

CHAPTER.....

AN ACT relating to real estate; revising provisions relating to the regulation of real estate brokers, broker-salesmen and salesmen; requiring the preparation and distribution of booklets on disclosures; authorizing, under certain circumstances, the Administrator of the Real Estate Division of the Department of Business and Industry to charge and collect certain fees and costs relating to audits conducted of real estate brokers; prohibiting an owner-developer from employing salesmen unless the owner-developer also employs a qualified broker-salesman to act as a sales manager over the salesmen; prohibiting the issuance of a permit or registration under certain circumstances to a person whose previous permit or registration was revoked; revising provisions relating to the scope of a license as a residential appraiser; revising provisions relating to fingerprints required for background checks; requiring the Commission of Appraisers of Real Estate to adopt certain regulations relating to licensure of, and continuing education for, appraisers; increasing the period during which certain disciplinary proceedings must be commenced; revising the definition of “sales agent” involved in the sale of time shares; revising provisions relating to the registration of representatives involved in the sale of time shares; providing a penalty; and providing other matters properly relating thereto.

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

Section 1. Chapter 645 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. *An applicant for a license as a real estate salesman is not required to pass the uniform portion of a national real estate examination otherwise required by NRS 645.330 and 645.460 if:*

(a) He holds a license in good standing as a real estate broker, broker-salesman or salesman issued by another state or territory of the United States, or the District of Columbia;

(b) The requirements for licensure as a real estate salesman issued in that state or territory of the United States, or the District of Columbia, are substantially equivalent to the requirements in this State for licensure as a real estate salesman; and

(c) The applicant has passed the examination in that state or territory of the United States, or the District of Columbia.

2. *The Division may issue a license as a real estate broker or broker-salesman to a person who holds a license as a real estate broker or broker-salesman, or an equivalent license, issued by a state or territory of the United States, or the District of Columbia, if that state or territory, or the District of Columbia, has entered into a reciprocal agreement with the Commission for the issuance of licenses pursuant to this chapter and the person submits proof to the Division that:*

(a) He has been issued a license as a real estate broker or broker-salesman, or an equivalent license, by that state or territory of the United States, or the District of Columbia; and

(b) At the time he files his application with the Division, the license is in good standing.

3. *The Division may refuse to issue a license as a real estate broker or broker-salesman pursuant to subsection 2 to a person who has committed any act or offense that would be grounds for denying a license to an applicant or taking disciplinary action against a licensee pursuant to this chapter.*

4. *The Commission shall not enter into a reciprocal agreement pursuant to subsection 2 unless the provisions relating to the practice of real estate, including the requirements for the licensing of real estate brokers and real estate broker-salesmen in the other state or territory of the United States, or the District of Columbia, are substantially similar to the provisions relating to the practice of real estate in this State.*

Sec. 3. 1. *The Division shall prepare a booklet that provides relevant information concerning the disclosures that are required by federal, state and local laws and regulations by a buyer and a seller in a transaction involving the sale of residential property.*

2. *The Division shall make copies of the booklet prepared pursuant to subsection 1 available to licensees which the licensee must distribute to prospective buyers and sellers in the sale of residential property in accordance with the regulations adopted by the Commission.*

3. *The Commission shall approve the format and content of the information that must be included in the booklet.*

4. *As used in this section, "residential property" has the meaning ascribed to it in NRS 113.100.*

Sec. 4. 1. *The Administrator may charge and collect from a real estate broker an amount equal to the amount of the actual costs and fees incurred by the Division to conduct an audit of the financial accounts of the real estate broker pursuant to this chapter or any regulations adopted pursuant thereto if:*

(a) The Division makes a request during the course of the audit for the real estate broker to produce, provide access to or

grant authorization to the Division to inspect or obtain any documentation related to the business of a real estate broker which the broker is required to maintain pursuant to NRS 645.310 and any regulations adopted pursuant to this chapter;

(b) The real estate broker fails to comply with the request within a reasonable time established by the Division; and

(c) The Division has reasonable cause to believe that the requested documentation will assist it in investigating whether the real estate broker has committed any act or offense that would be grounds for taking disciplinary action against the real estate broker.

2. If the Administrator charges a real estate broker for the costs and fees of an audit pursuant to subsection 1, the Administrator shall bill the real estate broker upon the completion of the audit. The costs and fees must be paid within 90 days after the date the real estate broker receives the bill. Except as otherwise provided in this subsection, any payment received after the due date must include a penalty in the amount of 10 percent of the amount specified in the bill plus an additional penalty in the amount of 1 percent of the amount for each month, or portion of a month, that the bill is not paid. The Administrator may waive the penalty for good cause.

