant to this chapter.

21 (f) State the length of time the applicant has been engaged in the
22 business of a mortgage broker.

23 (g) Include a financial statement of the applicant and, if
24 applicable, satisfactory proof that the applicant will be able to
25 maintain continuously the net worth required pursuant to
26 NRS 645B.115.

27 (h) Include any other information required pursuant to the
28 regulations adopted by the Commissioner or an order of the
29 Commissioner.

30 2. If a mortgage broker will conduct business at one or more
31 branch offices within this state, the mortgage broker must apply for
32 a license for each such branch office.

33 3. Except as otherwise provided in this chapter, the
34 Commissioner shall issue a license to an applicant as a mortgage
35 broker if:

36 (a) The application complies with the requirements of this
37 chapter; and

38 (b) The applicant and each general partner, officer or director of
39 the applicant, if the applicant is a partnership, corporation or
40 unincorporated association:

41 (1) Has a good reputation for honesty, trustworthiness and
42 integrity and displays competence to transact the business of a
43 mortgage broker in a manner which safeguards the interests of the
44 general public. The applicant must submit satisfactory proof of these
45 qualifications to the Commissioner.



1 (2) Has not been convicted of, or entered a plea of nolo
2 contendere to, a felony *relating to the practice of mortgage brokers*
3 or any crime involving fraud, misrepresentation or moral turpitude.

4 (3) Has not made a false statement of material fact on his
5 application.

6 (4) Has not had a license that was issued pursuant to the
7 provisions of this chapter or chapter 645E of NRS suspended or
8 revoked within the 10 years immediately preceding the date of his
9 application.

10 (5) Has not had a license that was issued in any other state,
11 district or territory of the United States or any foreign country
12 suspended or revoked within the 10 years immediately preceding the
13 date of his application.

14 (6) Has not violated any provision of this chapter or chapter
15 645E of NRS, a regulation adopted pursuant thereto or an order of
16 the Commissioner.

17 **Sec. 55.** NRS 645B.0243 is hereby amended to read as
18 follows:

19 645B.0243 The Commissioner may refuse to issue a license to
20 an applicant if the Commissioner has reasonable cause to believe
21 that the applicant or any general partner, officer or director of the
22 applicant has, after October 1, 1999, employed or proposed to
23 employ a person as a mortgage agent or authorized or proposed to
24 authorize a person to be associated with a mortgage broker as a
25 mortgage agent at a time when the applicant or the general partner,
26 officer or director knew or, in light of all the surrounding facts and
27 circumstances, reasonably should have known that the person:

28 1. Had been convicted of, or entered a plea of nolo contendere
29 to ~~[-a]~~:

30 (a) A felony *relating to the practice of mortgage brokers*; or
31 ~~{any}~~

32 (b) Any crime involving fraud, misrepresentation or moral
33 turpitude; or

34 2. Had a financial services license or registration suspended or
35 revoked within the immediately preceding 10 years.

36 **Sec. 56.** NRS 645B.450 is hereby amended to read as follows:

37 645B.450 1. A person shall not act as or provide any of the
38 services of a mortgage agent or otherwise engage in, carry on or
39 hold himself out as engaging in or carrying on the activities of a
40 mortgage agent if the person:

41 (a) Has been convicted of, or entered a plea of nolo contendere
42 to ~~[-a]~~:

43 (I) A felony *relating to the practice of mortgage agents*; or
44 ~~{any}~~



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1 (2) *Any* crime involving fraud, misrepresentation or moral
2 turpitude; or
3 (b) Has had a financial services license or registration suspended
4 or revoked within the immediately preceding 10 years.
5 2. A mortgage agent may not be associated with or employed
6 by more than one mortgage broker at the same time.
7 3. A mortgage broker shall register with the Division each
8 person who will be associated with or employed by the mortgage
9 broker as a mortgage agent. A mortgage broker shall register each
10 such person with the Division when the person begins his
11 association or employment with the mortgage broker and annually
12 thereafter. A registration expires 12 months after its effective date.
13 4. To register a person as a mortgage agent, a mortgage broker
14 must:
15 (a) Submit to the Division a registration form which is provided
16 by the Division and which:
17 (1) States the name, residence address and business address
18 of the person;
19 (2) Is signed by the person;
20 (3) Includes a provision by which the person gives his
21 written consent to an investigation of his credit history, criminal
22 history and background; and
23 (4) Includes any other information or supporting materials
24 required by the regulations adopted by the Commissioner. Such
25 information or supporting materials may include, without limitation,
26 a complete set of fingerprints from the person, the social security
27 number of the person and other forms of identification of the person.
28 (b) For each initial registration, pay the actual costs and
29 expenses incurred by the Division to investigate the credit history,
30 criminal history and background of the person. All money received
31 pursuant to this paragraph must be placed in the Investigative
32 Account *for Financial Institutions* created by NRS 232.545.
33 (c) For each annual registration, submit to the Division
34 satisfactory proof that the person attended at least 5 hours of
35 certified courses of continuing education during the 12 months
36 immediately preceding the date on which the registration expires.
37 5. Not later than the date on which the mortgage broker
38 submits the information for annual registration required by
39 subsection 4, the person being registered shall pay an annual
40 registration fee of \$125. If the person does not pay the annual
41 registration fee, the person shall be deemed to be unregistered for
42 the purposes of this chapter.
43 6. A mortgage broker shall not employ a person as a mortgage
44 agent or authorize a person to be associated with the mortgage



