

Amendment No. 152

Assembly Amendment to Assembly Bill No. 74 (BDR 19-84)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 74 (§§ 7, 8, 9).

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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.

BFG/BAW



Date: 4/9/2013

A.B. No. 74—Establishes provisions governing document preparation services.
(BDR 19-84)



ASSEMBLY BILL NO. 74—ASSEMBLYWOMAN FLORES

PREFILED JANUARY 31, 2013

Referred to Committee on Judiciary

SUMMARY—Establishes provisions governing document preparation services.
(BDR 19-84)

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: 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 public affairs; requiring that document preparation services be registered with the Secretary of State; establishing qualifications for registration; requiring the filing of a bond; regulating the business practices of document preparation services; authorizing disciplinary action and other remedies in specified circumstances; establishing fees; providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person who is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this State from engaging in the practice of law. (NRS 7.285) However, so long as he or she does not engage in the practice of law, there is currently no statutory provision governing a person who provides ~~advice on~~ assistance in a legal matter, for compensation, to another person who is acting without the assistance of an attorney. This bill generally provides that any person engaged in the business of providing such ~~advice on~~ assistance (a "document preparation service") must register with the Secretary of State and comply with various additional requirements set forth in this bill.

Section 4 of this bill defines a "document preparation service" as any person who, for compensation and at the direction of a client, provides ~~advice on~~ assistance to the client in a legal matter, including, without limitation, preparing or completing a pleading or other document for the client, ~~and~~ **or** securing supporting documents, ~~for referring the client to an attorney for representation in the matter.~~ **Section 4** excludes from this definition, among others: (1) an attorney authorized to practice law in this State, or an employee of such an attorney **who is paid directly by the attorney or law firm with whom the attorney is associated and who is** acting in the course and scope of that employment; (2) a governmental entity or an employee of such an entity; (3) a nonprofit, tax-exempt organization which provides legal services to persons free of charge; (4) certain legal aid offices and lawyer referral services; (5) a person who provides **certain** services regulated by federal law; (6) a corporation or other entity representing or acting for itself through an officer or employee, or any such officer or employee; ~~and~~ (7) ~~any person who holds a license or other authorization to engage in a profession or occupation and who is acting within the scope of that authorization in the regular course of business. This last exception applies, for example, to an architect, contractor, professional engineer, accountant or any other person engaged in a~~

~~profession or occupation regulated pursuant to existing law, a commercial wedding chapel; and (8) a person who provides legal forms or computer programs that enable another person to create legal documents.~~

Section 5 of this bill broadly defines “legal matter” to mean the preparation of any will, ~~trust, or trust, or conveyance,~~ any immigration or citizenship proceeding, or any other proceeding, filing or action affecting the legal rights, duties, obligations or liabilities of a person.

Sections 7 and 8 of this bill provide that any person wishing to engage in the business of a document preparation service must register with the Secretary of State and renew that registration annually. **Section 7** establishes certain qualifications for registration, provides for the disqualification of any person who has been convicted of certain criminal offenses or has been adjudged to have engaged in certain kinds of misconduct, and requires that an applicant for registration undergo a check of his or her criminal history.

Section 9 of this bill requires a document preparation service to file and maintain with the Secretary of State a cash bond or surety bond, to provide a means of indemnifying a client or other person for damage caused by fraud, incompetency or certain other misconduct, or providing payment to the Secretary of State for any civil penalty or award of attorney’s fees or costs made against the document preparation service.

Sections 12-15 of this bill impose various requirements relating to advertising and the establishment of the relationship between a document preparation service and a client. **Section 13.5** requires: (1) a registrant required to obtain a state business license to obtain and maintain a state business license; and (2) each registrant to conspicuously display at the registrant’s place of business a copy of any state and local business license issued to the registrant or the registrant’s employer. **Section 15** provides that: (1) there must be a written contract between the client and the document preparation service; and (2) the contract must contain certain terms and disclosures, ~~and (2) the client may cancel the contract within 3 days after signing it.~~

Sections 16-20 of this bill set forth various required and prohibited practices applicable to a document preparation service. **Section 17** provides for the return to the client of any original documents provided by the client. **Section 18** requires the release of a client’s file to any law enforcement agency on demand, with the authorization of the client. **Section 19** imposes certain requirements relating to payments made by a client ~~and billing statements~~ for services rendered by a document preparation service.

Section 21 of this bill authorizes the Secretary of State to adopt regulations to carry out the provisions of this bill, and also requires the Secretary of State to take certain actions to facilitate the submission of complaints relating to a document preparation service.