3. The failure of a real estate broker to pay any costs and fees as required by this section constitutes grounds for disciplinary action against the real estate broker.

4. Money received by the Division pursuant to this section must be:

(a) Deposited with the State Treasurer for credit to the appropriate account of the Division.

(b) Used by the Division only to offset the fees and costs incurred by the Division in carrying out the provisions of NRS 645.313.

Sec. 5. *1. To qualify as a sales manager for the purposes of NRS 645.283, a licensed real estate broker-salesman must have at least 2 years of experience during the immediately preceding 4 years as a real estate broker-salesman or salesman licensed in this State or any other state or territory of the United States, or the District of Columbia.*

2. A real estate broker-salesman shall:

(a) Before becoming associated with an owner-developer as a sales manager, notify the Division on a form prescribed by the Division that he will be acting in that capacity; and

(b) Upon the termination of his association with an owner-developer as a sales manager, notify the Division of that fact.

Sec. 6. NRS 645.035 is hereby amended to read as follows:

645.035 1. Within the meaning of this chapter, a “real estate broker-salesman” is any person who holds a real estate broker’s license, or who has passed the real estate broker’s examination, but who, as an employee or as an independent contractor, for compensation or otherwise, is associated with ~~[a]~~:

(a) A licensed real estate broker in the capacity of a salesman, to do or to deal in any act, acts or transactions included within the definition of a real estate broker in NRS 645.030 ~~[1]~~; or

(b) *A registered owner-developer in the capacity of a sales manager in accordance with NRS 645.283 and section 5 of this act.*

2. In this chapter, the term “real estate salesman” includes “real estate broker-salesman” when applicable.

Sec. 7. NRS 645.280 is hereby amended to read as follows:

645.280 1. It is unlawful for any licensed real estate broker, or broker-salesman or salesman to offer, promise, allow, give or pay, directly or indirectly, any part or share of his commission, compensation or finder’s fee arising or accruing from any real estate transaction to any person who is not a licensed real estate broker, broker-salesman or salesman, in consideration of services performed or to be performed by the unlicensed person. A licensed real estate broker may pay a commission to a licensed broker of another state.

2. A real estate broker-salesman or salesman shall not be associated with or accept compensation from any person other than the broker or owner-developer under whom he is *licensed* at the time ~~[licensed]~~ *of the real estate transaction.*

3. It is unlawful for any licensed real estate broker-salesman or salesman to pay a commission to any person except through the broker or owner-developer under whom he is *licensed* at the time ~~[licensed]~~ *of the real estate transaction.*

Sec. 8. NRS 645.283 is hereby amended to read as follows:

645.283 1. ~~[An]~~ *Except as otherwise provided in subsection 2, an* owner-developer who is registered with the Real Estate Division may employ one or more licensed real estate salesmen to sell any single-family residence, owned by the owner-developer and not previously sold, which is within the area covered by his current registration.

2. *An owner-developer may not employ a licensed real estate salesman pursuant to subsection 1 unless a licensed real estate broker-salesman who is qualified pursuant to section 5 of this act is associated with the owner-developer as a sales manager to oversee the activities of the real estate salesman.*

3. The area covered by an owner-developer’s registration may be enlarged from time to time upon application and payment of the required fee.

~~[3-]~~ 4. Registration may be kept in force by annual renewal.

Sec. 9. NRS 645.330 is hereby amended to read as follows:

645.330 1. Except as otherwise provided by *a* specific statute, the Division may approve an application for a license for a person who meets all the following requirements:

(a) Has a good reputation for honesty, trustworthiness and integrity and who offers proof of those qualifications satisfactory to the Division.

(b) Has not made a false statement of material fact on his application.

(c) Is competent to transact the business of a real estate broker, broker-salesman or salesman in a manner which will safeguard the interests of the public.

(d) Has submitted the statement required pursuant to NRS 645.358 if the person is a natural person.

(e) Has passed the examination.

2. The Division:

(a) May deny a license to any person who has been convicted of, or entered a plea of guilty or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, engaging in a real estate business without a license, possessing for the purpose of sale any controlled substance or any crime involving moral turpitude, in any court of competent jurisdiction in the United States or elsewhere; and

(b) Shall not issue a license to such a person until at least 3 years after:

(1) The person pays any fine or restitution ordered by the court; or

(2) The expiration of the period of the person's parole, probation or sentence,

↳ whichever is later.

3. Suspension or revocation of a license pursuant to this chapter or any prior revocation or current suspension in this or any other state, district or territory of the United States or any foreign country ~~{within 10 years}~~ before the date of the application is grounds for refusal to grant a license.

