

SENATE BILL NO. 228—SENATOR HARDY

MARCH 3, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Exempts certain persons from provisions governing licensing of private investigators. (BDR 54-876)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 private investigators; exempting certain persons from the provisions governing the licensing of private investigators; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 648.018 is hereby amended to read as follows:
2 648.018 ***1.*** Except as to polygraphic examiners and interns,
3 this chapter does not apply:
4 ~~***1-1***~~ ***(a)*** To any detective or officer belonging to the law
5 enforcement agencies of the State of Nevada or the United States, or
6 of any county or city of the State of Nevada, while the detective or
7 officer is engaged in the performance of his official duties.
8 ~~***1-2***~~ ***(b)*** To special police officers appointed by the police
9 department of any city, county, or city and county within the State
10 of Nevada while the officer is engaged in the performance of his
11 official duties.
12 ~~***1-3***~~ ***(c)*** To insurance adjusters and their associate adjusters
13 licensed pursuant to the Nevada Insurance Adjusters Law who are
14 not otherwise engaged in the business of private investigators.
15 ~~***1-4***~~ ***(d)*** To any private investigator, private patrolman, process
16 server, dog handler or security consultant employed by an employer
17 regularly in connection with the affairs of that employer if a bona



1 fide employer-employee relationship exists, except as otherwise
2 provided in NRS 648.060, 648.140 and 648.203.

3 ~~[5-]~~ (e) To a reposessor employed exclusively by one employer
4 regularly in connection with the affairs of that employer if a bona
5 fide employer-employee relationship exists, except as otherwise
6 provided in NRS 648.060, 648.140 and 648.203.

7 ~~[6-]~~ (f) To a person engaged exclusively in the business of
8 obtaining and furnishing information as to the financial rating of
9 persons.

10 ~~[7-]~~ (g) To a charitable philanthropic society or association
11 incorporated under the laws of this state which is organized and
12 maintained for the public good and not for private profit.

13 ~~[8-]~~ (h) To an attorney at law in performing his duties as such.

14 ~~[9-]~~ (i) To a collection agency unless engaged in business as a
15 reposessor, licensed by the Commissioner of Financial Institutions,
16 or an employee thereof while acting within the scope of his
17 employment while making an investigation incidental to the
18 business of the agency, including an investigation of the location of
19 a debtor or his assets and of property which the client has an interest
20 in or lien upon.

21 ~~[10-]~~ (j) To admitted insurers and agents and insurance brokers
22 licensed by ~~[the State,]~~ *this state* performing duties in connection
23 with insurance transacted by them.

24 ~~[11-]~~ (k) To any bank organized pursuant to the laws of this
25 state or to any national bank engaged in banking in this state.

26 ~~[12-]~~ (l) To any person employed to administer a program of
27 supervision for persons who are serving terms of residential
28 confinement.

29 *(m) To any person who acts as a customer or client of a*
30 *business, business organization or governmental entity for the*
31 *purpose of evaluating the service provided to customers or clients*
32 *by the employees of the business, business organization or*
33 *governmental entity, the operational procedures and cleanliness of*
34 *the business, business organization or governmental entity, and*
35 *the quality, availability and prices of the goods and services of the*
36 *business, business organization or governmental entity if:*

37 *(1) The person uses a questionnaire that is approved by the*
38 *business, business organization or governmental entity to record*
39 *those observations;*

40 *(2) The information included in the questionnaire is not*
41 *used as the sole basis to discipline or discharge an employee of the*
42 *business, business organization or governmental entity;*

43 *(3) The information included in the questionnaire is used to*
44 *provide training or incentives to employees of the business,*
45 *business organization or governmental entity;*



1 (4) *The person does not engage in any investigation or*
2 *observation of an employee of the business, business organization*
3 *or governmental entity to determine whether the employee has*
4 *committed a crime; and*

5 (5) *Except as otherwise provided in subsection 2, the*
6 *person:*

7 (I) *Is trained and certified by the Mystery Shopping*
8 *Providers Association or its successor organization;*

9 (II) *Enters into an agreement with the Mystery*
10 *Shopping Providers Association or its successor organization*
11 *requiring the person to comply with the professional standards*
12 *and ethics of the Mystery Shopping Providers Association or the*
13 *successor organization; and*

14 (III) *Is provided to the business, business organization or*
15 *governmental entity by a business that is a member of the Mystery*
16 *Shopping Providers Association or its successor organization, if*
17 *the business enters into an agreement with the Mystery Shopping*
18 *Providers Association or its successor organization requiring the*
19 *business to comply with the professional standards and ethics of*
20 *the Mystery Shopping Providers Association or the successor*
21 *organization.*

22 2. *A person is not required to comply with the provisions of*
23 *subparagraph (5) of paragraph (m) of subsection 1 if:*

24 (a) *The Mystery Shopping Providers Association or its*
25 *successor organization ceases to exist; and*

26 (b) *At the time the person acts as a customer or client of the*
27 *business, business organization or governmental entity, no*
28 *organization exists that performs functions similar to the*
29 *functions performed by the Mystery Shopping Providers*
30 *Association or its successor organization.*

31 **Sec. 2.** This act becomes effective upon passage and approval.