Section 22 of this bill authorizes the Secretary of State to investigate any suspected violation of the provisions of the bill. If a violation is found, the Secretary of State may: (1) issue a cease-and-desist order; (2) initiate disciplinary proceedings; (3) refer the matter to the Attorney General or a district attorney for the commencement of a civil action or criminal prosecution; or (4) take any combination of these actions. Pursuant to **section 25** of this bill, a willful violation of any of the provisions of this bill, or of a regulation or order of the Secretary of State, is a misdemeanor except that a second or subsequent offense occurring within 5 years is a gross misdemeanor. In addition, **section 26** of this bill provides a private right of action to any person who suffers a pecuniary loss as the result of a violation.

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

Section 1. Title 19 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 27, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Client” means a person who:*

1. Represents or otherwise acts for himself or herself in a legal matter without the services of an attorney authorized to practice law in this State; and

2. Receives the services of a document preparation service in that legal matter or enters into a contract with a document preparation service to receive such services.

Sec. 4. 1. "Document preparation service" means a person who:

(a) For compensation and at the direction of a client, provides ~~advice or~~ assistance to the client in a legal matter, including, without limitation:

(1) Preparing or completing any pleading, ~~conveyance,~~ application or other document for the client;

(2) Translating an answer to a question posed in such a document;

(3) Securing any supporting document, such as a birth certificate, required in connection with the legal matter; or

(4) Submitting a completed document on behalf of the client to a court or administrative agency; ~~and~~

~~(5) Referring the client to an attorney for representation in the legal matter; or~~

(b) Holds himself or herself out as a person who provides such services.

2. The term does not include:

(a) A person who provides only secretarial or receptionist services.

(b) An attorney authorized to practice law in this State, or an employee of such an attorney who is paid directly by the attorney or law firm with whom the attorney is associated and who is acting in the course and scope of that employment.

(c) A law student certified by the State Bar of Nevada for training in the practice of law.

(d) A governmental entity or an employee of such an entity who is acting in the course and scope of that employment.

(e) A nonprofit organization which qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and which provides legal services to persons free of charge, or an employee of such an organization who is acting in the course and scope of that employment.

(f) A legal aid office or lawyer referral service operated, sponsored or approved by a duly accredited law school, a governmental entity, the State Bar of Nevada or any other bar association which is representative of the general bar of the geographical area in which the bar association exists, or an employee of such an office or service who is acting in the course and scope of that employment.

(g) A military legal assistance office or a person assigned to such an office who is acting in the course and scope of that assignment.

~~(h) Except as otherwise provided in paragraph (i), a person who provides services that are regulated by federal law.~~

~~—(i) A person authorized by federal law to represent persons before the Board of Immigration Appeals of the United States Department of Justice or the United States Citizenship and Immigration Services of the Department of Homeland Security, if the services provided by that person are limited to matters of the kind described in subsection 2 of section 5 of this act.~~

—(j) licensed by or registered with an agency or entity of the United States Government acting within the scope of his or her license or registration, including, without limitation, an accredited immigration representative and an enrolled agent authorized to practice before the Internal Revenue Service, but not including a bankruptcy petition preparer as defined by section 110 of the United States Bankruptcy Code, 11 U.S.C. § 110.

(i) A corporation, limited-liability company or other entity representing or acting for itself through an officer, manager, member or employee of the entity, or any such officer, manager, member or employee who is acting in the course and scope of that employment.

~~1 (k) A person who:~~

~~2 (1) Holds a license, certificate, registration, permit or other authorization issued pursuant to any provision of statute, other than the provisions of this chapter, to engage in a profession or occupation; and~~

~~3 (2) Is acting within the scope of that authorization and in the regular course of business;~~

~~4 or an employee of such a person who is acting in the course and scope of that employment.~~

(j) A commercial wedding chapel.

(k) A person who provides legal forms or computer programs that enable another person to create legal documents.

3. As used in this section, "commercial wedding chapel" means a permanently affixed structure which operates a business principally for the performance of weddings and which is licensed for that purpose.

Sec. 5. "Legal matter" means:

1. The preparation of any will ~~for~~ or trust; ~~for conveyance~~

2. Any proceeding, filing or action affecting the immigration or citizenship status of a person and arising under:

(a) Immigration and naturalization law;

(b) An executive order or presidential proclamation; or

(c) An action of the United States Citizenship and Immigration Services of the Department of Homeland Security, the United States Department of State or the United States Department of Labor; or

3. Any proceeding, filing or action otherwise affecting the legal rights, duties, obligations or liabilities of a person.