1 broker as a mortgage agent if the mortgage broker has not registered
2 the person with the Division pursuant to this section or if the person:

3 (a) Has been convicted of, or entered a plea of nolo contendere
4 to, a felony *relating to the practice of mortgage agents* or any
5 crime involving fraud, misrepresentation or moral turpitude; or

6 (b) Has had a financial services license or registration suspended
7 or revoked within the immediately preceding 10 years.

8 7. If a mortgage agent terminates his association or
9 employment with a mortgage broker for any reason, the mortgage
10 broker shall, not later than the third business day following the date
11 of termination:

12 (a) Deliver to the mortgage agent or send by certified mail to the
13 last known residence address of the mortgage agent a written
14 statement which advises him that his termination is being reported
15 to the Division; and

16 (b) Deliver or send by certified mail to the Division:

17 (1) A written statement of the circumstances surrounding the
18 termination; and

19 (2) A copy of the written statement that the mortgage broker
20 delivers or mails to the mortgage agent pursuant to paragraph (a).

21 8. As used in this section, “certified course of continuing
22 education” has the meaning ascribed to it in NRS 645B.051.

23 **Sec. 57.** NRS 645B.670 is hereby amended to read as follows:

24 645B.670 Except as otherwise provided in NRS 645B.690:

25 1. For each violation committed by an applicant, whether or
26 not he is issued a license, the Commissioner may impose upon the
27 applicant an administrative fine of not more than \$10,000, if the
28 applicant:

29 (a) Has knowingly made or caused to be made to the
30 Commissioner any false representation of material fact;

31 (b) Has suppressed or withheld from the Commissioner any
32 information which the applicant possesses and which, if submitted
33 by him, would have rendered the applicant ineligible to be licensed
34 pursuant to the provisions of this chapter; or

35 (c) Has violated any provision of this chapter, a regulation
36 adopted pursuant to this chapter or an order of the Commissioner in
37 completing and filing his application for a license or during the
38 course of the investigation of his application for a license.

39 2. For each violation committed by a licensee, the
40 Commissioner may impose upon the licensee an administrative fine
41 of not more than \$10,000, may suspend, revoke or place conditions
42 upon his license, or may do both, if the licensee, whether or not
43 acting as such:

44 (a) Is insolvent;



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1 (b) Is grossly negligent or incompetent in performing any act for
2 which he is required to be licensed pursuant to the provisions of this
3 chapter;

4 (c) Does not conduct his business in accordance with law or has
5 violated any provision of this chapter, a regulation adopted pursuant
6 to this chapter or an order of the Commissioner;

7 (d) Is in such financial condition that he cannot continue in
8 business with safety to his customers;

9 (e) Has made a material misrepresentation in connection with
10 any transaction governed by this chapter;

11 (f) Has suppressed or withheld from a client any material facts,
12 data or other information relating to any transaction governed by the
13 provisions of this chapter which the licensee knew or, by the
14 exercise of reasonable diligence, should have known;

15 (g) Has knowingly made or caused to be made to the
16 Commissioner any false representation of material fact or has
17 suppressed or withheld from the Commissioner any information
18 which the licensee possesses and which, if submitted by him, would
19 have rendered the licensee ineligible to be licensed pursuant to the
20 provisions of this chapter;

21 (h) Has failed to account to persons interested for all money
22 received for a trust account;

23 (i) Has refused to permit an examination by the Commissioner
24 of his books and affairs or has refused or failed, within a reasonable
25 time, to furnish any information or make any report that may be
26 required by the Commissioner pursuant to the provisions of this
27 chapter or a regulation adopted pursuant to this chapter;

28 (j) Has been convicted of, or entered a plea of nolo contendere
29 to, a felony *relating to the practice of mortgage brokers* or any
30 crime involving fraud, misrepresentation or moral turpitude;

31 (k) Has refused or failed to pay, within a reasonable time, any
32 fees, assessments, costs or expenses that the licensee is required to
33 pay pursuant to this chapter or a regulation adopted pursuant to this
34 chapter;

35 (l) Has failed to satisfy a claim made by a client which has been
36 reduced to judgment;

37 (m) Has failed to account for or to remit any money of a client
38 within a reasonable time after a request for an accounting or
39 remittal;

40 (n) Has commingled the money or other property of a client
41 with his own or has converted the money or property of others to his
42 own use;

43 (o) Has engaged in any other conduct constituting a deceitful,
44 fraudulent or dishonest business practice;



1 (p) Has repeatedly violated the policies and procedures of the
2 mortgage broker;