4. ~~[A]~~ *Except as otherwise provided in section 2 of this act, a* person may not be licensed as a real estate broker unless he has been actively engaged as a full-time licensed real estate broker-salesman or salesman in this State, or actively engaged as a full-time licensed real estate broker, broker-salesman or salesman in another state or the District of Columbia, for at least 2 of the 4 years immediately preceding the issuance of a broker's license.

Sec. 10. NRS 645.330 is hereby amended to read as follows:

645.330 1. Except as otherwise provided by *a* specific statute, the Division may approve an application for a license for a person who meets all the following requirements:

(a) Has a good reputation for honesty, trustworthiness and integrity and who offers proof of those qualifications satisfactory to the Division.

(b) Has not made a false statement of material fact on his application.

(c) Is competent to transact the business of a real estate broker, broker-salesman or salesman in a manner which will safeguard the interests of the public.

(d) Has passed the examination.

2. The Division:

(a) May deny a license to any person who has been convicted of, or entered a plea of guilty or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, engaging in a real estate business without a license, possessing for the purpose of sale any controlled substance or any crime involving moral turpitude, in any court of competent jurisdiction in the United States or elsewhere; and

(b) Shall not issue a license to such a person until at least 3 years after:

(1) The person pays any fine or restitution ordered by the court; or

(2) The expiration of the period of the person's parole, probation or sentence,

→ whichever is later.

3. Suspension or revocation of a license pursuant to this chapter or any prior revocation or current suspension in this or any other state, district or territory of the United States or any foreign country ~~{within 10 years}~~ before the date of the application is grounds for refusal to grant a license.

4. ~~{A}~~ *Except as otherwise provided in section 2 of this act, a* person may not be licensed as a real estate broker unless he has been actively engaged as a full-time licensed real estate broker-salesman or salesman in this State, or actively engaged as a full-time licensed real estate broker, broker-salesman or salesman in another state or the District of Columbia, for at least 2 of the 4 years immediately preceding the issuance of a broker's license.

Sec. 11. NRS 645.343 is hereby amended to read as follows:

645.343 1. In addition to the other requirements contained in this chapter, an applicant for an original real estate salesman's license must furnish proof satisfactory to the Real Estate Division that he has successfully completed a course of instruction in the principles, practices, procedures, law and ethics of real estate, which

course may be an extension or correspondence course offered by the University and Community College System of Nevada, by any other accredited college or university or by any other college or school approved by the Commission. The course of instruction must include the subject of disclosure of required information in real estate transactions, including instruction on methods a seller may use to obtain the required information.

2. An applicant for an original real estate broker's or broker-salesman's license must furnish proof satisfactory to the Real Estate Division that he has successfully completed 45 semester units or the equivalent in quarter units of college level courses which include:

(a) Three semester units or an equivalent number of quarter units in real estate law, including at least 18 classroom hours of the real estate law of Nevada and another course of equal length in the principles of real estate;

(b) Nine semester units or the equivalent in quarter units of college level courses in real estate appraisal and business or economics;

(c) Nine semester units or the equivalent in quarter units of college level courses in real estate, business or economics; and

(d) Three semester units or an equivalent number of quarter units in broker management.

3. On and after January 1, 1986, in addition to other requirements contained in this chapter, an applicant for an original real estate broker's or broker-salesman's license must furnish proof satisfactory to the Real Estate Division that he has completed 64 semester units or the equivalent in quarter units of college level courses. This educational requirement includes and is not in addition to the requirements listed in subsection 2.

4. For the purposes of this section, each person ~~[holding a valid]~~ *who holds a license as a* real estate ~~[salesman's license under the provisions of this chapter]~~ *broker, broker-salesman or salesman, or an equivalent license, issued by a state or territory of the United States, or the District of Columbia,* is entitled to receive credit for the equivalent of 16 semester units of college level courses for each 2 years of active experience *that, during the immediately preceding 10 years,* he has ~~[as a licensed real estate salesman.]~~ *obtained while he has held such a license, not to exceed 8 years of active experience.* This credit may not be applied against the requirement in subsection 2 for three semester units or an equivalent number of quarter units in broker management or 18 classroom hours of the real estate law of Nevada.

5. An applicant for a broker's license pursuant to NRS 645.350 must meet the educational prerequisites applicable on the date his application is received by the Real Estate Division.

6. As used in this section, "college level courses" are courses offered by any accredited college or university or by any other institution which meet the standards of education established by the Commission. The Commission may adopt regulations setting forth standards of education which are equivalent to the college level courses outlined in this subsection. The regulations may take into account the standard of instructors, the scope and content of the instruction, hours of instruction and such other criteria as the Commission requires.