Sec. 6. "Registrant" means a document preparation service registered pursuant to this chapter.

Sec. 7. 1. A person who wishes to engage in the business of a document preparation service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be a citizen or legal resident of the United States and at least 18 years of age.

2. The Secretary of State shall not register as a document preparation service any person:

(a) Who is suspended or has previously been disbarred from the practice of law in any jurisdiction;

(b) Whose registration as a document preparation service has previously been revoked by the Secretary of State;

(c) Who has previously been convicted of ~~felony~~

~~(1) A felony; or~~

~~(2) A gross misdemeanor pursuant to paragraph (b) of subsection 1 of section 25 of this act; or~~

(d) Who has, within the 10 years immediately preceding the date of the application for registration as a document preparation service, been:

(1) Convicted of a crime involving theft, fraud or dishonesty;

(2) Convicted of the unauthorized practice of law pursuant to NRS 7.285 or the corresponding statute of any other jurisdiction; or

(3) Adjudged by the final judgment of any court to have committed an act involving theft, fraud or dishonesty.

3. An application for registration as a document preparation service must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by:

(a) A complete set of the fingerprints of the applicant or, if the applicant is not a natural person, a complete set of the fingerprints of each person who will have an interest in the document preparation service, and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(b) An application fee of \$300;

(c) An additional fee, established by regulation of the Secretary of State, equal to the sum charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the applicant's fingerprints; and

~~(d) If the applicant is self-employed, a copy of the applicant's state business license issued pursuant to chapter 76 of NRS and any business license required by the local government where the applicant's business is located;~~

~~(e) If the applicant is not self-employed, a copy of the state business license of the applicant's employer issued pursuant to chapter 76 of NRS and a copy of any business license required by the local government where the employer's business is located; and~~

~~(f)~~ (d) A cash bond or surety bond meeting the requirements of section 9 of this act.

4. After the investigation of the history of the applicant is completed, the Secretary of State shall issue a certificate of registration if the applicant is qualified for registration and has complied with the requirements of this section. Each certificate of registration must bear the name of the registrant and a registration number unique to that registrant. The Secretary of State shall maintain a record of the name and registration number of each registrant.

Sec. 8. 1. The registration of a document preparation service is valid for 1 year after the date of issuance of the certificate of registration, unless the registration is suspended or revoked. Except as otherwise provided in this section, the registration may be renewed subject to the same conditions as the initial registration. An application for renewal must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by:

(a) A renewal fee of \$100; and

~~(b) A copy of each business license described in section 7 of this act; and~~

~~(c)~~ A cash bond or surety bond meeting the requirements of section 9 of this act, unless the bond previously filed by the registrant remains on file and in effect.

2. The Secretary of State may:

(a) Conduct any investigation of a registrant that the Secretary of State deems appropriate.

(b) Require a registrant to submit a complete set of fingerprints and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report, in which case the Secretary of State shall require the registrant to pay the additional fee established pursuant to paragraph (c) of subsection 3 of section 7 of this act.

3. After any investigation of the history of a registrant is completed, unless the Secretary of State elects or is required to deny renewal pursuant to this section or section 23 of this act, the Secretary of State shall renew the registration

1 if the registrant is qualified for registration and has complied with the
2 requirements of this section.

3 Sec. 9. 1. A registrant shall file with the Secretary of State a cash bond or
4 surety bond in the penal sum of \$50,000 which is approved as to form by the
5 Attorney General and conditioned to provide:

6 (a) Indemnification to a client or any other person who is determined in an
7 action or proceeding to have suffered damage as a result of:

8 (1) An act or omission of the registrant, or an agent or employee of the
9 registrant, which violates a provision of this chapter or a regulation or order
10 adopted or issued pursuant thereto;

11 (2) A wrongful failure or refusal by the registrant, or an agent or
12 employee of the registrant, to provide services in accordance with a contract
13 entered into pursuant to section 15 of this act; ~~for~~

14 (3) The fraud, dishonesty, negligence or other wrongful conduct of the
15 registrant or an agent or employee of the registrant; or

16 (4) An act or omission of the registrant in violation of any other federal
17 or state law for which the return of fees, an award of damages or the imposition
18 of sanctions have been awarded by a court of competent jurisdiction in this State;
19 or

20 (b) Payment to the Secretary of State for any civil penalty or award of
21 attorney's fees or costs of suit owing and unpaid by the registrant to the Secretary
22 of State pursuant to this chapter.

23 2. No part of the bond may be withdrawn while the registration of the
24 registrant remains in effect, or while a proceeding to suspend or revoke the
25 registration is pending.