3 (q) Has failed to exercise reasonable supervision over the
4 activities of a mortgage agent as required by NRS 645B.460;

5 (r) Has instructed a mortgage agent to commit an act that would
6 be cause for the revocation of the license of the mortgage broker,
7 whether or not the mortgage agent commits the act;

8 (s) Has employed a person as a mortgage agent or authorized a
9 person to be associated with the licensee as a mortgage agent at a
10 time when the licensee knew or, in light of all the surrounding facts
11 and circumstances, reasonably should have known that the person:

12 (1) Had been convicted of, or entered a plea of nolo
13 contendere to, a felony *relating to the practice of mortgage agents*
14 or any crime involving fraud, misrepresentation or moral turpitude;
15 or

16 (2) Had a financial services license or registration suspended
17 or revoked within the immediately preceding 10 years; or

18 (t) Has not conducted verifiable business as a mortgage broker
19 for 12 consecutive months, except in the case of a new applicant.
20 The Commissioner shall determine whether a mortgage broker is
21 conducting business by examining the monthly reports of activity
22 submitted by the licensee or by conducting an examination of the
23 licensee.

24 **Sec. 58.** NRS 645C.460 is hereby amended to read as follows:

25 645C.460 1. Grounds for disciplinary action against a
26 certified or licensed appraiser or registered intern include:

27 (a) Unprofessional conduct;

28 (b) Professional incompetence;

29 (c) A criminal conviction for a felony *relating to the practice of*
30 *appraisers* or any offense involving moral turpitude; and

31 (d) The suspension or revocation of a registration card,
32 certificate, license or permit to act as an appraiser in any other
33 jurisdiction.

34 2. If grounds for disciplinary action against an appraiser or
35 intern exist, the Commission may do one or more of the following:

36 (a) Revoke or suspend his certificate, license or registration
37 card.

38 (b) Place conditions upon his certificate, license or registration
39 card, or upon the reissuance of a certificate, license or registration
40 card revoked pursuant to this section.

41 (c) Deny the renewal of his certificate, license or registration
42 card.

43 (d) Impose a fine of not more than \$1,000 for each violation.

44 3. If a certificate, license or registration card is revoked by the
45 Commission, another certificate, license or registration card must



1 not be issued to the same appraiser or intern for at least 1 year after
2 the date of the revocation, or at any time thereafter except in the sole
3 discretion of the Administrator, and then only if the appraiser or
4 intern satisfies all the requirements for an original certificate, license
5 or registration card.

6 4. If discipline is imposed pursuant to this section, the costs of
7 the proceeding, including investigative costs and attorney's fees,
8 may be recovered by the Commission.

9 **Sec. 59.** NRS 645E.200 is hereby amended to read as follows:

10 645E.200 1. A person who wishes to be licensed as a
11 mortgage company must file a written application for a license with
12 the Office of the Commissioner and pay the fee required pursuant to
13 NRS 645E.280. An application for a license as a mortgage company
14 must:

15 (a) Be verified.

16 (b) State the name, residence address and business address of
17 the applicant and the location of each principal office and branch
18 office at which the mortgage company will conduct business in this
19 state, including, without limitation, any office or other place of
20 business located outside this state from which the mortgage
21 company will conduct business in this state.

22 (c) State the name under which the applicant will conduct
23 business as a mortgage company.

24 (d) If the applicant is not a natural person, list the name,
25 residence address and business address of each person who will
26 have an interest in the mortgage company as a principal, partner,
27 officer, director or trustee, specifying the capacity and title of each
28 such person.

29 (e) Indicate the general plan and character of the business.

30 (f) State the length of time the applicant has been engaged in the
31 business of a mortgage company.

32 (g) Include a financial statement of the applicant.

33 (h) Include any other information required pursuant to the
34 regulations adopted by the Commissioner or an order of the
35 Commissioner.

36 2. If a mortgage company will conduct business in this state at
37 one or more branch offices, the mortgage company must apply for a
38 license for each such branch office.

39 3. Except as otherwise provided in this chapter, the
40 Commissioner shall issue a license to an applicant as a mortgage
41 company if:

42 (a) The application complies with the requirements of this
43 chapter; and



1 (b) The applicant and each general partner, officer or director of
2 the applicant, if the applicant is a partnership, corporation or
3 unincorporated association:

4 (1) Has a good reputation for honesty, trustworthiness and
5 integrity and displays competence to transact the business of a
6 mortgage company in a manner which safeguards the interests of the
7 general public. The applicant must submit satisfactory proof of these
8 qualifications to the Commissioner.

9 (2) Has not been convicted of, or entered a plea of nolo
10 contendere to, a felony *relating to the practice of mortgage*
11 *companies* or any crime involving fraud, misrepresentation or moral
12 turpitude.

13 (3) Has not made a false statement of material fact on his
14 application.

15 (4) Has not had a license that was issued pursuant to the
16 provisions of this chapter or chapter 645B of NRS suspended or
17 revoked within the 10 years immediately preceding the date of his
18 application.