Sec. 12. NRS 645.355 is hereby amended to read as follows:

645.355 1. Each applicant for a license as a real estate broker, broker-salesman or salesman must pay a fee for the costs of an investigation of the applicant's background.

2. Each applicant must, as part of his application and at his own expense:

(a) Arrange to have a complete set of his fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division ; ~~[on a fingerprint card provided by the law enforcement agency or other authorized entity for that purpose;]~~ and

(b) Submit to the Division ~~[the]~~ :

(1) A completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary []; or

(2) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary.

3. The Division may:

(a) ~~[Submit]~~ *Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 2, submit those fingerprints* to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Division deems necessary.

Sec. 13. NRS 645.6065 is hereby amended to read as follows:

645.6065 1. Except as otherwise provided in NRS 645.607, a person shall not act as a qualified intermediary unless he is registered as such with the Division. The Division may adopt such regulations as it deems necessary to carry out the provisions of NRS 645.606 to 645.609, inclusive.

2. To apply for registration, a person must pay the Division a fee of \$100 and a fee to pay the costs of an investigation of the person's background.

3. In addition to the requirements set forth in subsection 2, the person must submit to the Division:

(a) The following information on a form provided by the Division:

(1) The applicant's name, address and telephone number;

(2) The name under which the applicant will hold the money or other property of a client;

(3) The names, residence and business addresses of all persons having an interest in the business as principals, partners, officers, trustees or directors, specifying the capacity and title of each;

(4) If the applicant is a natural person, the social security number of the applicant; and

(5) The length of time the applicant has been engaged in the business of acting as such an intermediary; and

(b) If the person is a natural person, the statement required pursuant to NRS 645.6068.

4. Each applicant must, as part of his application and at his own expense:

(a) Arrange to have a complete set of his fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division ; ~~[on a fingerprint card provided by the law enforcement agency or other authorized entity for that purpose;]~~ and

(b) Submit to the Division ~~[the]~~ :

(1) A completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary []; or

(2) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of

Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary.

5. The Division may:

(a) ~~[Submit]~~ *Unless* the applicant's fingerprints *are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints* to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Division deems necessary.

6. Registration pursuant to this section must be renewed each year on or before the date of the original registration by providing the information required by the Division for that purpose and paying a renewal fee of \$75.

Sec. 14. NRS 645.6065 is hereby amended to read as follows:

645.6065 1. Except as otherwise provided in NRS 645.607, a person shall not act as a qualified intermediary unless he is registered as such with the Division. The Division may adopt such regulations as it deems necessary to carry out the provisions of NRS 645.606 to 645.6085, inclusive.

2. To apply for registration, a person must pay the Division a fee of \$100 and a fee to pay the costs of an investigation of the person's background.

3. In addition to the requirements set forth in subsection 2, the person must submit to the Division the following information on a form provided by the Division:

(a) The applicant's name, address and telephone number;

(b) The name under which the applicant will hold the money or other property of a client;

(c) The names, residence and business addresses of all persons having an interest in the business as principals, partners, officers, trustees or directors, specifying the capacity and title of each; and

(d) The length of time the applicant has been engaged in the business of acting as such an intermediary.

4. Each applicant must, as part of his application and at his own expense:

(a) Arrange to have a complete set of his fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division ; ~~[on a fingerprint card provided by the law enforcement agency or other authorized entity for that purpose;]~~ and

(b) Submit to the Division ~~[the]~~ :

(I) A completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for

submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary ~~}; or~~

(2) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary.

5. The Division may:

(a) ~~Submit~~ *Unless* the applicant's fingerprints *are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints* to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Division deems necessary.

6. Registration pursuant to this section must be renewed each year on or before the date of the original registration by providing the information required by the Division for that purpose and paying a renewal fee of \$75.

Sec. 15. NRS 645.625 is hereby amended to read as follows:

645.625 1. Except as otherwise provided in this section, a complaint filed with the ~~Commission~~ *Division* alleging a violation of this chapter, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. ~~The~~ *A* complaint or other document filed ~~by~~ *with* the Commission to initiate disciplinary action and all documents and information considered by the Commission when determining whether to impose discipline are public records.