26 3. If a surety bond is filed pursuant to subsection 1:

27 (a) The bond must be executed by the registrant as principal and by a surety
28 company qualified and authorized to do business in this State.

29 (b) The bond must cover the period of the registration of the registrant,
30 except when the surety is released in accordance with this section.

31 (c) The surety shall pay any final, nonappealable judgment of a court of this
32 State that has jurisdiction, upon receipt of written notice that the judgment is
33 final.

34 (d) The bond may be continuous, but regardless of the duration of the bond,
35 the aggregate liability of the surety does not exceed the penal sum of the bond.

36 (e) If the penal sum of the bond is exhausted, the surety shall give written
37 notice to the Secretary of State and the registrant within 30 days after its
38 exhaustion.

39 (f) The surety may be released after giving 30 days' written notice to the
40 Secretary of State and the registrant, but the release does not discharge or
41 otherwise affect any claim resulting from an act or omission which is alleged to
42 have occurred while the bond was in effect.

43 4. Except as otherwise provided in this subsection, if a cash bond is filed
44 pursuant to subsection 1, the Secretary of State may retain the bond until the
45 expiration of 3 years after the date the registrant has ceased to do business, or 3
46 years after the date of the expiration or revocation of the registration, to ensure
47 that there are no outstanding claims against the bond. A court of competent
48 jurisdiction may order the return of the bond, or any part of the bond, at an
49 earlier date upon evidence satisfactory to the court that there are no outstanding
50 claims against the bond or that the part of the bond retained by the Secretary of
51 State is sufficient to satisfy any outstanding claims. Interest on a cash bond filed
52 pursuant to subsection 1 must accrue to the account of the depositor.

1 5. The registration of a registrant is suspended by operation of law when
2 the registrant is no longer covered by a bond or the penal sum of the bond is
3 exhausted. If the Secretary of State receives notice pursuant to subsection 3 that
4 the penal sum of a surety bond is exhausted or that the surety is being released,
5 the Secretary of State shall immediately notify the registrant in writing that his or
6 her registration is suspended by operation of law until another bond is filed in the
7 same manner and amount as the former bond.

8 6. The Secretary of State may reinstate the registration of a registrant
9 whose registration has been suspended pursuant to subsection 5 if, before the
10 current term of the registration expires, the registrant:

11 (a) Files with the Secretary of State a new bond meeting the requirements of
12 this section; and

13 (b) Pays to the Secretary of State a fee for reinstatement in the amount of
14 \$300.

15 7. Except as specifically authorized or required by this chapter, a registrant
16 shall not make or cause to be made any oral or written reference to the
17 registrant's compliance with the requirements of this section.

18 Sec. 10. 1. In addition to any other requirements set forth in this chapter:

19 (a) A natural person who applies for registration or the renewal of
20 registration as a document preparation service pursuant to section 7 or 8 of this
21 act must include the social security number of the applicant in the application
22 submitted to the Secretary of State.

23 (b) An applicant described in paragraph (a) shall submit to the Secretary of
24 State the statement prescribed by the Division of Welfare and Supportive Services
25 of the Department of Health and Human Services pursuant to NRS 425.520. The
26 statement must be completed and signed by the applicant.

27 2. The Secretary of State shall include the statement required pursuant to
28 subsection 1 in:

29 (a) The application or any other forms that must be submitted for
30 registration or the renewal of registration; or

31 (b) A separate form prescribed by the Secretary of State.

32 3. Registration as a document preparation service may not be issued or
33 renewed by the Secretary of State if the applicant:

34 (a) Fails to submit the statement required pursuant to subsection 1; or

35 (b) Indicates on the statement submitted pursuant to subsection 1 that the
36 applicant is subject to a court order for the support of a child and is not in
37 compliance with the order or a plan approved by the district attorney or other
38 public agency enforcing the order for the repayment of the amount owed
39 pursuant to the order.

40 4. If an applicant indicates on the statement submitted pursuant to
41 subsection 1 that the applicant is subject to a court order for the support of a
42 child and is not in compliance with the order or a plan approved by the district
43 attorney or other public agency enforcing the order for the repayment of the
44 amount owed pursuant to the order, the Secretary of State shall advise the
45 applicant to contact the district attorney or other public agency enforcing the
46 order to determine the actions that the applicant may take to satisfy the
47 arrearage.