19 (5) Has not had a license that was issued in any other state,
20 district or territory of the United States or any foreign country
21 suspended or revoked within the 10 years immediately preceding the
22 date of his application.

23 (6) Has not violated any provision of this chapter or chapter
24 645B of NRS, a regulation adopted pursuant thereto or an order of
25 the Commissioner.

26 4. If an applicant is a partnership, corporation or
27 unincorporated association, the Commissioner may refuse to issue a
28 license to the applicant if any member of the partnership or any
29 officer or director of the corporation or unincorporated association
30 has committed any act or omission that would be cause for refusing
31 to issue a license to a natural person.

32 5. A person may apply for a license for an office or other place
33 of business located outside this state from which the applicant will
34 conduct business in this state if the applicant or a subsidiary or
35 affiliate of the applicant has a license issued pursuant to this chapter
36 for an office or other place of business located in this state and if the
37 applicant submits with the application for a license a statement
38 signed by the applicant which states that the applicant agrees to:

39 (a) Make available at a location within this state the books,
40 accounts, papers, records and files of the office or place of business
41 located outside this state to the Commissioner or a representative of
42 the Commissioner; or

43 (b) Pay the reasonable expenses for travel, meals and lodging of
44 the Commissioner or a representative of the Commissioner incurred



1 during any investigation or examination made at the office or place
2 of business located outside this state.
3 The applicant must be allowed to choose between paragraph (a) or
4 (b) in complying with the provisions of this subsection.

5 **Sec. 60.** NRS 645E.670 is hereby amended to read as follows:

6 645E.670 1. For each violation committed by an applicant,
7 whether or not he is issued a license, the Commissioner may impose
8 upon the applicant an administrative fine of not more than \$10,000,
9 if the applicant:

10 (a) Has knowingly made or caused to be made to the
11 Commissioner any false representation of material fact;

12 (b) Has suppressed or withheld from the Commissioner any
13 information which the applicant possesses and which, if submitted
14 by him, would have rendered the applicant ineligible to be licensed
15 pursuant to the provisions of this chapter; or

16 (c) Has violated any provision of this chapter, a regulation
17 adopted pursuant to this chapter or an order of the Commissioner in
18 completing and filing his application for a license or during the
19 course of the investigation of his application for a license.

20 2. For each violation committed by a licensee, the
21 Commissioner may impose upon the licensee an administrative fine
22 of not more than \$10,000, may suspend, revoke or place conditions
23 upon his license, or may do both, if the licensee, whether or not
24 acting as such:

25 (a) Is insolvent;

26 (b) Is grossly negligent or incompetent in performing any act for
27 which he is required to be licensed pursuant to the provisions of this
28 chapter;

29 (c) Does not conduct his business in accordance with law or has
30 violated any provision of this chapter, a regulation adopted pursuant
31 to this chapter or an order of the Commissioner;

32 (d) Is in such financial condition that he cannot continue in
33 business with safety to his customers;

34 (e) Has made a material misrepresentation in connection with
35 any transaction governed by this chapter;

36 (f) Has suppressed or withheld from a client any material facts,
37 data or other information relating to any transaction governed by the
38 provisions of this chapter which the licensee knew or, by the
39 exercise of reasonable diligence, should have known;

40 (g) Has knowingly made or caused to be made to the
41 Commissioner any false representation of material fact or has
42 suppressed or withheld from the Commissioner any information
43 which the licensee possesses and which, if submitted by him, would
44 have rendered the licensee ineligible to be licensed pursuant to the
45 provisions of this chapter;



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1 (h) Has failed to account to persons interested for all money
2 received for a trust account;

3 (i) Has refused to permit an examination by the Commissioner
4 of his books and affairs or has refused or failed, within a reasonable
5 time, to furnish any information or make any report that may be
6 required by the Commissioner pursuant to the provisions of this
7 chapter or a regulation adopted pursuant to this chapter;

8 (j) Has been convicted of, or entered a plea of nolo contendere
9 to, a felony *relating to the practice of mortgage companies* or any
10 crime involving fraud, misrepresentation or moral turpitude;

11 (k) Has refused or failed to pay, within a reasonable time, any
12 fees, assessments, costs or expenses that the licensee is required to
13 pay pursuant to this chapter or a regulation adopted pursuant to this
14 chapter;

15 (l) Has failed to satisfy a claim made by a client which has been
16 reduced to judgment;

17 (m) Has failed to account for or to remit any money of a client
18 within a reasonable time after a request for an accounting or
19 remittal;

20 (n) Has commingled the money or other property of a client
21 with his own or has converted the money or property of others to his
22 own use; or

23 (o) Has engaged in any other conduct constituting a deceitful,
24 fraudulent or dishonest business practice.

25 **Sec. 61.** NRS 648.110 is hereby amended to read as follows:

26 648.110 1. Before the Board grants any license, the applicant,
27 including each director and officer of a corporate applicant, must:

28 (a) Be at least 21 years of age.

