

ASSEMBLY BILL NO. 127—ASSEMBLYMEN SMITH, PARKS, LESLIE,
KOIVISTO, CONKLIN, ATKINSON, BOBZIEN, BUCKLEY,
CLABORN, DENIS, HOGAN, HORNE, KIHUEN, KIRKPATRICK,
MANENDO, MCCLAIN, MORTENSON, OCEGUERA,
OHRENSCHALL, PARNELL, PIERCE, SEGERBLOM AND
WOMACK

FEBRUARY 20, 2007

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to interception of wire
communications. (BDR 54-1049)

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 communications; clarifying that a person may
record certain telephone calls made by collection agents
and collection agencies after providing notice that the call
is being recorded and making a statement to that effect on
the recording; and providing other matters properly
relating thereto.

Legislative Counsel's Digest:

Existing law generally requires two-party consent before a person may record a telephone conversation. (NRS 200.620) The Nevada Supreme Court has interpreted existing law to prohibit a person from recording his own telephone conversations unless the other party to the conversation gives prior consent to the recording. (*Lane v. Allstate Ins. Co.*, 114 Nev. 1176 (1998)) Existing law also prohibits the surreptitious listening, monitoring or recording of private conversations engaged in by other persons. (NRS 200.650)

Section 4 of this bill provides that, after providing notice to the collection agency or collection agent that the telephone call is being recorded and making a statement to that effect on the recording, a person may record any telephone call concerning a debt which is owed or asserted to be owed by the person if the telephone call is initiated by a collection agency or collection agent and received by the person who owes or is alleged to owe the debt.



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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** (Deleted by amendment.)

4 **Sec. 4.** Chapter 649 of NRS is hereby amended by adding
5 thereto a new section to read as follows:

6 ***1. After providing notice that the telephone conversation will***
7 ***be recorded, a person may record any telephone call that:***

8 ***(a) Concerns a claim which is owed or asserted to be owed by***
9 ***the person;***

10 ***(b) Is made by a collection agency or collection agent; and***

11 ***(c) Is received by the person.***

12 ***2. A person who records a telephone call pursuant to this***
13 ***section is required to make a statement immediately after the***
14 ***recording begins that the telephone call is being recorded.***

15 ***3. As used in this section, "record" means the acquisition of***
16 ***the contents of a wire communication through the use of a***
17 ***recording device.***