48 Sec. 11. 1. If the Secretary of State receives a copy of a court order issued
49 pursuant to NRS 425.540 that provides for the suspension of all professional,
50 occupational and recreational licenses, certificates and permits issued to a
51 natural person who is registered as a document preparation service, the Secretary
52 of State shall deem the registration to be suspended at the end of the 30th day
53 after the date on which the court order was issued unless the Secretary of State

1 receives a letter issued to the registrant by the district attorney or other public
2 agency pursuant to NRS 425.550 stating that the registrant has complied with the
3 subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

4 2. The Secretary of State shall reinstate a registration as a document
5 preparation service that has been suspended by a district court pursuant to NRS
6 425.540 if the Secretary of State receives a letter issued by the district attorney or
7 other public agency pursuant to NRS 425.550 to the natural person whose
8 registration was suspended stating that the person whose registration was
9 suspended has complied with the subpoena or warrant or has satisfied the
10 arrearage pursuant to NRS 425.560.

11 Sec. 12. 1. Any advertisement for the services of a registrant which the
12 registrant disseminates or causes to be disseminated must include a clear and
13 conspicuous statement that the registrant is not an attorney authorized to practice
14 in this State and is prohibited from providing legal advice or legal representation
15 to any person.

16 2. The statement required by subsection 1 to be included in an
17 advertisement must:

18 (a) Be in the same language as the rest of the advertisement; and

19 (b) Be in the form prescribed by regulation of the Secretary of State.

20 3. A person shall not disseminate or cause to be disseminated any
21 advertisement or other statement that he or she is engaged in the business of a
22 document preparation service in this State unless he or she has complied with all
23 the applicable requirements of this chapter.

24 Sec. 13. 1. Each registrant shall display conspicuously in his or her place
25 of business a copy of his or her certificate of registration and a written notice
26 meeting the requirements of this section.

27 2. The notice must:

28 (a) Be not less than 12 by 20 inches in size, and each character of text in the
29 notice must be not less than 1 inch in height and 1 inch in width.

30 (b) Be written in English and in ~~any~~ each other language ~~native to a~~
31 ~~majority of~~ in which the registrant transacts business with the registrant's
32 clients.

33 (c) Contain a statement that the registrant is not an attorney authorized to
34 practice in this State and is prohibited from providing legal advice or legal
35 representation to any person.

36 (d) Contain the full name of the registrant or, if more than one registrant is
37 providing services at that place of business, the full name of each such registrant.

38 (e) Contain a list of the services provided by the registrant and the fee
39 charged for each such service.

40 (f) Contain a statement that the registrant has filed with the Secretary of
41 State a cash bond or surety bond, stating the amount and any identifying number
42 of the bond.

43 Sec. 13.5. 1. A registrant required to obtain a state business license issued
44 by the Secretary of State pursuant to chapter 76 of NRS shall:

45 (a) Obtain a state business license before offering a document preparation
46 service; and

47 (b) Maintain a state business license during the period of the registrant's
48 registration as a document preparation service.

49 2. Each registrant shall display conspicuously in the registrant's place of
50 business a copy of:

51 (a) The state business license issued to the registrant or the registrant's
52 employer, as applicable, by the Secretary of State pursuant to chapter 76 of NRS;
53 and

(b) Any business license issued to the registrant or the registrant's employer, as applicable, by a local government in this State.

Sec. 14. 1. Before providing any services to a client or presenting a client with the contract required by section 15 of this act, a registrant must:

(a) Furnish the client with a written form of disclosure meeting the requirements of this section, with a copy for the client to retain; and

(b) Require the client to read and sign the disclosure, acknowledging that the client has read and understands it.

2. The disclosure must be written in English and, if different, the native language in which the registrant transacts business with the client and must include:

(a) The full name, business address and telephone number and registration number of the registrant.

~~(b) The full name, business address and telephone number of any person, other than the registrant, who meets or consults with the client.~~

~~(c)~~ The name and business address of the registrant's agent for service of process, if any, in this State.

~~(d)~~ (c) A statement that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.

~~(e)~~ (d) Unless the registrant is an attorney licensed to practice in another state or other jurisdiction, a statement that any communication between the client and the registrant is not protected from disclosure by any privilege.

~~(f)~~ (e) A statement that the registrant has posted or filed with the Secretary of State a cash bond or surety bond, stating the amount of the bond and any identifying number of the bond.

(f) The expiration date of:

(1) The state business license issued to the registrant or the registrant's employer, as applicable, by the Secretary of State pursuant to chapter 76 of NRS; and

(2) Any business license issued to the registrant or the registrant's employer, as applicable, by a local government in this State.

Sec. 15. 1. ~~Except as otherwise provided in this section, before~~ Before a registrant provides any services to a client, the registrant and the client must enter into a written contract meeting the requirements of this section. The registrant shall provide the client with a copy of the contract.