29 (b) Be a citizen of the United States or lawfully entitled to
30 remain and work in the United States.

31 (c) Be of good moral character and temperate habits.

32 (d) Have no conviction of ~~fel~~:

33 (1) A felony *relating to the practice for which the applicant*
34 *wishes to be licensed*; or ~~fel~~

35 (2) Any crime involving moral turpitude or the illegal use or
36 possession of a dangerous weapon.

37 2. Each applicant, or the qualifying agent of a corporate
38 applicant, must:

39 (a) If an applicant for a private investigator's license, have at
40 least 5 years' experience as an investigator, or the equivalent
41 thereof, as determined by the Board.

42 (b) If an applicant for a reposessor's license, have at least 5
43 years' experience as a reposessor, or the equivalent thereof, as
44 determined by the Board.



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- 1 (c) If an applicant for a private patrolman's license, have at least
2 5 years' experience as a private patrolman, or the equivalent thereof,
3 as determined by the Board.
- 4 (d) If an applicant for a process server's license, have at least 2
5 years' experience as a process server, or the equivalent thereof, as
6 determined by the Board.
- 7 (e) If an applicant for a dog handler's license, demonstrate to the
8 satisfaction of the Board his ability to handle, supply and train
9 watchdogs.
- 10 (f) If an applicant for a license as an intern, have:
- 11 (1) Received:
- 12 (I) A baccalaureate degree from an accredited college or
13 university and have at least 1 year's experience in investigation or
14 polygraphic examination satisfactory to the Board;
- 15 (II) An associate degree from an accredited college or
16 university and have at least 3 years' experience; or
- 17 (III) A high school diploma or its equivalent and have at
18 least 5 years' experience; and
- 19 (2) Satisfactorily completed a basic course of instruction in
20 polygraphic techniques satisfactory to the Board.
- 21 (g) If an applicant for a license as a polygraphic examiner:
- 22 (1) Meet the requirements contained in paragraph (f);
- 23 (2) Have actively conducted polygraphic examinations for at
24 least 2 years;
- 25 (3) Have completed successfully at least 250 polygraphic
26 examinations, including at least 100 examinations concerning
27 specific inquiries as distinguished from general examinations for the
28 purpose of screening;
- 29 (4) Have completed successfully at least 50 polygraphic
30 examinations, including 10 examinations concerning specific
31 inquiries, during the 12 months immediately before the date of his
32 application; and
- 33 (5) Have completed successfully at least 24 hours of
34 advanced polygraphic training acceptable to the Board during the 2
35 years immediately before the date of his application.
- 36 (h) Meet other requirements as determined by the Board.
- 37 3. The Board, when satisfied from recommendations and
38 investigation that the applicant is of good character, competency and
39 integrity, may issue and deliver a license to the applicant entitling
40 him to conduct the business for which he is licensed, for the period
41 which ends on July 1 next following the date of issuance.
- 42 4. For the purposes of this section, 1 year of experience
43 consists of 2,000 hours of experience.



1 **Sec. 62.** NRS 648.150 is hereby amended to read as follows:
2 648.150 The Board may discipline any licensee for any of the
3 following causes:

- 4 1. Conviction of a felony *relating to the practice of the*
5 *licensee* or of any offense involving moral turpitude.
- 6 2. Violation of any of the provisions of this chapter or of a
7 regulation adopted pursuant thereto.
- 8 3. A false statement by the licensee that any person is or has
9 been in his employ.
- 10 4. Any unprofessional conduct or unfitness of the licensee or
11 any person in his employ.
- 12 5. Any false statement or the giving of any false information in
13 connection with an application for a license or a renewal or
14 reinstatement of a license.
- 15 6. Any act in the course of the licensee's business constituting
16 dishonesty or fraud.
- 17 7. Impersonation or aiding and abetting an employee in the
18 impersonation of a law enforcement officer or employee of the
19 United States of America, or of any state or political subdivision
20 thereof.
- 21 8. During the period between the expiration of a license for the
22 failure to renew within the time fixed by this chapter and the
23 reinstatement of the license, the commission of any act which would
24 be a cause for the suspension or revocation of a license, or grounds
25 for the denial of an application for a license.
- 26 9. Willful failure or refusal to render to a client services or a
27 report as agreed between the parties and for which compensation
28 has been paid or tendered in accordance with the agreement of the
29 parties.
- 30 10. Commission of assault, battery or kidnapping.
- 31 11. Knowing violation of any court order or injunction in the
32 course of business as a licensee.
- 33 12. Any act which is a ground for denial of an application for a
34 license under this chapter.
- 35 13. Willfully aiding or abetting a person in a violation of a
36 provision of this chapter or a regulation adopted pursuant thereto.

37 **Sec. 63.** NRS 649.085 is hereby amended to read as follows:
38 649.085 Every individual applicant, every officer and director
39 of a corporate applicant, and every member of a firm or partnership
40 applicant for a license as a collection agency or collection agent
41 must submit proof satisfactory to the Commissioner that he:

- 42 1. Is a citizen of the United States or lawfully entitled to
43 remain and work in the United States.