Sec. 16. NRS 645.770 is hereby amended to read as follows:

645.770 After the revocation of any license *, permit or registration* by the Commission as provided in this chapter, no new license ~~shall~~ *, permit or registration may* be issued to the same licensee *, permittee or registrant, as appropriate,* within ~~the period of~~ 1 year ~~from and~~ after the date of ~~such~~ *the* revocation, nor at any time thereafter except in the sole discretion of the Real Estate Division, and then only provided that the licensee *, permittee or*

registrant satisfies all the requirements for an original license ~~§~~, *permit or registration*.

Sec. 17. NRS 645C.280 is hereby amended to read as follows:
645C.280 1. An appraiser may obtain from the Division:

(a) A license as a residential appraiser, which authorizes him to perform an appraisal of real estate suitable for or consisting of no more than four residential units in any one transaction, if ~~the~~:

(1) *The* total value does not exceed \$1,000,000 and the complexity of the transaction does not, under the regulations of a federal agency or the standards adopted by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, require a certified appraiser; *or*

(2) *The property is not a complex property;*

(b) A certificate as a residential appraiser, which authorizes him to perform an appraisal of real estate suitable for or consisting of no more than four residential units in any one transaction, without regard to value or complexity; or

(c) A certificate as a general appraiser, which authorizes him to perform any appraisal.

2. A person certified or licensed as a residential appraiser may, under the direct supervision of a person certified as a general appraiser, assist in the preparation and communication of an appraisal that is outside the scope of his certificate or license.

3. The Commission may establish, by regulation, additional classifications of licensure or certification, and the qualifications therefor, if necessary to comply with classifications and qualifications established by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

Sec. 18. NRS 645C.300 is hereby amended to read as follows:

645C.300 1. Each application for a certificate, license or registration card must include the social security number of the applicant and be accompanied by the fee for the certificate, license or registration card and the fee to pay the costs of an investigation of the applicant's background.

2. Each applicant must, as part of his application and at his own expense:

(a) Arrange to have a complete set of his fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division ; ~~[on a fingerprint card provided by the law enforcement agency or other authorized entity for that purpose;]~~ and

(b) Submit to the Division ~~the~~:

(1) *A* completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the

applicant's background and to such other law enforcement agencies as the Division deems necessary ~~[]~~; or

(2) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary.

3. The Division may:

(a) ~~[Submit]~~ Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 2, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Division deems necessary.

Sec. 19. NRS 645C.300 is hereby amended to read as follows:

645C.300 1. Each application for a certificate, license or registration card must be accompanied by the fee for the certificate, license or registration card and the fee to pay the costs of an investigation of the applicant's background.

2. Each applicant must, as part of his application and at his own expense:

(a) Arrange to have a complete set of his fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division ; ~~[on a fingerprint card provided by the law enforcement agency or other authorized entity for that purpose;]~~ and

(b) Submit to the Division ~~[the]~~ :

(1) A completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary ~~[]~~; or

(2) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of

Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary.

3. The Division may:

(a) ~~[Submit]~~ *Unless* the applicant's fingerprints *are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 2, submit those fingerprints* to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Division deems necessary.

Sec. 20. NRS 645C.320 is hereby amended to read as follows:

645C.320 1. The Administrator shall issue a certificate or license, as appropriate, to any person:

(a) Of good moral character, honesty and integrity;

(b) Who meets the educational requirements and has the experience prescribed in NRS 645C.330 ~~[§]~~ *or any regulation adopted pursuant to that section;*

(c) Who submits the statement required pursuant to NRS 645C.295; and

(d) Who, except as otherwise provided in NRS 645C.360, has satisfactorily passed a written examination approved by the Commission.

2. The Administrator may deny an application for a certificate or license to any person who:

(a) Has been convicted of, or entered a plea of guilty or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude;

(b) Makes a false statement of a material fact on his application; or

(c) Has had a certificate, license or registration card suspended or revoked pursuant to this chapter, or a certificate, license or permit to act as an appraiser suspended or revoked in any other jurisdiction, within the 10 years immediately preceding the date of his application.

Sec. 21. NRS 645C.320 is hereby amended to read as follows:

645C.320 1. The Administrator shall issue a certificate or license, as appropriate, to any person:

(a) Of good moral character, honesty and integrity;

(b) Who meets the educational requirements and has the experience prescribed in NRS 645C.330 ~~[§]~~ *or any regulation adopted pursuant to that section;* and

(c) Who, except as otherwise provided in NRS 645C.360, has satisfactorily passed a written examination approved by the Commission.

2. The Administrator may deny an application for a certificate or license to any person who:

(a) Has been convicted of, or entered a plea of guilty or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude;

(b) Makes a false statement of a material fact on his application; or

(c) Has had a certificate, license or registration card suspended or revoked pursuant to this chapter, or a certificate, license or permit to act as an appraiser suspended or revoked in any other jurisdiction, within the 10 years immediately preceding the date of his application.