2. The contract must:

(a) Be written in English and, if different, in the ~~native~~ language ~~in which the registrant transacts business with the client~~, and be printed or typewritten in not less than 12-point type.

(b) Explain the services to be performed by the registrant and state the total price to be paid by the client for all such services.

(c) With respect to any document to be prepared by the registrant:

~~(1) Identify the document;~~

~~(2) State the purpose of the document;~~

~~(3) Explain the procedure to be followed in preparing the document and filing or submitting the document;~~

~~(4) State the estimated date by which the document is to be completed;~~

~~(5) (2) Identify the court or agency with which the document is to be filed or submitted; and~~

~~(6) (3) If this information is published by the court or agency with which the document is to be filed or submitted, state the estimated length of time for the court or agency to act upon the document.~~ applicable, identify any

associated deadlines or hearing dates of the court or agency with which the document is to be filed or submitted.

(d) Include on the first page of the contract a statement in boldface type that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.

~~(e) Include, in boldface type, notice of the client's right to cancel the contract pursuant to subsection 3 and the address and telephone number to which the client may transmit notice of the cancellation.~~

~~(f) Include a statement that any complaint concerning the registrant may be directed to:~~

(1) If the complaint involves an alleged violation of this chapter, the Secretary of State; or

(2) If the complaint involves an allegation that the registrant is engaged in the unauthorized practice of law, the office of Bar Counsel of the State Bar of Nevada,

↳ with the toll-free telephone number and Internet address for making the complaint.

~~(g)~~ (f) State the date of the client's signature on the contract, if the client agrees to the terms of the contract.

3. ~~A client who enters into a contract governed by this section may cancel it by giving written or oral notice of the cancellation to the registrant, or to an agent or employee of the registrant, at the address or telephone number set forth in the contract pursuant to subsection 2, at any time before midnight of the third calendar day after the client signs the contract. If the contract is cancelled, the registrant shall immediately refund to the client any money paid by the client. For the purposes of this subsection:~~

~~(a) The day on which the client signs the contract must not be included in computing the 3 day period.~~

~~(b) The notice of cancellation shall be deemed to have been given on the date the notice is postmarked, sent or otherwise transmitted by the client to the address or telephone number set forth in the contract, regardless of the date the notice is received by the registrant.~~

~~4. A contract between a registrant and a client that does not comply with any requirement of this section is voidable by the client.~~

Sec. 16. Any document prepared for a client by a registrant must include, below any required signature of the client, the name, business address and telephone number and registration number of the registrant.

Sec. 17. 1. A registrant shall take reasonable measures to safeguard from loss or damage any document provided to the registrant by a client in connection with services rendered by the registrant.

2. Except as otherwise provided in subsection 3, a registrant shall immediately return to a client any original document provided by the client:

(a) Upon the request of the client;

(b) If the contract required by section 15 of this act is not signed or is cancelled for any reason; or

(c) If the document is no longer needed for the services rendered by the registrant.

3. If a copy of any original document provided by a client is sufficient for the purposes of a legal matter, the registrant shall make or cause to be made a copy of the original document and immediately return the original to the client.

4. The duties of a registrant pursuant to this section are not affected by a dispute existing between the registrant and the client over the registrant's fees or costs.

1 Sec. 18. 1. Upon the presentation to a registrant of a written form of
2 authorization signed by a client, the registrant shall provide a complete copy of
3 the client's file to an agent or employee of the Secretary of State or the Attorney
4 General, or to an agent or employee of a law enforcement agency, without the
5 necessity of a warrant or subpoena.

6 2. A registrant shall retain a copy of any document prepared for a client for
7 not less than 3 years after the date of the last service performed for the client. At
8 the end of that period, unless the client requests that the document be given to the
9 client, the document may be destroyed by the registrant. Any method of
10 destruction used by a registrant must ensure the complete and confidential
11 destruction of the document.

12 Sec. 19. ~~HH~~ A registrant shall provide a signed receipt to a client for each
13 payment made to the registrant by the client. The receipt must be printed or
14 typewritten on the letterhead of the registrant and must include the name,
15 business address and telephone number, registration number and taxpayer
16 identification number of the registrant.