1 2. Has a good reputation for honesty, trustworthiness, integrity
2 and is competent to transact the business of a collection agency in a
3 manner which protects the interests of the general public.

4 3. Has not had a collection agency license suspended or
5 revoked within the 10 years immediately preceding the date of the
6 application.

7 4. Has not been convicted of, or entered a plea of nolo
8 contendere to ~~felony~~:

9 (a) A felony *relating to the practice of collection agencies or*
10 *collection agents*; or ~~any~~

11 (b) Any crime involving fraud, misrepresentation or moral
12 turpitude.

13 5. Has not made a false statement of material fact on his
14 application.

15 6. Will maintain one or more offices in this state for the
16 transaction of the business of his collection agency.

17 7. Has established a plan to ensure that his collection agency
18 will provide the services of a collection agency adequately and
19 efficiently.

20 **Sec. 64.** NRS 652.220 is hereby amended to read as follows:

21 652.220 A license may be denied, suspended or revoked if the
22 laboratory, laboratory director or any technical employee of the
23 laboratory:

24 1. Violates any provision of this chapter;

25 2. Makes any misrepresentation in obtaining a license;

26 3. Has been convicted of a felony ~~felony~~ *relating to the position*
27 *for which the applicant has applied or the licensee has been*
28 *licensed pursuant to this chapter*;

29 4. Has been convicted of violating any of the provisions of
30 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
31 inclusive;

32 5. Is guilty of unprofessional conduct;

33 6. Knowingly permits the use of the name of a licensed
34 laboratory or its director by an unlicensed laboratory; or

35 7. Fails to meet the minimum standards prescribed by the
36 Board.

37 **Sec. 65.** NRS 654.190 is hereby amended to read as follows:

38 654.190 1. The Board may, after notice and hearing, impose
39 an administrative fine of not more than \$2,500 on and suspend or
40 revoke the license of any nursing facility administrator or
41 administrator of a residential facility for groups who:

42 (a) Is convicted of a felony ~~felony~~ *relating to the practice of*
43 *administering a nursing facility or residential facility* or of any
44 offense involving moral turpitude.

45 (b) Has obtained his license by the use of fraud or deceit.



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1 (c) Violates any of the provisions of this chapter.
2 (d) Aids or abets any person in the violation of any of the
3 provisions of NRS 449.001 to 449.240, inclusive, as those
4 provisions pertain to a facility for skilled nursing, facility for
5 intermediate care or residential facility for groups.

6 (e) Violates any regulation of the Board prescribing additional
7 standards of conduct for nursing facility administrators or
8 administrators of residential facilities for groups.

9 2. The Board shall give a licensee against whom proceedings
10 are brought pursuant to this section written notice of a hearing not
11 less than 10 days before the date of the hearing.

12 3. If discipline is imposed pursuant to this section, the costs of
13 the proceeding, including investigative costs and attorney's fees,
14 may be recovered by the Board.

15 **Sec. 66.** NRS 656.240 is hereby amended to read as follows:

16 656.240 The Board may refuse to issue or to renew or may
17 suspend or revoke any certificate for any one or a combination of
18 the following causes:

19 1. If the applicant or court reporter has by false representation
20 obtained or sought to obtain a certificate for himself or any other
21 person.

22 2. If the applicant or court reporter has been found in contempt
23 of court, arising out of his conduct in performing or attempting to
24 perform any act as a court reporter.

25 3. If the applicant or court reporter has been convicted of a
26 crime related to the qualifications, functions and responsibilities of a
27 certified court reporter.

28 4. If the applicant or court reporter has been convicted of ~~felony or gross misdemeanor or of~~ any offense involving moral
29 turpitude.

30 The judgment of conviction or a certified copy of the judgment is
31 conclusive evidence of conviction of an offense.

32 **Sec. 67.** NRS 676.290 is hereby amended to read as follows:

33 676.290 1. The Commissioner may, pursuant to the
34 procedure provided in this chapter, deny, suspend or revoke any
35 license for which application has been made or which has been
36 issued under the provisions of this chapter if he finds, as to the
37 licensee, its associates, directors or officers, grounds for action.

38 2. Any one of the following grounds may provide the requisite
39 grounds for denial, suspension or revocation:

40 (a) Conviction of a felony *relating to the practice of debt*
41 *adjusters* or of a misdemeanor involving moral turpitude.

42 (b) Violation of any of the provisions of this chapter or
43 regulations of the Commissioner.

44 (c) Fraud or deceit in procuring the issuance of the license.
45



1 (d) Continuous course of unfair conduct.

2 (e) Insolvency, filing in bankruptcy, receivership or assigning
3 for the benefit of creditors by any licensee or applicant for a license
4 under this chapter.

5 (f) Failure to pay the fee for renewal or reinstatement of a
6 license.

