

Amendment No. 445

Assembly Amendment to Assembly Bill No. 424

(BDR 42-1151)

Proposed by: Assembly Committee on Government Affairs**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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.

VMS/DY



Date: 4/15/2013

A.B. No. 424—Authorizes the State Fire Marshal and the State Board of Fire Services to issue administrative citations. (BDR 42-1151)



ASSEMBLY BILL NO. 424—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

Referred to Committee on Government Affairs

SUMMARY—Authorizes the State Fire Marshal and the State Board of Fire Services to issue administrative citations. (BDR 42-1151)

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 the State Fire Marshal; authorizing the State Fire Marshal and the State Board of Fire Services to issue administrative citations; requiring the Board to establish by regulation a schedule of administrative fines; establishing provisions for the contest of such citations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the membership and duties of the State Fire Marshal and the State Board of Fire Services. (NRS 477.030, 477.071-477.090) **Section 2** of this bill authorizes the State Fire Marshal and the Board to issue a written administrative citation if the State Fire Marshal or the Board, based upon a preponderance of the evidence, has reason to believe that a person has violated any statute or regulation relating to the State Fire Marshal. **Section 2 also requires the Board to establish by regulation a schedule of administrative fines based on the severity or frequency of the violation.** **Section 3** of this bill establishes the procedure by which a person may contest an administrative citation.

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

Section 1. Chapter 477 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. If the State Fire Marshal or the Board, based upon a preponderance of the evidence, has reason to believe that a person has committed a violation of this chapter or the regulations of the State Fire Marshal, the State*

1 *Fire Marshal or the Board may issue a written administrative citation to the*
2 *person.*

3 2. *A citation issued pursuant to this section includes, without limitation, an*
4 *order to:*

5 (a) *Take action to correct a condition resulting from an act that constitutes a*
6 *violation of this chapter or the regulations of the State Fire Marshal, at the*
7 *person's cost;*

8 (b) *Pay an administrative fine ~~not to exceed \$50,000,~~ imposed in*
9 *accordance with the schedule of administrative fines prescribed by the Board*
10 *pursuant to subsection 4; and*

11 (c) *Reimburse the State Fire Marshal or the Board for the amount of the*
12 *expense incurred to investigate the complaint.*

13 3. *If a written citation issued pursuant to subsection 1 includes an order to*
14 *take action to correct a condition resulting from an act that constitutes a violation*
15 *of this chapter or the regulations of the State Fire Marshal, the citation must*
16 *state the time permitted for compliance, which must be not less than 15 business*
17 *days after the date the person receives the citation, and must specifically describe*
18 *the action required to be taken.*

19 4. *The Board shall by regulation establish a schedule of at least three*
20 *different levels of administrative fines not to exceed \$50,000, based on the*
21 *severity and frequency of the violation of any provision of this chapter or any*
22 *regulation of the State Fire Marshal.*

23 5. *The sanctions authorized by subsection 2 are separate from, and in*
24 *addition to, any other remedy, civil or criminal, authorized by this chapter.*

25 ~~5.7.~~ 6. *The failure of an unlicensed person to comply with a citation or*
26 *order after it is final is a misdemeanor. If an unlicensed person does not pay an*
27 *administrative fine imposed pursuant to this section within 60 days after the order*
28 *of the State Fire Marshal or the Board becomes final, the order may be executed*
29 *upon in the same manner as a judgment issued by a court.*

30 Sec. 3. 1. *A person who is issued a written citation pursuant to section 2*
31 *of this act may contest the citation within 15 business days after the date on*
32 *which the citation is served on the person.*

33 2. *A person may contest, without limitation:*

34 (a) *The facts forming the basis for the determination that the person has*
35 *committed an act which constitutes a violation of this chapter or the regulations*
36 *of the State Fire Marshal;*

37 (b) *The time allowed to take any corrective action ordered;*

38 (c) *The amount of any administrative fine ordered;*

39 (d) *The amount of any order to reimburse the State Fire Marshal or the*
40 *Board for the expenses incurred to investigate the person; and*

41 (e) *Whether any corrective action described in the citation is reasonable.*

42 3. *If a person does not contest a citation issued pursuant to section 2 of this*
43 *act within 15 business days after the date on which the citation is served on the*
44 *person, or on or before such later date as specified by the State Fire Marshal or*
45 *the Board pursuant to subsection 4, the citation shall be deemed a final order of*
46 *the State Fire Marshal or the Board and not subject to review by any court or*
47 *agency.*

48 4. *The State Fire Marshal or the Board may, for good cause shown, extend*
49 *the time to contest a citation issued pursuant to section 2 of this act.*

50 5. *For the purposes of this section, a citation shall be deemed to have been*
51 *served on a person on:*

52 (a) *The date on which the citation is personally delivered to the person; or*

1 ***(b) If the citation is mailed, the date on which the citation is mailed by***
2 ***certified mail to the last known business or residential address of the person.***

3 **Sec. 4.** NRS 477.071 is hereby amended to read as follows:
4 477.071 As used in NRS 477.071 to 477.090, inclusive, ***and sections 2 and 3***
5 ***of this act***, unless the context otherwise requires, “Board” means the State Board of
6 Fire Services created pursuant to NRS 477.073.

7 **Sec. 5.** This act becomes effective ~~on July 1, 2013.~~

8 **1. Upon passage and approval for the purpose of adopting regulations;**
9 **and**

10 **2. On January 1, 2014, for all other purposes.**