17 ~~1. Within 30 days after the date of the last service performed for a client,~~
18 ~~and at least monthly while services continue to be performed for the client, a~~
19 ~~registrant shall furnish the client with a billing statement. The statement must be~~
20 ~~printed or typewritten on the letterhead of the registrant, must be in the native~~
21 ~~language of the client and must include:~~

22 ~~(a) The name, business address and telephone number, registration number and~~
23 ~~taxpayer identification number of the registrant;~~

24 ~~(b) A description of each task performed for the client by the registrant or at~~
25 ~~the direction of the registrant during the period covered by the statement;~~

26 ~~(c) The date on which the task was performed;~~

27 ~~(d) The amount of time spent in performing the task;~~

28 ~~(e) The amount charged to the client for the task;~~

29 ~~(f) A statement of any amounts charged to the client for photocopies,~~
30 ~~telephone toll charges, filing fees or other costs, categorizing each such cost;~~

31 ~~(g) A statement of the total amount charged to the client for all services~~
32 ~~performed and costs incurred, identifying and deducting any amount previously~~
33 ~~paid by the client; and~~

34 ~~(h) The name and business telephone number of a person who may be~~
35 ~~contacted by the client if the client disputes or has a question about the~~
36 ~~statement.~~

37 Sec. 20. A registrant shall not:

38 1. After the date of the last service performed for a client, retain any fees or
39 costs for services not performed or costs not incurred.

40 2. Make, orally or in writing:

41 (a) A promise of the result to be obtained by the filing or submission of any
42 document, unless the registrant has some basis in fact for making the promise;

43 (b) A statement that the registrant has some special influence with or is able
44 to obtain special treatment from the court or agency with which a document is to
45 be filed or submitted; or

46 (c) A false or misleading statement to a client if the registrant knows that the
47 statement is false or misleading or knows that the registrant lacks a sufficient
48 basis for making the statement.

49 3. In any advertisement or written description of the registrant or the
50 services provided by the registrant, or on any letterhead or business card of the
51 registrant, use the term "legal aid," "legal services," "law office," "notary
52 public," "notary," "licensed," "attorney," "lawyer" or any similar term, in
53 English or in any other language, which implies that the registrant:

1 (a) *Offers services without charge if the registrant does not do so; or*

2 (b) *Is an attorney authorized to practice law in this State.*

3 4. *Negotiate with another person concerning the rights or responsibilities of*
4 *a client, communicate the position of a client to another person or convey the*
5 *position of another person to a client.*

6 5. *Appear on behalf of a client in a court proceeding or other formal*
7 *adjudicative proceeding, unless the registrant is ordered to appear by the court or*
8 *presiding officer.*

9 6. *Provide any advice, explanation, opinion or recommendation to a client*
10 *about possible legal rights, remedies, defenses, options or the selection of*
11 *documents or strategies, except that a registrant may provide to a client published*
12 *factual information, written or approved by an attorney, relating to legal*
13 *procedures, rights or obligations.*

14 7. *Seek or obtain from a client a waiver of any provision of this chapter.*
15 *Any such waiver is contrary to public policy and void.*

16 **Sec. 21.** 1. *In addition to the regulations which the Secretary of State is*
17 *required to adopt pursuant to this chapter, the Secretary of State may adopt any*
18 *other regulations necessary to carry out the provisions of this chapter.*

19 2. *The Secretary of State shall:*

20 (a) *Establish a toll-free telephone number which may be used by any person*
21 *to make a complaint about a registrant or an alleged violation of this chapter.*

22 (b) *Post on the Internet website of the Secretary of State information*
23 *concerning making such a complaint, which must include the telephone number*
24 *established pursuant to paragraph (a).*

25 **Sec. 22.** 1. *If the Secretary of State obtains information that a provision*
26 *of this chapter or a regulation or order adopted or issued pursuant thereto has*
27 *been violated by a registrant or another person, the Secretary of State may*
28 *conduct or cause to be conducted an investigation of the alleged violation.*

29 2. *If, after investigation, the Secretary of State determines that a violation*
30 *has occurred, the Secretary of State may:*

31 (a) *Serve, by certified mail addressed to the person who has committed the*
32 *violation, a written order directing the person to cease and desist from the*
33 *conduct constituting the violation. The order must notify the person that any*
34 *willful violation of the order may subject the person to prosecution and criminal*
35 *penalties pursuant to section 25 of this act.*

36 (b) *If a registrant has committed the violation, begin proceedings pursuant to*
37 *section 23 of this act to revoke or suspend the registration of the registrant.*

38 (c) *Refer the alleged violation to the Attorney General or a district attorney*
39 *for commencement of a civil action against the person pursuant to section 24 of*
40 *this act.*

41 (d) *Refer the alleged violation to the Attorney General or a district attorney*
42 *for prosecution of the person pursuant to section 25 of this act.*