Sec. 22. NRS 645C.330 is hereby amended to read as follows:

645C.330 *The Commission shall adopt regulations that prescribe the standards for education and experience required for the issuance of a certificate or license. Until the Commission adopts those regulations, the standards are as follows:*

1. An applicant for a license as a residential appraiser must furnish proof satisfactory to the Commission that he has successfully completed:

(a) Not less than 90 hours of academic instruction in subjects related to appraisals taught in courses approved by the Commission; and

(b) At least 2 years of experience working full time as an appraiser or intern.

2. An applicant for a certificate as a residential appraiser must furnish proof satisfactory to the Commission that he has successfully completed:

(a) Not less than 120 hours of academic instruction in subjects related to appraisal taught in courses approved by the Commission; and

(b) At least 2 years of experience working full time as an appraiser or intern, including not less than 500 hours of experience relating to complex property.

3. An applicant for a certificate as a general appraiser must furnish proof satisfactory to the Commission that he has successfully completed:

(a) Not less than 180 hours of academic instruction in subjects related to appraisals taught in courses approved by the Commission; and

(b) At least 3 years of experience working full time as an appraiser or intern.

~~[4.]~~

➔ As used in this section, an “hour of academic instruction” means at least 50 minutes of actual time spent receiving instruction.

Sec. 23. NRS 645C.430 is hereby amended to read as follows:

645C.430 1. An appraiser must complete ~~[the following number of hours of]~~ *the requirements for* continuing education ~~[in courses approved]~~ *prescribed by regulations adopted* by the Commission as a condition to the renewal of an active certificate or license or the reinstatement of an inactive certificate or license . ~~[.]~~ *Until the Commission adopts those regulations, the standards for continuing education are as follows:*

(a) For the renewal of an active certificate or license, not less than 30 hours of instruction within the 2 years immediately preceding the application for renewal.

(b) For the reinstatement of a certificate or license which has been on inactive status:

(1) For not more than 2 years, or for more than 2 years including the initial period of certification or licensure, not less than 30 hours of instruction.

(2) For more than 2 years, no part of which includes the initial period of certification or licensure, not less than 15 hours of instruction per year for each year that the certificate or license was on inactive status, not to exceed 60 hours of instruction.

2. As used in this section, an “hour of instruction” means at least 50 minutes of actual time spent receiving instruction.

Sec. 24. NRS 645C.510 is hereby amended to read as follows:

645C.510 1. The appraiser or intern must file an answer to the charges with the Commission not later than 30 days after service of the notice and other documents described in NRS 645C.500. The answer must contain an admission or denial of the allegations contained in the complaint and any defenses upon which the appraiser or intern will rely. If no answer is filed within the period described in this subsection, the Division may, after notice to the appraiser or intern given in the manner provided in subsection 5 of NRS 645C.500, move the Commission for the entry of a default against the appraiser or intern.

2. The answer may be served by delivery to the Commission, or by mailing the answer by certified mail to the principal office of the Division.

3. No proceeding to suspend, revoke or deny the renewal of a certificate, license or registration card may be maintained unless it is commenced by giving notice to the appraiser or intern within ~~[3]~~ **5** years after the commission or omission of the alleged grounds to suspend, revoke or deny the renewal of the certificate, license or registration, except that:

(a) If the charges are based upon a misrepresentation or failure to disclose, the period does not commence until the discovery of facts which do or should lead to the discovery of the misrepresentation or failure to disclose; and

(b) The period is suspended during the pendency of any action or proceeding, to which the Division, appraiser or intern is a party, which involves the conduct of the appraiser or intern in a transaction to which the alleged grounds to suspend, revoke or deny the renewal of the certificate, license or registration are related.

Sec. 25. NRS 645D.180 is hereby amended to read as follows:

645D.180 1. Each application for a certificate must be accompanied by the fee for the certificate and the fee to pay the costs of an investigation of the applicant's background.

2. Each applicant must, as part of his application and at his own expense:

(a) Arrange to have a complete set of his fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division ; ~~[on a fingerprint card provided by the law enforcement agency or other authorized entity for that purpose;]~~ and

(b) Submit to the Division ~~[the]~~ :

(1) A completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary []; or

(2) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary.

3. The Division may:

(a) Require more than one complete set of fingerprints;

(b) ~~[Submit]~~ *Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 2, submit those fingerprints* to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(c) Request from each such agency any information regarding the applicant's background that the Division deems necessary.