7 3. The Commissioner shall, after notice and hearing, impose
8 upon the licensee a fine of \$500 for each violation by the licensee of
9 any of the provisions of this chapter or regulations of the
10 Commissioner. If a fine is imposed pursuant to this section, the
11 costs of the proceeding, including investigative costs and attorney's
12 fees, may be recovered by the Commissioner.

13 **Sec. 68.** NRS 692A.105 is hereby amended to read as follows:

14 692A.105 1. The Commissioner may refuse to license any
15 title agent or escrow officer or may suspend or revoke any license or
16 impose a fine of not more than \$500 for each violation by entering
17 an order to that effect, with his findings in respect thereto, if upon a
18 hearing, it is determined that the applicant or licensee:

19 (a) In the case of a title agent, is insolvent or in such a financial
20 condition that he cannot continue in business with safety to his
21 customers;

22 (b) Has violated any provision of this chapter or any regulation
23 adopted pursuant thereto or has aided and abetted another to do so;

24 (c) Has committed fraud in connection with any transaction
25 governed by this chapter;

26 (d) Has intentionally or knowingly made any misrepresentation
27 or false statement to, or concealed any essential or material fact
28 known to him from, any principal or designated agent of the
29 principal in the course of the escrow business;

30 (e) Has intentionally or knowingly made or caused to be made
31 to the Commissioner any false representation of a material fact or
32 has suppressed or withheld from him any information which the
33 applicant or licensee possesses;

34 (f) Has failed without reasonable cause to furnish to the parties
35 of an escrow their respective statements of the settlement within a
36 reasonable time after the close of escrow;

37 (g) Has failed without reasonable cause to deliver, within a
38 reasonable time after the close of escrow, to the respective parties of
39 an escrow transaction any money, documents or other properties
40 held in escrow in violation of the provisions of the escrow
41 instructions;

42 (h) Has refused to permit an examination by the Commissioner
43 of his books and affairs or has refused or failed, within a reasonable
44 time, to furnish any information or make any report that may be



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- 1 required by the Commissioner pursuant to the provisions of this
2 chapter;
- 3 (i) Has been convicted of a felony *relating to the practice of*
4 *title agents* or any misdemeanor of which an essential element is
5 fraud;
- 6 (j) In the case of a title agent, has failed to maintain complete
7 and accurate records of all transactions within the last 7 years;
- 8 (k) Has commingled the money of other persons with his own or
9 converted the money of other persons to his own use;
- 10 (l) Has failed, before the close of escrow, to obtain written
11 instructions concerning any essential or material fact or intentionally
12 failed to follow the written instructions which have been agreed
13 upon by the parties and accepted by the holder of the escrow;
- 14 (m) Has failed to disclose in writing that he is acting in the dual
15 capacity of escrow agent or agency and undisclosed principal in any
16 transaction;
- 17 (n) In the case of an escrow officer, has been convicted of, or
18 entered a plea of guilty or nolo contendere to, any crime involving
19 moral turpitude; or
- 20 (o) Has failed to obtain and maintain a copy of the executed
21 agreement or contract that establishes the conditions for the sale of
22 real property.
- 23 2. It is sufficient cause for the imposition of a fine or the
24 refusal, suspension or revocation of the license of a partnership,
25 corporation or any other association if any member of the
26 partnership or any officer or director of the corporation or
27 association has been guilty of any act or omission directly arising
28 from the business activities of a title agent which would be cause for
29 such action had the applicant or licensee been a natural person.
- 30 3. The Commissioner may suspend or revoke the license of a
31 title agent, or impose a fine, if the Commissioner finds that the title
32 agent:
- 33 (a) Failed to maintain adequate supervision of an escrow officer
34 title agent he has appointed or employed.
- 35 (b) Instructed an escrow officer to commit an act which would
36 be cause for the revocation of the escrow officer's license and the
37 escrow officer committed the act. An escrow officer is not subject to
38 disciplinary action for committing such an act under instruction by
39 the title agent.
- 40 4. The Commissioner may refuse to issue a license to any
41 person who, within 10 years before the date of applying for a current
42 license, has had suspended or revoked a license issued pursuant to
43 this chapter or a comparable license issued by any other state,
44 district or territory of the United States or any foreign country.



1 **Sec. 69.** NRS 706.8841 is hereby amended to read as follows:

2 706.8841 1. The Administrator shall issue a driver's permit
3 to qualified persons who wish to be employed by certificate holders
4 as taxicab drivers. Before issuing a driver's permit, the
5 Administrator shall:

6 (a) Require the applicant to submit a set of his fingerprints,
7 which must be forwarded to the Federal Bureau of Investigation to
8 ascertain whether the applicant has a criminal record and the nature
9 of any such record, and shall further investigate the applicant's
10 background; and

11 (b) Require proof that the applicant:

12 (1) Has been a resident of the State for 30 days before his
13 application for a permit;

14 (2) Can read and orally communicate in the English
15 language; and

16 (3) Has a valid license issued under NRS 483.325 which
17 authorizes him to drive a taxicab in this state.