43 (e) *Take any combination of the actions described in this subsection.*

44 **Sec. 23.** 1. *The Secretary of State may deny, suspend, revoke or refuse to*
45 *renew the registration of any person who violates a provision of this chapter or a*
46 *regulation or order adopted or issued pursuant thereto. Except as otherwise*
47 *provided in subsection 2, a suspension or revocation may be imposed only after a*
48 *hearing.*

49 2. *The Secretary of State shall immediately revoke the registration of a*
50 *registrant upon the receipt of an official document or record showing:*

51 (a) *The entry of a judgment or conviction; or*

52 (b) *The occurrence of any other event,*

1 *that would disqualify the registrant from registration pursuant to subsection 2*
2 *of section 7 of this act.*

3 Sec. 24. 1. *Upon referral by the Secretary of State, the Attorney General*
4 *or the district attorney of the county in which the defendant resides or maintains*
5 *a place of business may bring an action in the name of the State of Nevada in a*
6 *court of competent jurisdiction:*

7 (a) *For injunctive relief against any person who violates or threatens to*
8 *violate a provision of this chapter or a regulation or order adopted or issued*
9 *pursuant thereto;*

10 (b) *For the recovery of a civil penalty against the defendant of not less than*
11 *\$100 or more than \$5,000 for each such violation;*

12 (c) *For an order directing restitution to be made by the defendant to any*
13 *person who suffers pecuniary loss as a result of such a violation; or*

14 (d) *For any combination of the remedies described in this subsection.*

15 2. *Any civil penalty recovered pursuant to this section must be paid to the*
16 *Secretary of State and deposited in the State General Fund.*

17 3. *If the court determines that the State of Nevada is the prevailing party in*
18 *an action brought pursuant to this section, the court shall award the State the*
19 *costs of suit and reasonable attorney's fees incurred in the action.*

20 Sec. 25. 1. *A person who willfully violates a provision of this chapter or a*
21 *regulation or order adopted or issued pursuant thereto:*

22 (a) *For the first offense within the immediately preceding 5 years, is guilty of*
23 *a misdemeanor.*

24 (b) *For a second or subsequent offense within the immediately preceding 5*
25 *years, is guilty of a gross misdemeanor and shall be punished by imprisonment in*
26 *the county jail for not more than 1 year, or by a fine of not more than \$10,000, or*
27 *by both fine and imprisonment.*

28 2. *In addition to the penalties prescribed by subsection 1, the court may*
29 *order a person described in that subsection to pay restitution to any person who*
30 *has suffered a pecuniary loss as a result of the violation.*

31 3. *For the purposes of subsections 1 and 2, evidence that a person has been*
32 *served with an order by the Secretary of State pursuant to section 22 of this act*
33 *before the date of the alleged violation is evidence that the alleged violation is*
34 *intentional if it involves a repetition or a continuation of conduct of the kind*
35 *described in the order.*

36 Sec. 26. *Notwithstanding the provisions of sections 22 to 25, inclusive, of*
37 *this act, any person who suffers a pecuniary loss as a result of a violation of this*
38 *chapter or a regulation or order adopted or issued pursuant thereto by a*
39 *registrant or other person may bring an action against that person in any court of*
40 *competent jurisdiction and may recover the sum of \$500 or twice the amount of*
41 *the pecuniary loss sustained, whichever is greater. If the court determines that*
42 *the plaintiff is the prevailing party in an action brought pursuant to this section,*
43 *the court shall award the plaintiff the costs of suit and reasonable attorney's fees*
44 *incurred in the action.*

45 Sec. 27. *The provisions of this chapter do not:*

46 1. *Authorize the practice of law by any person who is not an active member*
47 *of the State Bar of Nevada or otherwise authorized to practice law in this State;*
48 *or*

49 2. *Prohibit a person from representing or otherwise acting for himself or*
50 *herself in a legal matter without the services of an attorney.*

51 Sec. 28. 1. *This act becomes effective:*

1 (a) Upon passage and approval for the purposes of adopting regulations and
2 performing any other preparatory administrative tasks that are necessary to carry
3 out the provisions of this act; and

4 (b) On January 1, 2014, for all other purposes.

5 2. Sections 10 and 11 of this act expire by limitation on the date on which the
6 provisions of 42 U.S.C. § 666 requiring each state to establish procedures under
7 which the state has authority to withhold or suspend, or to restrict the use of
8 professional, occupational and recreational licenses of persons who:

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

12 (b) Are in arrears in the payment for the support of one or more children,
13 ➤ are repealed by the Congress of the United States.