Sec. 26. NRS 119A.130 is hereby amended to read as follows:

119A.130 "Sales agent" means a person who, on behalf of a developer, sells or offers to sell a time share to a purchaser ~~[]~~ *or who, if he is not registered as a representative, may act to induce other persons to attend a sales presentation on the behalf of a developer.*

Sec. 27. NRS 119A.210 is hereby amended to read as follows:

119A.210 1. The Administrator shall issue a sales agent's license to each applicant who submits an application to the Division, in the manner provided by the Division, which includes:

(a) Satisfactory evidence, affirmed by the project broker or another acceptable source, that the applicant has completed 14 hours of instruction in:

(1) Ethics.

(2) The applicable laws and regulations relating to time shares.

(3) Principles and practices of selling time shares.

(b) Satisfactory evidence that he has a reputation for honesty, trustworthiness and competence.

(c) A designation of the developer for whom he proposes to sell time shares.

(d) The social security number of the applicant.

(e) Any further information required by the Division, including the submission by the applicant to any investigation by the police or the Division.

2. In addition to or in lieu of the 14 hours of instruction required by paragraph (a) of subsection 1, the applicant may be required to pass an examination which may be adopted by the Division to examine satisfactorily the knowledge of the applicant in those areas of instruction listed in paragraph (a) of subsection 1.

3. Each applicant must submit the statement required pursuant to NRS 119A.263 and pay the fees provided for in this chapter.

4. Each applicant must, as part of his application and at his own expense:

(a) Arrange to have a complete set of his fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division ; ~~[on a fingerprint card provided by the law enforcement agency or other authorized entity for that purpose;]~~ and

(b) Submit to the Division ~~[the]~~ :

(1) A completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary [] ; or

(2) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary.

5. The Division may:

(a) ~~[Submit]~~ *Unless* the applicant's fingerprints *are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints* to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Division deems necessary.

6. A person who is licensed as a *real estate* salesman pursuant to chapter 645 of NRS is not required to obtain a license pursuant to the provisions of this section.

7. Each sales agent's license issued pursuant to this section expires 2 years after the last day of the calendar month in which it was issued and must be renewed on or before that date. Each licensee who submits the statement required pursuant to NRS 119A.263 and meets the requirements for renewal may renew his license upon the payment of the renewal fee before his license expires.

8. If a licensee fails to renew his license before it expires, the license may be reinstated if the licensee submits the statement and pays the renewal fee and the penalty specified in NRS 119A.360 within 1 year after the license expires.

9. The Administrator may adopt regulations establishing and governing requirements for the continuing education of sales agents.

Sec. 28. NRS 119A.210 is hereby amended to read as follows:

119A.210 1. The Administrator shall issue a sales agent's license to each applicant who submits an application to the Division, in the manner provided by the Division, which includes:

(a) Satisfactory evidence, affirmed by the project broker or another acceptable source, that the applicant has completed 14 hours of instruction in:

(1) Ethics.

(2) The applicable laws and regulations relating to time shares.

(3) Principles and practices of selling time shares.

(b) Satisfactory evidence that he has a reputation for honesty, trustworthiness and competence.

(c) A designation of the developer for whom he proposes to sell time shares.

(d) Any further information required by the Division, including the submission by the applicant to any investigation by the police or the Division.

2. In addition to or in lieu of the 14 hours of instruction required by paragraph (a) of subsection 1, the applicant may be required to pass an examination which may be adopted by the Division to examine satisfactorily the knowledge of the applicant in those areas of instruction listed in paragraph (a) of subsection 1.

3. Each applicant must pay the fees provided for in this chapter.

4. Each applicant must, as part of his application and at his own expense:

(a) Arrange to have a complete set of his fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division ; ~~on a fingerprint card provided by the law enforcement agency or other authorized entity for that purpose;~~ and

(b) Submit to the Division ~~the~~ :

(1) A completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary ~~;~~ *or*

(2) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary.

5. The Division may:

(a) ~~Submit~~ *Unless* the applicant's fingerprints *are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints* to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Division deems necessary.

6. A person who is licensed as a *real estate* salesman pursuant to chapter 645 of NRS is not required to obtain a license pursuant to the provisions of this section.

7. Each sales agent's license issued pursuant to this section expires 2 years after the last day of the calendar month in which it was issued and must be renewed on or before that date. Each licensee who meets the requirements for renewal may renew his license upon the payment of the renewal fee before his license expires.

8. If a licensee fails to renew his license before it expires, the license may be reinstated if the licensee pays the renewal fee and the penalty specified in NRS 119A.360 within 1 year after the license expires.

