

Amendment No. 220

Assembly Amendment to Assembly Bill No. 323

(BDR 52-313)

Proposed by: Assembly Committee on Commerce and Labor**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold underlining*** is newly added transitory language.

TMC



Date: 4/12/2011

A.B. No. 323—Requires the establishment and maintenance of an Internet website to provide information concerning consumer fraud in this State.
(BDR 52-313)



ASSEMBLY BILL NO. 323—ASSEMBLYMEN
CONKLIN AND ATKINSON

MARCH 21, 2011

Referred to Committee on Commerce and Labor

SUMMARY—Requires the establishment and maintenance of an Internet website to provide information concerning consumer fraud in this State. (BDR 52-313)

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

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to consumer fraud; requiring the Director of the Department of Business and Industry to establish and maintain an Internet website to provide information concerning consumer fraud in this State; requiring various state entities to provide information to the Director for inclusion on the Internet website; requiring biennial reporting concerning the Internet website; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Director of the Department of Business and Industry to establish and maintain an Internet website to provide information concerning consumer fraud in this State. The Director is required to place on the Internet website information relating to deception, fraud and misrepresentation that is received by the Director from various state agencies, offices and licensing boards. Each such agency, office and licensing board is required to provide to the Director such information as required by the Director for inclusion on the Internet website. The Director is required to submit biennial reports concerning the Internet website and its effect on reducing the incidence of consumer fraud in this State to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

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

Section 1. Chapter 598 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director of the Department of Business and Industry shall establish and maintain an Internet website to provide information concerning consumer fraud in this State.

2. The Director shall place on the Internet website information received by the Director from:

(a) The Department of Business and Industry concerning deception, fraud and misrepresentation relating to:

(1) Common-interest communities, condominium hotels, credit service organizations, employment agencies, financial institutions, high-interest loans, housing assistance, manufactured housing sales and service, mortgage lending, real estate appraisal and sales, time shares and insurance, including, without limitation, industrial insurance; and

(2) Licensed real estate brokers, real estate salespersons, mortgage brokers and mortgage agents.

(b) The Department of Employment, Training and Rehabilitation concerning deception, fraud and misrepresentation relating to the payment of unemployment contributions and benefits.

(c) The Department of Health and Human Services concerning deception, fraud and misrepresentation relating to public assistance programs, including, without limitation, the Children's Health Insurance Program, Food Stamp Assistance, Low-Income Home Energy Assistance, Medicaid, the Program for Child Care and Development, and Temporary Assistance for Needy Families.

(d) The Department of Motor Vehicles concerning deception, fraud and misrepresentation relating to the alteration of vehicle odometers, sales and leases of new and used vehicles, sales of vehicle parts, the disposal of vehicles and the registration of vehicles.

(e) The Department of Taxation concerning deception, fraud and misrepresentation relating to taxes, including, without limitation, business taxes, fuel taxes, property taxes, real property transfer taxes, sales and use taxes, intoxicating liquor taxes and tobacco taxes.

(f) The Office of the Attorney General concerning fraud within the primary jurisdiction of the Attorney General, including, without limitation, Medicaid fraud, insurance fraud and industrial insurance fraud.

(g) The Office of the Secretary of State concerning deception, fraud and misrepresentation relating to the use of electronic signatures, the sale of securities and commodities, and notaries public.

(h) The ~~Public Utilities Commission of Nevada~~ Bureau of Consumer Protection in the Office of the Attorney General concerning deception, fraud and misrepresentation relating to the provision of telecommunication services by incumbent local exchange carriers and competitive local exchange carriers.

(i) The State Department of Agriculture concerning deception, fraud and misrepresentation relating to the sale of agricultural commodities and products, livestock and motor vehicle fuels, and the sale of goods and services by weight, measure or count.

(j) The State Registrar of Vital Statistics concerning deception, fraud and misrepresentation relating to vital statistics, including, without limitation, certificates of birth.

1 (k) *The following boards concerning deception, fraud and misrepresentation*
2 *relating to professional and occupational licensing:*

3 (1) *The Board of Dental Examiners of Nevada.*

4 (2) *The Board of Examiners for Social Workers.*

5 (3) *The Board of Massage Therapists.*

6 (4) *The Board of Medical Examiners.*

7 (5) *The Chiropractic Physicians' Board of Nevada.*

8 (6) *The Nevada State Board of Accountancy.*

9 (7) *The Nevada State Board of Veterinary Medical Examiners.*

10 (8) *The State Barbers' Health and Sanitation Board.*

11 (9) *The State Board of Architecture, Interior Design and Residential*
12 *Design.*

13 (10) *The State Board of Cosmetology.*

14 (11) *The State Board of Nursing.*

15 (12) *The State Board of Osteopathic Medicine.*

16 (13) *The State Board of Pharmacy.*

17 (14) *The State Board of Professional Engineers and Land Surveyors.*

18 (15) *The State Contractors' Board.*

19 3. *An entity specified in subsection 2 shall provide to the Director such*
20 *information as required from that entity by the Director for inclusion on the*
21 *Internet website, including, without limitation, information:*

22 (a) *To assist consumers in determining whether sellers or providers of goods*
23 *or services have obtained all required state licenses and permits and paid all*
24 *assessments, fees and taxes due;*

25 (b) *To instruct consumers on the reporting of suspected deception, fraud or*
26 *misrepresentation, including, without limitation, the reporting of a person who is*
27 *operating without a required license; and*

28 (c) *To provide consumers with educational materials on consumer fraud,*
29 *cautions and warnings concerning fraudulent schemes and deceptive trade*
30 *practices, reports on confirmed acts of consumer fraud, and public information*
31 *on all violations of the laws of this State relating to deception, fraud and*
32 *misrepresentation that have been committed within the immediately preceding 10*
33 *years, including, without limitation, the name of the natural person or entity that*
34 *committed the violation and the penalty imposed for the violation.*

35 4. *The Director shall, on or before December 30, 2012, and on or before*
36 *December 30 of every even-numbered year thereafter, submit to the Governor*
37 *and to the Director of the Legislative Counsel Bureau for transmittal to the next*
38 *regular session of the Legislature a report evaluating the Internet website and its*
39 *effect on reducing the incidence of consumer fraud in this State.*

40 Sec. 2. *The Director of the Department of Business and Industry shall, on or*
41 *before June 30, 2012, establish the Internet website to provide information*
42 *concerning consumer fraud in this State which is required by section 1 of this act.*

43 Sec. 3. *This act becomes effective upon passage and approval.*