

Amendment No. 652

Senate Amendment to Assembly Bill No. 306 First Reprint (BDR 54-677)

Proposed by: Senate Committee on Commerce, Labor and Energy**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.

DP/MSN



Date: 5/16/2013

A.B. No. 306—Revises provisions relating to private investigators and related professions. (BDR 54-677)



ASSEMBLY BILL NO. 306—ASSEMBLYMEN HORNE; BUSTAMANTE ADAMS, CARRILLO,
COHEN, FRIERSON, HICKEY, MARTIN, MUNFORD AND SPRINKLE

MARCH 15, 2013

JOINT SPONSORS: SENATORS SEGERBLOM; AND ATKINSON

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to private investigators and related professions. (BDR 54-677)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for
Term of Imprisonment in County or City Jail or Detention
Facility.
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 certain regulated professions; revising the definition of “private investigator”; exempting certain activities from the applicability of provisions of existing law governing private investigators and related professions; revising provisions governing employees of certain licensees; requiring certain licensees to maintain a principal place of business in this State; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill revises the definition of the term “private investigator” to include certain activities relating to investigations into computerized data not available to the public and certain crimes and torts. **Section 2** of this bill revises the applicability of provisions governing private investigators and related professions to exempt from the requirements for licensure certain persons who perform maintenance or repair of computers under certain circumstances.

Section 6 of this bill requires a person licensed to engage in the business of a private investigator, private patrol officer, process server, reposessor, dog handler, security consultant, or polygraphic examiner or intern to maintain a principal place of business in this State. **Section 5** of this bill requires that a licensee post his or her license in a conspicuous place in the licensee's principal place of business in this State. **Section 4** of this bill requires a licensee to: (1) ensure that every registered person employed in this State by the licensee is supervised by a licensee who is physically located in this State; and (2) maintain at a location in this State records relating to employment, compensation, licensure and registration of employees.

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

Section 1. NRS 648.012 is hereby amended to read as follows:

648.012 "Private investigator" means any person who for any consideration engages in business or accepts employment to furnish, or agrees to make or makes any investigation for the purpose of obtaining, *including, without limitation, through the review, analysis and investigation of computerized data not available to the public*, information with reference to:

1. The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person;

2. The location, disposition or recovery of lost or stolen property;

3. The cause or responsibility for fires, libels, losses, accidents or damage or injury to persons or to property;

4. *A crime or tort that has been committed, attempted, threatened or suspected ~~for~~, except an expert witness or a consultant who is retained for litigation or a trial, or in anticipation of litigation or a trial, and who performs duties and tasks within his or her field of expertise that are necessary to form his or her opinion;*

5. Securing evidence to be used before any court, board, officer or investigating committee; or

~~5.5~~ 6. The prevention, detection and removal of surreptitiously installed devices for eavesdropping or observation.

Sec. 2. NRS 648.018 is hereby amended to read as follows:

648.018 Except as to polygraphic examiners and interns, this chapter does not apply:

1. To any detective or officer belonging to the law enforcement agencies of the State of Nevada or the United States, or of any county or city of the State of Nevada, while the detective or officer is engaged in the performance of his or her official duties.

2. To special police officers appointed by the police department of any city, county, or city and county within the State of Nevada while the officer is engaged in the performance of his or her official duties.

3. To insurance adjusters and their associate adjusters licensed pursuant to the Nevada Insurance Adjusters Law who are not otherwise engaged in the business of private investigators.

4. To any private investigator, private patrol officer, process server, dog handler or security consultant employed by an employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

5. To a reposessor employed exclusively by one employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

6. To a person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

7. To a charitable philanthropic society or association incorporated under the laws of this State which is organized and maintained for the public good and not for private profit.

8. To an attorney at law in performing his or her duties as such.

9. To a collection agency unless engaged in business as a reposessor, licensed by the Commissioner of Financial Institutions, or an employee thereof while acting within the scope of his or her employment while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his or her assets and of property which the client has an interest in or lien upon.

10. To admitted insurers and agents and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them.

11. To any bank organized pursuant to the laws of this State or to any national bank engaged in banking in this State.

12. To any person employed to administer a program of supervision for persons who are serving terms of residential confinement.

13. To any commercial registered agent, as defined in NRS 77.040, who obtains copies of, examines or extracts information from public records maintained by any foreign, federal, state or local government, or any agency or political subdivision of any foreign, federal, state or local government.

14. To any holder of a certificate of certified public accountant issued by the Nevada State Board of Accountancy pursuant to chapter 628 of NRS while performing his or her duties pursuant to the certificate.

15. To a person performing the repair or maintenance of a computer who performs a review or analysis of data contained on a computer solely for the purposes of diagnosing a computer hardware or software problem and who is not otherwise engaged in the business of a private investigator.