9. The Administrator may adopt regulations establishing and governing requirements for the continuing education of sales agents.

Sec. 29. NRS 119A.250 is hereby amended to read as follows:

119A.250 1. The registration of a representative issued pursuant to this chapter expires 1 year after its issuance.

2. Each representative who submits the statement required pursuant to NRS 119A.263 and meets the requirements for renewal adopted by the Division may renew his registration upon the payment of the annual renewal fee before his registration expires.

3. If a representative fails to renew his registration before it expires, the registration may be reinstated upon the submission of the statement and the payment of the annual renewal fee and the penalty specified in NRS 119A.360 within 1 year after the registration expires.

4. A representative issued a registration shall not change his association to another developer ~~for change his location with the same developer~~ unless he has obtained from the Division a transfer of his registration for its unexpired term. An application to the Division for the transfer of his registration for the unexpired term must be accompanied by the fee specified in NRS 119A.360 for the transfer of registration.

Sec. 30. NRS 119A.250 is hereby amended to read as follows:

119A.250 1. The registration of a representative issued pursuant to this chapter expires 1 year after its issuance.

2. Each representative who meets the requirements for renewal adopted by the Division may renew his registration upon the payment of the annual renewal fee before his registration expires.

3. If a representative fails to renew his registration before it expires, the registration may be reinstated upon the payment of the annual renewal fee and the penalty specified in NRS 119A.360 within 1 year after the registration expires.

4. A representative issued a registration shall not change his association to another developer ~~for change his location with the~~

~~same developer~~] unless he has obtained from the Division a transfer of his registration for its unexpired term. An application to the Division for the transfer of his registration for the unexpired term must be accompanied by the fee specified in NRS 119A.360 for the transfer of registration.

Sec. 31. NRS 119A.360 is hereby amended to read as follows:

119A.360 1. The Division shall collect the following fees at such times and upon such conditions as it may provide by regulation:

For each application for the registration of a representative.....	\$85
For each renewal of the registration of a representative.....	85
For each transfer of the registration of a representative to a different developer for location	20
For each penalty for a late renewal of the registration of a representative.....	40
For each preliminary permit to sell time shares.....	275
For each permit to sell time shares, per subdivision.....	500
For each amendment to a public offering statement after the issuance of the report.....	150
For each renewal of a permit to sell time shares.....	500
For each original and annual registration of a manager.....	75
For each application for an original license as a sales agent.....	175
For each renewal of a license as a sales agent.....	175
For each penalty for a late renewal of a license as a sales agent.....	75
For each change of name or address.....	20
For each duplicate license, permit or registration where the original is lost or destroyed, and an affidavit is made thereof.....	20
For each annual approval of a course of instruction offered in preparation for an original license or permit.....	100
For each original accreditation of a course of continuing education.....	100
For each renewal of accreditation of a course of continuing education.....	50

2. Each developer shall pay an additional fee for each time share he sells in a time-share plan over 50 pursuant to the following schedule:

Number of time shares	Amount to be paid per time share
51—250.....	\$5.00
251—500.....	4.00
501—750.....	3.00
751—1500.....	2.50
over 1500.....	1.00

3. Except for the fees relating to the registration of a representative, the Administrator may reduce the fees established by this section if the reduction is equitable in relation to the costs of carrying out the provisions of this chapter.

4. The Division shall adopt regulations which establish the fees to be charged and collected by the Division to pay the costs of:

(a) Any examination for a license, including any costs which are necessary for the administration of such an examination.

(b) Any investigation of a person's background.

Sec. 32. The amendatory provisions of subsection 3 of section 24 of this act do not apply to any act or omission to act that:

1. Is a ground to commence a proceeding pursuant to that subsection; and

2. Is committed more than 3 years before October 1, 2005.

Sec. 33. 1. This section and sections 12, 13, 18, 25 and 27 of this act become effective upon passage and approval.

2. Section 3 of this act becomes effective upon passage and approval for the purpose of taking such actions as are necessary to prepare the booklet on disclosures described in section 3 of this act and on July 1, 2006, for all other purposes.

3. Sections 1, 2, 4, 7, 9, 11, 15, 16, 17, 20, 22, 23, 24, 26, 29, 31 and 32 of this act become effective on October 1, 2005.

4. Sections 5, 6 and 8 of this act become effective on January 1, 2006.

5. Sections 9, 13, 18, 20, 27 and 29 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

↪ are repealed by the Congress of the United States.

6. Sections 10, 14, 19, 21, 28 and 30 of this act become effective on the date on which the provisions of 42 U.S.C. § 666

requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

→ are repealed by the Congress of the United States.