18 2. The Administrator may refuse to issue a driver's permit if
19 the applicant has been convicted of:

20 (a) A felony ~~[other than a felony involving any sexual offense,]~~
21 *relating to the practice of taxicab drivers* in this state or any other
22 jurisdiction ~~[within 5 years]~~ *at any time* before the date of the
23 application;

24 (b) A felony involving any sexual offense in this state or any
25 other jurisdiction at any time before the date of the application; or

26 (c) A violation of NRS 484.379 or 484.3795 or a law of any
27 other jurisdiction that prohibits the same or similar conduct within 3
28 years before the date of the application.

29 3. The Administrator may refuse to issue a driver's permit if
30 the Administrator, after the background investigation of the
31 applicant, determines that the applicant is morally unfit or if the
32 issuance of the driver's permit would be detrimental to public
33 health, welfare or safety.

34 4. A taxicab driver shall pay to the Administrator, in advance,
35 \$20 for an original driver's permit and \$5 for a renewal.

36 **Sec. 70.** NRS 176A.860 is hereby repealed.

37 **Sec. 71.** 1. Any person residing in this state who, before
38 July 1, 2003, was:

39 (a) Honorably discharged from probation pursuant to
40 NRS 176A.850;

41 (b) Pardoned pursuant to NRS 213.090;

42 (c) Honorably discharged from parole pursuant to NRS 213.154
43 and 213.155; or

44 (d) Released from prison pursuant to NRS 213.157,



1 in this state or elsewhere, who is not on probation or parole or
2 serving a sentence of imprisonment on July 1, 2003, and who has
3 not had his civil rights restored is hereby restored to the civil rights
4 set forth in subsection 2.

5 2. A person listed in subsection 1:

6 (a) Is immediately restored to the following civil rights:

7 (1) The right to vote; and

8 (2) The right to serve as a juror in a civil action.

9 (b) Four years after the date on which he is released from his
10 sentence of imprisonment, is restored to the right to hold office.

11 (c) Six years after the date on which he is released from his
12 sentence of imprisonment, is restored to the right to serve as a juror
13 in a criminal action.

14 3. A person who is restored to his civil rights pursuant to this
15 section and whose official documentation which demonstrates that
16 the person qualifies to have his civil rights restored pursuant to
17 subsection 1 is lost, damaged or destroyed may file a written request
18 with a court of competent jurisdiction to restore his civil rights
19 pursuant to this section. Upon verification that the person qualifies
20 to have his civil rights restored pursuant to subsection 1, the court
21 shall issue an order restoring the person to the civil rights set forth in
22 subsection 2. A person must not be required to pay a fee to receive
23 such an order.

24 4. A person who is restored to his civil rights pursuant to this
25 section may present official documentation that he qualifies to have
26 his civil rights restored pursuant to subsection 1 or a court order
27 restoring his civil rights as proof that he has been restored to the
28 civil rights set forth in subsection 2.

29 **Sec. 72.** The provisions of subsection 1 of NRS 354.599 do
30 not apply to any additional expenses of a local government that are
31 related to the provisions of this act.

32 **Sec. 73.** 1. This section and sections 1 to 53, inclusive, and
33 55 to 72, inclusive, of this act become effective on July 1, 2003.

34 2. Section 53 of this act expires by limitation on the date on
35 which the provisions of 42 U.S.C. § 666 requiring each state to
36 establish procedures under which the state has authority to withhold
37 or suspend, or to restrict the use of professional, occupational and
38 recreational licenses of persons who:

39 (a) Have failed to comply with a subpoena or warrant relating to
40 a proceeding to determine the paternity of a child or to establish or
41 enforce an obligation for the support of a child; or

42 (b) Are in arrears in the payment for support of one or more
43 children,

44 are repealed by the Congress of the United States.



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- 1 3. Section 54 of this act becomes effective on the date on
2 which the provisions of 42 U.S.C. § 666 requiring each state to
3 establish procedures under which the state has authority to withhold
4 or suspend, or to restrict the use of professional, occupational and
5 recreational licenses of persons who:
6 (a) Have failed to comply with a subpoena or warrant relating to
7 a proceeding to determine the paternity of a child or to establish or
8 enforce an obligation for the support of a child; or
9 (b) Are in arrears in the payment for support of one or more
10 children,
11 are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

176A.860 Procedure for applying for restoration of civil rights after honorable discharge.

1. If a person is granted an honorable discharge from probation, not sooner than 6 months after his honorable discharge, the person may apply to the Division to request a restoration of his civil rights if the person:

- (a) Has not previously been restored to his civil rights; and
- (b) Has not been convicted of any offense greater than a traffic violation after his honorable discharge.

2. If a person applies to the Division to request a restoration of his civil rights, the person must submit with his application a current, certified record of his criminal history received from the Central Repository for Nevada Records of Criminal History. If the Division determines after an investigation that the person meets the requirements of this section, the Division shall petition the court in which the person was convicted for an order granting the restoration of his civil rights. If the Division refuses to submit such a petition, the person may, after notice to the Division, directly petition the court for an order granting the restoration of his civil rights.