Sec. 3. NRS 648.080 is hereby amended to read as follows:

648.080 Every application for a license must contain:

1. A detailed statement of the applicant's personal history on the form specified by the Board. If the applicant is a corporation, the application must include such a statement concerning each officer and director.

2. A statement of the applicant's financial condition on the form specified by the Board. If the applicant is a corporation, the application must include such a statement concerning each officer and director.

3. ~~A specific description of the location of~~ *The complete address* of the principal place of business of the applicant ~~in this State and of each branch office or other place of business of the applicant in this State.~~

4. *The business or businesses* in which the applicant intends to engage and the category *or categories* of license he or she desires.

~~44.~~ 5. A complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~45.~~ 6. A recent photograph of the applicant or, if the applicant is a corporation, of each officer and director.

~~46.~~ 7. Evidence supporting the qualifications of the applicant in meeting the requirements for the license for which he or she is applying.

~~47.~~ 8. If the applicant is not a natural person, the full name and residence address of each of its partners, officers, directors and manager, and a certificate of filing of a fictitious name.

~~48.~~ 9. Such other facts as may be required by the Board to show the good character, competency and integrity of each signatory.

Sec. 4. NRS 648.140 is hereby amended to read as follows:

648.140 1. Any license obtained pursuant to the provisions of this chapter gives the licensee or any bona fide employee of the licensee authority to engage in the type of business for which he or she is licensed in any county or city in the State of Nevada. A county or city shall not enact ordinances regulating persons licensed

1 pursuant to this chapter, except general business regulations designed to raise
2 revenue or assure compliance with building codes and ordinances or regulations
3 concerning zoning and safety from fire.

4 2. Except for polygraphic examiners and interns, a licensee may employ, in
5 connection with his or her business, as many persons registered pursuant to this
6 chapter as may be necessary, but at all times every licensee ~~is~~ :

7 *(a) Shall ensure that each registered person employed in this State by the*
8 *licensee is supervised by a licensee who is physically present in this State; and*

9 *(b) Is* accountable for the good conduct of every person employed by the
10 licensee in connection with his or her business.

11 3. Each licensee shall ~~turnish~~ :

12 *(a) Maintain at a location within this State records relating to the*
13 *employment, compensation, licensure and registration of employees;*

14 *(b) Furnish* the Board with the information requested by it concerning all
15 employees registered pursuant to this chapter, except clerical personnel ; ~~is~~ and
16 ~~shall notify~~

17 *(c) Notify* the Board within 3 days after such employees begin their
18 employment.

19 **Sec. 5.** NRS 648.142 is hereby amended to read as follows:

20 648.142 1. The license, when issued, shall be in such form as may be
21 determined by the Board and shall include:

22 (a) The name of the licensee.

23 (b) The name under which the licensee is to operate.

24 (c) The number and date of the license.

25 (d) The expiration date of the license.

26 (e) If the licensee is a corporation, the name of the person or persons affiliated
27 with the corporation on the basis of whose qualifications such license is issued.

28 (f) The classification or classifications of work which the license authorizes.

29 2. The license shall at all times be posted in a conspicuous place in the
30 *licensee's* principal place of business ~~of the licensee~~ *in this State.*

31 3. Upon the issuance of a license, a pocket card of such size, design and
32 content as may be determined by the Board shall be issued without charge to each
33 licensee, if an individual, or if the licensee is a person other than an individual, to
34 its manager and to each of its officers, directors and partners, which card shall be
35 evidence that the licensee is duly licensed pursuant to this chapter. When any
36 person to whom a card is issued terminates his or her position, office or association
37 with the licensee, the card shall be surrendered to the licensee and within 5 days
38 thereafter shall be mailed or delivered by the licensee to the Board for cancellation.

39 4. A licensee shall, within 30 days after such change, notify the Board of any
40 and all changes of his or her address, of the name under which the licensee does
41 business, and of any change in its officers, directors or partners.

42 5. A license issued under this chapter is not assignable.

43 **Sec. 6.** NRS 648.148 is hereby amended to read as follows:

44 648.148 1. Each licensee shall ~~file~~ :

45 *(a) Maintain a principal place of business in this State; and*

46 *(b) File* with the Board the complete address of his or her principal place of
47 business *in this State*, including the name and number of the street, or, if the street
48 where the business is located is not numbered, the number of the post office box.
49 The Board may require the filing of other information for the purpose of identifying
50 such principal place of business.

51 2. Every advertisement by a licensee soliciting or advertising business shall
52 contain the licensee's name and ~~address~~ *the number of the licensee's license* as
53 they appear in the records of the Board.